



Monterey County

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Board Report

Legistar File Number: 15-0434

June 23, 2015

Introduced: 4/29/2015

Version: 1

Current Status: Consent Agenda

Matter Type: General Agenda Item

- a. Authorize the Clerk of the Board of Supervisors to process a request to refund \$1,728.07 to Brian Finegan for the Robert Ivie appeal (PLN140077) that was withdrawn on March 16, 2015.
- b. Authorize the Auditor/Controller to issue a refund in the amount of \$1,728.07.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Clerk of the Board of Supervisors to process a request to refund \$1,728.07 to Brian Finegan for the Robert Ivie appeal (PLN140077) that was withdrawn on March 16, 2015.
- b. Authorize the Auditor/Controller to issue a refund in the amount of \$1,728.07.

SUMMARY/DISCUSSION:

On February 17, 2015, Brian Finegan, Attorney at Law, representing Robert Ivie, filed an appeal (PLN140077) and requested a hearing before the Monterey County Board of Supervisors pertaining to the Planning Commissions' decision of January 28, 2015. Prior to scheduling the hearing, the appeal was withdrawn. The Monterey County Code does not provide the Clerk of the Board of Supervisors the authority to refund appeal fees paid if the matter does not proceed to hearing. Specifically, the Monterey County Code section 21.80.050 states:

- C. An appeal shall be in writing and shall be filed with the Secretary of the Planning Commission or the Clerk to the Board of Supervisors, as appropriate, and with Appropriate Authority within ten (10) days after written notice of the decision of the Appropriate Authority has been mailed to the applicant.
- D. At the time of the filing of the appeal the appellant shall pay the required filing fee as established from time to time by the Board of Supervisors, to the Secretary of the Planning Commission or the Clerk to the Board of Supervisors as appropriate.

OTHER AGENCY INVOLVEMENT:

County Counsel and Planning concur with the recommendation for a refund.

FINANCING:

There is no financial impact to the Clerk of the Board's budget; however, fees deposited to Departments as outlined in the Monterey County Land Use policy (effective date: July 1, 2014) will need to be withdrawn from each budget as follows: Planning: \$807.00; File Storage Fee: \$8.07; Resource Management Agency Public Works: \$108.00; Resource Management Agency Environmental Services: \$164.00; Water Resources Agency: \$365.00; Environmental Health Bureau: \$130.00; and County Counsel: \$146.00.

Prepared by: Sally N. Kidalov, Assistant Clerk of the Board of Supervisors x5066

Approved by: Gail T. Borkowski, Clerk of the Board of Supervisors x5066

Attachments:

- A- Ivie Appeal (PLN140077)
- B- Receipt for payment of Appeal Fee
- C- Letter requesting withdrawal of the Ivie Appeal (PLN140077)
- D- Monterey County Land Use Fees