



AGENCY: City Council
MEETING DATE: November 28, 2022
DEPARTMENT: City Manager
PRESENTED BY: Peggy Ducey
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Approving the City of Fort Bragg Fee Waiver Policy for Appeals of Planning Commission Decision

ISSUE:

The City Council Finance and Administration Committee regularly reviews adjustments to the fee schedule for various City services. Earlier this year, the Committee requested that staff evaluate whether the City could implement a fee waiver policy that addresses appeals of Planning Commission decisions. On September 22, 2022, the Council Committee reviewed the recommended conditions under which the City may waive the appeal fee. These conditions include: 1) an appellant must live within the project impact zone of 300 feet, and 2) the appellant must show financial hardship. Additionally, the policy permits only one fee waiver per property per year.

ANALYSIS:

Currently, an aggrieved person may file an appeal for any decision of the Planning Commission following a public hearing.

Procedures for Filing an Appeal for Planning Commission

- 1. An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.*
- 2. An appeal shall be filed with the Department or City Clerk, as applicable, within 10 days of the date the decision was rendered.*
- 3. An appeal shall be accompanied by the filing fee identified in the City's Fee Schedule.*
- 4. The appeal fee may be refunded by a majority vote of the Council if the appeal of the applicant is sustained by the Council.*

The current fee to appeal a Planning Commission decision is \$1,000. Current policy does not provide a means for an appellant to request a fee waiver. However, it does provide that if the applicant's appeal is successful, the City Council may by a majority vote refund the fee.

Given the demographics of our City, there is a large subsection of our population who would find a fee of \$1,000 to be an insurmountable financial barrier. Consequently, that cost may prohibit parties who have a legitimate property interest from appealing decisions that may adversely impact their property.

With these concerns in mind, staff recommends the following conditions for the City to approve a fee waiver for Planning Commission appeals.

AGENDA ITEM NO. 8C

Eligibility Requirements – Appeal Fee Waiver

- The Appellant must live within the 300-foot impact zone of the project to be appealed.
- The Appellant must show financial hardship. Proof of low income will be required such as food stamp card, SSDI documentation, or other similar legal documentation.
- There is a limit of one fee waiver per property per year to appeal a Planning Commission decision.

Additionally, it cannot be determined what the financial impact of this policy will be. A provision of the policy also permits the City Council to set a cap on the total number of fee waivers approved each year. Staff will provide quarterly reports to the City Council Community Development Committee so the financial impact can be closely monitored. The complete policy is in Attachment 1.

RECOMMENDED ACTION:

Consider adopting the City of Fort Bragg Fee Waiver Policy.

ALTERNATIVE ACTION(S):

Provide staff direction to revise the City's Fee Schedule based on alternative policy considerations.

FISCAL IMPACT:

To be determined.

GREENHOUSE GAS EMISSIONS IMPACT:

N/A

CONSISTENCY:

N/A

IMPLEMENTATION/TIMEFRAMES:

Processing a fee refund may take up to two weeks, depending on the Accounts Payable check run schedule.

ATTACHMENTS:

Exhibit A - City of Fort Bragg Fee Waiver Policy

NOTIFICATION:

None