



County of Santa Cruz

BOARD OF SUPERVISORS

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AGENDA: 6/25/02

June 19, 2002

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: STRUCTURAL CHANGES TO PERMIT PROCESSING
IN SANTA CRUZ COUNTY

Dear Members of the Board:

BACKGROUND

Last Spring, the Board of Supervisors heard extensive testimony about problems that members of the public have experienced in their dealings with the Planning Department and the processes it operates for reviewing and approving permit applications. We also frequently hear such complaints aired in our individual capacities as Supervisors.

This is not a simple issue. The purpose of planning and permitting is to provide a framework for land use decision-making to implement a community vision that requires that the County manage growth, decide what projects belong where, enhance environmental quality, help strengthen neighborhoods and ensure safe construction. This is a lot to ask of any system of rules and processes.

Unfortunately, our current system, by being costly and time consuming, provides too many incentives for people to disregard the process. When the system catches up with those failing to follow the rules, the tools available to Code Compliance provide inadequate incentives or sanctions to foster timely compliance, particularly in the most critical cases.

This problem extends beyond the planning process. People's perceptions of the fairness and efficacy of County government as a whole seem to be colored more by their impressions of the

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Planning Department and its permitting and compliance process than any other agency. This sense of mistrust makes it increasingly difficult to achieve the public/private partnerships that are necessary to implement redevelopment, complete Town Plans, build parks and community programs, and generally improve our communities. The negative perception of the Department is longstanding and has some basis in reality. As long as it continues, we run the risk of greater negative environmental and neighborhood impacts by people who build without permits, even though this runs counter to the entire philosophy of land use planning in Santa Cruz County.

We need to take steps now to address this problem. Our goal should be to have a clear, understandable permitting process.

Delay is an ongoing problem. We have concerns that the County is not consistently in compliance with the Permit Streamlining Act, a state law we have incorporated in our Code. Fundamental questions that must be asked, given the long time that the County often takes to process applications, are whether actual planning is occurring, at what junctures, how often and to what end. At times there seems to be more paper movement than needs to happen, causing bottlenecks in the process. Some members of the public perceive that the system has been designed to bog down in order to slow development. This, of course, is not correct and would not be the ethical way to achieve growth management.

It is important to note that unnecessary delay is not caused by the people who work in the Planning Department, who are dedicated to carrying out their duties as best as they can. The principal fault lies in the fact that the County's planning policies and regulations have been built piecemeal, in response to many important issues, but in a way that has created some internal conflicts and confusions.

Some say that the problem is one related to the internal culture of the Department, believing that the ethos is driven by preventing people from developing rather than helping them to use their land in the manner allowed by law. We do not believe this is true but the County must take steps to solve the real problems and change this public perception. We have been experiencing extraordinary turnover in the Department, resulting in additional cost and time to train new staff. It is critical that we realize the full value of our investment in these new employees by recognizing that they often bring with them good ideas from other jurisdictions, ideas that may help us improve the review process, and that they need to be encouraged to contribute these freely.

The intention of this letter is to identify a number of the problems with the permit review process and to suggest a variety

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of specific responses that will hopefully make significant improvements to this process. The Board has worked on this issue a number of times in the past and some important steps have been taken. In fact, many **of** our recommendations strengthen and make more concrete the Applicant's Bill of Rights, originally approved by the Board of Supervisors in 1991.

Several times in the last two years the Board has taken steps to improve the consumer focus of the Planning Department. This has included discussions about correcting the overuse of phone mail and overstuffed message boxes, staffing the front desk for longer hours, putting a variety of materials including brochures and on-line application **forms** on the County website to make them more accessible, promotion of the satellite facilities in Felton and Aptos, and creation of the one-stop procedure **for** minor permits.

There is more to do. As a starting point, we think it is time to examine how we can strengthen the Planning Department's efforts to conform its operations to a customer-serving orientation **by** examining the Applicant's Bill of Rights, evaluating how we can better incorporate its simple principles into the mission of the Department, and considering whether we shouldn't identify other areas in which applicants should be deemed to have recognized "**rights**" governing how they are treated and how their applications are processed.

THE APPLICANT'S BILL OF RIGHTS

The "**Applicant's** Bill of Rights" was adopted by resolution, a copy **of** which is attached. Citing the need to promote environmental and growth management goals by insuring that the permit process was friendly to users, the resolution stated that its intent was to "set forth the rights of an applicant for a building permit in the County **of** Santa Cruz in a manner which will have the effect of upholding all of the policies **of** growth management and environmental protection while, at the same time, establishing a reliable set of applicant's rights which will guide the Planning Department in processing permit applications."

The Applicant's Bill of Rights sets forth a number of principles as the "**policy**" of the County. The next portion of this letter will consider identified problems with the implementation of each **of** these "Rights" and make suggestions for improvement.

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An applicant is to be provided with complete information concerning the process which will be followed regarding the application, including specific steps in the process and estimated time frames for each step.

1. LACK OF CLARITY - One of the most frequent complaints is that little is made clear at the beginning of the permit process. Too many applicants claim not to know what is going to be expected of them, nor what the real time or cost will ultimately be once they have obtained all of the studies and reports that may be required.

The Department meets the disclosure obligation called out by this principle in part by providing a number of informational pamphlets. These pamphlets are also available on the Department's website. These could use improvement. For instance, a copy of the Department's guide entitled "Fees Associated with Your Residential Building Permit" is attached. It is notable that it contains no numerical information telling people what their actual fees are likely to be. The pamphlets also attempt to tell people how the process is going to work, although given our system, this is difficult, as there seem to be so many places where an application can go awry. Applicants need to be provided more specific information on the permit process and fees right from the start.

2. PROCESSING TIME LINES - The pamphlets do not inform applicants about the time it will take for various applications to be processed. In some ways, this is understandable as the processing timeline will be affected by site considerations and the complexity of the process. However, the County does have certain legal responsibility under the Permit Streamlining Act and applicants should be informed of these.

The principal provisions requiring that the County act on an application within any particular period of time appear to be those set forth in County Code Section 18.10.125, which incorporate, in part, the Permit Streamlining Act provisions insofar as they apply to development permits involving no revisions to the General Plan or Zoning Ordinance. Government Code Section 65950 et seq. is the Permit Streamlining Act. It provides explicit outside time limits within which permit processing for these kinds of applications must be completed, measured from certification of the CEQA process, or the earlier date on which it is determined

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that the project is exempt from the California Environmental Quality Act (CEQA) or a Negative Declaration is issued. It states that any public agency that is the lead agency for a development project shall approve or disapprove the project within 180 days from certification of the EIR, or 90 days from the date of certification of the EIR on certain low income housing projects, or 60 days from the date of adoption of the negative declaration or from the determination that the project is exempt. The Board should get an evaluation of our permitting process measured against these standards.

Section 65956 of the Act contains the teeth. It provides that an application will be deemed approved if the time limits of the Act are violated, or if the County does not hold a public hearing on the application within 60 days of the applicant publishing a public notice describing the proposed development.

At this time, we do not make clear to applicants what their rights are and that there is an enforceable time line under state law that is incorporated into our Code. We all know how long project approvals can drag on. We would suggest that we set out explicitly in our Code the actual time lines in the state law, as well as give applicants a notice at the time of filing that, in layperson's terms, sets out the time limits, their right to take steps to expedite the process, the obligations and process related to completion determinations, and the consequences and legal rights that flow from failure of the system to comply.

3. COST INFORMATION - While this Applicant's Bill of Rights principle is silent as to information about the cost of processing permits, this continues to be a big issue for applicants. A person applying for any permit from the Department should be able to get a good faith estimate of their fees. Moreover, a questionnaire to elicit the information needed to enable the calculation of this estimate should be on the website, along with other on-line application forms now available. We already have on-line applications on the website which request information about the proposed project; it is a small further step to use this or similar data to provide an opportunity for the applicant to obtain a calculation of fees, both those for the permitting process and impact fees and the like that the County

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collects for other entities. We should add **to** this first principle that the applicant is entitled to a good faith estimate of the fees and costs that will be incurred in pursuing the application.

4. ON-LINE TUTORIAL - Finally, to enhance the public's understanding **of** the permitting process, we should develop an on-line tutorial that would walk people through some **of** the common issues they are likely to confront in pursuing a permit for their project. This should work in much the way tax preparation software allows regular folks to confront the daunting mysteries **of** the Internal Revenue Code and do their own taxes. It would be based **on** parcel and project specific data they would enter. It would also enable them to access relevant information about their parcel and proposed project from our GIS layers.

An applicant is to receive at the earliest possible time, all of the elements required by the County of Santa Cruz which would constitute a complete application.

1. ZONING COUNTER - The pamphlet guides available to the public suggest that applicants go first to the zoning counter to determine what information is needed from them. This information is provided in checklist form. Care must be exercised in providing this checklist. This principle of the Bill of Rights breaks down if the Department sequentially adds on to the information that it will require.

The counter has traditionally been where new employees are "broken in." By placing the Department employees with the least experience at the counter, the Department exacerbates the problem of accidental misinformation. Employees should not be placed at this post until they are familiar with land use planning in Santa Cruz County, know the County's regulations and understand what questions to ask the applicants about their property and proposal. In fact, the Board should consider adopting a rule that the checklist needs to be reviewed by a Senior Planner.

2. LIMIT ON NEW INFORMATION - In addition, the Board should consider a rule that once delivered to the applicant, the checklist includes the extent of the information that will be required for the project, unless new information about the project comes to light. The current process allows new issues **to** arise

seriatim as the process goes along, often accompanied by new criteria that are injected into the process. In the fairly high turnover setting of the last few years, projects have frequently moved from planner to planner. It seems that each new application reviewer can continue to add any items to the checklist of deficiencies to be corrected before the application is deemed complete.

An applicant is to be provided with clear and specific criteria which will be used by the County of Santa Cruz in making decisions pertaining to the application.

1. ADVISORY TASK FORCE - A root problem with providing applicants with "clear and specific criteria" is that the underlying ordinances and policy statements, while often extremely detailed, are not always clear, and are not consistently applied. We should consider convening an advisory committee or task force to review the Planning and Building Codes, Environmental Health ordinances and rules, and Public Works encroachment and drainage guidelines to insure that all inconsistencies are identified, where one rule should prevail over another, where the Code should make clear the priority of the application, whether the practical outcomes of our Codes and procedures are the results that we intend, and what we really need to regulate. This would require a careful examination of the list of works that are exempt from building permit issuance contained in County Code Section 12.10.070 (b).
2. INTERDEPARTMENTAL COORDINATION - Embedded in the concept of telling someone what criteria will be applied to their project is the idea of uniformity in the application of rules and procedures by various agencies. In general, there is often a sense that the various County agencies are not operating as part of a system in processing these applications. Each agency has its own priorities, and outside of Planning, it is not clear that there is any sense of ownership for the outcomes of the planning process as it affects any one applicant. We need to bring these agencies together to design changes to the process that make it clear that each agency and its representatives are part of a system whose function is to efficiently and appropriately review each application in a way that honors each agency's mission while maintaining a focus on the needs of the applicant.

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3. HISTORICAL DATES - One issue that has been raised is that different agencies in the permitting process use different dates as historical dates prior to which certain rights are deemed to have vested or have been "grandfathered in." In this regard, it would be helpful to people's understanding of their rights in dealing with older structures if we adopted one uniform date to be applied by all agencies in determinations as to whether a structure was in place when applicable codes became effective.
4. CONSISTENT INFORMATION - People complain about getting conflicting decisions on their options as applicants from different people in the system. The Board asked last year to get policy and interpretive guidelines published in a central repository. This would promote uniformity. Similarly, we should consider referring all issues, beyond those within the jurisdiction of the Zoning Administrator (County Code Section 13.10.250), requiring an interpretation of ordinances or policies to the same one or two senior staff people, rather than having numerous conflicting ad hoc opinions for which the Department currently is not accountable. The randomness in such opinions leaves the County potentially vulnerable to litigation and makes completion of an application a moving target.
5. COMPLETENESS DETERMINATION - The completeness determination is critical, and needs to be done in a timely fashion, as it is a trigger for other time deadlines for processing. This is a requirement of the Permit Streamlining Act. Government Code Section 65943 provides that: "(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter..." The section provides other similarly short time frames for responding to information submitted by the applicant in response to notifications that the application is not complete. The Permit Streamlining Act also prohibits public agencies from raising new issues once this determination has been made.

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6. **EARLY REVIEW OF CRITICAL ISSUES** - In addition to getting the permit application processed within the legally required timelines, an applicant is entitled to as much certainty as the process can afford. If possible, all critical issues and areas in which further data or analysis is likely to be required should be identified within the first month after the application is filed, and the applicant should have the right to seek a DRG or similar review upon filing a lesser notification that sets out one or more specific issues on which they would like advisory rulings. This will require that we create an efficient review process for these site specific issues, one that will force out salient views on these issues by those in the review process. This would be facilitated by a site visit by the planner and applicant immediately after the application is filed. Planners should be required to make a site visit with the applicant **as** soon as the application is complete or earlier, if it is appropriate, so that they can get a number **of** easy questions answered, and get a better immediate sense of major issues presented by the landscape.
7. **BUILDING PERMITS** - The Building Inspection process is a critical component of the permitting process and it is important that inspections do not go beyond the scope of that which is permitted, including approved plans. The Department should develop clear policies that limit the in-process building inspection to the items as they are approved either by the permitting authority or as they are represented in the approved plans and specifications for the project. Additionally, inspectors should review the steps taken by applicants to address previously cited deficiencies and should not add, seriatim, new items to be reviewed on follow-up visits to the site.
8. **MATERIALITY STANDARD** - The County should have a materiality standard that allows for minor variance from the standards created by regulations, if there is no negative impact on the environment or neighborhood. **In one** case, a building owner was required to remove an interior stairway from a completed building because the risers were about $\frac{1}{2}$ inch higher or lower than allowed by Code. That cost about \$75,000. This seems neither fair, nor does it promote public health and safety. Having a materiality standard would make it clear to planners that there is some wiggle room in how almost all decisions are made, a reality we should accept.

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This is a reality we accepted when we restored the ability of Environmental Health inspectors to exercise discretion in the field in order to promote the orderly processing of septic permits. Failure to recognize this puts planners and inspectors in the position of always feeling they have to apply the letter of the Code, and can result in decisions that defy common sense.

An applicant is to be provided with information concerning any and all appeals processes available concerning decisions made by the County of Santa Cruz which relate to the application.

This principle does not seem to be as problematic as the others. People tend to know what their appeal rights are. However, the information provided to applicants must assure that this is the case.

An applicant is to be entitled to request and be provided with a "single point of contact" for processing the application.

1. MAKE PROJECT PLANNER MORE ACCOUNTABLE - This is a major problem, given the multiple agencies within the County government that review permit applications, as well as several agencies of the state and federal government. While we have a project planner assigned to an application, it does not appear that we have taken steps to make that person accountable in any concrete way for meeting deadlines or achieving outcomes. Even worse, we do not have any clear protocols in place which set, for instance, time limits within which other agencies should complete their review.

As mentioned elsewhere, we need to set in motion a systems evaluation of our permit process that brings together all the participating agencies and results in systems changes that make all of the stakeholders active, engaged partners in the permit review process.

Every application has to have one planner who is totally responsible for processing the application, even if the application must be reviewed by others. Anyone in the system should be able to accurately determine at any time where the application is, who is working on it, why it is being reviewed by that person, and when that review can be expected to be complete.

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2. **SUPPORT FOR PROJECT PLANNERS** - Part of strengthening the process and enhancing the accountability of the single planner in charge of the application needs to be ensuring that the planner is supported by the system in his/her exercise of professional judgment and discretion. This would encourage a willingness on the part of planners to take risks and make decisions-- decisions which could positively impact the entire process. Planners need to have a sense that if they do a competent staff report on a project, their managers will back them up during consideration by the deliberative bodies.

An applicant is to be provided, at the earliest time, with notice regarding any delays in processing the application beyond the time frames established by the County of Santa Cruz for processing permits.

1. **FLAT FEES** - One potential contributor to delay is our system of billing, at least to the extent that we charge fees based on the time that the staff takes to review a component of the application. We have a system that creates the appearance of rewarding delay by allowing time to be billed "as used" for many types of work. While we understand that the "as used" system was instituted to prevent simple projects from paying higher fees to offset the costs of more complex applications through the averaging method, this system creates disincentives to efficient processing times.

A flat fee for each type of permit application would provide incentives for the system to analyze applications as efficiently as possible. We should evaluate each situation in which we charge on an "as used" basis and determine whether there is not an appropriate way to bill on a flat rate to create implicit limits on the staff time that should be devoted to the item of work. Similarly, we need to evaluate the flat fees that we now charge to insure that they, too, reflect an appropriate estimation of staff time, particularly given any efficiencies we achieve in processing matters as time goes on.

2. **TIMING OF ENVIRONMENTAL REVIEW** - Environmental review should occur in the first 30 days after a project application is complete so that we accelerate the process of environmental determinations as these, in turn, begin time running on the deadlines set in the Act. What is critical is that those projects legitimately entitled to an exemption or Negative

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Declaration stay within the processing time frames set by the Act. Where an application will require review by Environmental Health where seasonal testing may be required, applicants should be made aware of this constraint prior to official submission of the application.

3. CONTROL OF FILES - One way to avoid overall processing delay is achieving better control over files. Through the years, there have been complaints that files are lost, incomplete, or get sent to someone's desk for review but linger there because there is no clear statement attached indicating where they came from, what is to be done to them by the reviewer, and to whom and by when they are to be reviewed. **As** a part of the proposed automation upgrade referenced on Page 28-6 of the 2002-03 Proposed Budget, we should investigate using bar coding or a similar technology so that much like baggage handlers, we are always able to track the location of the Department's files, and know where they are at any given time. Such a system would also allow for monitoring bottlenecks that are causing delay in multiple files, and allow the planner responsible for the file to set times within which the review that is the subject of the referral must be completed.

WHAT OTHER RIGHTS SHOULD APPLICANTS HAVE?

In addition to finding ways to better incorporate the concepts embodied in the Bill of Rights in the activities of the Planning Department, we need to consider other "rights" or principles that should govern the way in which Department employees approach each application. Some of the following can serve as examples:

1. PERMIT ASSURANCE - The purpose of permitting is not to find reasons to disallow a proposed improvement, but to help the property owner achieve their objectives within legal constraints, reflecting important community and environmental concerns.

When an applicant has complied with all of the requirements, delivery of a permit or approval is mandatory, not optional. Once an applicant has completed all of the requirements to get a permit, the law should provide that the permit is an entitlement. In all likelihood, case law example does provide this. But our ordinances do not always state this. In particular, the principal provision of the County Code governing issuance of permits (Section 18.10.131)

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provides that: "After an application has been processed in accordance with this Chapter, and all required approvals which make up the permit have been obtained, then the permit...may be issued to the applicant...." (emphasis added). This use of the word "may" eliminates any certainty of issuance on the part of the applicant. Unless there are good legal reasons for this language, it should be changed.

2. PERMIT STREAMLINING ACT ENFORCEMENT - If the Bill of Rights is to be meaningful, we need to take steps to ensure its implementation. A good starting point would be to apply the Permit Streamlining Act according to its terms. The Planning Department should be required to provide regular notices to the Board regarding the status of applications in terms **of** the Permit Streamlining Act and public hearings should be set for any applications in danger **of** exceeding the Act's time limits.
3. DEPARTMENTAL MISSION STATEMENT - The Board should adopt a clear Departmental mission statement and goals that embody the foregoing principles. We need to educate employees about the rights **of** applicants. We need to make the public aware of the rights embodied, and the consumer orientation it connotes. We should continue to use our webpage to give better notice of its provisions and their implementation.
4. EMPLOYEE EDUCATION - We should have an organized system **to** debrief new employees from other planning agencies on ideas and suggestions for **how** to improve our process.
5. FEEDBACK - Finally, we should restart the process of gaining feedback from those who have **or** have not gotten permits and report this feedback to the Board **of** Supervisors on a regular basis so that we are constantly working to make this a system that works for property owners, not against them.

ISSUES RELATED TO PERMIT FEES

1. FEE ANALYSIS - We need to undertake an in-depth analysis of the way we charge fees, and the amounts we charge, while keeping in mind the impact **of** any changes on the Net County Cost **of** the Department's budget. We should undertake an evaluation of the effect that an

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across-the-board fee reduction would have on expected levels of compliance, remembering that our purpose is not simply to maximize our revenue but to maximize the general acceptance of the system in a fiscally responsible manner. **As** noted above, we should consider charging fixed fees in virtually every circumstance, and we should reexamine current fixed fees to ensure that the amount we charge reflects the kind of time that should be spent on the item. An evaluation of fees charged should also consider the appropriateness of allowing the Planning Director to waive or reduce fees, a power the Director does not now have.

2. PROFESSIONAL REPORT REVIEW - A related form of fee assessment that we need to evaluate is the high fees charged for reviewing the reports of experts.

In these cases, licensed technicians have completed their review and rendered a professional opinion, signed under license. Presumably, the reason for requiring the reports is that the professional is qualified to render an opinion or conclusion in a way that staff members are not. Recognizing that it is important to assure that the technical report is competent and unbiased, charging applicants for the equivalent of 4 to 15 hours of staff time to read a report when the sole purpose is to determine whether the report **is** acceptable seems to be an inefficient and overly expensive approach. Perhaps staff should identify a list of technical experts whose work has been found exemplary over time and, if the applicant decides to use an expert from that list, no further staff review would be necessary.

3. UNNECESSARY REPORTS - **Also** troubling, there have been complaints that one planner requested a technical report, which the property owner obtained at significant cost and project delay, and then another planner said it was not needed.

How do we address this problem? First of all, staff should carefully evaluate when the report of a third party is required. Each applicant should receive a statement in writing that no third party report will be required unless it is required in writing.

When we have many, many designs for the same type of engineered solution (i.e., a **low** retaining wall), we should have a standard design rather than requiring each applicant to obtain an engineer's report.

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In addition, the Department should examine the conditions under which site specific geologic hazard assessments and soils reports should be required. Certainly, the County has steep slopes and erosive soils, but the number of types of soils that one might find at a given building site is discrete, staff should know what their characteristics are, and they are regularly mapped. The Board should receive an analysis regarding the feasibility of reducing the need for these technical reports.

4. FEE REDUCTIONS - In light of the foregoing, the Board should consider taking various steps to reduce fees. In particular, the Planning Department should review the following proposed fee revisions and provide the Board with a report evaluating them and indicating their impact on the Net County Cost of the Department:
 - a. Elimination of the following:
 - Environmental Resource Review of Additions and Detached Structures upon issuance of a building permit after a discretionary approval, \$138
 - Environmental Resource Review of an urban SFD upon issuance of a building permit after a discretionary approval, \$100
 - Environmental Resource Review of a rural SFD upon issuance of a building permit after a discretionary approval, \$250
 - b. Changing the following fees from "at cost" to fixed:
 - Soils Report Review-Major
 - Engineering Report-Major
 - c. Reducing the following fixed fees:
 - All fees charged to "review" the work of a professional, licensed person hired by the applicant at the request of the County, including Archeological-Report Review, \$543
 - Biotic-Report Review, \$889
 - Geological Report Review, \$1,011
 - Soils Report Review-Regular, \$689

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- Soils Report Waiver-SFD, \$238
- Fence 3 to 6 feet in Front Yard Setback, \$452
- Fences Greater than 6 Feet, \$1,012
- Variance-Existing Structure, \$1,683

As a start at addressing some **of** the issues raised in this letter, we would like to recommend that the Board of Supervisors direct the Planning Director to take the following actions and provide the Board with a report back on September 17, 2002, regarding the progress made on these directions. This coincides with the date on which the Department will be reporting back on Code Enforcement issues as previously directed by the Board.

1. Issue every Planner and every applicant a copy of the Applicant's Bill **of** Rights and a summary **of** the provisions **of** the Permit Streamlining Act.
2. Provide a report to the Board of Supervisors comparing the requirements **of** the Permit Streamlining Act to our current list of pending development and building permits and the average time that various types of permits have been in process.
3. Develop other recommendations, considering suggestions in this letter, on how to better incorporate the requirements of the Bill **of** Rights, the Permit Streamlining Act, and the concepts embodied in them into the day-to-day operations of the Department, including development of a Departmental Mission Statement.
4. Develop a system to put in writing to each applicant complete information concerning the process which will be followed regarding the application, including specific steps in the process and estimated times for each step.
5. Report on the feasibility and cost **of** requiring that Senior Planners be available at the counter to review all applications with applicants before submission.
6. Work with the County Administrative Officer, Supervisor Almquist and Supervisor Wormhoudt to develop a proposal, including cost estimates and a work program, for a committee or task force to review Volume II **of** the Santa Cruz County Code and recommend any changes to

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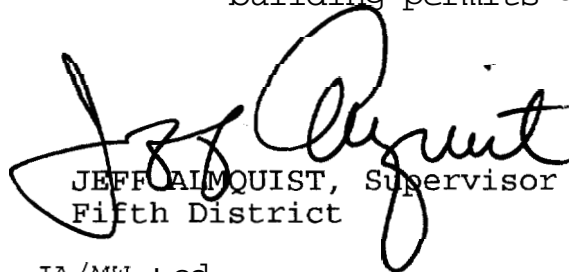
the Board that would eliminate confusion or conflicting provisions, and make more clear to both staff and the public what the land use requirements under the code are. This committee would also consider development of a materiality standard for minor variances if there is no clearly demonstrated negative impact on the environment or neighborhood. This committee would also consider recommending any ordinance sections where the word "may" should be changed to "shall," in order to guarantee that if an applicant has fulfilled all the requirements of the Code they will be issued a permit. This committee would review the Code and building permit regulations and suggest types of projects or improvements that currently require permits which could be deregulated.

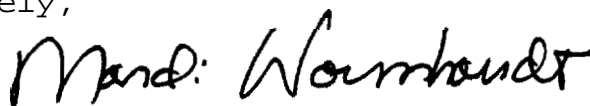
7. Develop a process for issuing all applicants, at the time of application, a document which clearly delineates their rights concerning any and all appeals processes.
8. Provide a report on the feasibility of developing a process and any ordinance changes to create a simplified process to allow applicants to obtain advisory rulings on critical issues related to their application prior to filing a complete application.
9. Organize a system to debrief new employees on any ideas or suggestions they may have for improving the system after they have been employed for three months.
10. Develop procedures that will ensure that environmental determinations are made at the earliest possible time in the process, consistent with the requirements of CEQA and other applicable environmental laws.
11. Develop an on-line tutorial that could walk people through some of the common issues they are likely to confront in pursuing a permit for a project.
12. Prepare a policy for providing to applicants interpretations of the County Code that are not within the scope of the Zoning Administrator and identifying the staff members responsible for drafting these opinions.
13. Restart the applicant questionnaire process and accumulate the results for submission to the Board of Supervisors on a quarterly basis.

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14. Work with Information Services to amend the report "Discretionary Applications by Supervisorial District Requiring Review" to include the dates and times that applicants were notified that their applications were incomplete and the results of this notification.
15. Work with all reviewing agencies and the CAO to develop a single point of contact system for applicants, and evaluate the feasibility of a procedure to give the planner who is the single point of contact the authority to enforce deadlines on review time by other agencies and departments, as well as planning staff.
16. Provide a report analyzing the fee proposals contained in this letter, and work with the CAO to develop an economic model that would evaluate the elasticity between the level of fees charged and the degree of compliance.
17. Develop a policy that would promote staff acceptance of the conclusions of licensed consultants such as, but not limited to, Geologists, Soils Engineers, Civil Engineers, Geotechnical Engineers, and Structural Engineers, and would limit resort to these expensive reports to those situations where they are really needed, as outlined in this letter.
18. Prepare a policy for inspecting work done under building permits as outlined in this letter.

Sincerely,


JEFF ALMQUIST, Supervisor
Fifth District


MARDI WORMHOUDT, Supervisor
Third District

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Attachments

cc: Planning Director
County Administrative Officer
Information Services
County Counsel
Planning Commission
Environmental Health
Public Works Department
Fire Districts
State Fish and Game
California Coastal Commission

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 437-91

On the motion of Supervisor Levy
duly seconded by Supervisor Beautz
the following resolution is adopted

RESOLUTION ESTABLISHING COUNTY
POLICIES FOR PERMIT PROCESSING

WHEREAS, the people of the County of Santa Cruz adopted by vote in 1978, a comprehensive growth management and environmental protection system; and

WHEREAS, the Board of Supervisors has implemented such a growth management system through a variety of ordinances, regulations, and policies; and

WHEREAS, the concepts of growth management and environmental protection continue to be critically important for and broadly supported by our community; and

WHEREAS, it is equally important that the permit processing system which, in part, implements growth management and environmental protection policies, be as broadly supported as the policies themselves; and

WHEREAS, the Board of Supervisors has undertaken an aggressive program of reforming the permit processing system of the Santa Cruz County Planning Department; and

WHEREAS, the permit processing reform effort has resulted in measurable improvements' in the system; and

WHEREAS, more progress needs to be made concerning permit processing reform, and the Board of Supervisors is taking actions to achieve such progress; and

WHEREAS, an essential element of a meaningful permit processing reform effort is for the County to provide clear and helpful information to applicants for permits; and

WHEREAS, it is in the best interests of the people of the County of Santa Cruz to now set forth policies for the processing of permit applications by the County of Santa Cruz in a manner which will have the effect of upholding all of the policies of growth management and environmental protection, while, at the same time, establishing a reliable set of permit processing guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Cruz that the following policies are hereby

adopted for the processing of permit applications by the County of Santa Cruz:


1. An applicant is to be provided with complete information concerning the process which will be followed regarding the application, including specific Steps in the process and estimated time frames for each step;
2. An applicant is to receive at the earliest possible time, all of the elements required by the County of Santa Cruz which would constitute a complete application;
3. An applicant is to be provided with clear and specific criteria which will be used by the County of Santa Cruz in making decisions pertaining to the application;
4. An applicant is to be provided with information concerning any and all appeals processes available concerning decisions made by the County of Santa Cruz which relate to the application;
5. An applicant is to be entitled to request and be provided with a "single point of contact" for processing the application;
6. An applicant is to be provided, at the earliest possible time, with notice regarding any delays in processing the application beyond the time frames established by the County of Santa Cruz for processing the permit.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 18th day of June, 1991, by the following vote:

| | | |
|----------|--------------|---------------------------------------|
| AYES: | SUPERVISORS | Beautz, Levy, Patton, Belgard, Keeley |
| NOES: | SUPERVISORS | None |
| ABSENT: | SUPERVISORS' | None |
| ABSTAIN: | SUPERVISORS | None |



 Chair of the Board of Supervisors

ATTEST: 

 Clerk of the Board

Approved as to form:

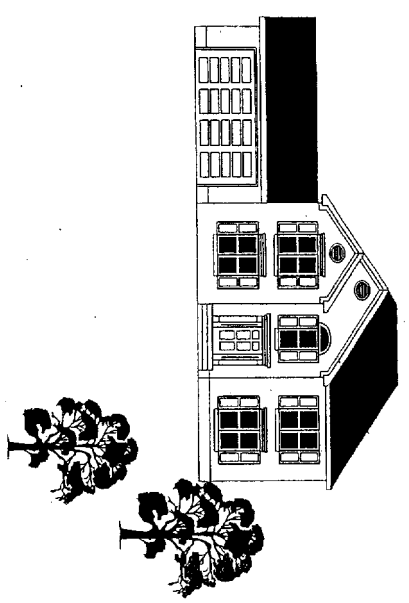


 DWIGHT L. HERR, COUNTY COUNSEL

DISTRIBUTION: County Counsel
Planning Department

**FEEES ASSOCIATED
WITH YOUR
RESIDENTIAL
BUILDING PERMIT**

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COUNTY OF SANTA CRUZ PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR
SANTA CRUZ, CA 95060

FEES ASSOCIATED WITH YOUR RESIDENTIAL BUILDING PERMIT

HOW BUILDING PERMIT FEES ARE USED

- When you obtain a building permit, certain fees will be charged to cover the cost of:
1. Plan checking in the office;
 2. Field inspections before and during construction; and
 3. Service and capital improvements in your neighborhood and the surrounding area.

THE APPLICATION FEE

When your building plans are accepted and entered into our system, application fees as follows:

- 1. Zoning Plan-Check:** A graduated fee is charged for each project, according to size. This covers the time staff spend in checking your project against the applicable Zoning regulations, such as land use, setbacks, and height; and for referencing General Plan maps detailing environmental concerns, such as stream beds, flood plains, rare and endangered plants or animals, and potential hazards from earthquakes or wildfires.

- 2. Erosion-Control Preliminary Site Inspection:**

This fee depends on the type of structure and whether the area is rural or urban. It covers a field visit to find out whether any geologic hazards or environmental constraints exist. For some minor projects, this inspection is not required.

- 3. Building Plan Check:**

This fee covers the time spent in examining your plans in order to see that they comply with the Uniform Building, Plumbing, Electrical, and Mechanical Codes, and with energy-conservation requirements.

The Building Counter staff person will estimate the square footage of each type of new residential construction, such as heated living areas, garages, storage rooms, and decks. This figure will be used to determine the Building Plan Check fee deposit.

- 4. Public Works - Drainage:**

A graduated fee is charged depending on the size of your project. This covers time staff spend in checking your plans for any drainage impacts and determining any mitigation measures that may be required. Staff also calculate the amount of new impervious areas created by the construction which will increase storm water runoff.

- 5. Public Works - Road Engineering Review:** This fee will be charged on any new residential unit and for any new bedroom additions. Review of your project may result in the requirement that you dedicate a strip of land along your street to the County for future road widening improvements or future utility easements.

- 6. County Fire Plan Check:**

This fee varies depending upon whether your construction requires sprinklers to be installed. Sprinkler requirements are based on the type of construction and the occupancy of the building.

AFTER YOU HAVE PAID THE APPLICATION FEE

Your plans will be routed to all required reviewers concurrently. If you decide to withdraw your application at any point, you may be able to get a refund of any remaining part of the fee that has not been used. However, once the plan-checking and the site inspection have been done, no refund can be made.

TOTAL BUILDING PERMIT FEES

When your building plans have been approved by all the agencies involved, the remaining fees will be calculated. The various types of remaining fees are described below. For specific current amounts, call the Building Counter at (831) 454-2260 between 1:00 pm and 5:00pm, Monday thru Friday.

Building Inspection: This fee comes from a table in the Uniform Building Code and is based on the total evaluation of the structure described under "Building Plan Check".

Energy Plan Check: A per-hour fee is charged to verify that your plans comply with one of the energy-conservation options described in the Energy Compliance Handbooks.

Strong Motion: The State of California charges a modest fee. These funds go toward research on how to build structures that will withstand earthquake tremors.

Electrical, Plumbing and Mechanical Permits: Modest fees are charged.

Environmental Health Fee

A clearance form from Environmental Health is required at the time you submit your plans for review. If, after substantial, it is found that your project requires further review, a clearance review fee will be applied.

Public Works Fees

Drainage-control zones are designated in certain portions of the County: Zone 5, Live Oak/Soquel; Zone 6, Aptos; and Zone 8, San Lorenzo Valley. If you build in one of these zones, you will be charged a fee that goes toward construction and maintenance of storm drains. The fee is based on the impervious areas created by the construction.

Sewer Connection: This fee depends on the sanitation district in which you are building and how many plumbing fixtures your structure will contain.

Driveway Permit: A fee is charged for any new house with access from a County-maintained road, or for a new driveway to an existing house.

Park Dedication Fees

These fees are based on the number of new bedrooms. The fund is used to purchase and develop land for parks in the area where the fee is charged.

In the Aptos, Live Oak, Soquel and Pajaro Valley General Plan areas:

Roadside Improvement: These fees go into a fund for improvements, such as curbs, gutters, sidewalks, or street trees, that are most urgently needed in the area.

Transportation Improvement: These fees go into a fund for roadway intersection improvements, traffic signals, and turning lanes.

In the Urban services portion of the Carbonera General Plan Area:

Roadside Improvement: This fee depends on whether curbs, gutters, or sidewalks already exist along the property frontage. The fund is used for roadside improvements that are most urgently needed in the area.

Roadway Improvement: This fee is based on the street designation: "local", "collector", or "arterial", and the width of existing pavement along the property frontage. The fund is used for future street paving and widening.

All Other County Areas: No roadside, roadway or transportation fees are charged.

Child Care

These fees go into a fund to provide for the maintenance and augmentation of a child care system to help satisfy the needs generated by growth from new development. These fees are charged per new bedroom.

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Other Fees

Schools: This fee depends on the school district in which you are building, and is based on the number of square feet of new residential "conditioned space". The fund is used to purchase school buildings to relieve overcrowding.

Water Meter Connection: In the Urban Services Area, you will need to pay to obtain a "Proof of Water Service" form from your water district to present when you pick up your building permit.

Fire Marshal: Fees are charged for assigning a new house number and for giving a new name to a private street.

Local Fire Protection Districts: This fee depends on the fire jurisdiction in which you are building. The fees are used to cover the cost of review and inspections. In some jurisdictions, fees are charged by square footage of new construction and the funds are used for the purchase of, or improvement to, facilities and equipment.

FOR MORE INFORMATION

This brochure describes the types of fees associated with building permits. If you have questions about Building permit fees, consult the Building Counter, or call (831) 454-2260 between the hours of 1:00 p.m. and 5:00 p.m., Monday thru Friday. For Zoning Plan-Check, Erosion-Control Site Inspection, Service and Capital Improvement, and other fees, consult the printed schedules, which are available at the Zoning Counter, or call (831) 454-2130 between the hours of 1:00 p.m. and 5:00 p.m., Monday thru Friday. For Public Works fees, call (831) 454-2160.

ACTIVITY ANNOUNCEMENT

The County of Santa Cruz Planning Department does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The Planning Department is located in an accessible facility. If you wish to participate in any Planning program or activity, or wish to receive any Planning service, and you require special assistance, please phone (831) 454-5236 at least five days in advance in order to make arrangements.

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