

**Sierra County  
Board of Supervisors'  
Agenda Transmittal &  
Record of Proceedings**

<b>MEETING DATE:</b> June 4, 2019	<b>TYPE OF AGENDA ITEM:</b> <input type="checkbox"/> Regular <input checked="" type="checkbox"/> Timed <input type="checkbox"/> Consent
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<b>DEPARTMENT:</b> Board of Supervisors <b>APPROVING PARTY:</b> Heather Foster, Clerk of the Board <b>PHONE NUMBER:</b> 530-289-3295
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**AGENDA ITEM:** Appeal of Solid Waste Assessment Fees for 2018/2019 filed by James Howatt for APN 080-090-020-000.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other

**BACKGROUND INFORMATION:**

**FUNDING SOURCE: AND  
GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** \$ N/A

**ARE ADDITIONAL PERSONNEL REQUIRED?**  
  
 Yes, -- --  
 No

**IS THIS ITEM ALLOCATED IN THE BUDGET?**  Yes  No  
  
**IS A BUDGET TRANSFER REQUIRED?**  Yes  No

**SPACE BELOW FOR CLERK'S USE**

<p><b>BOARD ACTION:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken</p>	<p><input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____</p>	<p>Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus</p>
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**COMMENTS:**  
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\_\_\_\_\_  
CLERK TO THE BOARD DATE

APPEAL OF SOLID WASTE FEE ASSESSMENT  
2018-2019

FEB 01 2019

HEATHER FOSTER  
BY: Heather Foster DEPUTY

A separate appeal must be filed for each Parcel and/or unsecured property tax bill.

NAME: JAMES HOWATT ; PARCEL/ACCOUNT NUMBER: 080-090-020-000

hereby appeals the decision of the solid waste fee administrator denying my/our application for an adjustment to the solid waste fees that have been imposed for the 2018-2019 Fiscal Year. I/we further certify that I/we or the entity that I/we represent is/are the owner, or tenant or other party responsible for the waste disposal fee imposed on the above-identified property, pursuant to Section 8.05.010 of the Sierra County Code.

I/we further certify that the basis for the adjustment of solid waste fees is as follows: (Check all applicable boxes)

RESIDENTIAL FEE PROPERTIES:

- The property qualifies as a single-family residence.
- The property qualifies as a multi-family residential property and the maximum total number of units that are available for occupancy during the year has been miscalculated as \_\_\_\_\_ units, and the actual number of units that are or may at any time be located on the property during the year is \_\_\_\_\_.
- Solid Waste System is not immediately available for use by the subject property.

NON-RESIDENTIAL FEE PROPERTIES:

- The amount of refuse that has been generated from the property during the period set by ordinance (April 1, 2017 thru March 31, 2018) has been erroneously calculated as 18 cubic yard of waste and should be 0 cubic yards.

The basis for the above waste generation estimate is as follows: (Use separate page if necessary.)

Please see attached

The appeal must include a written statement of facts fully and fairly describing the basis for the appeal (demonstrating the misapplication of the solid waste fee to the property) together with copies of all relevant documents in support of the appeal.

**FAILURE TO PROVIDE ALL INFORMATION REQUIRED BY THIS APPLICATION MAY RESULT IN THE DENIAL OF THE APPLICATION FOR ADJUSTMENT TO SOLID WASTE ASSESSMENT. APPEALS MUST BE FILED WITHIN 60 DAYS OF THE DATE OF THE SOLID WASTE FEE ADMINISTRATOR'S DENIAL OF THE APPLICATION FOR ADJUSTMENT.**

In submitting this application for adjustment in solid waste assessment, I declare under penalty of perjury that the foregoing information is true and correct.

Executed on this 26th day of JAN, 2019

[Signature]  
SIGNATURE

JAMES W HOWATT  
PRINT OR TYPE NAME

n/a  
PRINT NAME OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT

RETURN THIS FORM TO:  
Sierra County Clerk-Recorder  
P.O. Box D  
Downieville, CA 95936

# SIERRA COUNTY

Solid Waste Fee Administration  
P.O. Box 8  
Downieville, California 95936  
Phone: 530-289-3283



December 7, 2018

James W. Howatt, Trustee ETAL  
197 Avocado Pl  
Camarillo, CA 93010

Laura A. Marshall  
Fee Administrator

Alesya A. Astesana  
Administrative Assistant

Re: Solid Waste Fee  
APN: 008-090-020-000

Dear Mr. Howatt

Thank you for your Application for Adjustment to Solid Waste Fee Assessment for the 2018-2019 fiscal year. After a review of your file and your adjustment request filed on November 26, 2018, I must deny your appeal.

Upon receipt of an application for adjustment to solid waste fee assessment Sierra County Code section 8.05.025, *Adjustments to Solid Waste*, requires a review of your file to determine whether the appropriate fee was imposed in accordance with county code and any implementing resolutions.

Your parcel, located at 8 Old Chimney Road, Sierra City, CA, is improved with a single family residence. The fee that is assessed to single family residential units is based upon an annual study of residential wastes picked up and reported by the licensed waste hauler, InterMountain Disposal. The 2017 study for fiscal year 2018-2019 revealed that Sierra County single family residential units produce approximately 2.46 cans per week—calculating to 18 loose cubic yards per single family residence, per year. Upon review of your file I have correctly assessed 18 loose cubic yards to the parcel noted above.

In summary, no changes will be made to the solid waste fee assessment for Assessor Parcel Number 008-090-020-000. You may appeal this decision to the Sierra County Board of Supervisors within sixty (60) days from the date of this notification by filing an Appeal of Solid Waste Fee Assessment with the County Clerk. You may contact the County Clerk to request that particular form by calling (530) 289-3295.

Please contact me at your convenience if you have any questions or concerns regarding this notification.

Sincerely,

A handwritten signature in cursive script that reads "Laura Marshall".

Laura Marshall

Solid Waste Fee Administrator

cc: Sierra County Clerk of the Board

197 Avocado Place  
Camarillo, California 93010  
December 12, 2018

Laura Marshall  
Solid Waste Administrator  
Sierra County  
Postal Box 8  
Downieville, California 95936

**RE: Solid Waste Fee, APN 008-090-020-000**

Dear Laura Marshall;

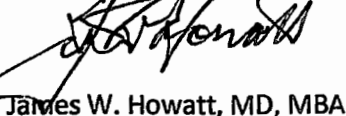
I am in receipt of your letter dated December 7, 2018 wherein you declined my request filed on November 26, 2018 requesting exemption from the Solid Waste Fee Assessment for the above captioned property.

I am writing to you in lieu of filing an appeal because I feel the grounds upon which you denied my request are factually incorrect. When I purchased the property several years ago, there was a converted "Woodsman Shed" which was inhabited. From my conversations with the Planning and Building and Safety representatives, it was dubious if this was a legally habitable structure at that time. Since the time of my purchase, no person has inhabited the building. It has no heat, no running water, no power, and has features which make it unsafe for habitation. It is currently being used by the renters at 6 Old Chimney Road to store some household effects.

Accordingly, since there is not a legal, single family residence suitable for habitation, 8 Old Chimney Road should be eligible for exemption from the Solid Waste Fee.

Thank you for your time in reviewing this matter. If you are unable to reverse your determination, please notify me so that I may pursue an appeal to the Sierra County Board of Supervisors.

Cordially



James W. Howatt, MD, MBA

# SIERRA COUNTY

Solid Waste Fee Administration  
P.O. Box 8  
Downieville, California 95936  
Phone: 530-289-3283



January 4, 2019

James W. Howatt, Trustee ETAL  
197 Avocado Pl  
Camarillo, CA 93010

Laura A. Marshall  
Fee Administrator

Alesya A. Astesana  
Administrative Assistant

Re: Solid Waste Fee  
APN: 008-090-020-000

Dear Mr. Howatt:

Thank you for your letter received December 19, 2018, regarding the denial of your Application for Adjustment to Solid Waste Fee Assessment. Upon second review of your file no change to my initial determination will be made.

The former owner, Mr. S. Michael Natalia, made unpermitted changes to an improvement causing the structure to be classified as a residential property. Our office was notified of the change in use of the improvement when a Homestead Declaration was recorded by Mr. Natalia on April 24, 2001, at Document Number 2001132119, where he indicated assessor parcel 008-090-020-0 was his principal place of residence.

Physical changes made to the improvement, including the installation of a septic system, caused the change in classification to residential. The fact the improvements were not legally permitted does not affect my determination of the use of the structure. Being we do not police individual use of property this property could be used as a residential property if the owner so chooses. You may change the classification of the property by severing the connection to the septic system and having the Building Department sign off on the change. This requirement has been in place for many years and has been used by other property owners. If you wish to sever the connection to the septic, please contact the Building and Planning Department to find out what steps are required. You may contact the Building Department by calling 530-289-3251 or by email at [bvierra@sierracounty.ca.gov](mailto:bvierra@sierracounty.ca.gov).

In summary, no changes will be made to the solid waste fee assessment for Assessor Parcel Number 008-090-020-000. You may appeal this decision to the Sierra County Board of Supervisors within sixty (60) days from the date of my initial letter dated December 7, 2018, by filing an Appeal of Solid Waste Fee Assessment with the County Clerk. You may contact the County Clerk to request that particular form by calling (530) 289-3295.

Please contact me at your convenience if you have any questions or concerns regarding this notification.

Sincerely,

A handwritten signature in black ink that reads "Laura Marshall".

Laura Marshall  
Solid Waste Fee Administrator

cc: Sierra County Clerk of the Board  
Sierra County Building Department

197 Avocado Place  
Camarillo, CA 93010  
January 26, 2019

Sierra County Board of Supervisors  
c/o Sierra County Clerk Recorder  
Postal Box D  
Downieville, CA 95936

**RE: APPEAL OF SOLID WASTE FEE ASSESSMENT 2018-2019: APN 008-090-020-000**

Dear Board:

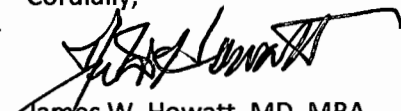
I am writing this letter of appeal at the direction of Laura Marshall, Solid Waste Fee Administrator. I am attaching prior correspondence with Ms. Marshall.

I am also attaching the "Appeal of Solid Waste Fee Assessment 2018 – 2019" form as requested. There is not a section completely appropriate to my situation, so I chose the "best fit".

In short, since I purchased the property several years ago, the structure on it has not been occupied or rented to any tenant. I understand that Building and Safety chose to "look the other way" when the previous owner made unpermitted improvements to the property rendering it habitable. Currently, the property is not a habitable single-family residence. It lacks running water, power, heat (the chimney for the woodstove having been sheared off last winter and not replaced) and the operational status of the non-permitted septic system is unknown. I have no intention of allowing anyone to inhabit these premises. There is zero solid waste being generated on these premises. Unless the County would be willing to grant a Certificate of Occupancy for this structure, I am perplexed how they could continue to designate it as a "single-family dwelling" and assess me the Solid Waste Fee.

Thank you for your consideration and I look forward to hearing from you in the near future.

Cordially,



James W. Howatt, MD, MBA  
Owner APN 008-090-020-000

# SIERRA COUNTY

Clerk-Recorder  
P.O. Drawer D  
Downieville, California 95936  
Telephone (530) 289-3295  
Fax (530) 289-2830



Heather Foster  
Clerk-Recorder

May 14, 2019

Mr. James W. Howatt  
197 Avocado PL  
Camarillo, CA 93010

RE: Appeal of Solid Waste Fee Assessment for 2018-2019 – APN 008-090-020

Dear Mr. Howatt,

Your appeal of the Solid Waste Fee Assessment for 2018-2019 will be held on Tuesday, June 4, 2019 at 10:00 a.m. The hearing will take place in the Board Chambers at the Courthouse in Downieville.

During the hearing you will be allowed no more than thirty (30) minutes to present your evidence concerning the waste generation occurring on the subject real property. The Solid Waste Fee Administrator shall have a representative present to provide a statement of the reasons for the Solid Waste Fee Administrator's decision regarding the adjustment request.

Based upon information submitted with the appeal application and received at the hearing, the Board of Supervisors shall determine the reasonable refuse generation there from in order to impose the appropriate solid waste fees in accordance with the provisions of the Sierra County Code and the latest adopted resolution imposing solid waste fees for the present fiscal year. The Board shall announce its decision at the conclusion of the hearing or within twenty-one (21) days thereafter.

Your application and any additional information attached will be provided as background information for the Board of Supervisors. If you have anything further you wish to provide to the Board please either e-mail the information to my office at [clerk-recorder@sierracounty.ca.gov](mailto:clerk-recorder@sierracounty.ca.gov) no later than 4:00 p.m. on May 28, 2019 or bring eight (8) copies and an original to the meeting.

If you have any questions regarding the above hearing please let me know.

Sincerely,

Heather Foster  
County Clerk-Recorder

cc: Solid Waste Fee Administrator