



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES. DIRECTOR

August 12, 2002

AGENDA: August 20, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

CONTINUED PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY GRADING ORDINANCE REGARDING REVISED DESIGN STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES

Members of the Board:

On May 21, 2002, your Board continued the public hearing on this matter in order for staff to provide, in chart form, a comparison of existing roadway standards, proposed standards and community objections and suggestions (Attachment 1). This chart was requested to assist your Board in understanding the proposed ordinance changes, the basis for the ordinance revisions proposed and the concerns of the community. Staff was also directed to assess the recommendations of Supervisor Pirie that were presented in her letter to your Board, dated May 20, 2002 (Attachment 2).

Comparison Chart

Staff has prepared a chart comparing the existing road and driveway standards of the County General Plan, Fire Code and Grading Ordinance as directed by your Board (Attachment 3). The chart also summarizes the comments received by the community members who submitted written comments (Attachment 4) or spoke at the May 21st Board meeting, and the preliminary ordinance revision submitted by Big Creek Lumber Company on May 14, 2002 (Attachment 5).

Supervisor Pirie's Recommendations

Supervisor Pirie, in her May 20, 2002 letter, recommended that your Board only take action to repeal the errant language regarding the surfacing with drain rock and replacing it with the original language of the ordinance. Supervisor Pirie further recommended that a Private Roads Standards Task Force be established to develop recommended design standards for private roads, including any necessary amendments to the Fire Code, General Plan and Grading Ordinance.

Supervisor Pirie's recommendation to correct the wording in the Grading Ordinance as an immediate action on this matter makes sense. However, because this action would not correct the inconsistencies between the General Plan and the Grading Ordinance, staff believes that several additional minor changes to the ordinance to achieve consistency would be appropriate if your Board were inclined to proceed with Supervisor Pirie's recommendations. These include changing the width of the roadways from 16-feet to 18-feet, increasing the base rock from 5-inches to 6-inches, increasing the thickness of the asphaltic concrete from 1-1/2 inches to 2 inches and deleting the subsection on bridges. Staff has included a proposed ordinance to implement this amendment should your Board choose to do so (Attachment 8).

Staff believes that the formation of a Private Roads Standards Task Force is a good idea. The combined expertise of engineers, contractors, fire officials and other interested people should result in the development of design standards for roads and driveways which are not only technically feasible, but also reasonable given the wide range of road types and terrain in the County. Staff, however, recommends, for several reasons, that this process be deferred until the General Plan update is commenced. First, the work of the task force, if initiated now, would duplicate the review of the Fire Safety Element (FSE) that would be conducted as a part of the General Plan update. In the past, this FSE review has been conducted primarily by the fire agencies in the County in conjunction with Planning staff. Creation of a task force for the purpose of revising the FSE with a variety of professions and viewpoints represented could lead to policies and ordinances that are more sensitive to local conditions. Second, working on the private road standards during the General Plan update will allow for the integration of the recommendations into other sections of the General Plan and into the implementing ordinances.

Discussion and Recommendation

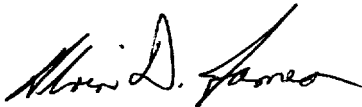
As your Board knows, the intent of this ordinance amendment was to correct an error adopted two years ago and to make the Grading Ordinance standards for private roads consistent with the requirements of the General Plan/LCP and the adopted Fire Codes for the Fire Districts in the County. These amendments have generated significant controversy. Following a number of community meetings and Board hearings, staff has prepared an ordinance that incorporates (or eliminates) the majority of the concerns expressed by members of the public attending the community meetings and Board meetings. These amendments were presented to your Board on May 7 and May 21, 2002 (Attachments 11 and 12, respectively). However, there are still concerns as evidenced by the correspondence your Board received for the May 21, 2002 meeting. Should your Board wish to proceed with these amendments, staff has included the Resolution (Attachment 6) and Ordinance (Attachment 7) from the May 21, 2002 hearing for your consideration and action.

At this point, however, staff believes that the direction recommended by Supervisor Pirie, modified as discussed above, is appropriate. This would immediately fix the error in the Grading Ordinance and achieve consistency between the General Plan and the Grading Ordinance without wholesale changes to an ordinance that had not generated any controversy before this 'fix' was proposed. The review of existing roads and application of site-specific exceptions by the fire chiefs, as provided for in the Fire Code, would continue to be implemented as it has been. In addition, it is recommended that your Board commit to the formation of a task force comprised of a variety of professions and interests to develop revisions to the Fire Safety Element and the Grading Ordinance as a part of the General Plan update, planned for commencement in the next few years.

It is, therefore, RECOMMENDED that your Board:

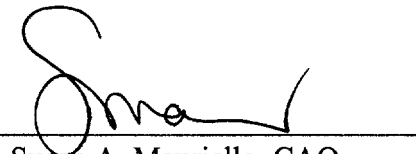
1. Adopt the attached Resolution Amending County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 8) giving final approval to the proposed amendments as proposed by Supervisor Pirie with staffs modifications; and
2. Adopt the attached Ordinance Amending County Code section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 9); and
3. Certify the CEQA Categorical Exemption (Attachment 10); and
4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification; and
5. Direct the Planning Department to include in the future work program for the General Plan update the formation of a Fire Safety Element Task Force, and to return at an appropriate time to the Board with a report on the proposed membership of the task force, as outlined in Supervisor Pirie's letter.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED: _____


 Susan A. Mauriello, CAO

- Attachments:
1. Minute Order, Item No. 79, May 21, 2002 Board Meeting
 2. Letter of Supervisor Ellen Pirie, dated May 20, 2002
 3. Comparison Chart
 4. Correspondence from May 21, 2002 Board meeting
 5. Letter of Bob Berlage, Big Creek Lumber C., dated May 14, 2002
 6. Resolution Approving the Proposed Grading Ordinance Amendments (May 21, 2002 version)

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7. Ordinance Amending County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (May 21, 2002)
8. Resolution Approving the Proposed Grading Ordinance Amendments (August 20, 2002 version)
9. Ordinance Amending County Code section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (August 20, 2002 version)
10. CEQA Exemption
11. Letter of Alvin D. James, Planning Director, dated April 25, 2002, with attachments (item no. 66, May 7, 2002 agenda)
12. Letter of Alvin D. James, Planning Director, dated May 14, 2002, with attachments (item no. 79, May 21, 2002 agenda)

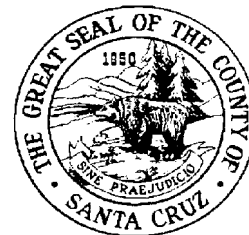
cc: Fire Chiefs Association of Santa Cruz County
Public Works Department
San Lorenzo Valley Water District
County Counsel
Santa Cruz County Resource Conservation District.

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

ATTACHMENT

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AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 21, 2002

REGULAR AGENDA Item No. 079

(CONTINUED TO AUGUST 20, 2002 public hearing to
(consider amendments to the County Grading Ordinance
(regarding design standards for roads and driveways;
(with a request the following information be provided
(in graph form: (1) existing standards, (2) staff
(recommendations for changes to existing standards
(where changes are recommended, (3) a list of community
(objections to recommended changes or community
(proposals that are different than staff
(recommendations and (4) an assessment of Supervisor
(Pirie's recommendations and how they are the same or
(different from staff recommendations...

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Almquist, the Board, with Supervisor Pirie being "absent", continued to August 20, 2002 public hearing to consider amendments to the County Grading Ordinance regarding design standards for roads and driveways; with a request the following information be provided in graph form: (1) existing standards, (2) staff recommendations for changes to existing standards where changes are recommended, (3) a list of community objections to recommended changes or community proposals that are different than staff recommendations and (4) an assessment of Supervisor Pirie's recommendations and how they are the same or different from staff recommendations

CC:

CAO

Planning Department - *Mark Denning*
Fire Chiefs Association of Santa Cruz County
Public Works Department
San Lorenzo Valley Water District
County Counsel
Santa Cruz County Resource Conservation District

State of California, County of Santa Cruz-ss

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 1

by *Sharon Mitchell*, Deputy Clerk, ON May 29, 2002.

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County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 5/21/02

May 20, 2002

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

RE: ITEM 79 - COUNTY GRADING ORDINANCE

Dear Members of the Board:

I am unable to attend the May 21, 2002, Board meeting due to a death in my family. However, I would ask that the Board consider the following recommendations regarding Item 79, the proposed changes to the County Grading Ordinance regarding design standards for roads and driveways.

There are a number of differences between the County's proposed Grading Ordinance and what the members of the public have suggested. Some of these differences seem to be technical and would therefore be difficult for either the Board to resolve or to resolve in another community meeting. Other differences would more appropriately be addressed in changes to the County Fire Code.

For instance, the County Planning Department proposal would require a 12 foot wide turnout on a 12 foot minimum width road while Big Creek Lumber representatives have proposed 6 foot wide turnouts on a 12 foot wide road. There are also differences in proposed exceptions to the standards. The County proposal is more general and leaves fire departments broader discretion in making exceptions, while Big Creek has proposed specific criteria.

At the same time, I believe it is necessary to have a functional County Grading Ordinance in place. The revisions underway were in response to an error in the current County Grading Ordinance surfacing standards as well as to bring the ordinance into compliance with the County Fire Code.

May 20, 2002

Page 2

In order to continue our efforts to determine specific modifications to the Grading Ordinance, I recommend that the Board take the following actions:

1. Adopt the attached resolution amending County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 1) giving final approval to the proposed amendments.
2. Consider approval of an ordinance repealing subsection (h) ~~of~~ Section 16.20.180 - Design Standards for Private Roads, Driveways and Bridges - of the County Code and replacing it with the language ~~of~~ that subdivision as it existed prior to the 1999 amendment. Direct the Planning Department to transmit the amendment to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification. This would repeal language approved in 1999 that contains an error in surfacing requirements.
3. Approve the establishment of a Private Road Standards Task Force. Using the public input provided in the four community meetings as a basis, the Task Force would be charged with recommending design standards for private roads and driveways that would provide adequate fire and safety access, including changes to the Fire Code, County Grading Ordinance and General Plan.
4. Direct the Planning Department to return on or before August 13, 2002, with a list of recommended appointees to a Private Road Standards Task Force. I would suggest that the Task Force should include, but not be limited to, a civil engineer, general engineering contractor, a representative of the fire departments, a member of an environmental group, a member of the community, and appropriate County staff.
5. Direct the Planning Department to return on or before August 13, 2002, with a proposed time line for meetings of the Task Force, including a date by which Task Force recommendations would be returned to the Board for consideration.

Very truly yours,



ELLEN PIRIE, Supervisor
Second District

EP:ted
Attachment

cc: Planning Department

3089A2

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AMENDING **COUNTY** CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

WHEREAS, the Santa Cruz County Planning Department in conjunction with the County Public Works Department and the Fire Chiefs Association of Santa Cruz County is proposing amendments to County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads, Driveways and Bridges; and

WHEREAS, the proposed amendments would ensure that firefighting and other emergency service trucks/equipment can safely and effectively use the County's rural private roads built or improved under the proposed guidelines; and

WHEREAS, the proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges consistent with the County Fire Code and the County General Plan/Local Coastal Program (GP/LCP); and

WHEREAS, this amendment is intended to reduce the deterioration of private roads and the resultant erosion problems; and

WHEREAS, on February 27, 2001, the Board of Supervisors gave preliminary approval to the proposed changes and directed staff to formally process the amendment through the environmental review and Planning Commission/Board of Supervisors public hearing processes; and

WHEREAS, the Planning Commission, on August 8, 2001, following a duly noticed public meeting recommended that the proposed amendments to the Grading Ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update; and

WHEREAS, the Board of Supervisors, on November 6, 2001, following a duly noticed public meeting, considered the amendments to the Grading Ordinance and directed the Planning Department to conduct a series of public meetings to resolve issues regarding the revised language; and

WHEREAS, on January 16, February 13, February 27, and April 18, 2002, the Planning Department conducted public meetings to discuss the revisions to the ordinance and amended language; and

WHEREAS, the Board of Supervisors, on May 21, 2002, considered the proposed ordinance and the revisions resulting from the public meetings, as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the Grading Ordinance have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the Grading Ordinance's Design Standards for Private Roads, Driveways and Bridges (Section 16.20.180), as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT **FURTHER** RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

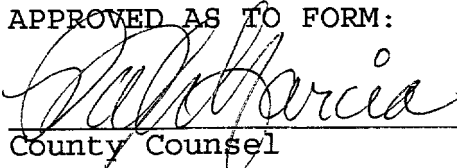
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2002 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

JANET K. BEAUTZ, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

cc: County Counsel
Planning Department

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ORDINANCE REPEALING AND THEN REENACTING
SUBSECTION 16.20.180 (h) OF THE
SANTA CRUZ COUNTY CODE RELATING TO DESIGN
STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby amended by repealing Subsection (h) :

~~(h) Road surfacing shall meet the following standards, based on the road gradient: 0 to 10 percent gradient -- 2 inches of drain rock compacted into a 4-inch sub-base of Class II baserock; 10-15 percent gradient -- oil and screenings; greater than 15 percent gradient -- 1 1/2 inches asphaltic concrete (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.~~

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby amended by adding subsection (h) to read as follows:

(h) In all cases, where road gradients exceed 15 percent, 1-1/2 inches of asphaltic concrete shall be provided, (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.) Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director.

SECTION III

This ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

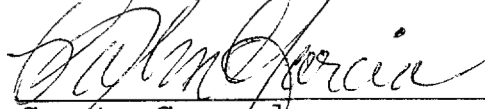
JANET K. BEAUTZ, Chairperson
Board of Supervisors

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ORDINANCE REPEALING *AND* THEN REENACTING
SUBSECTION 16.20.180 (h) OF THE
SANTA CRUZ COUNTY CODE RELATING TO DESIGN
STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES
Page 2

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel
Planning Department
Public Works Department

3089A2

ORDINANCE NO. _____

ORDINANCE REPEALING AND THEN REENACTING
SUBSECTION 16.20.180 (h) OF THE
SANTA CRUZ COUNTY CODE RELATING TO DESIGN
STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES

The Board of Supervisors of the County of Santa Cruz ordains
as follows:

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby
amended by repealing Subsection (h).

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby
amended by adding subsection (h) to read as follows:

(h) In all cases, where road gradients exceed 15
percent, 1-1/2 inches of asphaltic concrete shall be
provided. (EXCEPTION: aggregate base and asphaltic
concrete may be omitted if a structural section of 4
inch concrete is used.) Where road gradients exceed 10
percent and a high erosion hazard has been identified
by field review, oil and screen may be required at the
discretion of the Planning Director.

SECTION III

This ordinance shall take effect on the 31st day after final
passage or upon certification by the California Coastal
Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2002,
by the Board of Supervisors of the County of Santa Cruz by the
following vote:

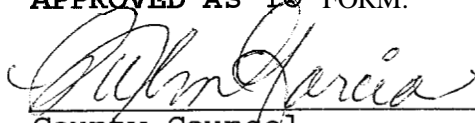
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

JANET K. BEAUTZ, Chairperson
Board of Supervisors

ORDINANCE REPEALING AND THEN REENACTING
SUBSECTION 16.20.180 (h) OF THE
SANTA CRUZ COUNTY CODE RELATING TO DESIGN
STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES
Page 2

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel
Planning Department
Public Works Department

3089A2

Feature	General Plan Standard	Fire Code Standard	Current Grading Ordinance	Proposed Grading Ordinance	"Community Concerns/Proposed Wording" ⁵
Roads and Driveways					
Definition of New Road	None ¹	None ¹	None ^{1/2}	None ^{1/2}	<u>Concerns</u> - Definition of 'new' road
Surfacing	"all weather" surface" – 6" of compacted base rock, Class 2 or equivalent, certified by a licensed engineer to 95% compaction; where grade exceeds 15%, overlain with 2" of asphaltic concrete	"all weather" surface" – 6" of compacted base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%	All Roads - 5" of Class 2 base rock for grades up to 15%; 1-1/2" of asphaltic concrete for grades exceeding 15% (4" of concrete can be substituted for asphaltic concrete); for grades exceeding 10% in high erosion areas, oil and screen may be required	<u>Existing Roads and Driveways</u> – Fire Chief requirements ¹ . New Roads - 6" of compacted base rock ³ for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%	<u>Concerns</u> – definition of 'new' road; cost of road and compaction certification; application of standards to existing roads <u>Proposed</u> – same as proposed grading ordinance, except for compaction details.
Road Width	18-foot wide for roads serving more than 2 habitable structures; 12-foot wide for roads or driveways serving 2 or fewer habitable structures; where site conditions warrant, roads and driveways may be 12-foot wide with 12 x 35-foot turn-outs every 500-feet ¹	18-foot wide for roads serving more than 2 habitable structures; 12-foot wide for roads or driveways serving 2 or fewer habitable structures; where site conditions warrant, roads and driveways may be 12-foot wide with 12 x 35-foot turn-outs every 500-feet ¹	All Roads - 16-foot for roadways; 12-foot for driveways; where site conditions warrant, roads and driveways may be 12-foot wide with 12 x 30-foot turn-outs every 500-feet ¹	<u>Existing Roads and Driveways</u> – Fire Chief requirements ¹ . New Roads - 18-foot wide for roads serving more than 2 habitable structures; 12-foot wide for roads or driveways serving 2 or fewer habitable structures; where site conditions warrant, roads and driveways may be 12-foot wide with 12 x 35-foot turn-outs every 500-feet	<u>Concerns</u> – definition of 'new' road; cost; application of standards to existing roads; effect on streams <u>Proposed</u> – same as proposed grading ordinance, except for dimensions of turn-outs
Maximum Grade	20%	20%	30%	20% (new roads)	<u>Proposed</u> - 20%

Turn-around Dimensions	36-foot or equivalent	36-foot or equivalent	35-foot or equivalent	36-foot or equivalent	Concern - size of turn-around Proposal - 36-foot or equivalent
Bridges					
Width	Same as road or driveway	20-foot; may be reduced per Fire Chief ¹	16-foot	4	
Vertical Clearance	14-foot	14-foot	14-foot	N/A	None
Capacity	25-ton	HS20-44 to	14-foot	N/A	None
County General Plan Policy 6.5.2 and Fire Code Section 16.22.030 defines a "new road" as any new construction and or driveway or any improvement to an existing road that requires more than 100 cubic yards of grading in a 500-foot street.					
County Code Section 16.22.030 defines a "new road" as any new construction and or driveway or any improvement to an existing road that requires more than 100 cubic yards of grading in a 500-foot street.					
Standards for bridges are proposed to be deleted from the Grac Ordinance as trading permits are not required for bridges; Fire Code requirements will prevail.					
From correspondence/testimony at May 21, 2002 Board meeting (Attachment 4) Proposed ordinance language from Big Creek Lumber attached (Attachment 5).					

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Santa Cruz County Board of Supervisors
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

5120102

RE: Design Standards for Private Roads and Driveways, Section 16.20.180
Item # 79 on Agenda for 5/2 1102

Dear Supervisors,

Thank you for taking the extra time to review the proposed ordinance on private road and driveway standards. Unfortunately, during **this** time, Mark Deming of the **County** Planning Department has taken the opportunity to make the ordinance even more onerous.

First, he is proposing to delete everything that is currently on the books for County Code Section 16.20.180 - Private Road and Driveway Standards. **This** is very significant, mainly because the current regulations contained'exceptionsto the **rules**.

Mr. Deming also has a new **definition** (of the week) for what constitutes a new road versus an existing road. He **doesn't** explain that the current **definition of** new roads contained in County Code Section 16.22.030 will also still apply.

Mr. Deming has mailed out a page to the very few members of the public who are on **his** mailing list which states that he received a proposed revision to the entire ordinance from Big Creek, which he reviewed and then revised the ordinance. He **doesn't** state in the mailer to the public that he summarily dismissed the entire proposal from Big Creek.

Amongst other fatal flaws, the critically onerous requirement for a licensed engineer to certify compaction of the 6" rock and the 8" subgrade is still present in the proposed ordinance.

The requirement for the compaction of new roads "to be certified by a licensed engineer" is singularly excessive. Professional road builders know that it becomes apparent soon after construction whether a road has been compacted properly. Paving and road building companies generally provide a one-year warranty on the work, and therefore compaction is not a problematic issue. If *not* done correctly, it will quickly fall back on the company that built the road.

Therefore, the time and money invested in hiring an engineer to certify the compaction is an unnecessary burden to the landowner, and does not provide additional liability coverage. Conversely, the money spent on hiring the engineering consultant could otherwise likely provide for ten years maintenance of the same road. Hiring an engineer to certify compaction is an exorbitantly expensive requirement. Licensed contractors are trained to build roads; requiring an additional engineer is not necessary.

Please eliminate the requirement of **hiring** a licensed engineer to certify the compaction of the 6 inches **rock** as well as the 8 inches sub grade, as this only serves as a financial hardship for landowners. Additionally please consider the impacts of this proposed ordinance on **existing** homes and existing roads, given **that** once again, **we are presented with yet another definition of "new roads" in the final hours and how this significantly impacts all other details within the ordinance.**

As stated in my previous letters, it is not appropriate for the county to exempt itself from performing proper environmental review of these regulations that have such major impact on the **land** and all the natural resources. **If** someone could possibly manage to adhere to these standards, the following partial list of problems would result: increased erosion due to **more** concentrated **runoff**, more petroleum products throughout **the** forest, increased quarrying and transportation of rock, wide swaths cut through the mountains, more trees being cut, and more weed seeds being distributed. Smaller roads with less added materials have much less impact on the land and still sufficiently accommodate **fire** response equipment.

More now than ever, this ordinance, if adopted as written, could be viewed **as a** political move by the County government to control growth. If that is the goal, then the **County** should buy more land, not continue to systematically squeeze landowners off properties.

The biggest tragedy remains that timberland owners who do not have a "TP" **zoning** are now poised to lose the remaining value of their properties. Without funds from **a** harvest, no one can possibly afford to bring in six inches of rock, hire a licensed engineer to certify the compaction of both six inches of rock and the eight inches **of** subgrade, build an 18 foot wide road, and surface it to these standards for any substantial length of road.

Finally, although I have requested numerous times for Mr. **Deming** to contact private road associations, this has not occurred. Until it does, the public that is most affected **by** these proposals has not been informed of these significant deliberations.

Thank you for your attention to these important matters.

Sincerely,

Lisa Rudnick

cc: County Counsel
Dennis Kehoe, ESQ.
Mark Rentz, ESQ.
Robert Bosso, ESQ.
Ron Zumbun, ESQ.
Pacific Legal Foundation

Santa Cruz County Sentinel
San Jose Mercury News
Valley Press/ SV Banner
Big Creek Lumber Company
Central Coast Forest Association
SLVPOA

Attachment: My letter dated 516102

Santa Cruz County Board of Supervisors
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

5/6/02

RE: Design Standards for Private Roads and Driveways, Section 16.20.180

Dear Supervisors,

After attending all four public meetings hosted by the Planning Department on the subject of private road and driveway standards, I am shocked that in the eleventh hour, Mark Deming produced an existing definition found within chapter 16.22.030 of "new roads". I feel that Mark was quite aware of this definition the whole while, and purposefully withheld this information. **A truthful process would have involved this existing definition of "new roads" being considered from the beginning.**

Many citizens had attempted to work in good faith through this process, only to realize that we were deceived. I now realize why the Valley Womens' Club and other like-minded political groups did not continue to attend the meetings after the second public meeting. They also apparently knew that this definition was to be presented in the final hours.

Therefore, it becomes even more obvious that this proposed ordinance is not about proper standards; the true purpose of this ordinance is to stop development in the rural areas of the county. Why else would the above-mentioned groups including the Sierra Club endorse 18-foot wide roads through the mountains? Only because they understand that the proposed standards are not realistic and will severely restrict any new road building. Unfortunately now, existing homes will also be significantly impacted by this ordinance, due to the existing definition of "new roads" being put forward at the end of this process.

During the past five months that various landowners attended these meetings, we were constantly assured that existing homes would not be targeted through this ordinance. Now that the definition of "new roads" includes existing roads (to homes) if one moves 100 cubic yards of dirt, it is evident that this whole process was a farce. I firmly believe that Mark Deming has not been straightforward with any members of the public other than the ring of "command and control" political groups. I believe that he does their bidding behind closed doors, and as such, represents a huge liability to your Board and to the County government as a whole.

The biggest tragedy of all is that timberland owners who do not have a "TP" zoning have now lost the remaining value of their properties. Without funds from a harvest, no one can possibly afford to bring in six inches of rock, hire a licensed engineer to certify the compaction of both six inches of rock and the eight inches of subgrade, build an 18 foot wide road, and surface it to these standards for any substantial length of road.

The requirement for the compaction of new roads "to be certified by a licensed engineer" is singularly excessive. Professional road builders know that it becomes apparent soon after construction whether a road has been compacted properly. Paving and road building companies generally provide a one-year warranty on the work, and therefore compaction is not a problematic issue. If *not* done correctly, it will quickly fall back on the company that built the road.

Therefore, the time and money invested in hiring an engineer to certify the compaction is an unnecessary burden to the landowner, and does not provide additional liability coverage. Conversely, the money spent on hiring the engineering consultant could otherwise likely provide for ten years maintenance of the same road. Hiring an engineer to certify compaction is an exorbitantly expensive requirement. Licensed contractors are trained to build roads; requiring an additional engineer is not necessary.

Please eliminate the requirement of hiring a licensed engineer to certify the compaction of the 6 inches rock as well as the 8 inches sub grade, as this only serves as a financial hardship for landowners. Additionally please consider the impacts of this proposed ordinance on existing homes and existing roads, given that we were presented with this definition of "new roads" in the final hours and how this significantly impacts all other details within the ordinance.

Lastly, it is not appropriate for the county to exempt themselves from performing proper environmental review of these regulations that have such major impact on the land and all the natural resources. If someone could possibly manage to adhere to these standards, the following partial list of problems would result: increased erosion due to more concentrated runoff, more petroleum products throughout the forest, increased quarrying and transportation of rock, wide swaths cut through the mountains, more trees being cut, and more weed seeds being distributed. Smaller roads with less added materials have much less impact on the land and still sufficiently accommodate fire response equipment.

This ordinance, if adopted as written, could be viewed as a political move by the County government to control growth. If that is the goal, then the County should buy more land, not continue to systematically squeeze landowners off properties.

Thank you for your attention to these important matters.

Sincerely,

Lisa Rudnick

cc: County Counsel
Dennis Kehoe, ESQ.
Mark Rentz, ESQ.
Robert Bosso, ESQ.
Ron Zumbrun, ESQ.
Pacific Legal Foundation

Santa Cruz County Sentinel
San Jose Mercury News
Valley Press/ SV Banner
Big Creek Lumber Company
Central Coast Forest Association
SLVPOA

May 14, 2002

Dear Supervisor,

It has come to my attention that there are proposed amendments to the county grading ordinance design **standards** for private roads and driveways.

In a couple of pages they are **trying** to write a **specification** for permanent all weather roads that will support heavy trucking. In the **terrain** of this county it **can** not be done this easily. Just off the top of my head some of the **things** that are missing **are** any **specifications** for cuts and fills. How fills **are** to be constructed and the relationship of these cuts and fills with respect to structures or other construction. In many cases standard building offsets are not enough. There has **been** no thought given **as** to how the road or driveway **will** be **built** to cross over areas that contain wet weather springs or drainage. The way **this** ordinance is written I can make vertical cuts of any height, shove the dirt over the edge over stumps and other debris compact the top 8 inches of **this** fill and I have a road I **can** compact base over. What I really have is a construction disaster. Fills must be compacted **from** the foot to the road bed over materials that won't decay. How do you go back and compact a fill that has a road on it? Where do you put the dirt you must dig out to **start** compaction at the **bottom**. Cuts and fills are going to present a real problem where driveways are specified to be a minimum of 12 to 18 feet wide. Driveways that **are** adequate for normal vehicles (the butane truck) do not present this much of a problem. The material in a fill goes up roughly $\frac{1}{2}$ the square of the increase in road width.

This ordinance is only written to **specify** the road width the fire people perceive they need for access. Most of what **they** **think** **they** want is not necessary. I will use Oakridge Road as an **example**. It is a steep, narrow (some sections **are** under 10 foot wide) crooked little road Oakridge Road does not meet this proposed ordinance in any way. Yet since 1943 we have been bringing in highway tractors with loaded 40 foot trailers behind them over it. We worry about traction on the grades rather than road width.

This ordinance will create a tremendous increase in black-market construction (construction without permits) **because** people can not afford to put in this size of road

Many properties do not have rights of way across them that are large enough to **build** this size of road especially when the cuts and fills must be kept inside of the right of way. Other properties only have right of way **by** adverse possession across them and then you only have a right of way defined **by** what is on the ground and nothing more. The first $\frac{1}{4}$ mile of Oakridge Road has this problem. I'm not talking off the top of my head on the right of way issue. My mother was an escrow officer for Penniman Title Company for many years and we were in court for 5 years to prove we controlled the right of way **by** adverse possession on Oakridge.

If this ordinance is adopted there **will** be a lot more court action as people **try** to open rights of way, **try** to force exception to **this** ordinance so they can use their property, as other people **try** to stop construction because of the need to cut so many trees, destroy so much natural beauty, and change the ecology so much.

If this ordinance is adopted it will create ecological disasters. Big roads shed a lot more water that would otherwise go into the water table. This added **run** off water **can** overload present drainage systems all the way to the ocean. I will use Oakridge Road as an example again. Even if we could **get** the right of way to construct this size of road, acres of trees would have to be cut to construct it with the necessary cuts and fills. The properties the **first** $\frac{1}{4}$ mile passes through would be ruined **This** **type** of scarring will appear all over the county unless exceptions are made, and if they got an exception why can't I get one. Where the cost of going to court is less than building **this** **type** of road it will go to court. We should not enact legislation where almost every case will become an exception.

Fire protection is the aim of this ordinance but it does not **specify** any alternatives to the big road and this is the real problem. Sadly even for all of the tremendous increase in cost this ordinance will not increase fire protection that much.

We **now** live with a 911 mentality within our society. Look at the latest pipe bombing case, and this person was born raised and schooled here, he should have been one of us. We have many in our society who were not. Who is up at UCSC? I am not **pointing** fingers but I keep getting introduced to Palestinians, good hard working, family people, **BUT**??? I worry about what anyone can do **with** a pocket full of matches in this county on a hot **August** of September **day**.

May-20-02 08:29pm From-FAVOR/McNAIR

8314760383

T-100 P.01/01 F-377

21

ATTACHMENT 4



ROSE MARIE McNAIR • BROKER

May 20, 2002

Members of the Board of Supervisors
county of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SENT VIA FAX TO 831-454-3262

RE: Item 79 Agenda May 21 DESIGN STANDARDS FOR PRIVATE RDS & DRIVEWAYS

Dear Members of the Board:

Upon reviewing the proposed changes to the County Grading Ordinance, I thought a few comments were in order. Clearly, the costs associated with building a home and implementing these new requirements will once again increase housing costs. In rural locations where it might be possible to build a home or two, with these new standards allocating a radius of 36 feet for a turn-around will require a level or nearly level area of over 4000 sq. ft. Properties that are only an acre in size may not have that much available land for the house, the driveway, the 4000 sq. ft. turn-around, septic, leach fields, etc. This requirement alone will eliminate the possibility of a rural residence on a previously viable lot. Fire trucks are able to turn around in less than that radius. If they couldn't than most of the existing homes in Santa Cruz would go down in flames including many homes in urban areas which don't have this requirement.

Increasing the road width to 18 feet will also be a deterrent to many possible building sites. Many private roads are less than 18 feet and access many homes. On these "existing roads", there are many vacant available parcels--will they be declined a building permit because they will be unable to retrofit the existing road? Therefore, yesterday a parcel was a viable building site and today, if this passes, it loses all value as a home site.

The road is paved with good intentions--good affordable housing is important and so is fire safety. Let's find a better way to address the complications of each and every parcel of property that is available for a home. Let's not short-change a property by drafting a blanket ordinance that eliminates creativity and possibility.

Thank you for your consideration. Please enter this letter into the record

Sincerely,

Rose Marie McNair

FAX • (831) 476-0383
2601 Forty First Avenue • Soquel, California 95073 • (831) 476-2102

X 31

May-20-02 08:29pm From-FAVOR/McNAIR

8314760383

T-100 P.01/01 F-377



ROSE MARIE McNAIR • BROKER

ATTACHMENT 4

May 20, 2002

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County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

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Increasing the road width to 18 feet will also be a deterrent to many possible building sites. Many private roads are less than 18 feet and access many homes. On these "existing roads", there are many vacant available parcels--will they be declined a building permit because they will be unable to retrofit the existing road? Therefore, yesterday a parcel was a viable building site and today, if this passes, it loses all value as a home site.

The road is paved with good intentions--good affordable housing is important and so is fire safety. Let's find a better way to address the complications of each and every parcel of property that is available for a home. Let's not short-change a property by drafting a blanket ordinance that eliminates creativity and possibility,

Thank you for your consideration. Please enter this letter into the record.

Sincerely,

Rose Marie McNair

FAX • (831) 476-0383

2601 Forty First Avenue • Soquel, California 95073 • (831) 476-2102

Date: May 6, 2002
To: The Board of Supervisors of Santa Cruz County, CA
701 Ocean St. , Santa Cruz, CA 95060
Atn: Members of the Board
From: Gordon Stewart, Jr.
PO Box 1476 Boulder Creek, CA 95006
Subj.: Resolution Proposed Ordinance--Private Road Standards

Members of the Board:

The Planning Department's Recommendation for passing the Resolution is derived from participation of concerned citizens who own property and are the people directly impacted by these road standards. For some of these land owners, mainly those who have existing roads and especially those fortunate to have their bridges completed, this proposal will have minimal impact on their lives. Those are the same people who worked to protect their rights at the meetings. Mark Demming deserves more than our respect for the outstanding example he set for others in our local government to emulate. He, along with representation from the many Fire Districts and the property owners of this county, worked hard and patiently to see to it that the People were heard and their issues were resolved in spite of pressures from the Board and Planning Department.

There exists another class of people who were under-represented at those meetings. Property owners who have not completed projects or those having plans to improve their property will be forced to live with the ordinance without representation.

Since the amount of difficulty in obtaining required permits will obviously increase after adoption, development will be suppressed, improvements to private property will go "underground", prices of surrounding already developed property will escalate upwards and the County has generated revenue from the increase of the tax base. All this plus, you, the Supervisors, get kudos from Coastal Planning, Enviro-Nazis, Socialists and the Agenda 21 crowds everywhere.

How can you possibly resist adopting the Resolution?

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ATTACHMENT 5

May 14 2002

Mark Deming/Principal Planner
County of Santa Cruz Planning Department
701 Ocean St.
Santa Cruz, CA 95060

Dear Mark

Please find enclosed a draft version of alternative language for the private road surfacing proposal. This is only a draft and should not be construed as the final position of Big Creek Lumber Company on this subject. We reserve the right to provide further comment and revisions.

This language has not been reviewed by any of the other attendees of the four previous public meetings. It would be inappropriate to act on this language without first receiving their legitimate input. Please do not hesitate to contact me should you have any questions.

Yours truly,

Bob Berlage
Communications Director

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DRAFT

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) PURPOSE. The purpose of these standards is to provide for adequate fire and safety access, in consultation with the Fire Chief having jurisdiction.

(b) APPLICATION. These standards apply to:

- (1) New road construction requiring a grading permit.
- (2) Road improvement requiring the excavating of more than 100 cubic yards of earth in any 500-foot segment, excluding maintenance and repair.

(c) EXCEPTIONS. The Planning Director, in consultation with the Fire Chief having jurisdiction, may waive any or all of the provisions of this section:

- 1 Where there is a conflict with Title 16 of this Code, including, but not limited to, excessive grading, sensitive habitat or tree removal;
- 2 Where the provisions are inappropriate due to topography or environmental impacts;
- 3 Where the provisions are not needed for adequate fire and safety access;
- 4 Where historical use of the road ^{has} ~~is shown~~ that it is adequate for fire and safety access;
- 5 Where a demonstration has shown that the road is adequate for fire and safety access;
- 6 When approving an exception, the Planning Director may require, as a minimum, an all-weather road that is generally 12 feet wide with turnouts a minimum of 6 feet wide with approach and departure aprons at intervals of about 500 feet.

(d) EXCLUSIONS. Road maintenance and repair are excluded from the provisions of this section.

(e) For purposes of this section, the word "road" refers to private roads, driveways and secondary access roads, unless the context requires otherwise.

(f) The minimum width of a secondary access road, or a road serving no more than two habitable structures, shall be 12 feet. The minimum width of a road serving more than two habitable structures shall be 18 feet.

(g) The road shall have a nominal minimum centerline radius of 36 feet.

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(h) The road grade may not exceed 20%.

(i) The structural section of the road shall be at least six inches of Class II base rock. The base rock and sub-grade below the base rock shall be compacted as appropriate for the intended use as specified by a licensed soils or civil engineer. A licensed soils or civil engineer shall certify that the specified compaction has been achieved. Exceptions to this standard are as follows:

1. Where the subgrade is designated as a clayey soil, the structural section of the road shall be determined using the California Design Procedure.
2. The Planning Director, in consultation with the Fire Chief having jurisdiction, may omit the base rock required by these standards if a licensed soils or civil engineer certifies that the native material or existing roadbed provides bearing capacity equivalent to the roadbed specified in this section.

(j) In addition to the requirements in section (i), an all-weather surface shall be provide as follows, unless the applicable Fire Code requires a higher standard:

1. For grades between 5% and 15%, oil and screening (chip seal) over the base rock.
2. For grades of 15% or more, two inches asphaltic concrete over the base rock, or four inches concrete over native material.
3. The Planning Director, in consultation with the Fire Chief having jurisdiction, may approve the use of alternative materials to meet the surfacing requirement.

(k) At the entrance of the road, the road grade shall be limited as shown in Figure 4.

FIGURE 4

(l) Asphalt or concrete berms, or their equivalent, may be required to control drainage. Discharge shall be at points of natural drainage courses with energy dissipators installed where necessary to prevent erosion.

(m) Any dead end road more than 150 feet long shall end in a turn-around area having a minimum radius of 36 feet, or its equivalent.

(n) A minimum vertical clearance of 14 feet shall be maintained on all roads.

(o) An Encroachment Permit shall be obtained from the Public Works Department for any new road that connects to a County maintained road.

(p) All roads constructed pursuant to these standards shall be maintained in good operating condition.

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AMENDING COUNTY CODE SECTION 16.20.180 – GRADING ORDINANCE
DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

WHEREAS, the Santa Cruz County Planning Department in conjunction with the County Public Works Department and the Fire Chiefs Association of Santa Cruz County is proposing amendments to County Code Section 16.20.180 – Grading Ordinance Design Standards for Private Roads, Driveways and Bridges; and

WHEREAS, the proposed amendments would ensure that firefighting and other emergency service trucks/equipment can safely and effectively use the County's rural private roads built or improved under the proposed guidelines; and

WHEREAS, the proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges consistent with the County Fire Code and the County General Plan/Local Coastal Program (GP/LCP); and

WHEREAS, this amendment is intended to reduce the deterioration of private roads and the resultant erosion problems; and

WHEREAS, the proposed minimum roadway widths have been increased, to 18-feet for more than two habitable structures and 12-feet for two or fewer habitable structures, to allow fire apparatus to gain access to the structures in the event of an emergency while allowing residents to exit the area, with an exception clause that allows for the reduction to 12-feet (with approved turn-outs) in cases where there would be significant environmental impacts resulting from meeting the full width standard; and

WHEREAS, on February 27, 2001, the Board of Supervisors gave preliminary approval to the proposed changes and directed staff to formally process the amendment through the environmental review and Planning Commission/Board of Supervisors public hearing processes; and

WHEREAS, the Planning Commission, on August 8, 2001, following a duly noticed public meeting recommended that the proposed amendments to the Grading Ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update; and

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d- WHEREAS, the Board of Supervisors, on November 6, 2001, following a duly noticed public meeting, considered the amendments to the Grading Ordinance and directed the Planning Department to conduct a series of public meetings to resolve issues regarding the revised language; and

WHEREAS, on January 16, February 13, February 27, and April 18, 2002, the Planning Department conducted public meetings to discuss the revisions to the ordinance and amended language; and

WHEREAS, the Board of Supervisors, on May 7, May 21 and August 20, 2002, considered the proposed ordinance and the revisions resulting from the public meetings, as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the Grading Ordinance have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the Grading Ordinance's Design Standards for Private Roads, Driveways and Bridges (Section 16.20.180), as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

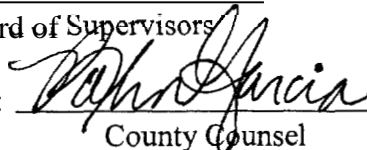
BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2002 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

APPROVED AS TO FORM: 
County Counsel

cc: County Counsel
Planning Department

May 21, 2002 version
~~Highlight/strikeover~~ from existing ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING COIJNTY CODE SECTION 16.20.180- GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND
BRIDGES

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS?AND DRIVEWAYS AND
BRIDGES

(a) All private roads and driveways ~~construction, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section. These requirements may be modified for emergency access, temporary roads or roads leading to an agricultural building or well site if approved in writing by the Planning Director and the Fire Chief of the applicable Fire Protection District.~~

1. Existing Private Roads and Driveways: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site.

2. New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards.

(i) Unobstructed width of roadbed for a roadway serving more than two habitable structures shall be 16 18 feet minimum; unobstructed width of a driveways roadbed serving two or fewer habitable structures shall be 12-feet minimum. Where it is environmentally infeasible to meet these criteria these criteria conflict with other standards set forth in Title 16 of this Code (due to including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35 30-foot long turnouts, with approved approach and departure access, located

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approximately every 500 feet may be approved with the approval of the fire department. The distance between turnouts may be adjusted at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District if deemed appropriate for reasons of topography, environmental impacts or emergency access.

(ii) All roadways or driveways shall have a minimum centerline radius shall be of 36 35-feet. (EXCEPTION: Driveways which serve as access to any habitable structure and which are 150 feet or less from the main road.)

(iii) The maximum grade of the private road or driveway shall not exceed 15 20 percent. however, Grades of up to 20 over 15 percent are only permitted for up to 200 feet at a time, under circumstances where there is at least 35 feet of less than 15% grade, every 200 feet.

(iv) The All private roadways or driveways, including those used for secondary access, shall have a structural section shall consist of a minimum 5 6 inches of compacted Class II baserock. , Class II or Class IV. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Class IV aggregate base should have a minimum R value of 50, and not more than 10 percent of the aggregate shall pass the number 200 sieve. Exceptions to this standard are as follows:

(A) Where the subgrade is designated as an expansive clayey soil, the structural section should be determined using the California Design Procedure.

(B) The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides sufficient equivalent bearing capacity for all-weather use to that specified in (iv) above, as certified by a licensed soils or civil engineer.

(v) The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, may be is required over the baserock at the discretion of the Planning Director, for all road or driveway grades between 5% and 15%. In all cases, Where road gradients exceed 15 percent, 1 1/2 2 inches of asphaltic concrete shall be provided placed over the baserock. Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, Exceptions to the provisions of this subsection include the following: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. may be omitted if a structural section of 4 inches of concrete is used; 2. The Planning Director, in consultation with the Fire Chief of the applicable fire district, may modify the surfacing requirements for the use of alternate materials.

(vi) All secondary access roads shall be surfaced with 2 inches of asphaltic concrete.

(vii) Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

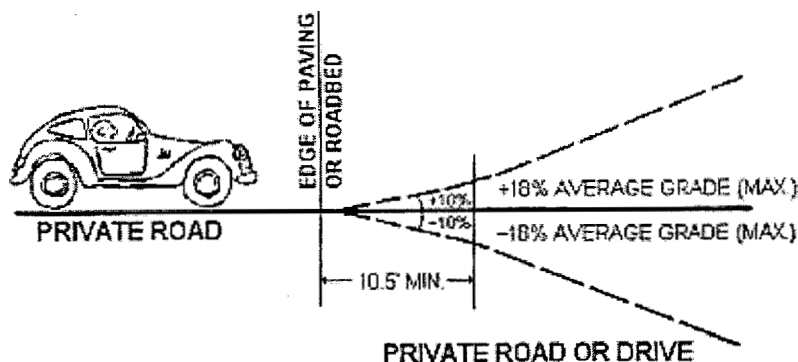


Fig. 4

(i)(g) 3 Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(k) 4 Any private roadway or driveway which is more than 300 150 feet long and a dead end shall have a turn-around area with a minimum of 32 36 feet unobstructed radius or equivalent.

(l) 5 A horizontal clearance of 16 feet and a vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.

(m) 6 Where a private road or driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(n)(1) Bridges shall be at least 16 20 feet of clear width. The Fire Chief of the authority having jurisdiction may allow the width to be reduced in accordance with the adopted fire code and Fire Safety Element of the Santa Cruz County General Plan. Bridges and culverts shall be designed by a civil engineer for a H 20 HS 20 44 (25 ton) loading. The bridge weight limit shall be posted at both ends of the bridge. If the bridge crosses a stream or drainage channel, hydraulic calculations based on a 100 year storm shall be submitted showing hydraulic adequacy of the spanned cross section of the stream or drainage channel.

7. All roads, secondary access roads, and driveways shall be permanently maintained as originally constructed in conformance with these standards.

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SECTION III

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SIJPERVISORS
NOES: ~~SI~~JPERVISORS
ABSENT: SUPERSVISORS
ABSTAIN: SIJPERVISORS

CHAIRPERSON, BOARD OF SIJPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning Department
County Counsel

31

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) All private roads and driveways, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section.

1. Existing Private Roads and Driveways: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site.

2. New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards.

(i) Unobstructed width of roadbed serving more than two habitable structures shall be 18 feet minimum; unobstructed width of roadbed serving two or fewer habitable structures shall be 12-feet minimum. Where these criteria conflict with other standards set forth in Title 16 of this Code (including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35-foot long turnouts, with approved approach and departure access, located approximately every 500 feet may be approved at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District, if deemed appropriate for reasons of topography, environmental impacts or emergency access.

(ii) All roadways or driveways shall have a minimum centerline radius of 36-feet.

(iii) The grade of the private road or driveway shall not exceed 20 percent. Grades over 15 percent are only permitted under circumstances where there is at least 35 feet of less

than 15% grade, every 200 feet.

(iv) All private roads or driveways, including those used for secondary access, shall have a structural section of a minimum 6 inches of compacted Class II baserock. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Exceptions to this standard are as follows:

(A) Where the subgrade is designated as a clayey soil, the structural section should be determined using the California Design Procedure.

(B) The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides equivalent bearing capacity to that specified in (4.) above, as certified by a licensed soils or civil engineer.

(v) The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, is required over the baserock for all road or driveway grades between 5% and 15%. Where road gradients exceed 15 percent, 2 inches of asphaltic concrete shall be placed over the baserock. Exceptions to the provisions of this subsection include: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. 2. The Planning Director, in consultation with the Fire Chief, may modify the surfacing requirements for the use of alternate materials.

(vi) All secondary access roads shall be surfaced with 2 inches of asphaltic concrete

(vii) Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

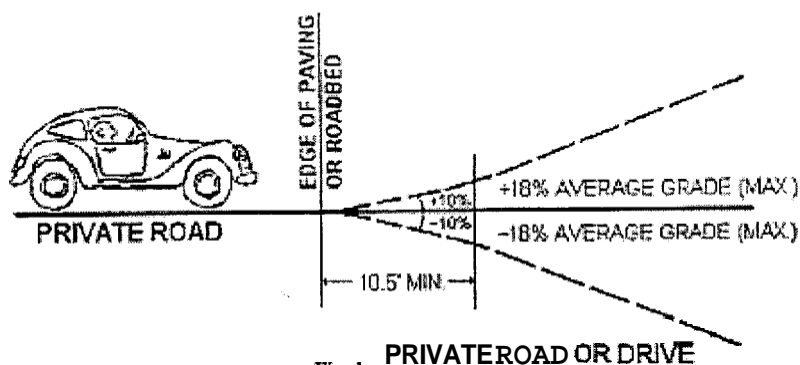


Fig. 4

3. Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges

shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

4. Any private roadway or driveway which is more than 150 feet long and a dead end shall have a turn-around area with a minimum of 36 feet unobstructed radius or equivalent.

5. A vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.

6. Where a private driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

7. All roads, secondary access roads, and driveways shall be permanently maintained as originally constructed in conformance with these standards.

SECTION III

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

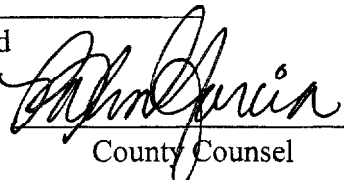
ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AMENDING COUNTY CODE SECTION 16.20.180– GRADING ORDINANCE
DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

WHEREAS, the Santa Cruz County Planning Department in conjunction with the County Public Works Department and the Fire Chiefs Association of Santa Cruz County is proposing amendments to County Code Section 16.20.180– Grading Ordinance Design Standards for Private Roads, Driveways and Bridges; and

WHEREAS, the proposed amendments would ensure that firefighting and other emergency service trucks/equipment can safely and effectively use the County’s rural private roads built or improved under the proposed guidelines; and

WHEREAS, the proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges consistent with the County Fire Code and the County General Plan/Local Coastal Program (GP/LCP); and

WHEREAS, this amendment is intended to reduce the deterioration of private roads and the resultant erosion problems; and

WHEREAS, the proposed minimum roadway widths have been increased, to 18-feet for more than two habitable structures and 12-feet for two or fewer habitable structures, to allow fire apparatus to gain access to the structures in the event of an emergency while allowing residents to exit the area, with an exception clause that allows for the reduction to 12-feet (**with** approved turn-outs) in cases where there would be significant environmental impacts resulting from meeting the full width standard; and

WHEREAS, on February 27, 2001, the Board of Supervisors gave preliminary approval to the proposed changes and directed staff to formally process the amendment through the environmental review and Planning Commission/Board of Supervisors public hearing processes; and

WHEREAS, the Planning Commission, on August 8, 2001, following a duly noticed public meeting recommended that the proposed amendments to the Grading Ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update; and

WHEREAS, the Board of Supervisors, on November 6, 2001, following a duly noticed public meeting, considered the amendments to the Grading Ordinance and directed the Planning Department to conduct a series of public meetings to resolve issues regarding the revised language; and

WHEREAS, on January 16, February 13, February 27, and April 18, 2002, the Planning Department conducted public meetings to discuss the revisions to the ordinance and amended language; and

WHEREAS, the Board of Supervisors, on May 7, May 21 and August 20, 2002, considered the proposed ordinance and the revisions resulting from the public meetings, as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the Grading Ordinance have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the Grading Ordinance's Design Standards for Private Roads, Driveways and Bridges (Section 16.20.180), as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2002 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

APPROVED AS TO FORM: 
County Counsel

cc: County Counsel
Planning Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND
BRIDGES

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby amended to read as follows:

**16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS? AND DRIVEWAYS AND
BRIDGES**

(a) All private road and driveway construction requiring a grading approval shall conform to the provisions of this section. These requirements may be modified for emergency access, temporary roads, or roads leading to an agricultural building or well site if approved in writing by the Planning Director.

(b) Width of roadbed for a roadway shall be 46 ~~18~~ feet minimum; width of a driveway shall be 12 feet minimum. Where it is environmentally infeasible to meet these criteria (due to excessive grading or tree removal), a 12-foot wide all-weather road with 12-foot wide by 30-foot long turnouts located approximately every 500 feet may be approved with the approval of the fire department. The distance between turnouts may be adjusted at the discretion of the Planning Director if deemed appropriate for reasons of topography, environment or emergency access.

(c) Minimum centerline radius shall be 35 feet. (EXCEPTION: Driveways which serve as access to any habitable structure **and** which are 150 feet or less from the main road.)

(d) The maximum **grade** of the road or driveway shall not exceed 1.5 percent; however, grades of up to 20 percent are permitted for up to 200 feet at a time.

(e) The structural section shall consist of a minimum 5 ~~6~~ inches of base rock, Class II or Class IV. Class IV aggregate base should have a minimum **R** value of 50, and not more than 10 percent of the aggregate shall pass the number 200 sieve.

(f) Where the subgrade is designated as **an** expansive clayey soil, the structural section should be determined using the California Design Procedure.

(g) The aggregate base required by these design standards can be omitted if the Planning

Director determines that the native material provides sufficient bearing capacity for all weather use.

(h) Road surfacing shall meet the following standards, based on road gradient: 0 to 10 percent gradient—2 inches of drain rock compacted into a 4 inch sub base of Class II baserock; 10—15 percent gradient—oil and screenings; greater than 15 percent gradient—1-1/2 inches asphaltic concrete (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used). In all cases, where road gradients exceed 15 percent, 1-1/2 inches of asphaltic concrete shall be provided. (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.) Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director.

(i) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharge shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(j) Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

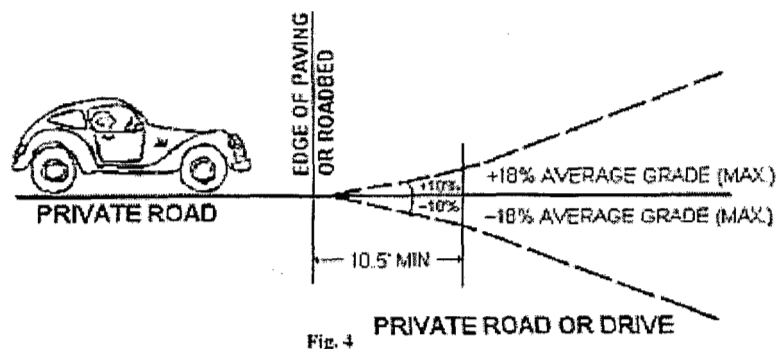


Fig. 4

(k) Any roadway or driveway which is more than 300 feet long and a **dead** end shall have a turn-around area with a minimum of **32** feet radius, or equivalent.

(l) A horizontal clearance of 16 feet and a vertical clearance of **14** feet shall **be** maintained on all roadways, driveways, **and** turnouts.

(m) Where a private driveway will connect to a county-maintained road, an Encroachment Permit shall first be obtained from the Public **Works** Department.

Exhibit 1

~~(n) Bridges shall be at least 16 feet wide, and shall be designed by a civil engineer for a H-20 loading. If the bridge crosses a stream or drainage channel, hydraulic calculations based on a 100 year storm shall be submitted showing hydraulic adequacy of the spanned cross section of the stream or drainage channel. (Ord. 2500, 11/8/77; 3321, 11/23/82; 3599, 11/6/84)~~

SECTION II

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby amended to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) All private road and driveway construction requiring a grading approval shall conform to the provisions of this section. These requirements may be modified for emergency access, temporary roads, or roads leading to an agricultural building or well site if approved in writing by the Planning Director.

(b) Width of roadbed for a roadway shall be 18 feet minimum; width of a driveway shall be 12 feet minimum. Where it is environmentally infeasible to meet these criteria (due to excessive grading or tree removal), a 12-foot wide all-weather road with 12-foot wide by 30-foot long turnouts located approximately every 500 feet may be approved with the approval of the Grc department. The distance between turnouts may be adjusted at the discretion of the Planning Director if deemed appropriate for reasons of topography, environment or emergency access.

(c) Minimum centerline radius shall be 35 feet. (EXCEPTION: Driveways which serve as access to any habitable structure **and** which are 150 feet or less from the main road.)

(d) The maximum grade of the road or driveway shall not exceed **15** percent; however, grades of up to 20 percent are permitted for up to 200 feet at a time.

(e) The structural section shall consist of a minimum 6 inches of base rock, Class II or Class IV. Class IV aggregate base should have a minimum R value of 50, **and** not more than 10 percent of the aggregate shall pass the number 200 sieve.

(f) Where the subgrade is designated as an expansive clayey soil, the structural section should be determined using the California Design Procedure.

(g) The aggregate base required by these design standards can be omitted if the Planning Director determines that the native material provides sufficient bearing capacity for all weather use.

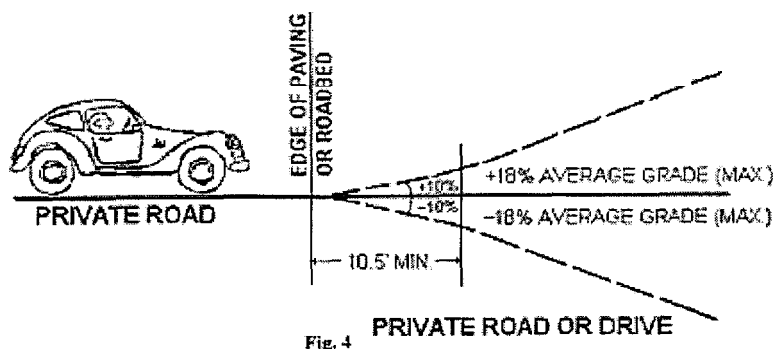
(h) In all cases, where road gradients exceed **15** percent, **2** inches of asphaltic concrete shall

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Attachment 9

be provided. (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.) Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director.

- (i) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharge shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.
- (j) Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.



- (k) Any roadway or driveway which is more than 300 feet long and a dead end shall have a turn-around area with a minimum of 32 feet radius, or equivalent.
- (l) A horizontal clearance of 16 feet and a vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.
- (m) Where a private driveway will connect to a county-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(Ord. 2500, 11/8/77; 3321, 11/23/82; 3599, 11/6/84)

SECTION II

This Ordinance shall take effect on the 31st day after find passage or upon certification by the California Coastal Commission, whichever is later.

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PASSED AND ADOPTED this _____ day of _____, 2002, by the Board of Supervisors of **the** County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

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NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

ATTACHMENT 10

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. N/A

Assessor Parcel No. N/A

Project Location: County-wide

Project Description: Proposed revisions to County Code Section 16.20.180 - Design Standards for Private Road, Driveways and Bridges

Person or Agency Proposing Project:

Phone Number:

A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. XX Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

- | | |
|---|---|
| <input type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 17. Open Space Contracts or Easements |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 18. Designation of Wilderness Areas |
| <input type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 19. Annexation of Existing Facilities/Lots for Exempt Facilities |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 20. Changes in Organization of Local Agencies Limitations |
| <input type="checkbox"/> 5. Alterations in Land Use | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 22. Educational Programs |
| <input checked="" type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 10. Loans | |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing |
| <input type="checkbox"/> 14. Minor Additions to Schools Facilities | |
| <input type="checkbox"/> 15. Minor Land Divisions | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |

E. _____ Lead Agency Other Than County:

Date: _____

Mark M. Deming, AICP



ATTACHMENT 11
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COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

May 14, 2002

AGENDA: May 21, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

**CONTINUED PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S
RECOMMENDATIONS REGARDING AMENDMENTS TO THE COUNTY GRADING
ORDINANCE REGARDING REVISED DESIGN STANDARDS FOR PRIVATE ROADS,
DRIVEWAYS AND BRIDGES**

Members of the Board:

On May 7, 2002, your Board continued the public hearing on this matter in order for staff to resolve the wording of the definition of 'new road' that was presented in the revised ordinance. This definition included in the revised ordinance came directly from the County Code and defined a new road as any road that required more than 100 cubic yards of grading in a 500-foot stretch of roadway. It also defined all logging roads approved by the State under a Timber Harvest Plan as new roads for the purpose of subsequent development. A number of persons expressed their concern over the proposed addition of this language for several reasons: 1. The language had not been discussed at the community meetings, 2. The language conflicted with the ability of timberland owners to continue to log and to provide access to residential use of their properties, and 3. The belief that almost every road improvement would be considered as a new road under the definition. The following discussion focuses on that particular part of the ordinance. All other provisions of the ordinance remain as recommended on May 7, 2002,

Staff had requested suggested wording for a revision to the definition and has received input from Big Creek Lumber (Attachment 6). However, instead of just presenting a revised definition of existing or new road, a completely revised ordinance was presented. Staff has reviewed the proposed language and, while the efforts of the authors are appreciated, the proposed changes to the ordinance cannot be recommended. The proposed ordinance deals almost entirely with new roads. While much of the language mirrors staffs proposed ordinance, other provisions are not consistent with the General Plan/LCP, including the standards for road base and road gradient. The only reference to existing roads is as a part of the exceptions (section (c)), where the provisions of this ordinance may be waived by the Planning Director if the road is determined to be adequate for fire and safety access based on historical use of the road or where it is demonstrated that the road is adequate for the level of access needed. No definition of 'historical use' or criteria for road adequacy is proposed.

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To address this issue, staff discussed the matter with fire district staff. Based on this discussion, staff has revised the ordinance to remove the reference to the definition of 'new road or driveway' originally proposed. The reason for this revision is that the existing process under which private roads are reviewed when new development is proposed determines whether the road is an existing or new road. This process begins with a site visit by the Fire Chief (or representative) of the fire district having jurisdiction to determine what standards are going to apply given the type of development, the access proposed and a whole host of other factors, as allowed by the Fire Code (all of the Fire Districts in the County have adopted the same Fire Code language). If the Fire Chief determines that existing road standards are appropriate and these requirements result in improvements that require a grading permit, then the existing road standards in the proposed ordinance would apply. If the Fire Chief applies the standards for new roads, then those will be the standards required by the grading permit.

As your Board knows, the intent of this ordinance is to correct an error adopted two years ago and to make the Grading Ordinance standards for private roads consistent with the requirements of the General Plan/LCP and the adopted Fire Codes for the Fire Districts in the County. Staff has worked with the community to craft an ordinance that recognizes the reality of the existing private roads in the County. Staff believes that the ordinance is consistent with the General Plan and the County Fire Code.

It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Amending County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 1) giving final approval to the proposed amendments; and
2. Adopt the attached Ordinance Amending County Code section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 2); and
3. Certify the CEQA Categorical Exemption (Attachment 4); and
4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED: _____
Susan A. Mauriello, CAO

- Attachments:
1. Resolution Approving the Proposed Grading Ordinance Amendments
 2. Ordinance Amending County Code section 16.20.180- Grading Ordinance Design Standards for Private Roads **and** Driveways (Clean Version)
 3. Ordinance Amending County Code section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (highlighted/strikeover version)
 4. CEQA Exemption
 5. Letter of Alvin D. James, Planning Director, dated **April** 25, 2002, with attachments (item no. 66, May 7, 2002 agenda)
 6. Letter of Bob Berlage, Big Creek Lumber Co., dated May 14, 2002.

cc: Fire Chiefs Association of Santa Cruz County
 Public Works Department
 San Lorenzo Valley Water District
 County Counsel
 Santa **Cruz** County Resource Conservation District

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AMENDING COUNTY CODE SECTION 16.20.180 – GRADING ORDINANCE
DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

WHEREAS, the Santa Cruz County Planning Department in conjunction with the County Public Works Department and the Fire Chiefs Association of Santa Cruz County is proposing amendments to County Code Section 16.20.180 – Grading Ordinance Design Standards for Private Roads, Driveways and Bridges; and

WHEREAS, the proposed amendments would ensure that firefighting and other emergency service trucks/equipment can safely and effectively use the County's rural private roads built or improved under the proposed guidelines; and

WHEREAS, the proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges consistent with the County Fire Code and the County General Plan/Local Coastal Program (GP/LCP); and

WHEREAS, this amendment is intended to reduce the deterioration of private roads and the resultant erosion problems; and

WHEREAS, the proposed minimum roadway widths have been increased, to 18-feet for more than two habitable structures and 12-feet for two or fewer habitable structures, to allow fire apparatus to gain access to the structures in the event of an emergency while allowing residents to exit the area, with an exception clause that allows for the reduction to 12-feet (with approved turn-outs) in cases where there would be significant environmental impacts resulting from meeting the full width standard; and

WHEREAS, on February 27, 2001, the Board of Supervisors gave preliminary approval to the proposed changes and directed staff to formally process the amendment through the environmental review and Planning Commission/Board of Supervisors public hearing processes; and

WHEREAS, the Planning Commission, on August 8, 2001, following a duly noticed public meeting recommended that the proposed amendments to the Grading Ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update; and

WHEREAS, the Board of Supervisors, on November 6, 2001, following a duly noticed public meeting, considered the amendments to the Grading Ordinance and directed the Planning Department to conduct a series of public meetings to resolve issues regarding the revised language; and

WHEREAS, on January 16, February 13, February 27, and April 18, 2002, the Planning Department conducted public meetings to discuss the revisions to the ordinance and amended language; and

WHEREAS, the Board of Supervisors, on May 21, 2002, considered the proposed ordinance and the revisions resulting from the public meetings, as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the Grading Ordinance have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the Grading Ordinance's Design Standards for Private Roads, Driveways and Bridges (Section 16.20.180), as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2002 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

APPROVED AS TO FORM: _____
County Counsel

cc: County Counsel
Planning Department

50

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) All private road and driveway construction, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section.

(b) Existing Roadway Improvements: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site.

(c) New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards.

1. Unobstructed width of roadbed serving more than two habitable structures shall be 18 feet minimum; unobstructed width of roadbed serving two or fewer habitable structures shall be 12-feet minimum. Where these criteria conflict with other standards set forth in Title 16 of this Code (including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35-foot long turnouts, with approved approach and departure access, located approximately every 500 feet may be approved at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District, if deemed appropriate for reasons of topography, environmental impacts or emergency access.

2. All roadways or driveways shall have a minimum centerline radius of 36-feet,

3. The grade of the private road or driveway shall not exceed 20 percent. Grades over 15 percent are only permitted under circumstances where there is at least 35 feet of less than

31

15% grade, every 200 feet.

4. All private roads or driveways, including those used for secondary access, shall have a structural section of a minimum 6 inches of compacted Class II baserock. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Exceptions to this standard are as follows:

- i. Where the subgrade is designated as a clayey soil, the structural section should be determined using the California Design Procedure.
- ii. The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides equivalent bearing capacity to that specified in (4.) above, as certified by a licensed soils or civil engineer.

5. The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, is required over the baserock for all road or driveway grades between 5% and 15%. Where road gradients exceed 15 percent, 2 inches of asphaltic concrete shall be placed over the baserock. Exceptions to the provisions of this subsection include: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. 2. The Planning Director, in consultation with the Fire Chief, may modify the surfacing requirements for the use of alternate materials,

6. All secondary access roads shall be surfaced with 2 inches of asphaltic concrete

7. Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

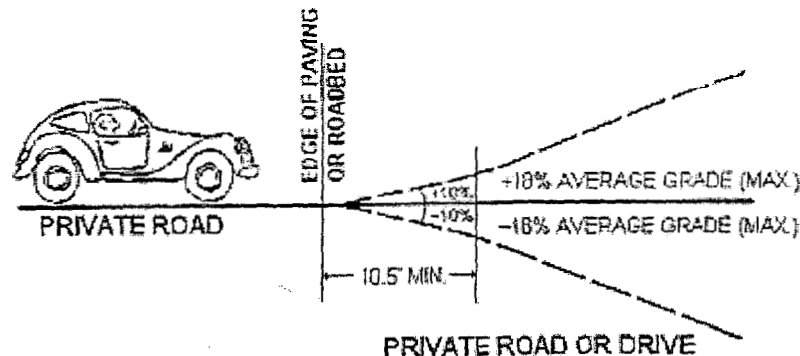


Fig. 4

d) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges

ORDNANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted,

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) All private road and driveway construction, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section.

(b) Existing Roadway Improvements: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site.

(c) New Private Roads or Driveways: **All** new private roadways and driveways shall meet the following standards.

1. Unobstructed width of roadbed serving more than two habitable structures shall be 18 feet minimum; unobstructed width of roadbed serving two or fewer habitable structures shall be 12-foot minimum. Where these criteria conflict with other standards set forth in Title 16 of this Code (including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35-foot long turnouts, with approved approach and departure access, located approximately every 500 feet may be approved at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District, if deemed appropriate for reasons of topography, environmental impacts or emergency access.
2. **All** roadways or driveways shall have a minimum centerline radius of 36-feet.
3. The grade of the private road or driveway shall not exceed 20 percent. Grades over 15

percent are only permitted under circumstances where there is at least 35 feet of less than 15% grade, every 200 feet.

4. All private roads or driveways, including those used for secondary access, shall have a structural section of a minimum 6 inches of compacted Class II baserock. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Exceptions to this standard are as follows:

- i. Where the subgrade is designated as a clayey soil, the structural section should be determined using the California Design Procedure.
- ii. The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides equivalent bearing capacity to that specified in (4.) above, as certified by a licensed soils or civil engineer.

5. The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, is required over the baserock for all road or driveway grades between 5% and 15%. Where road gradients exceed 15 percent, 2 inches of asphaltic concrete shall be placed over the baserock. Exceptions to the provisions of this subsection include: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. 2. The Planning Director, in consultation with the Fire Chief, may modify the surfacing requirements for the use of alternate materials.

6. All secondary access roads shall be surfaced with 2 inches of asphaltic concrete

7. Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

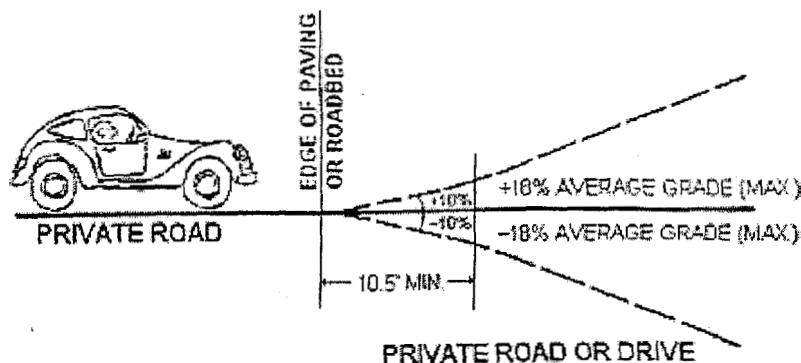


Fig. 4

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d) Asphalt or concrete berms or their equivalent may be required to control drainage, Discharges shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(e) Any private roadway or driveway which is more than 150 feet long and a dead end shall have a turn-around area with a minimum of 36 feet unobstructed radius or equivalent.

(f) A vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.

(g) Where a private driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(h) All roads, secondary access roads, and driveways shall be permanently maintained as originally constructed in conformance with these standards.

SECTION III

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning Department
County Counsel

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~~Changes from November 2001~~ May 7, 2002

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS AND
BRIDGES

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS AND
BRIDGES

(a) All private ~~road~~ and driveway construction, **including all secondary access roads required by a land division**, requiring a grading approval shall conform to the provisions of this section. ~~These requirements may be modified for emergency access, temporary roads or roads leading to an agricultural building or well site if approved in writing by the Planning Director and the Fire Chief of the applicable Fire Protection District.~~

(b) ~~Existing Roadway Improvements:~~ The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site. ~~An existing vehicular accessway that is not defined as a "new road or driveway" pursuant to Section 16.22.030, shall be considered an existing road or an existing driveway for the purposes of this section.~~

(c) ~~New Private Roads or Driveways:~~ All new private roadways and driveways shall meet the following standards:

1. Unobstructed width of roadbed for all ~~new~~ roadways serving **more than two habitable structures** shall be ~~at least~~ 18 feet minimum; **unobstructed** width of all ~~new~~ driveways ~~roadbed~~ serving **two or fewer habitable structures** shall be 12-foot minimum. Where **these criteria conflict with other Title 16 standards set forth in Title 16 of this Code** it is environmentally infeasible to meet these criteria (due to ~~including~~ **including**, but not limited to, excessive grading, **sensitive habitats** or tree removal), a 12-foot wide all-weather road with 12-foot wide by ~~35~~ 30-foot long turnouts, **with approved approach and departure**

access, located approximately every 500 feet may be approved with the approval of the fire department. The distance between turnouts may be adjusted at the discretion of the Planning Director and, in consultation with the Fire Chief of the applicable Fire Protection District if deemed appropriate for reasons of topography, environment² impacts or emergency access.

2. All roadways and or driveways shall have a minimum centerline radius shall be of 36 35-feet. (EXCEPTION: Driveways which serve as access to any habitable structure and which are 150 feet or less from the main road.)

3. The maximum grade of the private road or driveway shall not exceed 15 20 percent. however, Grades of up to 20 over 15 percent are only permitted for up limited to stretches of 200 feet. at a time. under circumstances where there is at least with 35 feet of less than 15% grade, every 200 feet.

4. All private roadways, secondary access roads and or driveways, including those used for secondary access, shall have a The structural section shall consist of a minimum 5 6 inches of compacted Class II baserock. , Class II or Class IV. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Class IV aggregate base should have a minimum R value of 50, and not more than 10 percent of the aggregate shall pass the number 200 sieve. Exceptions to this standard are as follows:

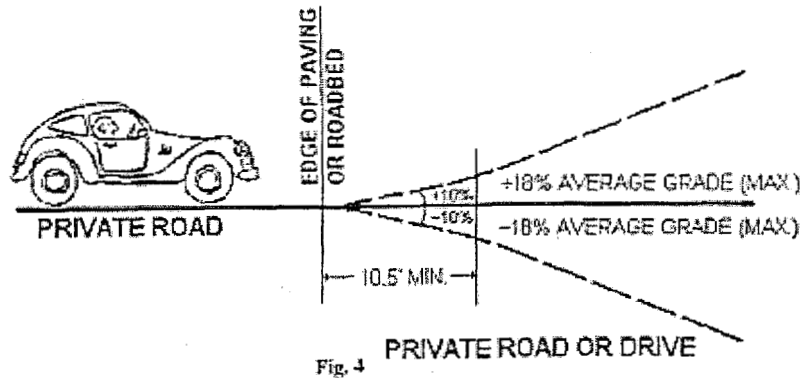
- i. Where the subgrade is designated as an expansive clayey soil, the structural section should be determined using the California Design Procedure.
- ii. The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides sufficient equivalent bearing capacity for all weather use to that specified in (4) above, as certified by a licensed soils or civil engineer.

5. In all cases, The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard. Oil and screen, at a minimum, may be is required over the baserock at the discretion of the Planning Director. for all road or driveway grades up to between 5% and 15%. Where road gradients exceed 15 percent, 1½ 2 inches of asphaltic concrete shall be provided placed over the baserock.. Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, Exceptions to the provisions of this subsection include the following: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. may be omitted if a structural section of 4 inches of concrete is used; 2. The Planning Director, in consultation with the Fire Chief of the applicable fire district, may modify

~~the surfacing requirements for the use of alternate materials.~~

6. All secondary access roads shall be surfaced with 2 inches of asphaltic concrete.

7. Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure '4.



(i)(g) ~~(d)~~ Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(k)(e) Any private roadway or driveway which is more than 300 **150** feet long and a dead end shall have a turn-around area with a minimum of 35 **36** feet **unobstructed** radius or equivalent.

(l)(f) A ~~horizontal clearance of 16 feet and a~~ vertical clearance of 14 feet shall be maintained on all roadways, driveways, **bridges**, and turnouts.

(m) ~~(g)~~ Where a private ~~road or~~ driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

~~(n)(l) Bridges shall be at least 16-20 feet of clear width. The Fire Chief of the authority having jurisdiction may allow the width to be reduced in accordance with the adopted fire code and Fire Safety Element of the Santa Cruz County General Plan. Bridges and culverts shall be designed by a civil engineer for a HS-20-44 (25-ton) loading. The bridge weight limit shall be posted at both ends of the bridge. If the bridge crosses a stream or drainage channel, hydraulic calculations based on a 100-year storm shall be submitted showing hydraulic adequacy of the spanned cross-section of the stream or drainage channel.~~

~~(m)(h)~~ All roads, secondary access roads, ~~and~~ driveways ~~and bridges~~ shall be permanently maintained as originally constructed in conformance with these standards. ~~Failure to~~

maintain all roads, secondary access roads, driveways, drainage improvements and bridges that were constructed pursuant to these standards is subject to the code enforcement provisions of Chapter 19.01 of the County Code.

SECTION III

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning Department
County Counsel

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

ATTACHMENT 1 59

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. N/A

Assessor Parcel No. N/A

Project Location: County-wide

Project Description: Proposed revisions to County Code Section 16.20.180 – Design Standards for Private Road, Driveways and Bridges

Person or Agency Proposing Project:

Phone Number:

A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. XX Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

- _____ 1. Existing Facility
- _____ 2. Replacement or Reconstruction
- _____ 3. New Construction of Small Structure
- _____ 4. Minor Alterations to Land
- _____ 5. Alterations in Land Use
- _____ 6. Information Collection
- X 7. Actions by Regulatory Agencies for Protection of the Environment
- _____ 8. Actions by Regulatory Agencies for Protection of Nat. Resources
- _____ 9. Inspection
- _____ 10. Loans
- _____ 11. Accessory Structures
- _____ 12. Surplus Govt. Property Sales
- _____ 13. Acquisition of Land for Wild-Life Conservation Purposes
- _____ 14. Minor Additions to Schools Facilities
- _____ 15. Minor Land Divisions
- _____ 16. Transfer of Ownership of Land to Create Parks

- _____ 17. Open Space Contracts or Easements
- _____ 18. Designation of Wilderness Areas
- _____ 19. Annexation of Existing Facilities/Lots for Exempt Facilities
- _____ 20. Changes in Organization of Local Agencies Limitations
- _____ 21. Enforcement Actions by Regulatory Agencies
- _____ 22. Educational Programs
- _____ 23. Normal Operations of Facilities for Public Gatherings
- _____ 24. Regulation of Working Conditions
- _____ 25. Transfers of Ownership of Interests in Land to Preserve Open Space
- _____ 26. Acquisition of Housing for Housing Assistance Programs
- _____ 27. Leasing New Facilities
- _____ 28. Small Hydroelectric Projects at Existing
- _____ 29. Cogeneration Projects at Existing Facilities

E. _____ Lead Agency Other Than County:

Mark M. Deming, AICP

Date: _____

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ATTACHMENT 5

May 14 2002

Mark Deming/Principal Planner
County of Santa Cruz Planning Department
701 Ocean St.
Santa Cruz, CA 95060

Dear Mark:

Please find enclosed a draft version of alternative language for the private road surfacing proposal. This is only a draft and should not be construed as the final position of Big Creek Lumber Company on this subject. We reserve the right to provide further comment and revisions.

This language has not been reviewed by any of the other attendees of the four previous public meetings. It would be inappropriate to act on this language without first receiving their legitimate input. Please do not hesitate to contact me should you have any questions.

Yours truly,

Bob Berlage
Communications Director

DRAFT

16 20 180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS.

(a) PURPOSE. The purpose of these standards is to provide for adequate fire and safety access, in consultation with the Fire Chief having jurisdiction.

(b) APPLICATION. These standards apply to:

- (1) New road construction requiring a grading permit.
- (2) Road improvement requiring the excavating of more than 100 cubic yards of earth in any 500-foot segment, excluding maintenance and repair.

(c) EXCEPTIONS. The Planning Director, in consultation with the Fire Chief having jurisdiction, may waive any or all of the provisions of this section:

1. Where there is a conflict with Title 16 of this Code, including, but not limited to, excessive grading, sensitive habitat or tree removal;
2. Where the provisions are inappropriate due to topography or environmental impacts;
3. Where the provisions are not needed for adequate fire and safety access;
4. Where historical use of the road has shown that it is adequate for fire and safety access;
5. Where a demonstration has shown that the road is adequate for fire and safety access.
6. When approving an exception, the Planning Director may require, as a minimum, an all-weather road that is generally 12 feet wide with turnouts a minimum of 6 feet wide with approach and departure aprons at intervals of about 500 feet.

(d) EXCLUSIONS. Road maintenance and repair are excluded from the provisions of this section.

(e) For purposes of this section, the word "road" refers to private roads, driveways and secondary access roads, unless the context requires otherwise.

(f) The minimum width of a secondary access road, or a road serving no more than two habitable structures, shall be 12 feet. The minimum width of a road serving more than two habitable structures shall be 18 feet.

(g) The road shall have a nominal minimum centerline radius of 36 feet.

DRAFT**16 20 180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS.**

(a) PURPOSE. The purpose of these standards is to provide for adequate fire and safety access, in consultation with the Fire Chief having jurisdiction.

(b) APPLICATION. These standards apply to:

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- 1 Where there is a conflict with Title 16 of this Code, including, but not limited to, excessive grading, sensitive habitat or tree removal;
- 2 Where the provisions are inappropriate due to topography or environmental impacts;
- 3 Where the provisions are not needed for adequate fire and safety access;
- 4 Where historical use of the road as shown that it is adequate for fire and safety access;
- 5 Where a demonstration has shown that the road is adequate for fire and safety access.
- 6 When approving an exception, the Planning Director may require, as a minimum, an all-weather road that is generally 12 feet wide with turnouts a minimum of 6 feet wide with approach and departure aprons at intervals of about 500 feet.

(d) EXCLUSIONS. Road maintenance and repair are excluded from the provisions of this section.

(e) For purposes of this section, the word "road" refers to private roads, driveways and secondary access roads, unless the context requires otherwise.

(f) The minimum width of a secondary access road, or a road serving no more than two habitable structures, shall be 12 feet. The minimum width of a road serving more than two habitable structures shall be 18 feet.

(g) The road shall have a nominal minimum centerline radius of 36 feet.



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

April 25, 2002

AGENDA: May 7, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

REVISED DESIGN STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND BRIDGES

Members of the Board:

The proposed ordinance amendments would revise the section of the Grading Ordinance which establishes the standards for the construction of rural private roads, bridges and driveways when a Grading Permit is required. The reason that this ordinance is before your Board is to rectify earlier amendment mistakes and to bring the ordinance into conformity with the County General Plan/Local Coastal Program Land Use Plan and the County Fire Code.

On November 20, 2001, your Board continued this matter and directed Planning staff to meet with the public to seek their input regarding the proposed ordinance amendments. Staff has conducted a number of public meetings and has worked with the fire districts and the concerned public to prepare the revised ordinance language presented to your Board today.

Background

On December 14, 1999, your Board adopted a number of policy and ordinance amendments, including revisions to the rural road standards, for privately maintained roadways. Section 16.20.180 (Design Standards for Private Roads, Driveways and Bridges) of the County Code, a part of the County Grading Ordinance, establishes standards for the construction of all private roads, driveways and bridges where a Grading Permit is required. Following adoption by your Board, this package of amendments was forwarded to the Coastal Commission for its review. In May 2000, the Coastal Commission adopted the revised road standards as a minor amendment.

On June 20, 2000, your Board directed Planning staff to present a report outlining the efforts the Department was undertaking to educate the public and facilitate the implementation of the recently adopted standards. Planning staff began the outreach process by first discussing the new

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road standards with the Fire Chiefs Association of Santa Cruz County. As a result of these discussions, Planning staff reported back in September and December 2000 that the Fire Chiefs Association had a number of concerns with the adopted road standard as well as the existing road standards in the Grading Ordinance. These included concerns about the ability of fire/emergency vehicles to negotiate roads with the adopted drain rock surfacing as well as the fire chiefs concern that the current private road, driveway and bridge standards in the Grading Ordinance were not consistent with the County Fire Code and the County General Plan/Local Coastal Program (GPLCP). Planning staff requested, and your Board granted, additional time to allow the Planning Department and the Fire Chiefs Association to complete the review of the road standards and to develop any necessary revisions. Planning staff and the Fire Chiefs Association met on a monthly basis to address these issues and crafted amendments to the Grading Ordinance which are consistent with the County Fire Code and the GPLCP.

On February 27, 2001 your Board gave preliminary approval to proposed amendments to the Grading Ordinance that would ensure that firefighting trucks/equipment can safely and effectively use the County's rural private roads, and to make the guidelines consistent with the Fire Code and the GP/LCP, and directed the Planning Department to process the amendments. On August 8, 2001, the Planning Commission considered the proposed amendments and recommended their approval by your Board.

On November 6, 2001, your Board considered the Planning Commission's recommendations regarding proposed amendments to the Grading Ordinance regarding the design standards for private roads, bridges and driveways (Attachment 7). Following the public hearing, your Board continued the matter to the November 20 agenda. On November 20, 2001, your Board continued this matter to January 27, 2002 and directed Planning staff to meet with the members of the public to resolve their concerns regarding the proposed ordinance and to address issues regarding the use of existing roads and the application of the ordinance in hardship cases. Because additional time was needed to complete the public review of the ordinance, the matter was continued to today's agenda.

Public Meetings

Planning staff hosted four public meetings: January 29, February 13, February 27 and April 18, 2002. These meetings were advertised by publication of the meeting notice in the Santa Cruz Sentinel and the Register Pajaronian. Mailed notice was given to those persons who either spoke at the November Board meetings or added their names to the mailing list at the meetings. From 20-30 people attended each of the four meetings. Staff taped the discussion of the last three meetings. The tapes of these meetings (Attachment 8) are on file with the Clerk of the Board should Board Members wish to hear the discussion regarding the amendments.

The major part of the discussion at the first three public meetings focused on the effects of the proposed ordinance on existing roads. Most of the people were concerned about the costs and practicality of widening existing roads to meet the higher standards of the proposed ordinance. Numerous examples were given of narrow roads that could not be widened due to physical constraints such as creeks, trees and steep hillsides/cliffs. Fire officials discussed their practices in

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reviewing new development located on these roads and gave examples of how they would react to hypothetical situations.

The issue of what occurs in hardship cases was also discussed at the public meetings. Hypothetical examples were presented and the representatives of the fire districts stated that the existing language of the Fire Code regarding development on existing roads, including replacement structures, gives them a great deal of flexibility. This allows them to tailor their requirements to the situation, the characteristics of the existing road and the constraints to additional road improvement.

As a result of the concerns regarding the problems with upgrading existing roads, staff and representatives of the Fire Chiefs Association worked together to craft revisions to the ordinance which address the differences between existing and new roads, and works with the procedures and practices of the various fire districts for reviewing building applications that would trigger road improvements. The fourth public meeting focused on these revisions and minor changes suggested by the public.'

Revised Ordinance

As noted above, the ordinance has been revised to create two different standards for road improvements. This version of the proposed ordinance is before you today (clean version - Attachment 2; strike-over/underlined version - Attachment 3). The following discussion will provide additional detail on the proposed revisions.

For residential development on existing roads, the revised ordinance recognizes that the Fire Chief of the applicable fire district currently has the flexibility under the Fire Code (Attachment 5) and the GP/LCP (Policies 6.5.1 and 6.5.2 - Attachment 6) to determine what improvements are necessary and appropriate. Therefore, for all development on existing rural private roads and driveways, the required widths, surfacing, locations of turn-outs and other required road improvements is proposed to be determined by the Fire Chief on a case-by-case basis. This determination by the Fire Chief is based on a review of the existing road, the proposed development, the physical and environmental constraints affecting the roadway, any other fire hazard mitigation measures proposed and the needs of the fire district to provide adequate fire and safety access to the development site. Because this ordinance language mirrors the current practices of the fire districts, the public attending the meetings and the representatives of the fire districts were supportive of this revision.

However, because neither the Fire Code nor the GP/LCP give that kind of flexibility for the construction of new roads, the proposed ordinance requires that all new roads meet the specific

'The version of the revised ordinance which was mailed out to meeting participants contained several typographic errors. A corrected version was presented at the meeting. The corrected version corrected the typographic errors and clarified the wording of the provision regarding the maximum slope allowed for new roads and driveways.

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standards specified in the Fire Code and the GPLCP. The primary changes to the existing Grading Ordinance standards include road widths, surfacing and the deletion of the standards for bridges.

The roadway widths specified in the proposed Grading Ordinance have been increased to be consistent with the minimum widths established by the GPLCP and the Fire Code. These widths (18-feet for more than two habitable structures and 12-feet for two or fewer habitable structures) will allow fire apparatus to gain access to the structures in the event of an emergency while allowing residents to exit the area. The exception clause, which allows for the reduction of the 18-foot wide roadway to 12-feet (with approved turn-outs) in cases where there would be significant environmental impacts resulting from meeting the full width standard, is retained with minor modifications.

The surfacing requirement has been revised to be consistent with the Fire Code definition of “all-weather” road surfacing, replacing the current ordinance which requires 2 inches of drain rock over 4 inches of base rock. The “all-weather” road standard in the revised ordinance includes 6 inches of compacted base rock for roads with grades of 0% to 5%. Roads with grades between 5% and 15% are required to have the compacted base rock surface overlaid with oil and screening surfacing. Roadways with grades greater than 15% are required to have a surface of 2 inches of asphaltic concrete over the compacted base rock. The ordinance provides for exceptions to these standards for equivalent sub-base and alternate surfacing materials.

The revised ordinance deletes the bridge standards. The reason for this proposed change is that the construction of bridges does not require a grading permit so the placement of standards in this section of the Grading Ordinance is inappropriate. Instead, the required standards for bridge improvement and/or construction can be found in the Fire Code (County Code Chapter 7.92 - Attachment 5).

Staff is also recommending that the ordinance continue to designate the Planning Director as the person responsible for approving alternate width standards (12-foot road, with turnouts) where meeting the 18-foot wide road requirement would create excessive environmental impacts (subsection (c)i)) and for the approval of alternate surfacing and sub-base modifications (subsections (c)iv) and (c)v)). The draft of the ordinance presented at the public meeting, instead, designated the Fire Chief as the approving authority for these exceptions. These changes are recommended because staff believes that it is appropriate for the Planning Department to have the final decision in the standards for the issuance of a Grading Permit. For new roads which do not require a Grading Permit, these decisions will be made by the Fire Chief of the applicable fire district.

Applicability

The proposed amendment to the Grading Ordinance will enact the same standards for the improvement of existing roads and the construction of new roads that currently exist in the County Fire Code and GPLCP. Moreover, this section is only applicable to development on

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private roads and driveways where a grading permit is necessary for road improvements required to meet the access standards of the applicable fire district. Road improvements for urban development is governed by County Code Chapter 15.10. Grading Permits are not issued for grading work serving new land divisions pursuant to County Code 16.20.040, however, the Department of Public Works and the Planning Department utilize these standards for new roads in their review of rural land divisions.

Proposed Implementation Program

To facilitate implementation of the new rural road standards, staff proposes to conduct a public education/outreach program that includes preparation of a new Rural Road and Driveway Standards brochure (to be made available on the Planning Department website and in a brochure available at the zoning counter), as well as updating the existing grading ordinance and erosion control brochures to include reference to the new standards. In addition, the public education effort will include presentations to be made at appropriate public meetings and outreach through the Santa Cruz County Resource Conservation District. A specific effort will be made to ensure that appropriate Public Works Department staff members are made fully aware of the new standards as well. Additionally, information on the new standards will be provided to applicants at the Planning Department zoning counter.

Conclusion and Recommendation

The road surfacing standards approved by your Board in 1999 were originally proposed to be applied to new private roads as well as to new timber harvest roads. However, the road surfacing standards that were a part of the 1999 and 2000 packages of amendments to the Forest Practice Rules were not approved by the California Board of Forestry. Your Board, however, approved the amended standards for use on private roads and subsequently directed the Planning Department to prepare a public information and implementation program for the new standards. As a part of that program, staff discovered that not only were the revised surfacing standards not acceptable to the fire districts, but the Grading Ordinance had never been updated to be consistent with the County General Plan/Local Coastal Program Land Use Plan and the County Fire Code.

The amendments to the Grading Ordinance presented to your Board in November 2001 were a product of the collaboration between Planning staff, DPW and the fire districts. This ordinance was consistent with the County General Plan/Local Coastal Program Land Use Plan. At the meeting in November, members of the public raised concerns regarding the application of the ordinance to their particular situations and in hardship cases. Your Board continued the matter to allow staff to meet with the public to resolve these issues. A series of public meetings were held and the most critical issue identified by the public at these meetings was existing roads. Most people could not see how their existing road could be widened to meet the new standards. To address these concerns and to implement the current practices of the fire districts with regard to development on existing roads, the ordinance has been revised. The revisions require the standards specified in the Fire Code and GP/LCP for all new roads, but allow the fire districts to determine the extent of improvements required for development on existing roads.

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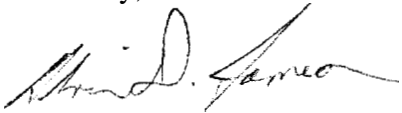
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The proposed amendments to the Grading Ordinance Design Standards are necessary to bring the standards of the Grading Ordinance into conformity with the fire codes adopted by the local fire districts and with the County General Plan/Local Coastal Program Land Use Plan. The proposed amendments have been found by Planning Department staff to be categorically exempt from CEQA and a CEQA Categorical Exemption form has been prepared (Attachment 4). The Planning Commission, on August 8, 2001, following a duly noticed public meeting, adopted a Resolution recommending approval of the proposed amendments to the Grading Ordinance, County Code Section 16.20.180(a part of Attachment 7), and the CEQA Categorical Exemption,

It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Amending County Code Section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 1) giving final approval to the proposed amendments; and
2. Adopt the attached Ordinance Amending County Code section 16.20.180 - Grading Ordinance Design Standards for Private Roads and Driveways (Attachment 2); and
3. Certify the CEQA Categorical Exemption (Attachment 4); and
4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED

Susan A. Mauriello
County Administrative Officer

ATTACHMENTS:

1. Resolution Approving the Proposed Grading Ordinance Amendments
2. Ordinance Amending County Code section 16.20.180- Grading Ordinance Design Standards for Private Roads and Driveways (Clean Version)
3. Ordinance Amending County Code section 16.20.180- Grading Ordinance Design Standards for Private Roads and Driveways (Strikeover/underlined

69 467

Version)

4. CEQA Exemption
5. County Code Chapter 7.92 (Fire Code)
6. General Plan/Local Coastal Program Land Use Plan Policies 6.5.1 and 6.5.2
7. Letter of Alvin D. James, Planning Director, dated October 22, 2001 (item no. **68**, November 6, 2001 BOS agenda)
8. Tapes of February 13, 2002, February 27, 2002 and **April** 18, 2002 Public Meeting Re: Roads Ordinance (on file with the Clerk of the Board)

cc: Fire Chiefs Association of Santa Cruz County
Public Works Department
San Lorenzo Valley Water District
County Counsel
Santa Cruz County Resource Conservation District

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

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION AMENDING COUNTY CODE SECTION 16.20.180- GRADING ORDINANCE
DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

WHEREAS, the Santa Cruz County Planning Department in conjunction with the County Public Works Department and the Fire Chiefs Association of Santa Cruz County is proposing amendments to County Code Section 16.20.180 – Grading Ordinance Design Standards for Private Roads, Driveways and Bridges; and

WHEREAS, the proposed amendments would ensure that firefighting and other emergency service trucks/equipment can safely and effectively use the County's rural private roads built or improved under the proposed guidelines; and

WHEREAS, the proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges consistent with the County Fire Code and the County General Plan/Local Coastal Program (GPLCP); and

WHEREAS, this amendment is intended to reduce the deterioration of private roads and the resultant erosion problems; and

WHEREAS, the proposed minimum roadway widths have been increased, to 18-feet for more than two habitable structures and 12-feet for two or fewer habitable structures, to allow fire apparatus to gain access to the structures in the event of an emergency while allowing residents to exit the area, with an exception clause that allows for the reduction to 12-feet (with approved turn-outs) in cases where there would be significant environmental impacts resulting from meeting the full width standard; and

WHEREAS, on February 27, 2001, the Board of Supervisors gave preliminary approval to the proposed changes and directed staff to formally process the amendment through the environmental review and Planning Commission/Board of Supervisors public hearing processes; and

WHEREAS, the Planning Commission, on August 8, 2001, following a duly noticed public meeting recommended that the proposed amendments to the Grading Ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update; and

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WHEREAS, the Board of Supervisors, on November 6, 2001, following a duly noticed public meeting, considered the amendments to the Grading Ordinance and directed the Planning Department to conduct a series of public meetings to resolve issues regarding the revised language; and

WHEREAS, on January 16, February 13, February 27, and April 18, 2002, the Planning Department conducted public meetings to discuss the revisions to the ordinance and amended language; and

WHEREAS, the Board of Supervisors, on May 7, 2002, considered the proposed ordinance and the revisions resulting from the public meetings, as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, the staffreport, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the proposed amendments to the Grading Ordinance have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to the Grading Ordinance's Design Standards for Private Roads, Driveways and Bridges (Section 16.20.180), as set forth in Exhibit 1, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2002 by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

.....

.....

ATTEST:

Clerk of the Board of Supervisors

Chairperson of the Board of Supervisors

APPROVED AS TO FORM:

County Counsel

....

cc: County Counsel
Planning Department

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AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180- GRADING
ORDNANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa **Cruz** County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) **All** private road and driveway construction, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section.

(b) Existing Roadway Improvements: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site. An existing vehicular accessway that is not defined as a "new road or driveway" pursuant to Section 16.22.030, shall be considered an existing private road or an existing driveway for the purposes of this section.

(c) New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards.

1. Unobstructed width of roadbed serving more than two habitable structures shall be 18 feet minimum; unobstructed width of roadbed serving two or fewer habitable structures shall be 12-feet minimum. Where these criteria conflict with other standards set forth in Title 16 of this Code (including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35-foot long turnouts, with approved approach and departure access, located approximately every 500 feet may be approved at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District, if deemed appropriate for reasons of topography, environmental impacts or emergency access.

2. All roadways or driveways shall have a minimum centerline radius of 36-feet.

3. The grade of the private road or driveway shall not exceed 20 percent. Grades over 15 percent are only permitted under circumstances where there is at least 35 feet of less than 15% grade, every 200 feet.

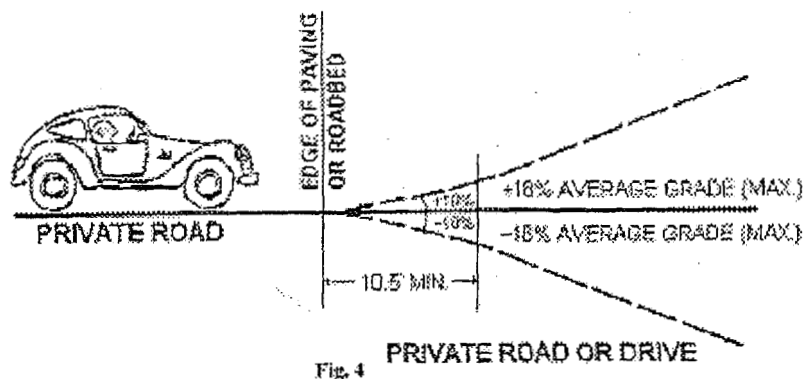
4. All private roads or driveways, including those used for secondary access, shall have a structural section of a minimum 6 inches of compacted Class II baserock. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Exceptions to this standard are as follows:

- i. Where the subgrade is designated as an clayey soil, the structural section should be determined using the California Design Procedure.
- ii. The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides equivalent bearing capacity to that specified in (4.) above, as certified by a licensed soils or civil engineer.

5. The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, is required over the baserock for all road or driveway grades between 5% and 15%. Where road gradients exceed 15 percent, 2 inches of asphaltic concrete shall be placed over the baserock. Exceptions to the provisions of this subsection include: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. 2. The Planning Director, in consultation with the Fire Chief, may modify the surfacing requirements for the use of alternate materials.

6. All secondary access roads shall be surfaced with 2 inches of asphaltic concrete

7. Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.



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(d) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(e) **Any** private roadway or driveway which is more than 150 feet long and a dead end shall have a turn-around area with a minimum of **36** feet unobstructed radius or equivalent.

(f) A vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.

(g) Where a private driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(h) All roads, secondary access roads, and driveways shall be permanently maintained as originally constructed in conformance with these standards.

SECTION III

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

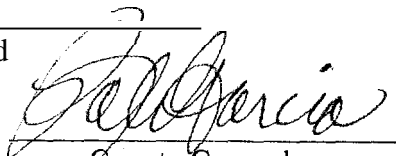
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180- GRADING
ORDINANCE DESIGN **STANDARDS** FOR PRIVATE ROADS AND DRIVEWAYS**SECTION I**

Section 16.20.180 of the Santa **Cruz** County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa Cruz County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS

(a) All private road and driveway construction, including all secondary access roads required by a land division, requiring a grading approval shall conform to the provisions of this section.

(b) Existing Roadway Improvements: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site. An existing vehicular accessway that is not defined as a "new road or driveway" pursuant to Section 16.22.030, shall be considered an existing private road or an existing driveway for the purposes of this section.

(c) New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards.

1. Unobstructed width of roadbed serving more than two habitable structures shall be 18 feet minimum; unobstructed width of roadbed serving two or fewer habitable structures shall be 12-feet minimum. Where these criteria conflict with other standards set forth in Title 16 of this Code (including, but not limited to, excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by 35-foot long turnouts, with approved approach and departure access, located approximately every 500 feet may be approved at the discretion of the Planning Director, in consultation with the Fire Chief of the applicable Fire Protection District, if deemed appropriate for reasons of topography, environmental impacts or emergency access.

2. All roadways or driveways shall have a minimum centerline radius of 36-feet.

3. The grade of the private road or driveway shall not exceed 20 percent. Grades over 15 percent are only permitted under circumstances where there is at least 35 feet of less than 15% grade, every 200 feet.

4. All private roads or driveways, including those used for secondary access, shall have a structural section of a minimum 6 inches of compacted Class II baserock. Compaction of the base rock section and the upper 8 inches of sub-grade below the base rock to 95% is required and must be certified by a licensed engineer. Exceptions to this standard are as follows:

- i. Where the subgrade is designated as an clayey soil, the structural section should be determined using the California Design Procedure.
- ii. The aggregate base required by these design standards can be omitted or modified if the Planning Director determines that the native material or existing road subgrade provides equivalent bearing capacity to that specified in (4.) above, as certified by a licensed soils or civil engineer.

5. The following all-weather surface shall be added to the structural section, unless the Fire Code of the applicable fire protection district establishes a higher standard: Oil and screen, at a minimum, is required over the baserock for all road or driveway grades between 5% and 15%. Where road gradients exceed 15 percent, 2 inches of asphaltic concrete shall be placed over the baserock. Exceptions to the provisions of this subsection include: 1. Four inches of concrete on appropriate sub-base may be substituted for the aggregate base and asphaltic concrete. The upper 8 inches of the sub-base shall be compacted to at least 95% compaction. 2. The Planning Director, in consultation with the Fire Chief, may modify the surfacing requirements for the use of alternate materials.

6. All secondary access roads shall be surfaced with 2 inches of asphaltic concrete

7. Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

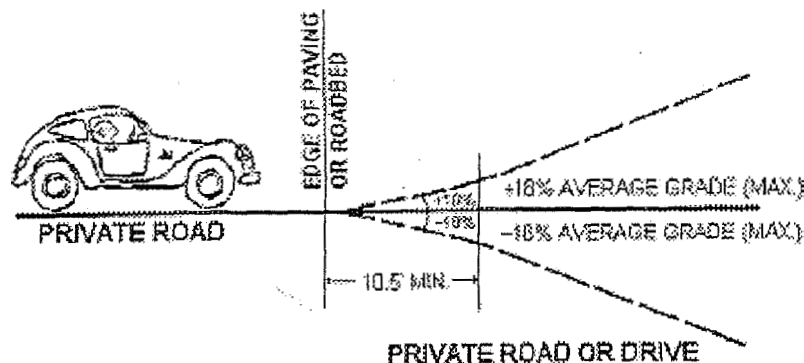


Fig. 4

(d) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharges shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(e) Any private roadway or driveway which is more than 150 feet long and a dead end shall have a turn-around area with a minimum of 36 feet unobstructed radius or equivalent.

(f) A vertical clearance of **14** feet shall be maintained on all roadways, driveways, and turnouts

(g) Where a private driveway will connect to a County-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(h) All roads, secondary access roads, and driveways shall be permanently maintained as originally constructed in conformance with these standards.

SECTION III

This Ordinance shall take effect on the **31st** day after final passage or upon certification by the California Coastal Commission, whichever is later.

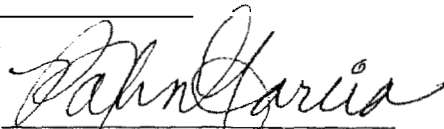
PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department
County Counsel

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180 - GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS AND
BRIDGES

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby deleted.

SECTION II

Section 16.20.180 of the Santa **Cruz** County Code is hereby added to read as follows:

16.20.180 DESIGN STANDARDS FOR PRIVATE ROADS: AND DRIVEWAYS AND
BRIDGES

(a) All private road, bridge and driveway construction, **including all secondary access roads required by a land division**, requiring a grading approval shall conform to the provisions of this section. These requirements may be modified for emergency access, temporary roads or roads leading to an agricultural building or well site if approved in writing by the Planning Director and the Fire Chief of the applicable Fire Protection District.

(b) Existing Roadway Improvements: The required roadway improvements, including width, gradient, surfacing, turn-outs, turn-arounds, and other improvements, for all development on existing private roads and driveways shall be determined by the Fire Chief of the applicable Fire Protection District and based on the standards and requirements of the applicable Fire Code and an evaluation of the proposed access, the proposed improvement, other fire hazard mitigation measures, the physical and environmental constraints affecting the roadway and the needs of the District to provide adequate fire and safety access to the site. An existing vehicular accessway that is not defined as a "new road or driveway" pursuant to Section 16 22 030, shall be considered an existing private road or an existing driveway for the purposes of this section.

(c) New Private Roads or Driveways: All new private roadways and driveways shall meet the following standards:

1. Unobstructed width of roadbed for all new roadways serving **more than two habitable structures** shall be ~~16~~ **18** feet minimum; **unobstructed** width of all new driveways roadbed serving **two or fewer habitable structures** shall be 12-feet minimum. Where **these criteria conflict with other Title 16 standards set forth in Title 16 of this Code** it is environmentally infeasible to meet these criteria (due to including but not limited to excessive grading, sensitive habitats or tree removal), a 12-foot wide all-weather road with 12-foot wide by ~~35~~ **30**-foot long turnouts, **with approved approach and departure**

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.

Assessor Parcel No.

Project Location: *Countywide*

Project Description: *Proposed Revisions for Grading Ordinance Sec. 16.20.180 - Design Standards for Private Roads, Driveways and Bridges*

Person or Agency Proposing Project: Planning and Public Works Depts.

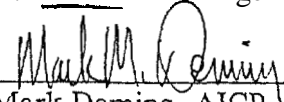
Phone Number:

- A. ☐ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. ☒ Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

- | | |
|--|---|
| <input type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 17. Open Space Contracts or Easements |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 18. Designation of Wilderness Areas |
| <input type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 19. Annexation of Existing Facilities/Lots for Exempt Facilities |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 20. Changes in Organization of Local Agencies |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 22. Educational Programs |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input checked="" type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 10. Loans | |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities |
| <input type="checkbox"/> 14. Minor Additions to Schools | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 15. Minor Land Divisions | |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |

E. ☐ Lead Agency Other Than County: _____


Mark Deming, AICP
Project Planner

Date: _____

dence presented by the other. The hearing shall be de novo in all respects.
(Ord. 4549 § 1 (part), 1999)

7.92.080 **UFC Section 103.1.4.1.6 added —**
Decision of the board of appeals.
Section 103.1.4.1.6 is added to read as follows:

Upon hearing the appeal, the Board of Appeals may issue a decision affirming, modifying or vacating the order of the Fire Chief. The decision shall be in writing and shall be served upon the appellant by mail in the manner provided for in the notice of hearing pursuant to section 7.92.103.1.4.5 of the Uniform Fire Code.

(Ord. 4549 § 1 (part), 1999)

7.92.090 **UFC Section 103.1.4.1.7 added —**
Time of decision.
Section 103.1.4.1.7 is added to read as follows:

The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seventh day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

(Ord. 4549 § 1 (part), 1999)

7.92.100 **UFC Section 103.2.1.1, No. 4**
amended—General.

UFC Section 103.2.1.1, No. 4 is amended to read as follows:

4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment. EXCEPTION: For residential construction projects of 500 square feet or less within the unincorporated area, the enforcing authority shall be the Planning Director of the County of Santa Cruz or his/her designee.

(Ord. 4549 § 1 (part), 1999)

7.92.110 **UFC Section 105.1 amended—Scope.**
UFC Section 105.1 is amended to read as follows:

Permits shall be in accordance with Section 105 or other provisions of this code as required by the jurisdiction having authority.

(Ord. 4549 § 1 (part), 1999)

7.92.115 **UFC Section 105.3 added and**
amended — Application for permit.

UFC Section 105.3 is added and amended to read as follows:

Applications for permits, when required by the Chief, shall be made to bureau of fire prevention in such form and detail as described by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau.

(Ord. 4549 § 1 (part), 1999)

7.92.120 **UFC Section 105.8 amended —**
Permit required.

UFC Section 105.8 is amended to read as follows:

A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions when required by the fire district.

(Ord. 4549 § 1 (part), 1999)

7.92.130 **UFC Section 202 amended—"A"**
definitions.

UFC Section 202 is amended as follows: By adding the following definition after the definition of "ALARM ZONE:

ALL WEATHER SURFACE shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%.

By adding the following definition after the definition of "ATRIUM":

AUTHORIZED REPRESENTATIVES shall mean those persons described in Sections 103.2.1.2 and 103.2.2.2 of the Uniform Fire Code.

(Ord. 4549 § 1 (part), 1999)

7.92.135 **UFC Section 203 added and**
amended—"B" definitions.

UFC Section 203 is added and amended as follows: By adding the following definition after the definition of "BREAK":

BRIDGE shall be defined as a structure designed to carry a roadway over a depression or obstacle.

(Ord. 4549 § 1 (part), 1999)

7.92.140 UFC Section 204 amended—"C" definitions.

UFC Section 204 is amended as follows: By adding the following definition before the definition of "CARCINOGEN":

CALIFORNIA BUILDING CODE shall mean the Uniform Building Code as adopted and amended by the State of California, promulgated by the International Conference of Building Officials.

By adding the following definition after the definition of "CALIFORNIA BUILDING CODE":

CALIFORNIA FIRE CODE shall mean the Uniform Fire Code as adopted and amended by the State of California, promulgated by the International Fire Code Institute.

By adding the following definition after the definition of "CONVERSION RANGE OIL BURNER":

CORPORATION COUNSEL shall mean the County Counsel as retained or appointed by the County of Santa Cruz.

(Ord. 4549 § 1 (part), 1999)

7.92.150 UFC Section 207 amended—"F" definitions.

UFC Section 207 is amended as follows: By adding the following definition after the definition of "FIRE BARRIER":

FIRE CHIEF shall mean the Chief Officer of the Fire Protection District within the unincorporated territory of its jurisdiction area and shall mean the County Fire Marshal within the unincorporated territory of the County of Santa Cruz which is not within the jurisdiction area of a Fire Protection District.

By changing the definition of "FIRE DEPARTMENT" to read as follows:

FIRE DEPARTMENT shall mean the Office of the Fire Marshal of the County of Santa Cruz or any regularly organized Fire Protection District within its respective jurisdictional area.

By adding the following definition after the definition of "FIRE POINT":

FIRE SAFETY ELEMENT is a document contained within the General Plan of Santa Cruz County as adopted specifying certain minimum fire safety requirements within the unincorporated areas of the County of Santa Cruz.

(Ord. 4549 § 1 (part), 1999)

7.92.160 UFC Section 209 amended—"H" definitions.

UFC Section 209 is amended by changing the definition of "HAZARDOUS FIRE AREA" to read as follows:

HAZARDOUS FIRE AREA is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The declaration of a hazardous fire area shall be made by the chief for purposes of this code and shall not contradict with hazardous fire areas as defined by the California Public Resources Code.

(Ord. 4549 § 1 (part), 1999)

7.92.170 UFC Section 221 amended—"T" definitions.

UFC Section 221 is amended by adding the following definition after the definition of "THERMAL INSECTICIDAL FOGGING":

TOTAL FLOOR AREA is the sum of all stories, exclusive of area separations.

(Ord. 4549 § 1 (part), 1999)

7.92.180 UFC Section 901.2.2.1 amended—"Fire apparatus access."

UFC Section 901.2.2.1 is amended to read as follows:

Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction. When grading work is needed for the access road(s) within the jurisdiction of Santa Cruz County, application for a grading permit shall be made with the Santa Cruz County Planning Department pursuant to the Santa Cruz County Grading

7.92.185

Ordinance. Such Permits shall be reviewed by the Santa Cruz County Environmental Coordinator as required. (Ord. 4549 § 1 (part), 1999)

7.92.185 UFC Section 901.4.5.1 added — Prohibition of unauthorized signage.
UFC Section 901.4.5.1 is added to read as follows:

Posting of any road naming signs not authorized by the Office of Street Naming and Numbering of the County of Santa Cruz, and the Fire Chief is prohibited. (Ord. 4549 § 1 (part), 1999)

7.92.190 UFC Section 902.2.2.1 amended — Dimensions.

UFC Section 902.2.2.1 is amended to read as follows:

Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 14 feet (4271 mm).

EXCEPTIONS: 1. Outside of the Urban Services Line as established by the County of Santa Cruz, access roads shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the Fire Chief.

NOTE: Title 19 of the California Administrative Code requires that access roads from every state governed building to a public street shall be all-weather hard-surface (suitable for use by fire apparatus) roadway not less than 20 feet in width. Such roadway shall be unobstructed and maintained only as access to the public street.

2. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the chief.

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or

widths are not adequate to provide fire apparatus access.

(Ord. 4549 § 1 (part), 1999)

7.92.193 UFC Section 902.2.2.5 added and amended — Bridges.

UFC Section 902.2.2.5 is added and amended to read as follows:

902.2.2.5.1 General. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. See Article 90. Standard a.1.1. The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

902.2.2.5.2 Weight. Every private bridge hereafter constructed shall be designed for a minimum of HS20-44 loading as prescribed by the American Association of State Highways and Transportation Officials. Vehicle load limits shall be posted at both entrances to bridges when required by the chief.

902.2.2.5.3 Height. Clear vertical clearance shall be not less than 14 feet. In situations where a grade change requires a greater vertical clearance, such additional clearance shall be determined by the Fire Chief.

902.2.2.5.4 Width. All bridges shall be a minimum of 20 feet of clear width. The Chief may allow the width to be reduced for access to U-1, U-2 or R-3 occupancies in accordance to the Fire Safety Element of the Santa Cruz County General Plan.

902.2.2.5.5 Certification. Every private bridge hereafter constructed shall be engineered by a licensed civil or structural engineer and approved by the Chief. Certification that the bridge complies with the design standards required by this section and the identified standards shall be provided by the licensed engineer, in writing to the Chief.

902.2.2.5.6 Recertification. Every private bridge shall be recertified every ten years or whenever deemed necessary by the Chief. Such recertification shall be in accordance with the requirements of 902.2.2.5.5

902.2.2.5.7 Existing Private Bridges. An existing private bridge not conforming to these regulations may be required to conform when

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Objective 6.5 Fire Hazards

To protect the public from the hazards of fire through citizen awareness, mitigating the risks of fire, responsible fire protection planning and built-in systems for fire detection and suppression.

Policies

6.5.1 Access Standards

Require all new structures, including additions of more than 500 square feet, to single-family dwellings on existing parcels of record, to provide an adequate road for fire protection in conformance with the following standards:

- (a) Access roads shall be a minimum of 18 feet wide for all access roads or driveways serving more than two habitable structures, and 12 feet for an access road or driveway serving two or fewer habitable structures. Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot wide all-weather surface access road with 12-foot wide by 35-foot long turnouts located approximately every 500 feet may be provided with the approval of the Fire Chief. Exceptions: Title 19 of the California Administrative Code, requires that access roads from every state governed building to a public street shall be all-weather hard-surface (suitable for use by fire apparatus) roadway not less than 20 feet in width. Such roadway shall be unobstructed and maintained only as access to the public street.
- (b) Obstruction of the road width, as required above, including the parking of vehicles, shall be prohibited, as required in the Uniform Fire Code.
- (c) The access road surface shall be "all weather", which means a minimum of six inches of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95 percent compaction and shall be maintained. Where the grade of the access road exceeds 15 percent, the base rock shall be overlain by 2 inches of asphaltic concrete, Type B or equivalent, and shall be maintained.
- (d) The maximum grade of the access road shall not exceed 20 percent, with grades greater than 15 percent not permitted for distances of more than 200 feet at a time.
- (e) The access road shall have a vertical clearance of 14 feet for its entire width and length, including turnouts.
- (f) Gates shall be a minimum of 2 feet wider than the access road/driveway they serve. Overhead gate structures shall have a minimum of 15 feet vertical clearance.
- (g) An access road or driveway shall not end farther than 150 feet from any portion of a structure.
- (h) A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
- (i) No roadway shall have an inside turning radius of less than 50 feet. Roadways with a radius curvature of 50 to 100 feet shall require an additional 4 feet of road width. Roadways with radius curvatures of 100 to 200 feet shall require an additional 2 feet of road width.
- (j) Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- (k) Bridges shall be as wide as the road being serviced, meet a minimum load bearing capacity of 25 tons, and have guard rails. Guard rails shall not reduce the required minimum road width. Width requirements may be modified only with written approval from the Fire Chief. Bridge capacity shall be posted and shall be certified every five years by a licensed engineer. For bridges served by 12 foot access roads, approved turnouts shall be provided at each bridge approach.
- (l) All private access roads, driveways, turn arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

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- (m) To ensure maintenance of private access roads, driveways, turnarounds and bridges, the owner(s) of parcels where new development is proposed shall participate in an existing road maintenance group. For those without existing maintenance agreements, the formation of such an agreement shall be required.
 - (n) All access road and bridge improvements required under this section shall be made prior to permit approval, or as a condition of permit approval.
 - (o) Access for any new dwelling unit or other structure used for human occupancy, including a single-family dwelling on an existing parcel of record, shall be in the duly recorded form of a deeded access or an access recognized by court order.

Diagrammatic representations of access standards are available at the Santa Cruz County Planning Department and local fire agencies.

6.5.2 Exceptions to Access Road Standards

Exceptions to these standards may be granted at the discretion of the Fire Chief for single-family dwellings on existing parcels of record as follows:

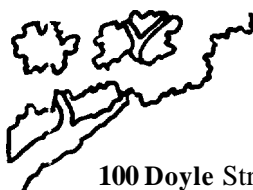
- (a) When the existing access road is acceptable to the Fire Department having jurisdiction.
- (b) In addition, any of the following mitigation methods may be required:
 - (1) Participation in an existing or formation of a new road maintenance group or association.
 - (2) Completion of certain road improvements such as fill pot holes, resurface access road, provide turnouts, cut back brush, etc. are made, as determined by the fire officials, and provided that the fire department determines that adequate fire protection can still be provided.
 - (3) Provision of approved fire protection systems as determined by the Fire Chief.
- (c) The level of road improvement required shall bear a reasonable relationship to the magnitude of development proposed.

6.5.3 Conditions for Project Approval

Condition approval of all new structures and additions larger than 500 square feet, and to single family dwellings on existing parcels of record to meet the following fire protection standards:

- (a) Address numbers shall be posted on the property so as to be clearly visible from the access road. Where visibility cannot be provided, a post or sign bearing the numbers shall be set adjacent to the driveway or access road to the property and shall have a contrasting background. Numbers shall be posted when construction begins.
- (b) Provide adequate water availability. This may be provided from an approved water system within 500 feet of a structure, or by an individual water storage facility (water tank, swimming pool, etc.) on the property itself. The fire department shall determine the adequacy and location of individual water storage to be provided. Built-in fire protection features (i.e., sprinkler systems) may allow for some exemptions of other fire protection standards when incorporated into the project.
- (c) Maintain around all structures a clearance of not less than 30 feet or to the property line (whichever is a shorter distance) of all flammable vegetation or other combustible materials; or for a greater distance as may be prescribed by the fire department.
- (d) Provide and maintain one-half inch wire mesh screens on all chimneys.
- (e) Automatic smoke detection devices shall be installed and maintained in accordance with the California Building Code and local Fire Department regulations. Sprinkler and fire alarm systems, when installed, shall meet the requirements of the local Fire Department.
- (f) Provide adequate disposal of refuse. All development outside refuse collection boundaries shall be required to include a suitable plan for the disposal of flammable refuse. Refuse disposal shall be in accordance with state, County or local plans or ordinances. Where practical, refuse disposal should be by methods other than open burning.
- (g) Require fire retardant roofs on all projects, as specified in the County Fire Code and the Uniform Fire Code. Exterior walls constructed of fire resistant materials are recommended, but are not necessarily required.

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RICHARD BEALE

Land Use Planning
Incorporated

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Santa Cruz, CA 95062
(831) 425-5999
FAX (831) 425-1565

Masters of Architecture
Univ. of CA, Berkeley

August 12, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

RE: Rural Road Standards
August 20, 2002 Board Agenda

Dear Boardmembers:

This item was continued from a previous hearing to allow the Planning staff to review and summarize the public comments and compare to the proposed ordinance language.

We believe the initial intent of the ordinance revisions was to update Section 16.20.180 to be consistent with the adopted General Plan Safety Element, Chapter 5.

The proposed ordinance goes beyond correcting inconsistencies and potentially creates new inconsistencies. These proposed new standards will potentially eliminate many rural uses such as camps, conference centers and land divisions that could otherwise be approved.

The proposed ordinance includes a standard for secondary access roads that is more stringent than for the primary roads. The requirement to pave all secondary access roads is excessive and is not required by the existing General Plan language or the Rural Matrix ordinance Section 13.14.

We understand that the intent is to somehow make sure these roads are upgraded and that they can be used for emergency access, but this is a maintenance issue and not a construction specification/road design issue.

There may be other ways to ensure the secondary access roads are maintained (to typical road standards) without requiring so much paving. Simply paving a

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Board of Supervisors
Rural Road Standards
08/12/02
Page 2 of 2

road does not guarantee the road will be passable to emergency vehicles. Fallen trees and overgrowth of vegetation can block the access.

Conditions of approval that require secondary access roads to be maintained can be strengthened to include some type of notice of liability to the property owners or even recording a Declaration of Road Maintenance.

We believe that the proposed ordinance should be revised to eliminate the requirement for paving all secondary access roads and that the standard for secondary access roads should be no greater than the standard for typical rural roads.

Thank you for your consideration.

Sincerely,


RICHARD BEALE

cc: Mark Deming

[Faint handwritten notes]

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LibertyGarden.com



Restoring Freedom • Managing the Land

August 19, 2002

Jan Beautz – Supervisor
County of Santa Cruz Building
701 Ocean St. - Suite 500
Santa Cruz, CA 95060

Dear Supervisor Beautz:

The bureaucratic drive to implement the proposed road standards fits the local government's pattern of Sustainable Development implementation. Sustainable Development is the international political movement that has aimed its focus on American natural resources and land use as it seeks the elimination of private property. If successful, Americans will have surrendered their liberty to a fraudulently imposed collective that is backed by force. Do you want to be responsible for that?

This particular ordinance furthers Sustainable Development's rural action plan - the Wildlands Project. The goal of the Wildlands Project is to eliminate citizen presence on over 50% of the country's landscape and to subject the rest of rural America to stringent controls..(www.twp.org) The consequence of the Wildlands Project will be to take from the citizenry, use, control and management of this nation's rural land and natural resources and place that control into the hands of government and its hand chosen "partners". Rural land contains that which creates all things that supports our life and our lifestyles. The consequence of losing citizen control to the agent of force will be the loss of liberty - yours, each other person's and mine.

Washington was truthful when he said, "Private property and freedom are inseparable".

Sustainable Development is anti-human.

Sustainable Development **is** designed to create shortages *so* that people can be controlled. The creation of these shortages can only be achieved by eliminating freedom, because freedom ushers improvement and growing abundance - an anathema to those seeking to control others.

August 19, 2002

A moral society is a free society. Also the practice of freedom brings results that demonstrate freedom's practical benefits. It is, therefore, the duty of elected officials to protect and defend freedom. Sustainable Development is the antithesis of the premise of a moral society predicated on the concepts of self-governance as embodied in the U.S. Constitution. To promote the destruction of freedom from within government is insurrection. Members of this Board and many of its predecessor members have exposed their collectivist political-economic philosophy and have fully committed their effort to the furtherance of an idea which is foreign to the land of free people.

What you do now is important because Congressman Sam ~~Farr~~ is right when he says "The Santa Cruz 'Local Agenda 21' Action Plan not only has local significance, it will also have regional and national impacts." Your course of action will either sustain the attack on freedom or contribute to the defense of it. Posterity watches.

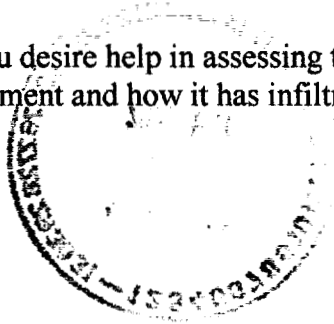
Sincerely,

M. Shaw

Michael Shaw



I may be contacted if you desire help in assessing the nature of the global Sustainable Development movement and how it has infiltrated local government policies.



Rev. Dr. William C. Vannerus
1611 Branciforte Dr.,
Santa Cruz, CA 95065

Santa Cruz County Supervisors,
Santa Cruz County Counsel,
701 Ocean Street,
Santa Cruz, CA 95060

August 20, 2002

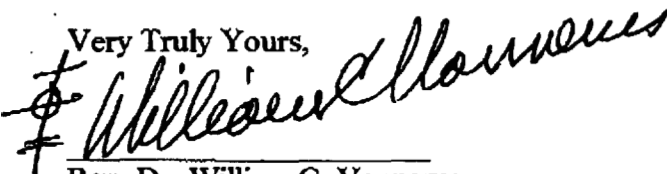
**Re: RESOLUTION AMENDING COUNTY CODE SECTION 16.20.180-GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS AND DRIVEWAYS**

We are opposed to ALL of these proposed amendments for the following reasons:

1. Historically, there have been no circumstances to suggest that we need any of these amendments.
2. The proposed amendments would make the Grading Ordinance Design Standards for Private Roads, Driveways and Bridges excessively and needlessly expensive beyond the ability of the average private property owner to do anything with their own property.
3. Widening roads and driveways will contribute to increased erosion, and more trees cut down.
4. Why should the county be able to exempt itself from an environmental review that is mandatory for everyone else?
5. To have a civil engineer on hand to monitor the unreasonable 95% compaction on a new road is extremely expensive and totally unnecessary as all road building companies have engineers quite capable of monitoring compaction, besides, it is understood that complete compaction is not obtainable immediately, hence the warranting a road for up to a year for any necessary corrections of settling problems that might occur later.
6. To set up a task force to study the proposed amendments after they have been adopted is contrary to common sense and should set off warning signals from the roof-tops, that there is much wrong and sinister with this whole proposal.
7. The whole amendment proposal is spawned from the United Nations Agenda 21 adopted by the Santa Cruz County supervisors as Santa Cruz County Agenda 21 (Measure C) to incrementally deprive its citizens of their right to develop their own property to its highest potential.

We demand that the Santa Cruz County supervisors reject all of the proposed amendments to this ordinance, and busy themselves protecting our Liberties-property rights rather than eroding them!

Very Truly Yours,



Rev. Dr. William C. Vannerus

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Ph: 831-425-1945

Fax: 831-425-1954

E-mail: wcvan@jps.net



ROSE MARIE McNAIR • BROKER

August 19,2002

Members of ~~the~~ Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Sent via fax to 831-454-3262

RE: Item #31 August 20,2002 Design Standards for Private Roads & Driveways

Dear Members of the Board:

I have reviewed the **staff report for the August 20 Public** hearing regarding changes to **Chapter 16.20 for new private roads** and driveways. I am concerned **however, that there are cross-purposes at work in this public hearing for amendments.** Due to the **complexity of the ordinance, the staff** is recommending that **a task force be formed to work on the intricacies of Santa Cruz topography, environmental concerns, etc.** On **the other** hand, it appears **that staff is also recommending passage of the amendments now--even though it is recognized that these amendments and changes must dovetail with the upcoming General Plan update. How is this possible?**

A strategy for **a final draft** should be to: **1) Form the task force 2) Review the outcomes of the task force 3) Generate the ordinance amendments in concert with the General Plan update. Please do not adopt an unfinished ordinance and then "cut and paste" changes now or later. This would not be prudent.**

Thank you for your consideration. Please enter this letter into **the** record.

Sincerely,

Rose Marie McNair

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Santa Cruz County Board of Supervisors
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060
8/19/02

RE: Item #31 on Agenda of 8120102

Continued Public Hearing to Consider Amendments..for Private Roads and
Driveways

Supervisors,

Thank you for requesting the continuance of this item in lieu of adopting the proposed ordinance of May 21, 2002. I request that you once again forego adoption of either of the proposed ordinances before your consideration at present. Although the most recent version is much improved from the May versions, the adoption of either ordinance, or combination of ordinances is inappropriate at this time.

Since the formation of a task force to further study these proposals is being suggested, why adopt and THEN study? There is no immediate need to adopt any version at this public hearing. The county planning staff purports that there is a current need to make consistencies to the County General Plan. Since the General Plan has not conformed to State Law for many years due to housing element inconsistencies, why must anything immediately conform to the General Plan?

Moreover, these proposed ordinances exacerbate the housing shortage problem.

I urge you to adopt neither proposed ordinance, no combination of the proposed ordinances, and to simply correct the wording regarding baserock as suggested by Supervisor Pirie. Please reject the additional wording suggested by staff and inquire as to why the Planning staff feels the immediate need of adoption BEFORE study.

Especially critical is wording which may find its way back into the fray at this hearing. Any wording which further ties the county code to Uniform Fire Code is most dangerous. Recent Supreme Court rulings have determined that local politicians and bureaucrats can be held personally and financially liable for actions which violate civil rights of citizens when those regulations have been handed down from higher agencies without proper review and sign off by other appropriate agencies at different levels of government. So before treading on such ground, please be aware of potential ramifications. I will supply this additional information to **your** Board at the public hearing.

#31

Please approve the formation of a task force to study all the aspects of any proposal, and do not be swayed into adoption of ANY of the changes prior to studying the results from the proposed task force.

I repeat from my previous letters that adoption of any of the proposed ordinances require full review as required under California Environmental Quality Act (CEQA). A one page categorical exemption with one check mark does not fulfill environmental review of such broad proposals. Please refer to my letters of November 2001 through May 21, 2002 on the subject of this environmental review.

Additionally, I request that the County of Santa Cruz inform the public as to any and all proposed actions regarding private road and driveway design standards. I have repeatedly requested the planning department to at least inform private road associations of these proposals. This not occurred. Additionally, notices were not mailed to any citizen prior to this public hearing of 8/20/02. To compound these items, I have had numerous reports of persons having trouble accessing the county website for the information on this issue.

Once again, I urge rejection of either of the proposed ordinances regarding private road and driveway design standards, or any combination of the ordinances. I urge study before adoption of any and all issues, and not ignore some supposedly insignificant details such as 18 foot wide roads through these mountains.

Thank you kindly for your attention to these points.

Sincerely,

Lisa Rudnick
Ben Lomond

P.S. The definition of a new road according to County Code Section 16.22.030 is whenever 100 cubic yards of earth are moved, not just brand new roads to serve proposed new development.

Date: August 16, 2002

To: The Santa Cruz County (California) Board of Supervisors

Subject: My official comments on the "Private Road and Driveway Design Standards" also known as Agenda Item #3 1. Reference URL/web site address:

<http://sccounty01.co.santa-cruz.ca.us/bds/board/20020820/031.pdf>

This web site seems to have many problems with access, including an interminable waiting period for a page that never loads or denial of access. What is so secretive that a county board must keep from those it purports to serve?

I am hereby challenging the proposed ordinance, being keenly aware that the sales pitch does NOT provide those 'stakeholders' who are ultimately to be the losers, with the 'fine print' and also does not notify the public of the 'devil in the details.'

There is no need for a task force to be generated into existence by this scheme, er, 'ordinance.'

There is no need for the 'authority' of 'implementing design standards' for such as roads and driveways. This is a 'foot in the door' plan that I sincerely hope backfires in a big way!

Your actions initiate a 'ripple effect' that will come back like a tidal wave when the citizenry discover you've attempted to hoodwink them. It would be far better to give up this mirage of a 'vision' before the stuff hits the fan! Your agenda is far too clear to be mistaken.

Miss Julie Kay Smithson
213 Thorn Locust Lane
London, OH 43140-8844
1-740-857-1239

www.propertyrightsresearch.org

Dedicated to property rights, resource providers, generational land stewards, consumers and freedom.

Bardon v Northern Pac R Co. 12 S CT 856, 145 US 535, 538 36L, ED 806 -
â€œIt is well settled that all land to which any claim or rights of others is attached does not fall within the designation of public lands.â€™ United States Supreme Court Decision

There are a thousand hacking at the branches of evil to one who is striking at the root. - Henry David Thoreau

"The, sacred rights of property are to be guarded at every point. I call them sacred, because, if they are unprotected, all other rights become worthless or visionary. What is personal liberty, if it does not draw after it the right to enjoy the fruits of our own industry? What is political liberty, if it imparts only perpetual poverty to us and all our posterity? What is the privilege of a vote, if the majority of the hour may sweep away the earnings of our whole lives, to gratify the rapacity of the indolent, the cunning, or the profligate, who are borne into power upon the tide of a temporary popularity?" -- Judge Joseph Story, 1852

PROPERTY RIGHTS STRENGTHENED. POLITICIANS LIABLE

The following is a condensation of a pre-meeting interview with Howard Hutchinson, Executive Director of the Coalition of Arizona/New Mexico Counties, and featured speaker at the September 1, 2000 meeting of the Scenic Rivers Watershed Partnership in Salem, Missouri.

Environmentalists and Liberals are up in arms, Mr. Hutchinson says, about recent Supreme Court rulings that strengthen individual rights and hold public officials PERSONALLY AND FINANCIALLY RESPONSIBLE FOR HARM TO OWNERS OF PRIVATE PROPERTY resulting from the enforcement of federal laws such as the Endangered Species Act.

The Supreme Court has consistently ruled and now reinforced citizen lawsuits against individual County, State or federal employees in their personal capacity to protect Constitutionally guaranteed rights. Congress and the federal government are prohibited from authorizing the filing of a lawsuit under federal statute by an individual against a State.

Historically, environmental groups protesting local environmental matters used the back door tactic of filing suit against the federal Environmental Protection Agency or Fish And Wildlife Service under the ENDANGERED SPECIES ACT, CLEAN WATER ACT, CLEAN AIR ACT, or other federal law. The federal agency negotiated a settlement, and then issued regulations to force the State to comply with the settlement negotiated with the environmental group.

Under this 'scenario, if an environmental group files suit against, say, the Forest Service or EPA, and the federal agency settles and attempts to force the settlement on a State, unless the State agrees to implement the conditions that the federal agency puts into place, the State can't be forced to comply with the settlement. If the state does not elect to intervene in the case or does not object, the ruling will be enforced by the court.

If the State complies with the settlement that was reached between the federal agency and the environmental group, any citizen who is harmed by that settlement may sue under the Civil Rights Act.

Recent Supreme Court decisions dissolve the old argument that, if Congress is popularly elected, and Congress passes a law, then the law must be in the Public Interest and therefore is authorized by the Constitution's General Welfare clause or the Interstate Commerce clause? allowing Congress to pass any law it wants whether Constitutional or not.

Congress has assumed that the 14th Amendment allowed passage of any law

deemed necessary to enforce provisions of the 14th Amendment. Now, the Supreme Court says no, the 14th Amendment is limited to protection of individual lights.

The 14th Amendment guarantees due process and equal application of the law. If a City, County or State official enters into **an** agreement without your permission, and your property rights are harmed **by** that, the official **may** become liable for property takings and for denial of due process and equal application of the law.

The burden is on the government entity to prove that the charge against them is in error.

As soon as people **begin** to understand **what** this means, there will be enormous changes in the roles **and** responsibilities of Federal, State and local officials. It may take a few suits against individual office holders and individuals within government agencies to start performing the way they're supposed to be performing.

People seek political office, by and large, with altruistic motivations. They really want to do a good job. But they **haven't** understood the responsibility that goes with that office. When they raise their right hand and put their hand on the Bible and swear to uphold the Constitution, it's been empty.

Well, now it's **very** full of meaning. And they've not been taught that. They've never understood exactly what they were swearing that oath for.

The Supreme Court says that under the Constitution there is political accountability. Environmental groups and Liberals understand the ramifications.

When an environmental group files suit to create Wild And Scenic Rivers, or Wilderness Designations, or Roadless Areas, or enforcement of the Clean Water Act, or land withdrawn for the Indiana Bat, under this legal theory, they exercise power delegated to them by a Congress that did not have that power in the first place.

Wild And Scenic River designations and National Park Service land acquisition under the Public Trust concept are **now** all up for challenge.

If you, as a class of citizen, have your property taken or your due process denied, in favor' of another smaller class, you have a legal cause of action. Government officials may not discriminate in favor of a special interest over **a** property owner.

For this to be effective in restoring private property rights it's

going to take individuals with enough guts, and enough money, to fight and win in court. This will be a major battle.

The larger battle is over whether or not we are going to accept centralized Command And Control over our lives. Or, whether we retain individual choice and responsibility in what we do and how we conduct our own lives on our own property.

THIS RULING PERTAINS TO ELECTED OR APPOINTED FEDERAL, STATE, COUNTY AND CITY OFFICIALS.

CONTACT FOR MORE INFORMATION:

Howard Hutchinson,
Executive Director Arizona/New Mexico Coalition of Counties
P.O. Box 125
Glenwood, NM **88039**
Telephone (505) 539-2709

U.S. SUPREME COURT DECISIONS INVOLVED

New York vs U.S.

Prince vs U.S. (Brady Bill)

Saenz vs Roe

Clinton vs New York

Seminole Tribe vs Florida

IDAHO v. COEUR d'ALENE TRIBE OF IDAHO

ALDEN vs MAINE.. June **23,1939**

(enhancing state rights/Federalism)

Santa Cruz County Board of Supervisors
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060
8/19/02

RE: Item #31 on Agenda of 8/20/02

Continued Public Hearing to Consider Amendments...for Private Roads and Driveways

Supervisors,

Thank you for requesting the confluence of this item in lieu of adopting the proposed ordinance of May 21, 2002. I request that you once again forego adoption of either of the proposed ordinances before your consideration at present. Although the most recent version is much improved from the May versions, the adoption of either ordinance, or combination of ordinances is inappropriate at this time.

Since the formation of a task force to further study these proposals is being suggested, why adopt **and THEN** study? There is no immediate need to adopt **any** version at this public hearing. The county planning staff purports that there is a current need to make consistencies to the County General Plan. Since the General Plan has not conformed to State Law for many years due to housing element inconsistencies, why must anything immediately conform to the General Plan?

Moreover, these proposed ordinances exacerbate the housing shortage problem.

I urge you to adopt neither proposed ordinance, no combination of the proposed ordinances, and to simply correct the wording regarding baserock as suggested by Supervisor Pirie. Please reject the additional wording suggested **by** staff and inquire as to why the Planning staff feels the immediate need of adoption **BEFORE** study.

Especially critical is wording which may find its way back into the fray at this hearing. Any wording which further ties the county code to Uniform Fire Code is most dangerous. Recent Supreme Court rulings have determined that local politicians and bureaucrats can be held personally and financially liable for actions which violate civil rights of citizens when those regulations have been handed down from higher agencies without proper review and sign off by other appropriate agencies at different levels of government. So before treading on such ground, please be aware of potential ramifications. I will supply this additional information to your Board at the public hearing.

Please approve the formation of a task force to study all the aspects of any proposal, and do not be swayed into adoption of ANY of the changes prior to studying the results from the proposed task force.

I repeat from my previous letters that adoption of any of the proposed ordinances require full review as required under California Environmental Quality Act (CEQA). A one page categorical exemption with one check mark does not fulfill environmental review of such broad proposals. Please refer to my letters of November 2001 through May 21, 2002 on the subject of this environmental review.

Additionally, I request that the County of Santa Cruz inform the public as to any and all proposed actions regarding private road and driveway design standards. I have repeatedly requested the planning department to at least inform private road associations of these proposals. This not occurred. Additionally, notices were not mailed to any citizen prior to this public hearing of 8/20/02. To compound these items, I have had numerous reports of persons having trouble accessing the county website for the information on this issue.

Once **again**, I urge rejection **of** either of the proposed ordinances regarding private road and driveway design standards, or any combination of the ordinances. I urge study before adoption of any and all issues, and not ignore some supposedly insignificant details such as 18foot wide roads through these mountains.

Thank you kindly for your attention to these points.

Sincerely,

Lisa Rudnick
Ben Lomond

P.S. The definition of a new road according to County Code Section 16.22.030 is whenever 100 cubic yards of *earth* are moved, not just brand new roads to serve proposed new development.

Date: August 16, 2002

To: The Santa Cruz County (California) Board of Supervisors

Subject: My official comments on the "Private Road and Driveway Design Standards" also known as Agenda Item #31. Reference URL/web site address:

<http://sccounty01.co.santa-cruz.ca.us/bds/board/20020820/031.pdf>

This web site seems to have many problems with access, including an interminable waiting period for a page that never loads or denial of access. What is so secretive that a county board must keep from those it purports to serve?

I am hereby challenging the proposed ordinance, being keenly aware that the sales pitch does NOT provide those 'stakeholders' who are ultimately to be the losers, with the 'fine print' and also does not notify the public of the 'devil in the details.'

There is no need for a task force to be generated into existence by this scheme, er, 'ordinance.'

There is no need for the 'authority' of 'implementing design standards' for such as roads and driveways. This is a 'foot in the door' plan that I sincerely hope backfires in a big way!

Your actions initiate a 'ripple effect' that will come back like a tidal wave when the citizenry discover you've attempted to hoodwink them. It would be far better to give up this mirage of a 'vision' before the stuff hits the fan! Your agenda is far too clear to be mistaken.

Miss Julie Kay Smithson
213 Thorn Locust Lane
London, OH 43140-8844
1-740-857-1239

www.propertyrightsresearch.org

Dedicated to property rights, resource providers, generational land stewards, consumers and freedom.

Bardon v Northern Pac R Co. 12 S CT 856, 145 US 535, 538 36L, ED 806 -
"It is well settled that all land to which any claim or rights of others is attached does not fall within the designation of public lands."™ United States Supreme Court Decision

There are a thousand hacking at the branches of evil to one who is striking at the root. - Henry David Thoreau

"The sacred rights of property are to be guarded at every point. I call them sacred, because, if they are unprotected, all other rights become worthless or visionary. What is personal liberty, if it does not draw after it the right to enjoy the fruits of our own industry? What is political liberty, if it imparts only perpetual poverty to us and all our posterity? What is the privilege of a vote, if the majority of the hour may sweep away the earnings of our whole lives, to gratify the rapacity of the indolent, the cunning, or the profligate, who are borne into power upon the tide of a temporary popularity?" -- Judge Joseph Story, 1852

Santa Cruz County Board of Supervisors
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060
8/19/02

RE: Item #31 on Agenda of 8/20/02

Continued Public Hearing to Consider Amendments...for Private Roads and Driveways

Supervisors,

Thank you for requesting the continuance of this item in lieu of adopting the proposed ordinance of May 21, 2002. I request that you once again forego adoption of either of the proposed ordinances before your consideration at present. Although the most recent version is much improved from the May versions, the adoption of either ordinance, or combination of ordinances is inappropriate at this time.

Since the formation of a task force to further study these proposals is being suggested, why adopt and THEN study? There is no immediate need to adopt any version **at** this public hearing. The county planning staff purports that there is a current need to make consistencies to the County General Plan. Since the General Plan has not conformed to State Law for many years due to housing element inconsistencies, why must anything immediately conform to the General Plan?

Moreover, these proposed ordinances exacerbate the housing shortage problem.

I urge you to adopt neither proposed ordinance, no combination of the proposed ordinances, and to simply correct the wording regarding baserock as suggested by Supervisor Pirie. Please reject the additional wording suggested by staff and inquire as to why the Planning staff feels the immediate need of adoption **BEFORE** study.

Especially critical is wording which may find its way back into the fray at this hearing. Any wording which further ties the county code to Uniform Fire Code is most dangerous. Recent Supreme Court rulings have determined that local politicians and bureaucrats can be held personally and financially liable for **actions** which violate civil rights of citizens when those regulations have been handed down from higher agencies without proper review and sign off by other appropriate agencies at different levels of government. **So** before treading on such ground, please be aware of potential ramifications. I will supply this additional information to your Board at the public hearing.

Please approve the formation of a task force to study all the aspects of **any** proposal, and do not be swayed into adoption of **ANY** of the changes prior to studying the results from the proposed task force.

I repeat from my previous letters that adoption of any of the proposed ordinances require full review as required under California Environmental Quality Act (CEQA). A one **page** categorical exemption with one check mark does not fulfill environmental review of such broad proposals. Please refer to my letters of November 2001 through May 21, 2002 on the subject of this environmental review.

Additionally, I request that the **County** of Santa Cruz inform the public as to any and all proposed actions regarding private road and driveway design standards. I have repeatedly requested the planning department **to** at least inform private road associations of these proposals. This not occurred. Additionally, notices were not mailed to any citizen prior to this public hearing of 8/20/02. To compound these items, I have had numerous reports of persons having trouble accessing the county website for the information on this issue.

Once again, I **urge** rejection of either of the proposed ordinances regarding private road and driveway design standards, or any combination of the ordinances. I urge study before adoption of any and all issues, and not ignore some supposedly insignificant details such as **18** foot wide roads through these mountains.

Thank you kindly for your attention to these points.

Sincerely,

Lisa Rudnick
Ben Lomond

P.S. The definition of a **new** road according to County Code Section 16.22.030 is whenever 100 cubic yards of earth are moved, not just brand new roads to serve proposed new development.

PROPERTY RIGHTS STRENGTHENED. POLITICIANS LIABLE

The following is a condensation of a pre-meeting interview with Howard Hutchinson, Executive Director of the Coalition of Arizona/New Mexico Counties, and featured speaker at the September 1, 2000 meeting of the Scenic Rivers Watershed Partnership in Salem, Missouri.

Environmentalists and Liberals are up in arms, Mr. Hutchinson says, about recent Supreme Court rulings that strengthen individual rights and hold public officials **PERSONALLY AND FINANCIALLY RESPONSIBLE FOR HARM TO OWNERS OF PRIVATE PROPERTY** resulting from the enforcement of federal laws such as the Endangered Species Act.

The Supreme Court has consistently ruled and now reinforced citizen lawsuits against individual County, State or federal employees **in** their personal capacity to protect Constitutionally guaranteed rights. Congress and the federal government are prohibited from authorizing the filing of a lawsuit under federal statute by an individual against a State.

Historically, environmental groups protesting local environmental matters used the back door tactic of filing suit against the federal Environmental Protection Agency or Fish And Wildlife Service under the **ENDANGERED SPECIES ACT, CLEAN WATER ACT, CLEAN AIR ACT**, or other federal law. The federal agency negotiated a settlement, and then issued regulations to force the State to comply with the settlement negotiated with the environmental group.

Under this 'scenario, if an environmental group files suit against, say, the Forest Service or EPA, **and** the federal agency settles and attempts to force the settlement on **a** State, unless the State agrees to implement the conditions that the federal agency puts into place, the State can't be forced to comply with the settlement. If the state does not elect to intervene in the **case** or **does not** object, the ruling will be enforced by the court.

If the State complies with the settlement that was reached between the federal agency and the environmental group, **any** citizen who is harmed by that settlement may sue under the Civil Rights Act.

Recent Supreme Court decisions dissolve the old argument that, if Congress is popularly elected, and Congress passes a law, then the law must be **in** the Public Interest **and** therefore is authorized by the Constitution's General Welfare clause or the Interstate Commerce clause, allowing Congress to pass any law it wants whether Constitutional or not.

Congress has assumed that the 14th Amendment allowed passage of any law

deemed necessary to enforce provisions of the 14th Amendment. Now, the Supreme Court says no, the 14th Amendment is limited to protection of individual lights.

The 14th Amendment guarantees **due** process and equal application of the law. If a City, County or State official enters into an agreement without your permission, and your property rights are harmed by that, the official may become liable for property **takings** and for denial of due process and equal application of the law.

The burden is on the government entity to prove that the charge against them is in error.

As soon as people begin to understand what this means, there will be enormous changes in the roles and responsibilities of Federal, State and local officials. It may take a few suits against individual office holders and individuals within government agencies to start performing the way they're supposed to be performing.

People seek political office, by and large, with altruistic motivations. They really want to do a good job. But they haven't understood the responsibility that goes with that office. When they raise their right hand and put their hand on the Bible and swear to uphold the Constitution, it's been empty.

Well, now it's very full of meaning. And they've not been taught that. They've never understood exactly what they were swearing that oath for.

The Supreme Court says that under the Constitution there is political accountability. Environmental groups **and** Liberals understand the ramifications.

When **an** environmental group files suit to create Wild And Scenic Rivers, or Wilderness Designations, or Roadless Areas, or enforcement of the Clean Water Act, or land withdrawn for the Indiana Bat, under this legal theory, they exercise power delegated to them by a Congress that did not have that power in the first place.

Wild And Scenic River designations and National **Park** Service land acquisition **under** the Public Trust concept are now all **up** for challenge.

If you, **as** a class of citizen, have your property taken or your **due** process denied, in favor of another smaller class, you have a legal cause of action. Government officials may not discriminate in favor of a special interest over a property owner.

For this to be effective in restoring private property rights it's

going to **take** individuals with enough guts, and enough money, to fight and win
io court. This **will** be a major battle.

The larger battle is **over** whether or not **we** are going to accept
centralized Command **And** Control **over** our lives. Or, whether **we** retain
individual choice **and** responsibility in what we do and **how** we conduct our **own**
lives on our **own** property.

**THIS RULING PERTAINS TO ELECTED OR APPOINTED FEDERAL, STATE,
COUNTY AND CITY OFFICIALS.**

CONTACT FOR MORE INFORMATION:

Howard Hutchinson,
Executive Director Arizona/New Mexico Coalition of Counties
P.O. **Box 125**
Glenwood, **NM** 88039
Telephone (505) 539-2709

U.S. SUPREME COURT DECISIONS INVOLVED

New York vs U.S.

Prince vs U.S. (Brady Bill)

Saenz vs Roe

Clinton vs New York

Seminole Tribe vs Florida

IDAHO v. COEUR d'ALENE TRIBE OF IDAHO

ALDEN vs MAINE.. June 23, 1999

(enhancing state rights/Federalism)

FROM : GRR

PHONE NO. : 4084770993

RUG. 20 2002 10:57PM P1

County Board of Supervisors ... Santa Cruz

Concerning your proposed Private Roads Ordinance Agenda 21 Disguised as Local Ordinance

8/20/02

County Board of Supervisors ... I have on my desk a book copyrighted 1994 published by Earth Press entitled Agenda 21. It claims it is based on the ... "official United Nations document."

I find your actions and proposals do not emanate from the people of Santa Cruz, California, the United States but to the entity ... **constructing** a World Government dynamic ... **the United Nations**.


This board of supervisors is marching in lock step to UN plans that cater to the billion and millionaires whose foundations elevate them ... and tax and restrain with "mail order" regulations the rest of the people who are your constituents. You are supposed to be **working** for us not the UN.

At the same time you betray your office by destroying the separation of powers by jointly financing those foundations supported entities ... Non Government Organizations NGO's.

I request you shelf the proposed ordinance on private roads and driveways and hold a series of open meetings concerning the influence and meddling by those United Nations forces. Such as the regulations that have before you today ... and that regularly appear before the Board disguised as local ordinances.

To pass the ordinance without a minimum six open hearings ... an investigation into the foreign origin, influence and effect of Agenda 21.

To pass this ordinance without a through investigation ... would make this Board of Supervisors little more than poodles on the United Nations Agenda 21 leash.



G. Richard Arnold
2865 Lakeview Drive
Santa Cruz, CA 95062
Whitepaper@aol.com

31

ORDINANCE NO. _____

AN ORDINANCE AMENDING COUNTY CODE SECTION 16.20.180- GRADING
ORDINANCE DESIGN STANDARDS FOR PRIVATE ROADS, DRIVEWAYS AND
BRIDGES

SECTION I

Section 16.20.180 of the Santa Cruz County Code is hereby mended to read as follows:

16.20.180 DESIGN STANDARDS FOR RURAL PRIVATE ROAD AND DRIVEWAYS

- (a) All private road and driveway construction requiring a grading approval shall conform to the provisions of this section. These requirements may be modified for emergency access, temporary roads, or roads leading to an agricultural building or well site if approved in writing by the Planning Director.
- (b) Width of roadbed for a roadway shall be 16 feet minimum; width of a driveway shall be 12 feet minimum. Where it is environmentally infeasible to meet these criteria (due to excessive grading or tree removal), a 12-foot wide all-weather road with 12-foot wide by 30-foot long turnouts located approximately every 500 feet may be approved with the approval of the fire department. The distance between turnouts may be adjusted at the discretion of the Planning Director if deemed appropriate for reasons of topography, environment or emergency access.
- (c) Minimum centerline radius shall be 35 feet. (EXCEPTION: Driveways which serve as access to any habitable structure and which are 150 feet or less from the main road.)
- (d) The maximum grade of the road or driveway shall not exceed 15 percent; however, grades of up to 20 percent are permitted for up to 200 feet at a time.
- (e) The structural section shall consist of a minimum 5 inches of baserock, Class II or Class IV. Class IV aggregate base should have a minimum R value of 50, and not more than 10 percent of the aggregate shall pass the number 200 sieve.
- (f) Where the subgrade is designated as an expansive clayey soil, the structural section should be determined using the California Design Procedure.
- (g) The aggregate base required by these design standards can be omitted if the Planning Director determines that the native material provides sufficient bearing capacity for all weather use.

(h) Road surfacing shall meet the following standards, based on road gradient: 0 to 10 percent gradient - 2 inches of drain rock compacted into a 4-inch sub-base of Class II baserock; 10 - 15 percent gradient - oil and screenings; greater than 15 percent gradient - 1 1/2 inches asphaltic concrete (EXCEPTION: Aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.

(i) Asphalt or concrete berms or their equivalent may be required to control drainage. Discharge shall be at points of natural drainage courses with energy dissipaters installed where necessary to prevent erosion.

(j) Entrances from private roads or driveways into private roads shall be limited in gradient as shown by Figure 4.

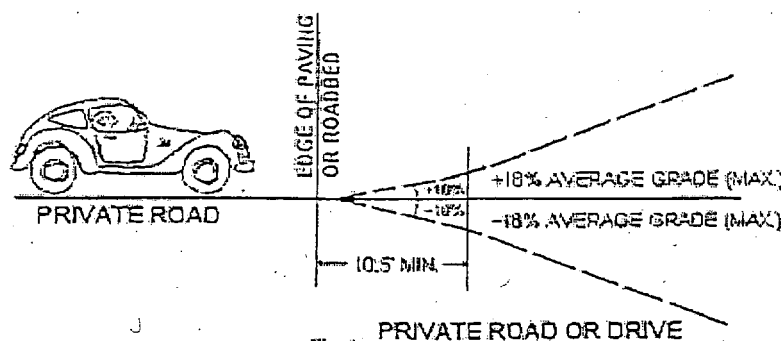


Fig. 4

(k) Any roadway or driveway which is more than 300 feet long and a dead end shall have a turn-around area with a minimum of 32 feet radius, or equivalent.

(l) A horizontal clearance of 16 feet and a vertical clearance of 14 feet shall be maintained on all roadways, driveways, and turnouts.

(m) Where a private driveway will connect to a county-maintained road, an Encroachment Permit shall first be obtained from the Public Works Department.

(Ord. 2500, 11/8/77; 3321, 11/23/82; 3599, 11/6/84)

SECTION II

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, whichever is later.

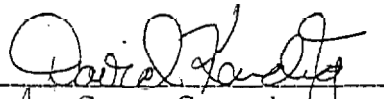
PASSED AND ADOPTED this _____ day of _____, 2002, by the Board
of Supervisors of the County of Santa Cruz by the following vote:

AYES: . . . SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



As County Counsel

Copies to: Planning Department
County Counsel