



Legislation Details (With Text)

File #: 22-628 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/10/2022 **In control:** BOARD OF SUPERVISORS

On agenda: 6/21/2022 **Final action:**

Title: 10:45 A.M. - a) Consideration of request to waive fees for the appeal of the Planning Commissions decision for Major Use Permit UP 19-19 MOMBACHO MOUNTAIN ORGANICS, LLC (DAN WESTPHAL & KATHY MCGUIRE) located at 9205 Mombacho Road, Kelseyville, CA and 9261 Wildcat Road, Kelseyville, CA on May 26, 2022 due to hardship; and b) Consideration of policy regarding the consideration of requests for reduction or waiver of certain land use appeal filing fees

Sponsors: Clerk of the Board, County Counsel

Indexes:

Code sections:

Attachments: 1. Joan Moss_Conditional Appeal App_06022022, 2. Appeal Filing Fee Reduction or Waiver Policy

Date	Ver.	Action By	Action	Result
6/21/2022	1	BOARD OF SUPERVISORS		

Memorandum

Date: June 21, 2022

To: The Honorable Lake County Board of Supervisors

From: a) Susan Parker, County Administrative Officer
b) Anita Grant, County Counsel

Subject: a) Consideration of request to waive fees for the appeal of the Planning Commission’s decision for Major Use Permit UP 19-19 MOMBACHO MOUNTAIN ORGANICS, LLC (DAN WESTPHAL & KATHY MCGUIRE) located at 9205 Mombacho Road, Kelseyville, CA and 9261 Wildcat Road, Kelseyville, CA on June 2, 2022 due to hardship; and b) Consideration of policy regarding the consideration of requests for reduction or waiver of certain land use appeal filing fees

Executive Summary:

a) Joan Moss requests the fees be waived for her appeal application due to financial hardship and inability to pay the \$1,136.30 filing fee.

For consideration today is only the waiving of the fees. If your Board decides to waive the fees I will send the application to the planning department and it will return before your Board as a Public Hearing.

Attached is Ms. Moss’s Appeal Application which states her reasons for appeal.

b) An individual has presented a request for a waiver of the filing fee required by the County for the filing of an appeal of a land use decision to the Board of Supervisors. That request was presented to the County Administrative Office and to the Community Development Department and has been forwarded on for your Board's consideration at your regularly scheduled meeting on June 21, 2022.

When I was queried as to the existence of a County policy related to the reduction or waiver of such filing fees based upon extreme financial hardship, I discovered that the County has no formal policy.

Also, for your Board's June 21, 2022 meeting and in conjunction with the specific request referenced above, I have prepared for your review and consideration a draft policy which could be used uniformly to address such waiver/reduction requests. It is my understanding that while some counties make no provision for the waiver or reduction of filing fees for a land use appeal, the majority of counties allowing for fee waiver or reduction have adopted a policy very similar to the draft presented to you today. The draft establishes criteria for eligibility and leaves the ultimate decision to the County Administrative Officer with recommendations from the Community Development Department. That mechanism is employed in order to ensure, to the greatest extent possible, the privacy of the individual making the request for a reduction in or waiver of such fees.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 (check all that apply):

Not applicable

- | | | |
|--|--|--|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Disaster Prevention, Preparedness, Recovery |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> County Workforce |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake |

Recommended Action: Consider Waiving fees for the appeal of the Planning Commission's decision for Major Use Permit UP 19-19 MOMBACHO MOUNTAIN ORGANICS, LLC (DAN WESTPHAL & KATHY MCGUIRE) located at 9205 Mombacho Road, Kelseyville, CA and 9261 Wildcat Road, Kelseyville, CA on June 2, 2022 due to hardship

Approve policy regarding the consideration of requests for reduction or waiver of certain land use appeal filing fees