



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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March 9, 2011

AGENDA DATE: March 23, 2011

Item #: 13

Time: After 9 AM

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

Subject: Public Comments from Planning Department Community Forums and Focus Groups

Members of the Commission:

The retirements of key long-term County Planning Department managers at the end of 2009, and the downsizing of staff levels over the past two years, led in 2010 to the hiring of new managers, a re-organization of the Department, and new or expanded assignments for many staff. While Regulatory Reform efforts had been an on-going focus for the Department in prior years, the hiring of a new Director, Assistant Director and Chief Building Official, and re-allocation of management staff resources, led to a renewed and comprehensive effort to re-examine processes, codes and services.

In November and December of 2010 the Planning Department hosted four Community Forums, and in January and February of 2011 certain Focus Group meetings occurred. The Forums began with a power point presentation which summarized the services and functions of the Department, funding sources, an overview of factors that influence planning and permitting activities, and a briefing about regulatory reform, permit streamlining and customer service improvement efforts that were already underway. The public was then invited to provide any type of comment or input they wanted to make, and all comments were recorded on an easel board and through note-taking.

A compilation of comments from the Forums and Focus Groups, which were made both verbally and in writing, is attached. While Planning Department staff were aware of many of the concerns expressed by the public and have been modifying certain Department practices and policies, and developing proposed code amendments, the public comments are very helpful and staff is taking them into consideration as further efforts occur to streamline the permit process, improve customer service, and improve the codes that pertain to zoning and development.

Recommendation: Accept Report

Prepared By: Kathy M. Previsich, Planning Director

PUBLIC COMMENTS MADE AT PLANNING DEPARTMENT COMMUNITY FORUMS & FOCUS GROUPS

Community Forum #1—November 9, 2010, Board of Supervisors Chambers

Red tags and Notices of Violation recorded on the titles of properties lower property values and constrain loan sources. It then is difficult to obtain financing to address violations, to refinance, and to sell property. Red tags therefore should not be used for all types of red tags, and should be a consequence of not addressing a violation, not an automatic practice for all code violations.

Need to be able to build with out-of-pocket funds. Fees are too high, and constrain the amount of money people are left with to actually carry out the project. The graph from the PowerPoint presentation illustrating building permit associated fee seems inaccurate.

There is over regulation. For example, sprinkler fees are too high. T-1-11 should be an acceptable building material.

Expensive fees result in larger, more expensive houses.

Concerns expressed about the handling of a specific code compliance case in the Larkin Valley area, related to homeowner's effort to re-build after the Trabing Fire, which ended up being a habitat code compliance case which cost much time and money.

Need to balance between needed drainage improvements and riparian corridor protection.

Need better definition or system to determine boundaries of riparian corridors. The definition of "riparian corridor" needs revision and clarification.

Processing costs for a particular >1,000 square foot accessory structure discretionary permit were too high. Too many hours (and thereby cost) charged for particular tasks performed by staff.

Protest hearings for determining validity of alleged code violations lacks appropriate proof by evidence process.

Application submittal process is long and difficult. Practices are too strict regarding the level of application information that staff determines is adequate for even being able to submit an application. This can result in applicants being turned away at the Counter and not able to submit, when the application could have been accepted and then addressed in the 30-day completeness review.

Consider revising the Altered Wall regulations to use a valuation method (similar to floodplain valuation method). Vet the proposed revision before adoption with architects and industry professionals.

Need better definition or clarification of "attached-detached" and "breezeway" regulations that are used to regulate attaching two structures.

PUBLIC COMMENTS MADE AT PLANNING DEPARTMENT COMMUNITY FORUMS & FOCUS GROUPS

The discrepancy between the minimum garage height requirement of 7 feet for new 2010 Building Code and 7 ½ feet for Zoning Code should be addressed.

Explain the objectives and intent of policies and regulations and vet for better public understanding.

Support for an amnesty program. One reason for not obtaining permits is the lengthy, confusing, sometimes far-reaching planning process, permit fees, and impact fees: too much time, risk and money so people build without permits.

There are inconsistent interpretations of the zoning regulations by different staff, which can result in an applicant "getting wrong answers." Need more clear codes and adequate staff training.

Why are fees for urban single-family dwellings higher than those for rural ones?

Transit-oriented development, including higher density and reduced parking standards equals more diverse development, which is good for Santa Cruz.

Support for regulatory reform. Be sure to involve the public. Ordinance language must promote uniform interpretation and clarity.

Support for an amnesty program. Appreciation for the increased Counter hours (afternoons), and use of the Development Review Group for discussion of pending applications.

Would like community forums to include Public Works and Coastal Commission staff. Those agencies have key roles and requirements for many development projects.

Why is the soils report review process so costly and lengthy? Licensed professionals prepare these reports. Their review by staff holds up the permit process.

There needs to be better coordination between reviewing agencies. For example, Public Works drainage requirements sometimes conflict with other agency requirements.

Concern that there are multiple methods for calculating amount of floor area being used, and it is not clear which methods to use for different regulations or purposes.

Request to add short summaries of long planning documents to the Planning Department's website.

Regulations and staff should avoid using negative language such as nonconforming or substandard when describing existing lots (such as those on Beach Drive). This damages property value and is unfair. Legitimate lots should be recognized as the legal developments they are.

There should be a "grandfather" clause in proposed vacation rental regulations.

Planning staff at-cost hourly rates are too high when compared to other professions' billing rates.

The consequences of over-regulation (such as soils reports for too many types of projects) are overbuilding and overdesign, which has the ripple effect of resulting in increased costs.

PUBLIC COMMENTS MADE AT PLANNING DEPARTMENT COMMUNITY FORUMS & FOCUS GROUPS

“Red Tape” contributes to a substantial percentage of the cost of a project. Permit fees in Vermont are about 1/3 of the cost in Santa Cruz County.

Be more discerning about where and when to require biotic, geologic reports, etc.

Measure J ideals of growth management and agricultural protection have evolved into “building is a crime”, high costs and fines. Building is not a cancer. The overall cost of housing is driven up by the extensive process and requirements, which are not always necessary.

Citizens should take some responsibility for the current regulations.

You cannot regulate design. Go back to basics. Multiple regulations do not equal protection.

Simplify and clarify.

Reduce the current levels of review for projects by one level.

Address the distrust in the community toward the Planning Department and development regulations, including drainage.

Codes are important for safety.

More regulations to justify Planning jobs?

Review the current regulations. Consider eliminating one at a time in a way that will not impact the community.

People fear the County.

Allow work on existing structures in order to make them better and safer. The Altered Wall process is important to revise, as it is not realistic and gets in the way of improving structures that should not be considered a problem.

It is taking too long to get things done; for example, the Aptos Village Plan took 10 years. This inflates costs, undermines faith.

Our community does not use “best practices.”

The County Code is awful, especially the design review regulations. Instead, use form based codes: they are state of the art. Be area specific. Pleasure Point was a good start.

Supports peer review, therefore, County work should be peer reviewed, perhaps by a professional design review board. There should be more collaboration with professionals.

The Planning Commissioners should not be political appointees.

PUBLIC COMMENTS MADE AT PLANNING DEPARTMENT COMMUNITY FORUMS & FOCUS GROUPS

Red tag fees are not fair. Concern that the County hired the code compliance Hearing Officer.

People have lost homes due to code penalties.

The Board of Supervisors serves groups other than their constituents.

Certain groups do not want regulatory reform.

The previous amnesty program failed due to lack of trust by the public.

Look into the concept of low cost permits with a waiver or indemnification feature that would allow homeowners to go forward in meeting codes on their own.

The Business Council wants private/public partnership regarding regulations, best management practices, costs, permitting. Examples include the current height limits for mechanical equipment and the need for 4-5 story buildings.

Current ordinances, policies and practices are resulting in high, increasing development costs.

Look into the disconnect and lack of communication between the Planning and Public Works Departments.

Increase the height limit to 35 feet due to increasing scarcity of undeveloped land.

Reconsider the dates of the winter grading rules.

Minor Variation applications are over-routed to agencies.

Provide an opportunity to review plans with the plans checkers at the submittal stage.

Unhappy that deferred submittals are processed as "change orders".

Inspections of commercial projects are currently handled like residential inspections and this does not work well.

At the Webb Ranch, very old buildings withstood the Loma Prieta earthquake while modern buildings did not.

Do not like that code compliance is driven by anonymous citizen complaints. Could these be fakes?

Does not like that Redevelopment Agency (RDA) and Housing are paid for by taxes and grants that are unwillingly funded by the taxpayers. Grant money comes with unwanted strings attached.

Eliminate old red tags and start afresh.

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In a certain instance, the Administrative Hearing Officer recused him/herself and that resulted in an unresolved code case. The Hearing Officer should be a State officer and not a paid County staff person.

Reactivate the previous Building Board of Appeals and activate a Housing Appeals Board. There should be peer review on these Boards.

Supports peer review of County work.

Questions about whether the Board of Supervisors is sincere in its stated support for regulatory reform.

For a fire recovery victim, there were considerable up front, out-of-pocket expenses for before an insurance claim payment was received. This is not right. The County should try to help disaster victims rebuild, even if some usual practices need to be modified.

There is an adversarial "us against them" feeling at the Planning Department. Public employees should recognize that applicants need their help and that is part of their job.

A person was turned away from submitting an application.

Overall, a beautiful community is not resulting from the planning process. "Squeezing out the design." Ironical that there are so many requirements and regulations, but design review and quality of the project does not seem to be much of a consideration.

The 28-foot residential height limit in the rural areas is too low.

Revisions are needed to the Floor Area Ratio (FAR) regulations. Aspects don't make sense and are unrealistic.

Hope expressed that these community forums will result into workshops. The AIA (The American Institute of Architects) members are willing to participate.

In one Los Angeles city, the regulations consist of two pages. The adjacent City of Santa Monica has many regulations but the quality of the buildings built is similar.

Workshops requested to assist applicant through the permit process.

Private property rights are being trampled.

Deregulate to support the economy.

Citizens must be active at the Board of Supervisors level.

Regulatory reform will not happen without Board buy-in.

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Staff should create records of those things they have advised the public that can be done with their property instead of just recording those things that cannot be done.

Empower the Counter staff to make more decisions.

Concerns expressed about the United Nations, Agenda 21 and foreign entities' influence on local government.

Please transcribe these comments and make them available to attendees.

Community Forum #2—November 16, 2010, Watsonville

Fees are too high for Second Units. A particular permit cost \$20,000 in fees, and fire requirements are particularly expensive. This leads to non-permitted alternatives.

Concerning Second Units, regulations should be changed to not require the property owner to live on-site after a certain number of years.

Revisit the definition of "riparian" areas. The current definition is unclear. This leads to the requirement for professionally prepared reports.

Request for clarification of the terms "ministerial" and "discretionary" given by Planning staff.

Planning managers need to support staff in order to improve customer service. Managers should out at the Counter observing more often. Person has noticed the new "mix" at the Counter.

There was inconsistency in the processing of a commercial application.

Consider allowing Class K housing that must meet health and safety standards only.

Person experienced confrontational attitudes at the Counter.

Planning authority should be limited to health and safety.

A liaison should be provided to assist the public through the planning process.

Concern about inappropriate political influence on the permit process.

Employers are leaving the county. Monterey County is friendlier to business.

Person described the negative feeling he experiences coming into the Planning Department, as if he is "in handcuffs." He has not experienced the same feeling when working with staff in the field.

The Planning Department is directing the Board of Supervisors rather the other way around. An example is the Building Board of Appeals.

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Community Forum #3—November 18, 2010, Live Oak

Agency comments are not currently viewable by the public in the new Hansen computer system. It is not possible to view or respond to individual reviewing agency comments.

Staff is not friendly. There are different levels of customer service. Some of the staff have smiles and are more motivated to assist than others.

Person experiences different answers to the same question from staff.

There is not certainty of processing levels for applications

Processing times are too long, even for a “priority processing” project.

Compliment given that a planner did stand by the information given to the public.

The level of code enforcement is not always equal to the degree of noncompliance.

Plan check requirements made by an out-of-area contract plan check company were not consistent with Santa Cruz standards.

The planning process has tripled since the Loma Prieta earthquake even though no lives were lost in houses.

There are too many reviewers and re-reviews of plans, which costs more money to involve more reviewers, which at times seems redundant.

The Department of Public Work issues should be addressed, especially those related to drainage.

Person likes that the application intake planner then becomes the project-processing planner. Inconsistent answers more likely if an applicant has to work with several different planners.

There is a need to better coordinate the County processing of projects that receive their approval at the Coastal Commission.

The quality of consultants in the community is poor.

It is cheaper to buy a house than to build it.

The Planning Department is not horrible.

Quicker application processing helps the economy and job retention.

The Planning Department needs to practice more given and take.

PUBLIC COMMENTS MADE AT PLANNING DEPARTMENT COMMUNITY FORUMS & FOCUS GROUPS

Architectural plans should not be required when a demolition permit involves removing illegal work attached to an existing wall.

Planning Director secretary is very good at her job.

The septic one-acre minimum requirement should be revisited. Lot line adjustments to result in one-acre lots to meet the septic requirements should be allowed.

Person expressed concern that SB 375 (greenhouse gas emissions) implementation may hinder faster processing and regulatory simplification efforts.

Person expressed concern about the protection of private property rights.

The Board of Supervisors should let the Planning Department do their job.

It is difficult for the public to find time to attend daytime meetings and hearings. Evening meetings preferred.

The current regulations are difficult and often require the hiring of land use professionals.

The nonconforming regulations lead to working without permits.

Consulting costs are much greater than permit fees.

Help the citizens by simplifying the regulations.

Post upcoming Board of Supervisors hearing notices on regulatory reform efforts at the front Counter or in the Planning lobby.

Community Forum #4—December 8, 2010, San Lorenzo Valley

A person was at the Zoning Counter asking question and was told that a copy of the pertinent portions of the County Code were not available to the public. The County Code should be made accessible to the public.

A person recently had a PDSR (Predevelopment Site Review to determine applicable planning and environmental regulations for a project) prepared. Adjacent houses have existing 5-foot side yard setbacks. He is required to have 15-foot side yard setbacks. Wonders if there is anything in the works to relax this standard or make obtaining a variance easier.

Concerning the proposed Minor Exception process: make sure exceptions do not reduce protection of natural resources. Concern expressed that the Minor Exception process may be available to legalize illegal construction and make it easier to obtain an “after the fact” permit.

Concern expressed that the one-acre minimum (for septic purposes) will be increased.

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Concern expressed that the current minimum riparian setbacks will be reduced through the Minor Exception process. The person has seen projects built within 10 feet of a stream, not the required 50 feet.

It would be helpful if written guidelines regarding requirements for different types of projects were made available.

A person has been discouraged by contractors from working with the County and getting permits.

Staff needs to know that the San Lorenzo Valley is different; there are more concerns present such as drainage, fire, etc. Streamlining can go too far.

A person remembers the Applicant's Bill of Rights and wonders if our practices are consistent with that document.

Concern expressed that code enforcement is complaint driven. The property owner with the violation may target the complainant. This serves as a disincentive to turn in a complaint.

Concern expressed that an unpermitted driveway violation did not receive appropriate attention from a former Planning Director.

There is a property at the end of Zayante Road with an illegal addition which is causing a parking/traffic issue with fire trucks unable to access site.

There is a lack of accountability by staff.

Need better enforcement efforts.

Code complainants are concerned about retribution by neighbors. The County should take the initiative to take on certain code cases rather than only react to complaints.

Commercial Development Focus Group—February 16, 2011

County permit process is too long compared to other jurisdictions. County rezoning application took more than 19 months to process while a General Plan Amendment/rezoning application only took 4 months to process in the City of Watsonville.

Planning Department, on more than one occasion, used wrong accessibility standards resulting in additional costs and delays in projects.

Long processing times have resulted in lost revenue for the County and construction employee layoffs.

Several people commented on plans being lost by several County Departments.

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Several people commented on the number of sets of blueprints required and their costs of duplication. The County should look into the use of PDFs or CDs instead. Use electronic submittals and only print needed pages or none at all.

Planning and Public Works Departments tend to work in “silos” without appropriate communication and coordination between the Departments. Until conflicting perspectives are resolved, the applicant is held hostage.

A person did comment on improvement in Planning and Public Works Departments’ communications.

A person expressed confusion as to whether to submit requested information to Planning or to the individual Department.

Plans should not go to multiple individuals in Public Works for review.

Environmental Planning and Public Works Drainage do not coordinate their reviews and inspections.

Drainage review and approval takes way too long.

Building plan check comments are difficult to understand, even for staff.

Limited staffing results in plan check delays.

It takes 4-8 months for a master occupancy permit to be processed for an existing commercial building.

There is a need to better integrate the continual need to upgrade buildings and uses with the regulatory process.

Changing tenants in a commercial building should be a simple process.

Currently, changing use, in especially older shopping centers, is a lengthy process. Accessibility requirements are difficult to meet. This results in some people not obtaining required permits. The group needs to understand that ADA and accessibility challenges may not be able to be solved locally.

Planning Department Building Section does not allow for pre-submittal meetings for applicants with plan check staff to discuss and understand assumptions and approach.

In Redwood City, a Gantt chart was used to lay out the application process. Heavy use of email expedited the application process.

Permit fee calculation is difficult and amounts can sometimes change. Most businesses cannot cut same day checks. Allow use of credit cards.

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Several people said that the fees are too high.

Several people agreed that the current cost of permitting and construction now exceeds the assessed value of the project. Capital improvement fees cost \$20-\$30 per square foot of building.

The current hourly staff rate for at-cost projects is too high for non-professional reviews.

Reduction in processing time and cost will result in a better community.

For commercial projects, building inspectors will not do separate inspections of sub-systems. It is unreasonable to expect all rough-in work to be ready for inspection at the same time. Phased inspections are needed for commercial buildings. *(Note: the Building Official stated that this is no longer Department practice.)*

In the past, Planning Department would not allow utility meters to be released until all work was signed off. The meters were held "hostage" to ensure permit compliance. Both electric and gas are needed to commission and test systems prior to occupancy.

A building inspector required permanent survey markers for a foundation inspection.

There is fear of retribution if complaints or appeals are made.

It is common to hear County departments criticize the other.

A person was told that his commercial project processing time would be 1-2 years.

There are at-cost contract invoice errors.

Concern expressed about timely release of comments and requirements. For discretionary permit applications, an applicant should be able to know, discuss issues and deficiencies and resubmit information prior to the preparation of the 30-day completeness letter. Have the planner contact the applicant early in the 30-day process.

Concern expressed about new requirements resulting from subsequent review of plans.

Accessibility review at the discretionary permit stage required preparation of architectural plans.

Several people agreed that architectural plans, especially drainage plans, should not be required in order for a discretionary permit application to be deemed "complete" for processing.

Requiring detailed plans, especially accessibility and drainage, at the discretionary permit application stage is very expensive and occurs at the beginning "at risk" stage of the project. If revisions are needed during the course of discretionary or CEQA review, that necessitates revisions to all of these detailed plans. The discretionary plans should be detailed only as much as needed for zoning development standards, feasibility determinations regarding other technical requirements, and so forth. The detailed plan specifications for certain factors should be required as conditions of approval, to be shown on Building Plans and Improvement Plans.

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Concern expressed about being required to design to a drainage standard that is not yet in effect.

The County created a “maze” of regulations in the 1970s-1980s.

The trigger for when a post-discretionary permit approval change becomes a “big deal” is much lower here than in other jurisdictions. Substantial compliance should be considered.

Other jurisdictions have set criteria for allowable variations to approved plans. The City of Oakland is a good example.

A person does not like sitting out in the lobby while waiting for Counter service. Feels “walled out.” This is not his experience at other Planning Departments.

Concerns about communication and response time, especially for small projects.

Several people said they do not feel like they are treated as valued clients or customers.

Provide a clear process map for each type of development.

Provide pre-application services. A person was told that he could not make an appointment for a discussion-only meeting (rather than pre-application) for a potential discretionary project.

A person should not have to file an application or pay a fee to talk to a project planner. Other jurisdictions offer a service that brings the reviewing agencies together to review an application and work out issues promptly.

Provide an express building permit process, like the Cities of Sunnyvale and San Jose.

Several people want a project manager or single point of contact that is responsible and has the authority to see an application to completion and answer questions. Sacramento has a good system in place.

Have the discretionary permit intake planner also be the planner who processes the application.

Provide clear and reliable estimates for processing times.

Continue to provide priority processing for change orders, no matter the number requested.

Change orders to issued building permits should be charged “by the hour.”

Allow “deferred submittals” such as fire sprinklers to move forward in processing with other change orders. *(Note: the Building Official stated that the Department is currently working on this issue.)*

Provide expedited processing for large commercial projects, perhaps for a fee?

Make reviewers’ comments on discretionary permit applications available on-line, similar to building application comments that are currently available.

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Make old permits/plans available for viewing on-line.

Planning Department should institute a 24-hour call back policy for telephone calls.

County Departments need to “take a risk” (look at the intent of the Code) with the applicants, while also providing more certainty.

Give planners the freedom to make a mistake.

Scale the amount of review to the scope of the project.

There should be consistent understanding of regulations and processing amongst staff.

Provide professionals and the public with information about new requirements and regulations.

Invite the applicant to participate in the post-application submittal Development Review Group discussions.

There needs to be clearer distinctions between “incomplete” items and policy issues for discretionary permit application comments.

Ordinance suggestion: revise the currently required 30-foot minimum setback from residentially zoned property to commercial buildings. Variances to this standard are always approved.

Ordinance/General Plan suggestion: change the current prohibition of placing greater than 50 cubic yards of fill within a floodplain. The size of the lot should be a factor.

Ordinance suggestion: increase current 35-foot commercial height limit to 40 or 45 feet.

Ordinance suggestion: increase the current 10% maximum size architectural feature height exception to a higher percentage. This is needed due to new Building Code requirements.

COMMENT CARDS RECEIVED AT OR AFTER FORUMS:

Trust the architects for a change.

Amnesty for non-health and safety red tags.

Allow grandfathered uses.

Allow K-Code.

Allow composting toilets.

Expedite the permit process; for example: over \$300,000,000 for the Cybertran light rail loop from UCSC to the Board to downtown Santa Cruz to Harvey West and back to UCSC! (At no cost to

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Santa Cruz or Santa Cruz County) went away when the investors found out that the permitting process would take significantly more than 5 years. The money was immediately available (lots of jobs!).

Allow common sense to prevail.

It takes too long to get the average permit to build anything. My most recent experience with this was when it took me 2 ½ years to get a permit to build a garage for an existing house in a neighborhood with paved streets in Bonny Doon.

Our county has too many different fire districts and there is little or no apparent coordination with the fire officials and the planning department. This causes innumerable issues that could be avoided with a uniform set of rules and better communication between the County and the Local Fire Departments.

The different agencies in the County Building need to communicate and share information better. Fire, Public Works, Environmental Health, the Assessor, GIS, Building and Planning all need to share information in a system that is accessible to the public on line.

The people that interact with the public at the Planning and Building counters need to be trained so that they can tell someone all the possible issues that affect their property. I don't know how many times I've come in to do research on a new project, been told something and come back with a design in response to the info only to be told that there is some other rule that contradicts or is in addition to the other rule. This may entail a simplification of the Planning code.

The Discretionary Process is like having your project before a secret tribunal. There needs to be more transparency.

People need to be able to call the Planning and Building Department and get a live human to ask a question during business hours every workday, not a message machine and a call back, maybe tomorrow.

The whole planning process is a giant waste of paper. More of the process needs to be done electronically on line. Technology exists to be able to scan a set of plans into the County System at intake and all agencies would have instant access to them that day.

The hourly rate you charge for "at cost" permits processing is an insult to most of the professionals who practice in the county. You should not be charging me \$160/hour to review the report of a Civil Engineer that only cost me \$120/hour.