



LEAGUE OF WOMEN VOTERS®  
OF THE MONTEREY PENINSULA

PO BOX 1995  
Monterey CA 93942

March 1, 2005

To: Board of Supervisors  
Re: Appeal Fees - – public participation barrier

Dear Chairman Lindley and members of the Board of Supervisors:

The Leagues of Women Voters of the Monterey Peninsula and the Salinas Valley support a planning process that maintains public access. We have recently learned that it costs at least \$3,500 to appeal a land-use decision in Monterey County. This fee creates barriers to public participation in land use decisions.

The County states that the fee reflects the average amount of time that staff members require to process an appeal: a minimum of 28 hours at an average \$127/hour. Both the hourly cost and amount of time seem excessive. Over the course of several years the fee has substantially increased. In 2003, the fee was about \$1500, which County staff members stated covered 12 hours of work. In 2002, it was about \$252 (3 hours at \$84/hr). In 2000, the fee was set at \$671. It is noted that the County does have the ability to waive the fee provided the person is over 62 or on a fixed, very low income and a few other very restrictive categories that do not apply to the general public.

County staff writes "The complexity of appeal issues has continued to increase, demanding much staff attention and direction by the Board has focused the management of the Planning Dept. on operating the department in a business-like manner to more accurately capture actual costs to provide service." County staff has not provided specific information on what "complexities" have increased to cause the staff time to more than double in one year. We believe that the processing of an appeal is restricted to the administrative record of the decision and that in the past, the applicant has done much of the work. Staff time should only reflect the preparation of a staff report and the distribution of public notices. Further, in comparison, appeal fees in nearby counties range from \$350 in Fresno, \$55 - \$510 in San Luis Obispo, and \$656 - \$998 in Santa Clara.

While we recognize the County's right to assess appeal fees, we also note that California Planning Law recognizes the importance of public participation and that local agencies must insure public participation at every level of the permit process. The local legislative body has the authority to establish procedures for an appeal but does not have the power to restrict the right of appeal.

We believe that these excessive fees are a clear example of restricting the public's right to appeal and are a barrier to public participation. We request that the county re-evaluate the excessive appeal fee and balance the need to underwrite the true costs and the barrier of a large fee that impedes public participation.

Thank you for your consideration.

Sincerely,

Anne Herendeen

President, LWV of the Salinas Valley

Nancy Green

President, LWV of the Monterey Peninsula

cc: Lew Bauman, CAO

Scott Hennessy, Director of Planning/Bldg. Insp.

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