



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 3, 2011

**Agenda Date: March 23, 2011**

**Item #: 11**

**Time: After 9 AM**

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

**Subject: Proposal to Amend County Code Regarding Regulations for Fences, Walls, and Corner Sight Clearance Triangles in Required Yards**

Members of the Commission:

This proposal is part of the effort to make changes to the County's land use regulations, where appropriate, to simplify them, make them easier for the public to understand, and reflect reasonable, reality-based standards, without compromising environmental protection or the quality of the built environment. Also, the proposed changes will reduce the cost of most discretionary fence permits, which under existing requirements can exceed the cost of the fence itself.

### Current Zoning Regulations and Fees

Currently, fence and retaining wall heights are generally limited to three (3) feet in front yards and other yards abutting a street and to six (6) feet in rear and side yards not abutting on a street. Taller fences and retaining walls may be allowed, as shown in the following table.

**Current Regulations**

Location	Maximum Height without permit	Maximum Height with a Level III Permit <sup>1</sup>	Maximum Height with a Level V Permit <sup>2</sup>
Front yard	3 feet	6 feet	Height limit at the discretion of the Zoning Administrator
Side or Rear Yard Abutting a Street	3 feet	6 feet	Height limit at the discretion of the Zoning Administrator
Side or Rear Yard <u>not</u> Abutting a Street	6 feet	N/A, already at 6 feet;	Height limit at the discretion of the Zoning Administrator

The cost of obtaining over height permits for fences that exceed the maximum allowed height is either a flat fee or a fee that is charged based on staff time to process the application, depending on whether

<sup>1</sup> Level III Development Permit requires submittal of plans, a site visit by staff, and an administrative decision. No public notice or hearing is required. The Planning Director or her designee hears appeals of staff decisions.

<sup>2</sup> Level V Development Permit requires submittal of plans, a site visit by staff, and a decision by the Zoning Administrator (ZA) at a noticed public hearing. The Planning Commission hears appeals of ZA decisions.

a public hearing is required. For example, for a Level V permit (for a fence over 6 feet tall), which involves a public hearing, a deposit of \$3,125.00 is required. Staff time is then charged against that deposit. Generally, depending on the circumstances of a particular application, the cost of obtaining a Level III permit, which does not require a public hearing, is approximately \$850.00 and for a Level V permit, the total fees range from approximately \$3,200.00 to approximately \$5,000.00.

## Building Permits

Generally, building permits are not required for fences not more than 10 feet high, except for concrete and masonry fences more than 6 feet high (County Code Section 12.10.315(a)2). Retaining walls require building permits when they retain more than three feet of material, when they retain a surcharge (such as supporting a parking lot), or when they impound certain liquids.

## Hedges as Fences

County Code defines a fence as “[a]ny construction of wood, metal, plastic, earth or other materials obstructing the clear view, but not including a structure as defined herein.” A hedge is defined as “[a]ny arrangement of plants or trees obstructing the clear view.” Therefore, a hedge is considered to be a fence and subject to the fence regulations. Hedges are very difficult to regulate in terms of height. Code Compliance assigns hedge complaints a very low priority unless there are health and safety issues. Except for corner sight clearance triangles (see discussion below) staff recommends that hedges not be subject to the fence regulations.

## Proposed Zoning Regulations and Fees

The *proposed* regulations for fences and retaining walls are shown in the following table.

Location	Maximum Height without Permit	Maximum Height with Over-height Fence Certification <sup>1</sup>	Maximum Height with a Level IV Permit <sup>2</sup>
Front yard <b>inside</b> Urban Services Line (USL) and Rural Services Line (RSL)	3 feet	6 feet	As determined by permit process
Front Yard outside USL and RSL	6 feet	8 feet	As determined by permit process
Side/Rear Yard Abutting on a Street	6 feet	8 feet	As determined by permit process
Side/Rear Yard <b>not</b> Abutting on a Street	8 feet	N/A, already at 8 feet	As determined by permit process
<p>The following would be allowed without any discretionary approval in all locations, except for corner sight clearance triangles:</p> <ol style="list-style-type: none"> <li>1. Archways/trellises/ pergolas up to 8 feet tall associated with a walkway through a fence and not making up more than 25% of the length of the fence along the applicable property line.</li> <li>2. Open decorative features such as lattice that do not exceed the maximum fence heights by more than 6 inches.</li> </ol>			

For a side-by-side comparison of the existing and the proposed fence height tables, see Exhibit D.

<sup>1</sup> A proposed discretionary, administrative permit requiring simple plans, no public notification, staff decision appealable to the Planning Director, with fees of about \$300.00.

<sup>2</sup> Existing Level IV permit applications require plans, a site visit, notification to neighbors within 300 feet (but not public hearing), and a staff decision that is appealable to the F - 2 -rg Director. Fees would total approximately \$2,000.00.

### Maximum Height with Over-height Fence Certification

As shown in the third column of the table, fences of certain heights could exceed the basic maximum height with an over-height fence certification. This is a new permit category and is envisioned to be similar to the level of review currently used to certify that adequate parking exists when a new mobile home is proposed to be installed in a mobile home park. An over-height fence certification would be an administrative level approval that requires simple plans and is proposed to cost approximately \$300.00.

### Maximum Height with Level IV Permit

To exceed the maximum heights allowed by an over-height fence certification, a Level IV review is proposed. This is an existing level of review that requires plans, a site visit, and notification of neighbors within 300 feet. There is no public hearing and the decision on the application is administrative, made by staff, and is appealable to the Planning Director. The cost of this type of permit is based on staff time to process and we estimate it typically would be approximately \$2,000.00.

### Features Not Needing Discretionary Approval

Two types of common features associated with fences would be allowed without any discretionary approval (depending on the circumstances, a building permit could still be required). These two features are archways/trellises/ pergolas associated with a walkway through a fence and open architectural, decorative, and ornamental features such as lattice on top of a fence. Both of these features are often conceived of as simply add-ons or decorations that do not have to meet any particular requirements. It is not unreasonable to allow these features, with limits, without the need for a discretionary permit.

The proposed ordinance would allow archways/trellises/pergolas to go up to eight feet tall without a discretionary permit, if they are associated with a walkway opening in the fence and their length is no more than 25 percent of the length of the fence along the applicable property line

The proposed ordinance would also allow features such as lattice to exceed the given fence height maximums by as much as six inches without a discretionary permit.

Neither feature would be allowed in a corner sight clearance triangle.

### Fences in Agricultural Zone Districts

The proposed amendment of Section 13.10.525 would delete the language about fences in agricultural zone districts, which currently allows fences up to six feet in height in all yards without a discretionary permit if the fence is a typical wire field fence or is a typical wooden corral fence with horizontal boards spaced one foot or more apart. The proposed changes to the maximum-allowed fence heights would obviate the need for specifically calling out agricultural fencing, because fences in front yards outside the Urban and Rural Services Lines (where agricultural zoned parcels are located) would be allowed to go up to six feet without a discretionary approval, and fences in side and rear yards could go up to six feet (if abutting a street) or up to eight feet (if not abutting a street) with no discretionary approval.

### Front Yards

Fence heights in front yards are more restricted for a variety of reasons, including the need for adequate sight distance for vehicles entering onto roads from other roads or driveways, residents' desire for privacy and safety of pets and children, and maintaining a harmonious and compatible street appearance.

### Side and Rear Yards

Six-foot tall fences are common in side and rear yards. Often these have an additional two feet of lattice or decorative material on top of the six foot high fence, resulting in a fence that is actually eight feet tall. This is generally accepted by residents as a "normal" side and rear yard fence height. In most cases, these fences do not present any sight distance or other safety issues and are generally acceptable from a land use regulation perspective.

#### Side and Rear Yards abutting upon a street

Side and rear yards abutting streets present many of the same issues that front yards do, but the traffic safety issues are usually less than with front yards because vehicular maneuvering mostly involves sight distance to, from, and along front yards.

#### Side and Rear Yards not abutting upon a street

For these yards, typically there are no vehicular sight distance and related traffic safety issues. Here, the issues have to do with providing for privacy screening of these yard areas and ensuring that light and air of abutting properties are protected from excessively high fences and retaining walls.

### Urban vs. Rural

Generally, density, intensity of uses, and traffic are greatest in areas within the Urban Services Line (USL), such as Live Oak and Aptos. These factors are still relatively high in smaller physical areas within the Rural Services Line (RSL), such as in Felton, Ben Lomond, Boulder Creek, and La Selva. Areas outside of both the USL and the RSL, such as Bonny Doon, Corralitos, and the rest of the rural unincorporated area are generally areas of very low density and intensity.

Within the USL and the RSL, then, the fence/retaining wall height regulations are the most restrictive, especially for heights in front yards and side yards abutting upon a street. Outside of both the USL and the RSL, then, the proposed fence/retaining wall height regulations are less restrictive.

The proposed changes to the fence/retaining wall regulations also differentiate between the more urbanized areas of the County, within the Urban Services Line and the Rural Services Line, and the rural areas outside of the Urban Services Line and the Rural Services Line in terms of the height limits and levels of review. This reflects the differing density and intensity of uses and traffic in the more urbanized and rural areas.

### Corner Sight Clearance Triangle

The proposed amendments would establish and define a corner sight clearance triangle. This is an area at street intersections and at driveways and alleys within which no structures, fences, landscaping, or other material would be allowed to exceed three feet in height, for visibility purposes.

Currently, the Department of Public Works Design Criteria Figure ST-3 establishes and defines a "critical trimming area" (see Exhibit E). However, that figure addresses only landscaping and not fences or other material.

The proposed corner sight clearance triangle builds on the Department of Public Works Design Criteria in that it would have the same dimensions at street intersections and would further not allow structures, fences, landscaping, or other material in the triangle to exceed three feet in height. For driveways and alleys, the corner sight clearance triangle would be 10 feet, recognizing the lesser amount of traffic at those features.

An exception to the corner sight clearance triangle regulation is proposed for safety railings as allowed by Section 13.10.323(d)5(A). That section applies to parcels that slope steeply down from their access road. In those cases, an attached or detached carport that is unenclosed on all sides may be built to within 5 feet of the front property line or right-of-way edge. That section currently allows open safety railings no more than 36 inches tall to be constructed to the property line. Because the California Building Code requires such safety railings to be 42 inches tall, the section is proposed to be amended to allow 42 inch safety railings without a development permit.

### **Environmental Review**

The proposed changes to the fence/retaining wall regulations are exempt from environmental review according to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because CEQA applies only to projects which have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. Further, County Code Chapter 13.10 is part of the County's certified Local Coastal Program and CEQA Guidelines Section 15265 states that CEQA does not apply to activities and approvals, pursuant to the California Coastal Act, by a local government necessary for the preparation and adoption of a local coastal program (this essentially shifts the burden of environmental review to the Coastal Commission).

### **Local Coastal Program Consistency**

The proposed ordinance amendments will not result in any impediment to or loss of coastal access. It is unlikely that there would be any negative impacts to public viewsheds within the coastal zone. Outside the USL and the RSL, the proposal would allow an additional three feet in height without a permit for front yard fences and an additional two feet in height without a permit for fences not abutting a street. However, there is relatively little development in the coastal zone that is outside of the USL and RSL and that lies in public viewsheds. In those viewsheds, the potential addition of two to three feet to a fence height would be insignificant. The proposed amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program (LCP) and the California Coastal Act. However, as an amendment to County Code Chapter 13.10, the

implementation of the proposed amendments is considered a coastal implementing ordinance and will therefore require review and certification by the Coastal Commission subsequent to the Board's action.

### Conclusion

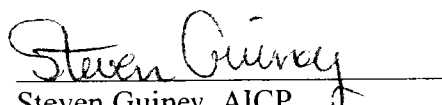
In an on-going effort to make the County's land use regulations reflect common practices and make them easier to understand, use, and apply, the regulations governing fence and retaining wall heights and locations are proposed to be modified to allow for taller fences, with Level IV approvals rather than Level V approvals for heights that would exceed new standards. The proposed level of review where County approval is required would result in most approvals being less expensive than they currently are. A new category of fence review and approval is proposed for certain heights, an Over-height Fence Certification, with a fee anticipated being approximately \$300.00.

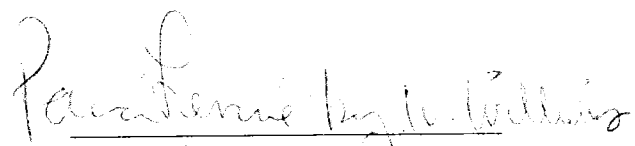
### Recommendation

It is therefore RECOMMENDED that your Commission take the following actions:

1. Conduct a public hearing on the proposed ordinance amendments to Sections 13.10.323, 13.10.525, and 13.10.700 implementing changes in development standards for fences and retaining walls; and
2. Adopt the resolution (Exhibit A) recommending that the Board of Supervisors approve the proposed ordinance amendments and certify the Notice of Exemption (Exhibit C).

Sincerely,

  
Steven Guiney, AICP  
Policy Planner

  
Paia Levine  
Principal Planner

Exhibits:

- A. Planning Commission Resolution, including strikethrough/underline draft ordinance
- B. "Clean" draft ordinance
- C. Notice of Exemption from Environmental Review
- D. Fence Height Regulation Tables
- E. Department of Public Works Figure ST-3

cc: Coastal Commission

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT OF  
SECTION 13.10.323, SECTION 13.10.525, SECTION 13.10.700-C, SECTION 13.10.700-F,  
AND SECTION 13.10.700-H OF THE SANTA CRUZ COUNTY CODE TO MODIFY THE  
MAXIMUM HEIGHT ALLOWED FOR FENCES AND RETAINING WALLS AND THE  
REQUIRED LEVEL OF REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS

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WHEREAS, the County of Santa Cruz regulates the heights of fences and retaining walls in the front, side, and rear yard setbacks for the following purposes: 1) to maintain public safety by ensuring adequate visibility of vehicles entering the street from driveways, adequate sight distance from such vehicles, and adequate sight distance at street corners; 2) to ensure adequate light and air for the street area; 3) to provide for privacy screening of these yard areas; and 4) to ensure that light and air of abutting properties are protected from excessively high fences and retaining walls; and

WHEREAS, the County Planning Department administers fence and retaining wall regulations through County Code Sections 13.10.323 and 13.10.525; and

WHEREAS, the County of Santa Cruz is conducting on-going regulatory reform efforts to make changes to the County's land use regulations where appropriate to simplify the regulations, establish reasonable reality-based standards, and make the regulations easier for the public to understand and for staff to administer; without compromising environmental protection and the quality of the built environment; and

WHEREAS, the proposed amendments to the fence and retaining wall height regulations will generally increase allowable fence and retaining wall heights and reduce permit requirements, resulting in overall reductions in the cost of obtaining permits for fences and retaining walls because the level of review for certain fence and retaining wall permits will be lowered and there will be no permits required for certain fences and retaining walls; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on March 23, 2011, and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code; and

WHEREAS, the Planning Commission finds that the proposed amendments are exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15969(c) and 15265; and

WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to Section 13.10.323, Section 13.10.525, Section 13.10.700-C, Section 13.10.700-F, and Section 13.10.700-H, constitute amendments to the Local Coastal Program; and

WHEREAS, the proposed amendments are consistent with the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the proposed amendments (Attachment 1) to County Code Sections 13.10.323, 13.10.525, 13.10.700-C, 13.10.700-F, and 13.10.700-H, and the CEQA Notice of Exemption be approved by the Board of Supervisors and submitted to the California Coastal Commission as part of the next 2011 Local Coastal Program Round.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

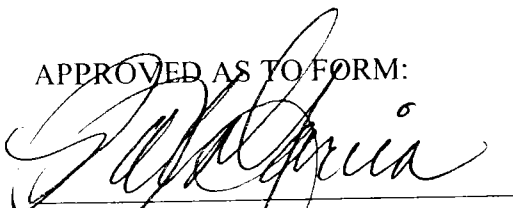
AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Cathy Graves, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL



ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING SECTIONS 13.10.323, 13.10.525, AND 13.10.700 OF THE SANTA CRUZ COUNTY CODE TO MODIFY THE MAXIMUM HEIGHT ALLOWED FOR FENCES AND RETAINING WALLS IN REQUIRED YARDS AND THE REQUIRED LEVEL OF REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS.**

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

**SECTION I**

Subdivision (d)5(A) of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

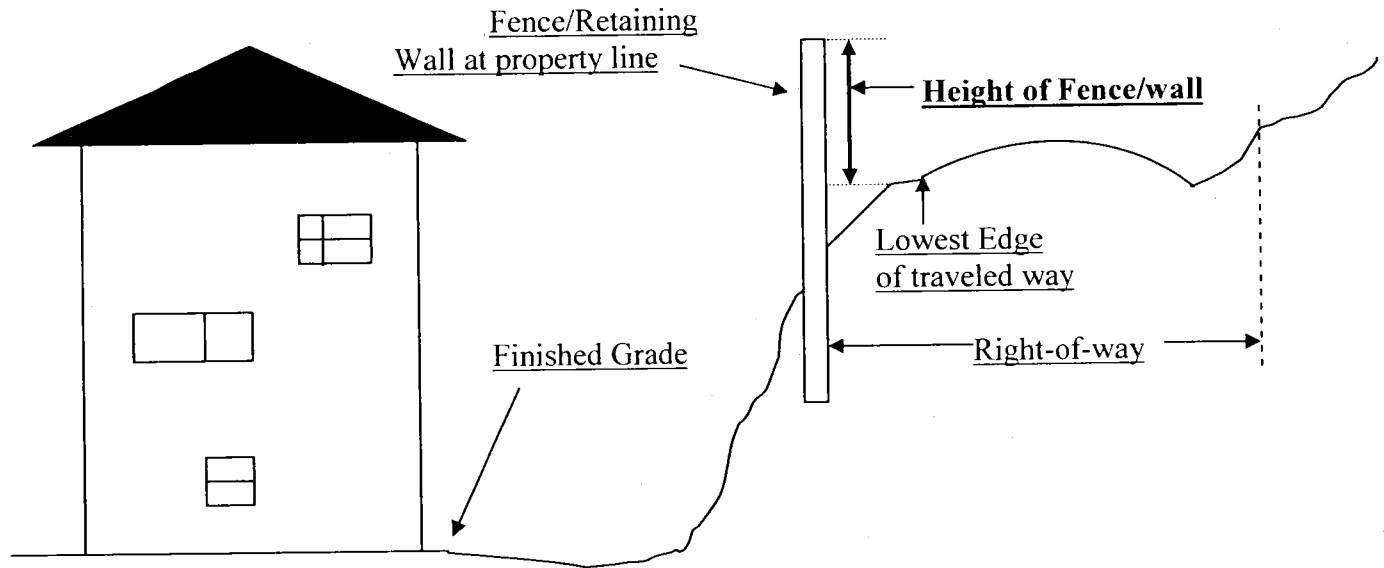
- (d) Site and Structural Dimensions Exeptions Relating to Parcels.
  - 5. Parcels with Steep Slopes.
    - (A) In all residential zone districts, if the elevation of the lot at a point 50 feet from the center line of the traveled roadway is 7 feet or more above or below the elevation of said center line, an attached or detached carport which (in the interest of public safety) is unenclosed on all sides may be built to within 5 feet of the front property line or edge of right-of-way of the lot. Open safety railings no more than forty-two (42) inches in height may be constructed to the property line without a development permit.

**SECTION II**

Section 13.10.525 of the Santa Cruz County Code is hereby amended to read as follows:

- 13.10.525 Regulations for fences and retaining walls within required yards
- (a) The purposes of fence and/or retaining wall regulations for yards abutting on streets are:
    - 1. To ensure adequate visibility of vehicles entering the street from driveways, adequate sight distance from such vehicles, and adequate sight distance at street corners.
    - 2. To ensure adequate light and air for the street area, ~~and to discourage structures near the street that may conceal persons with illegal intent.~~
    - 3. To preserve a harmonious and compatible street front appearance.
  - (b) The purposes of fence and/or retaining wall regulations for side and rear yards which do not abut on streets are:
    - 1. To provide for privacy screening of these yard areas.
    - 2. To ensure that light and air of abutting properties are protected from excessively high man-made structures.
  - (c) The height regulations for fences and/or retaining walls are:

1. The height of fences and/or retaining walls is determined as follows:
  - (i) By measuring the exposed face of the fence and/or wall at its tallest point, from finished grade at the base, to the top of the fence and/or wall, except as provided in (c) 4 and (c) 5 below, including all ornamental and architectural projections.
  - (ii) Where a parcel slopes down from a public or private right-of-way, the height of a fence or retaining wall shall be measured from the lowest elevation of the traveled portion of the right-of-way nearest the fence or retaining wall to the top of the fence and/or wall as shown in the diagram below, except as provided in (c) 4 and (c) 5.



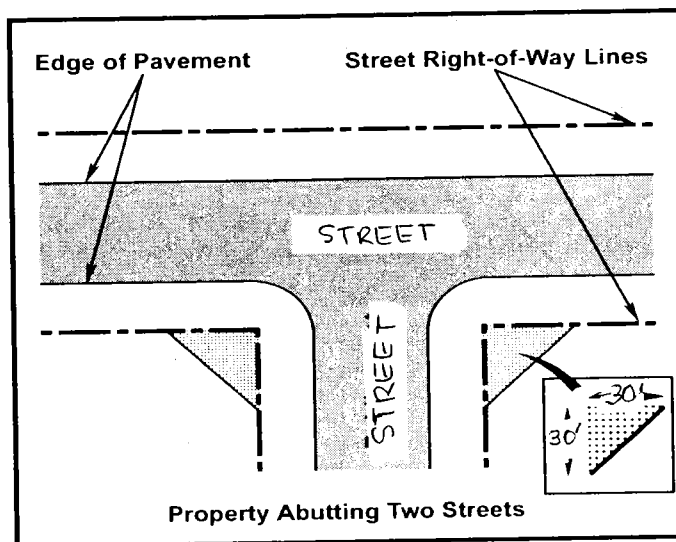
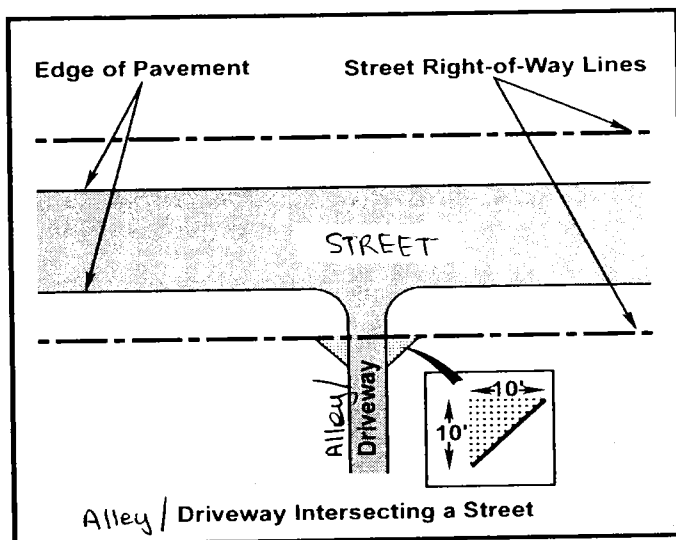
Height of fence or wall on parcel sloping down from right-of-way

2. ~~Except as specified in Sections 13.10.525(c) 3, and 16.50.095, no fence and/or retaining wall shall exceed six feet in height if located within a required side or rear yard not abutting on a street, and no fence, hedge, and/or retaining wall shall exceed three feet in height if located in a front yard or other yard abutting a street, except that heights up to six feet may be allowed by a Level III Development Permit Approval, and heights greater than six feet may be allowed by a Level V Development Permit Approval. (See Section 12.10.070(b) for building permit requirements.)~~
3. ~~In agricultural zone districts, fencing for agricultural purposes may have heights up to 6 feet in all yards without the need for Development Permit approval provided that such fencing, including gates, is:~~
  - ~~(i) Six feet or less in height;~~
  - ~~(ii) Made of wire which is spaced a minimum of 6 inches apart (i.e., typical field fencing); or~~
  - ~~(iii) Made of horizontally oriented wooden members which are spaced a minimum of one foot apart (i.e., typical wooden corral fencing); provided, however, that a Development Permit approval shall be required for this type of fencing on all properties adjacent to State Route (Highway One).~~

- iv. ~~If a Coastal Development Permit is required, i. iii. do not apply and a Coastal Development Permit is required to exceed the height limit.~~
4. ~~An exemption from a Development Permit requirement for agricultural fencing does not exempt new such fencing, including gates, from Coastal Zone Permit requirements as specified in Sections 13.20.050 and 13.20.073.~~

2. Maximum fence and retaining wall heights

- a. Except as provided in Section 13.10.323(d)5(A), maximum heights for fences and retaining walls not located in a Corner Sight Clearance Triangle (depicted in the Corner Sight Clearance Triangles diagram below) are shown on the Fence Location and Height Table given in 13.10.525(c)3, below.
- b. Except as provided in Section 13.10.323(d)5(A), within Corner Sight Clearance Triangles (depicted in the Corner Sight Clearance Triangles diagram below), no fence or retaining wall shall exceed three feet in height, if the fence or retaining wall is:
- (i) located in a corner sight clearance triangle on a parcel located at the intersection of two streets for a distance of 30 feet along each street right-of-way, or
  - (ii) located in a driveway or alley corner sight clearance triangle for a distance of 10 feet along the street right-of-way on each side of the driveway or alley.



### Corner Sight Clearance Triangles

Attachment 1 to EXHIBIT A

### 3. Fence Location and Height Table

<u>Location</u>	<u>Maximum height without permit</u>	<u>Maximum height with over-height fence certification</u>	<u>Maximum Height with a Level IV Permit</u>
<u>Front yard inside Urban Services Line (USL) and Rural Services Line (RSL)</u>	<u>3 feet *</u>	<u>6 feet</u>	<u>As determined through permit process</u>
<u>Front yard outside USL and RSL</u>	<u>6 feet</u>	<u>8 feet</u>	<u>As determined through permit process</u>
<u>Side/Rear Yard abutting on a street</u>	<u>6 feet</u>	<u>8 feet</u>	<u>As determined through permit process</u>
<u>Side/Rear Yard <i>not</i> abutting on a street</u>	<u>8 feet</u>	<u>N/A, already at 8 Feet; would need Level IV to go Higher</u>	<u>As determined through permit process</u>

\* Except as allowed by Section 13.10.323(d)5(A)

4. Walkway fence openings, with or without gates, may have associated archways/trellises/pergolas up to a maximum height of 8 feet without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Archways/trellises/pergolas may not make up more than 25 percent of the length of the fence along a given property line without a Level IV development permit.
5. Open architectural, decorative, and ornamental features such as lattice may exceed the given maximum fence heights by no more than six (6) inches without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Open means that no more than 50 percent of the feature may be opaque.

### SECTION III

Section 13.10.700-C "C" definitions of the Santa Cruz County Code is hereby amended to add the definition "Corner sight clearance triangle" to read as follows:

Corner sight clearance triangle. A triangular area formed by two lot lines abutting upon a street, alley, or driveway and a line connecting them at points equally distant from their intersection within which, for vehicular and pedestrian visibility and safety purposes, no fence, hedge, landscaping, wall, structure, or material that exceeds 3 feet in height may be placed.

#### SECTION IV

Section 13.10.700-F "F" definitions – definition of "Fence" - of the Santa Cruz County Code is hereby amended to read as follows:

Fence. Any construction of wood, metal, plastic, earth or other materials obstructing the clear view, but not including a structure as defined herein or a hedge.

#### SECTION V

Section 13.10.700-H "H" definitions – definition of "Hedge" - of the Santa Cruz County Code is hereby deleted, as follows:

~~Hedge. Any arrangement of plants or trees obstructing the clear view.~~

#### SECTION VI

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, 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  
Public Works  
County Counsel

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING SUBSECTION (d)5(A) OF SECTION 13.10.323 AND SECTION 13.10.525, ADDING A DEFINITION TO SECTION 13.10.700-C, AMENDING A DEFINITION IN SUBDIVISION 13.10.700-F AND DELETING A DEFINITION IN SUBDIVISION 13.10.700-H OF THE SANTA CRUZ COUNTY CODE RELATING TO THE MAXIMUM HEIGHT ALLOWED FOR FENCES AND RETAINING WALLS IN REQUIRED YARDS AND THE REQUIRED LEVEL OF REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS.**

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

**SECTION I**

Subsection (A) of subsection 5. of Subdivision (d) of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

(d) Site and Structural Dimensions Exceptions Relating to Parcels.

5. Parcels with Steep Slopes.

(A) In all residential zone districts, if the elevation of the lot at a point 50 feet from the center line of the traveled roadway is 7 feet or more above or below the elevation of said center line, an attached or detached carport which (in the interest of public safety) is unenclosed on all sides may be built to within 5 feet of the front property line or edge of right-of-way of the lot. Open safety railings no more than forty-two (42) inches in height may be constructed to the property line without a development permit.

**SECTION II**

Section 13.10.525 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.525 Regulations for fences and retaining walls within required yards.

(a) The purposes of fence and/or retaining wall regulations for yards abutting on streets are:

1. To ensure adequate visibility of vehicles entering the street from driveways, adequate sight distance from such vehicles, and adequate sight distance at street corners.
2. To ensure adequate light and air for the street area.
3. To preserve a harmonious and compatible street front appearance.

(b) The purposes of fence and/or retaining wall regulations for side and rear yards which do not abut on streets are:

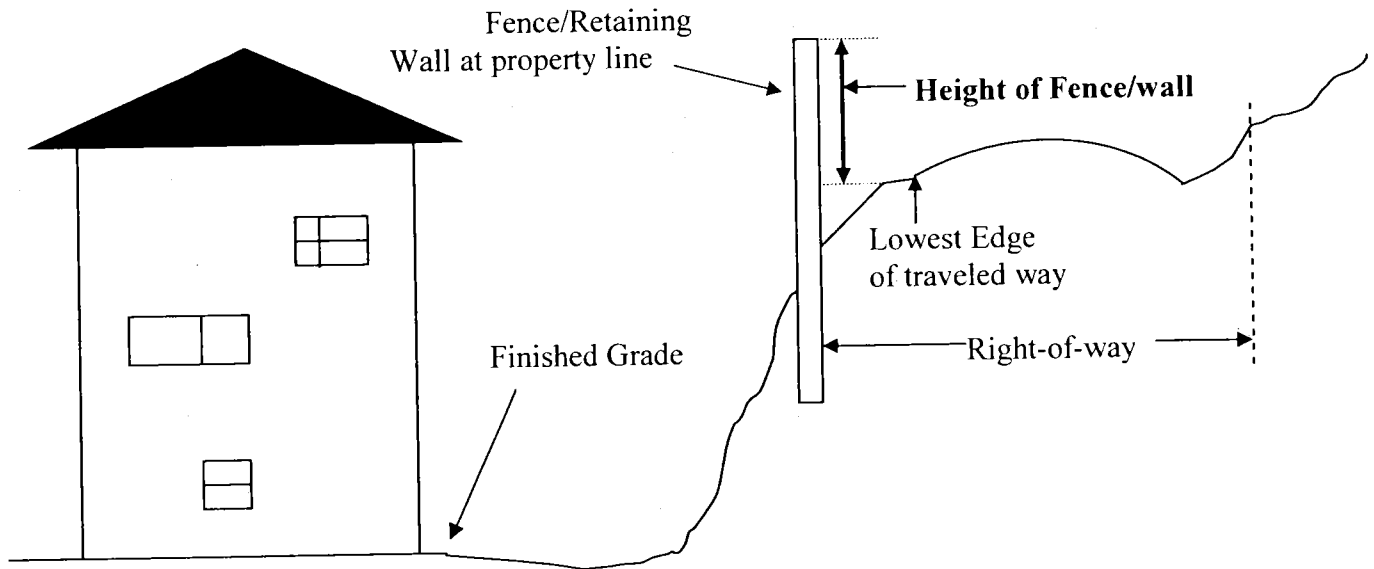
1. To provide for privacy screening of these yard areas.
2. To ensure that light and air of abutting properties are protected from excessively high man-made structures.

(c) The height regulations for fences and/or retaining walls are:

1. The height of fences and/or retaining walls is determined as follows:

(i) By measuring the exposed face of the fence and/or wall at its tallest point, from finished grade at the base, to the top of the fence and/or wall, except as provided in (c) 4 and (c) 5 below.

(ii) Where a parcel slopes down from a public or private right-of-way, the height of a fence or retaining wall shall be measured from the lowest elevation of the traveled portion of the right-of-way nearest the fence or retaining wall to the top of the fence and/or wall as shown in the diagram below, except as provided in (c) 4 and (c) 5.



Height of fence or wall on parcel sloping down from right-of-way

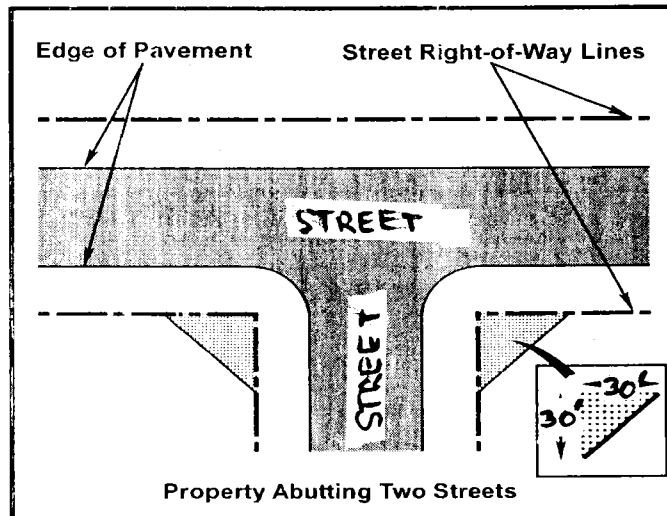
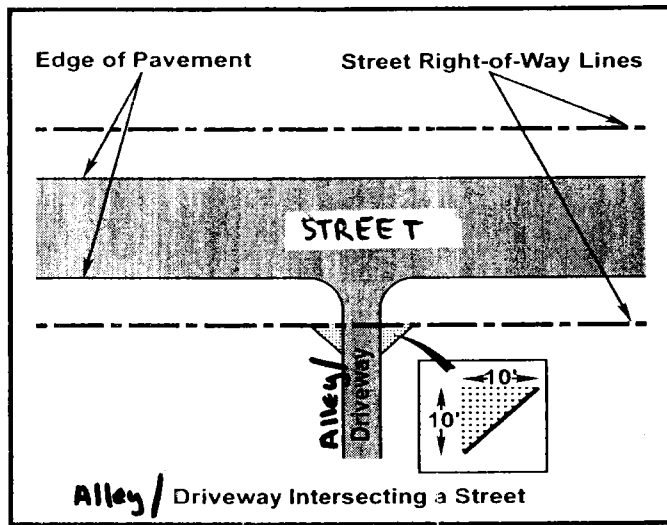
2. Maximum fence and retaining wall heights

(a) Except as provided in Section 13.10.323(d)5(A), maximum heights for fences and retaining walls not located in a Corner Sight Clearance Triangle (depicted in the Corner Sight Clearance Triangles diagram below) are shown on the Fence Location and Height Table given in 13.10.525(c)3, below.

(b) Except as provided in Section 13.10.323(d)5(A), within Corner Sight Clearance Triangles (depicted in the Corner Sight Clearance Triangles diagram below), no fence or retaining wall shall exceed three feet in height, if the fence or retaining wall is:

- (i) located in a corner sight clearance triangle on a parcel located at the intersection of two streets for a distance of 30 feet along each street right-of-way, or
- (ii) located in a driveway or alley corner sight clearance triangle for a distance of 10 feet along the street right-of-way on each side of the driveway or alley.





Corner Sight Clearance Triangles

### 3. Fence Location and Height Table

Location	Maximum height without permit	Maximum height with over-height fence certification	Maximum Height with a Level IV Permit
Front yard <b>inside</b> Urban Services Line (USL) and Rural Services Line (RSL)	3 feet Except as allowed by Section 13.10.323(d)5(A)	6 feet	As determined through permit process
Front yard outside USL and RSL	6 feet	8 feet	As determined through permit process

Side/Rear Yard abutting on a street	6 feet	8 feet	As determined through permit process
Side/Rear Yard <i>not</i> abutting on a street	8 feet	N/A, would need Level IV to go Higher	As determined through permit process

4. Walkway fence openings, with or without gates, may have associated archways/trellises/pergolas up to a maximum height of 8 feet without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Archways/trellises/pergolas may not make up more than 25 percent of the length of the fence along a given property line without a Level IV development permit.

5. Open architectural, decorative, and ornamental features such as lattice may exceed the given maximum fence heights by no more than six (6) inches without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Open means that no more than 50 percent of the feature may be opaque.

### SECTION III

Section 13.10.700-C of the Santa Cruz County Code is hereby amended by adding a definition for "Corner sight clearance triangle" following the definition of "Congregate Care Senior Housing" to read as follows:

Corner sight clearance triangle. A triangular area formed by two lot lines abutting upon a street, alley, or driveway and a line connecting them at points equally distant from their intersection within which, for vehicular and pedestrian visibility and safety purposes, no fence, hedge, landscaping, wall, structure, or material that exceeds 3 feet in height may be placed.

### SECTION IV

The definition for "Fence" found in Section 13.10.700-F of the Santa Cruz County Code is hereby amended to read as follows:

Fence. Any construction of wood, metal, plastic, earth or other materials obstructing the clear view, but not including a structure as defined herein or a hedge.

### SECTION V

The definition for "Hedge" found in Section 13.10.700-H of the Santa Cruz County Code is deleted.

### SECTION VI

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

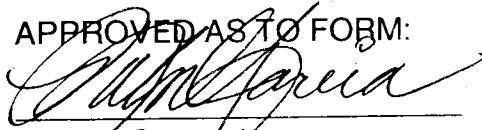
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

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  
Public Works  
County Counsel

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A  
Assessor Parcel Number: Countywide  
Project Location: Countywide

Project Description: Proposal to amend Sections 13.10.323, 13.10.525, 13.10.700-C, 13.10.700-F, and 13.10.700-H of the Santa Cruz County Code to modify the maximum height allowed for fences and retaining walls and the required level of review for over-height fences and retaining walls.

**Person or Agency Proposing Project: County of Santa Cruz**

**Contact Phone Number: (831) 454-3182**

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. XX The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. \_\_\_\_\_ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. XX **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Section 15265: Local government activities for preparation and adoption of a local coastal program.

E. \_\_\_\_\_ **Categorical Exemption**

Specify type:

**F. Reasons why the project is exempt:**

The project is an amendment of the County's fence regulations and there are no foreseeable adverse environmental impacts and CEQA does not apply to activities and approvals, pursuant to the California Coastal Act, by a local government necessary for the preparation and adoption of a local coastal program

In addition, none of the conditions described in Section 15300.2 apply to this project.

Steven Guiney  
Steven Guiney, AICP, Project Planner

Date: 03-03-11

### Current Fence Height Regulations

Location	Maximum Height without permit	Maximum Height with a Level III Permit <sup>1</sup>	Maximum Height with a Level V Permit <sup>2</sup>
Front yard	3 feet	6 feet	Height limit at the discretion of the Zoning Administrator
Side or Rear Yard Abutting on a Street	3 feet	6 feet	Height limit at the discretion of the Zoning Administrator
Side or Rear Yard <u>not</u> Abutting on a Street	6 feet	N/A: already at 6 feet;	Height limit at the discretion of the Zoning Administrator

### Proposed Fence Height Regulations

Location	Maximum Height without Permit	Maximum Height with Over-height Fence Certification <sup>3</sup>	Maximum Height with a Level IV Permit <sup>4</sup>
Front yard <u>inside</u> Urban Services Line (USL) and Rural Services Line (RSL)	3 feet	6 feet	As determined through permit process
Front Yard outside USL and RSL	6 feet	8 feet	As determined through permit process
Side/Rear Yard Abutting on a Street	6 feet	8 feet	As determined through permit process
Side/Rear Yard <u>not</u> Abutting on a Street	8 feet	N/A: already at 8 feet; would need Level IV to go higher	As determined through permit process
<p>The following would be allowed without any discretionary approval in all locations, except for corner sight clearance triangles:</p> <ol style="list-style-type: none"> <li>1. Archways/trellises/ pergolas up to 8 feet tall associated with a walkway through a fence and not making up more than 25% of the length of the fence along the applicable property line.</li> <li>2. Open decorative features such as lattice that does not exceed the given maximum fence heights by more than 6 inches.</li> </ol>			

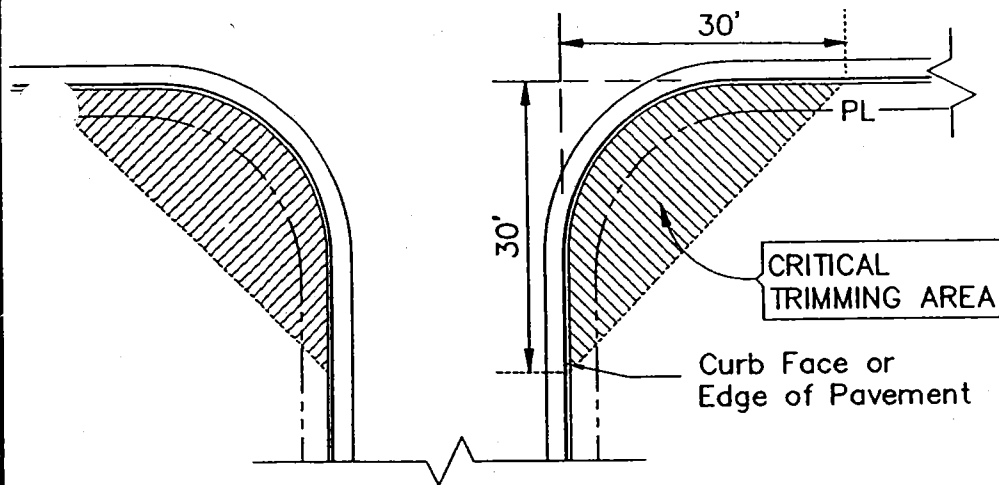
<sup>1</sup> Level III Development Permit requires submittal of plans, a site visit by staff, and an administrative decision. No public notice or hearing is required. The Planning Director or her designee hears appeals of staff decisions. Fees for Level III permit applications are approximately \$850.00.

<sup>2</sup> Level V Development Permit requires submittal of plans, a site visit by staff, and a decision by the Zoning Administrator (ZA) at a noticed public hearing. The Planning Commission hears appeals of ZA decisions. Fees for Level V permit applications range from approximately \$3,200.00 to \$5,000.00.

<sup>3</sup> This is a new discretionary permit application level of review. It is proposed to be an administrative permit requiring simple plans, no public notification, staff decision appealable to the Planning Director, and with fees of about \$300.00.

<sup>4</sup> Level IV permits require plans, a site visit, notification to neighbors within 300 feet, and a staff decision and are appealable to the Planning Director. Fees for Level IV permit applications are approximately \$2,000.00.

## Typical Street Intersection



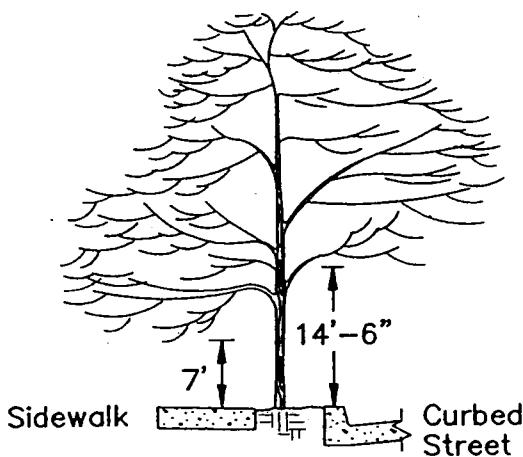
**CONDITION A**

## INTERSECTION:

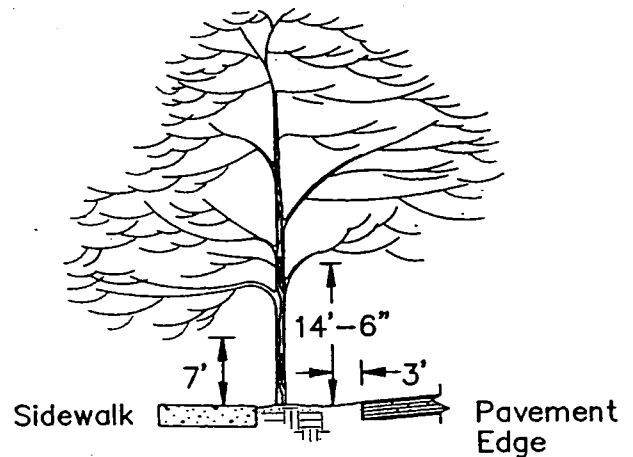
The minimum standard requires 30 feet of visibility along each curb line/edge of pavement.

Trim all landscaping (except trees) to a height of not more than 30 inches above the curb.

Low or overhanging tree branches shall be removed to allow drivers an unobstructed view, and shrubbery shall not be allowed to encroach into the street or sidewalk.

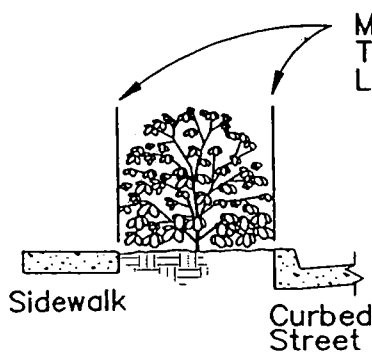


**CONDITION B**

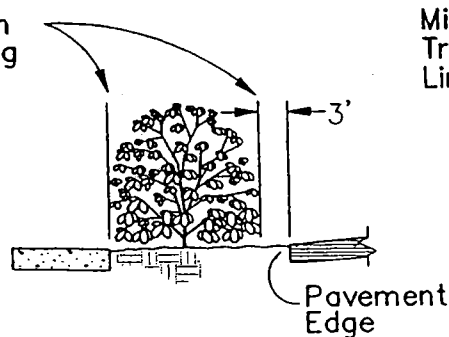


**CONDITION C**

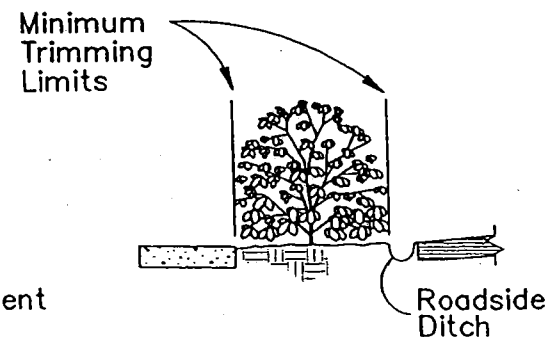
**TREES:** Minimum clearances shall be maintained as shown.



**CONDITION D**



**CONDITION E**



**CONDITION F**

**VEGETATION:** All growth shall be trimmed back so as not to encroach into the curb, sidewalk, or roadway. It's recommended that you trim an extra couple of feet to minimize the frequency of trimming.

**EXHIBIT E**

MINIMUM LAI-22-VAPE CLEARANCES