



County of Santa Cruz⁰³⁵¹

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

Agenda Date: December 7, 1999

November 22, 1999

BOARD OF SUPERVISORS

County of Santa Cruz

701 Ocean Street

Santa Cruz CA 95060

Subject: Report Back on Keeping Policy Interpretations

Members of the Board:

On September 21, 1999, your Board directed the Planning Department to report back on our system for organizing and updating the department's policy interpretations and directives.

As the local agency responsible for administering a complex set of land use regulations, it is necessary from time to time to prepare written interpretations to clarify apparent and/or unanticipated ambiguities or inconsistencies in County ordinances or policies. These questions usually arise in connection with a specific development application or land use inquiry. For example, a former Planning Director had to provide clarification on calculating the size of a structure as it applies to the Large Dwelling ordinance. Another was required in connection with the processing of administrative permits for changes of use in the San Lorenzo Valley. In addition, a former Planning Director had to change the Department's policy regarding notification of homeowner's associations of pending building permit applications. Still another was needed to determine if a proposed use was permitted in a specific zone district where the County did not contemplate such uses at the time the zoning ordinance was adopted.'

'Before the last major ordinance revision in 1994, the ordinance did not list automatic banking teller machines. Thus, a literal interpretation of the ordinance could have concluded that this use was not allowed anywhere in the County.

These interpretations have typically been issued by the Planning Director, an Assistant Director, or a Planning Manager. The Zoning Administrator also makes interpretations under the authority granted by Section 13.10.250 of the County Code. When there are legal issues, we solicit the opinion of County Counsel's office. Sometimes the response is oral, in other instances County Counsel will prepare a written opinion or analysis. Copies of these interpretations and opinions, usually in the form of memoranda, are kept in a loose leaf binder that we store near the zoning counter. These materials are categorized for ease of retrieval by staff and the public. The Principal Planner for the Development Review Section holds another copy of the binder.

The basics of a system are in place, but there are several aspects of our current procedure that deserve further attention. For example, greater control over the origination of these interpretations is needed to ensure consistency. In the past, our internal interpretations were issued at various management levels. We have recently amended that practice to require all policy memos or interpretations to come out under the signature of the Planning Director. This allows for a more consistent management of this procedure and facilitates the agency's ability to identify significant policy questions that should be referred to your Board for resolution. An intensive review of all of the existing interpretations and opinions is needed to determine their continued relevancy and adequacy as well as to standardize their format, and to reissue the relevant ones under the Director's signature. Any memoranda or opinions that are currently not in the central files need to be reviewed as well. A more comprehensive indexing and cross referencing system is needed, by County Code Section and subject area, to ensure that staff and the public alike can easily access these interpretations.

Some months ago, we initiated a program to address these problem areas. We collected all of the memoranda and opinions, however, some momentum was lost due to changes in personnel. Recently, we have reassigned this project to one of our senior planners, who is working with our administrative staff and the Office of County Counsel, to move this project forward. Our target is to have this project completed by June 1, 2000. We will provide your Board with an update on our progress on or before June 13, 2000.

Once these initial tasks are completed, the updated policy binders will be distributed to each planner and code compliance officer, and copies will be made available to the public at the front counter. In addition, we will review these interpretations on an annual basis to ensure their ongoing relevancy. Where the interpretations clarify an ambiguity or inconsistency that would best be addressed by a Code amendment, we will identify those and prioritize them for your Board's consideration as part of our annual work program.

It is therefore, RECOMMENDED, that your Board:

1. Accept and file this report, and
2. Direct the Planning Department to provide your Board with a status report on this project on or


before June 13, 2000.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

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