



MEMORANDUM

Date: August 27, 2024
To: Mayor and City Councilmembers
From: Kim Meyer, Interim CDNS Director
Subject: Quasi-Judicial Appeals – Cost to Appellants & the City

BOTTOM LINE

At the November 2023 Council work session, Councilmembers inquired as to the cost of quasi-judicial appeals to the appellant as well as the costs to the City. This memo provides information that responds to that inquiry.

APPLICATION FEE

- The current \$100 fee to file an appeal appears to have been established in 1990. There is no clear description of the intent of the fee. Many such fees are imposed to cover a portion of the hard cost of publishing and/or mailing notices, which is staff's "best guess" as to the intent. In the scheme of other city fees, this seems to be a relatively low cost, while also requiring some investment by an appellant in the process.

COSTS TO THE CITY

- Hard cost - Verbatim transcripts of the hearing to which the appeal is filed are ordered as soon as a Notice of Appeal is received. These take 10-20 hours of contracted time, at a cost of \$40-50/hour – Range: \$400-\$1,000
 - Hard cost – The appropriate staff (Planning or Clerk) send out an updated notification mailing to all affected property owners, as well as anyone who spoke at or submitted comments for the hearing. This ranges widely depending on the project location and can be twenty letters to several hundred letters mailed.
 - Staff hours – To respond to an appeal requires significant and immediate staff time and includes assembling a wide range of documents to create the full record of a project, reviewing transcripts, and writing the summary memos and presentations for hearing,
-

among an array of other tasks. The hours and costs are rough estimates and shown as a range as the staff involved, variety of project types, and depth of the project record greatly impacts the time invested in an appeal.

- Current estimated range for the cost of staff time **\$5,850 - \$10,740**, includes:
 - **If Historic Preservation decision appeal: \$1,920 - \$3,200**
 - 4-12 hours Admin time @ \$40/hr
 - 16-32 hours of Staff time @ \$60/hr
 - 8 hrs of CDNS Director time @ \$100/hr
 - **If Land Use / Development decision appeal: \$3,520 - \$4,840**
 - 8-16 hrs Admin time @ \$40/hr
 - 40-50 hrs of Staff time @ \$60/hr
 - 8-12 hrs of CDNS Director time @ \$100/hr
 - **Clerk – for either type: \$1,250 - \$1,500**
 - 25-30 hrs of Staff time @ \$50/hr
 - **City Attorney – for either type: \$2,680 - \$4,400**
 - 3-6 hours Admin time @ \$40/hr
 - 16-24 hours Staff Attorneys time @ \$100/hr
 - 8-12 hours City Attorney time @ \$150/hr