COUNTY OF SANTA CRUZ PLANNING DEPARTMENT Date: 4/16/04 Agenda Item: No. **2**. Time: **After: 1:00 PN**.

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO. 04-0015 APPLICANT Chuck Burkett OWNER: Maura Zink APN: 065-092-10

PROJECT DESCRIPTION: Proposal to remove an existing nonconforming carport and elevate an existing **two** story single family dwelling, construct **a** new foundation, garage, and storage below, construct new entry stairs, decks, and landings, and construct a new bath and bedroom above. LOCATION The project is located at the end of River Road, (322 River Road).

PERMITS REQUIRED: Variance to reduce the required twenty **foot** front yard setback to about sixteen feet to the proposed garage, to reduce the required ten foot side yard setback to about five feet to the new decks, stairs, and landings, and increase the maximum 28 foot height limitation to about 33 feet.

ENVIRONMENTAL DETERMINATION: Exempt per CEQA Section 1805(a) COASTAL ZONE: __yes __X_no

PARCEL INFORMATION PARCEL SIZE 8,868 square feet EXISTING LAND USE: PARCEL Residential SURROUNDING Residential and recreational PROJECT ACCESS: Construct gravel driveway off River Road, a privately maintained 40 foot right-ofway. PLANNING AREA: San Lorenzo Valley LAND USE DESIGNATION: Suburban Residential ZONING DISTRICT: R-1-15-GH SUPERVISORIALDISTRICT: Fifth District

ENVIRONMENTAL INFORMATION

<u>Item</u>

- a. Geologic Hazards
- b. Soils
- c. Fire Hazard
- d. Slopes
- e. Env. Sen. Habitat
- f. Grading
- g. Tree Removal
- h. Scenic
- i. Drainage
- j. Traffic
- k. Roads

Comments

- a. Site is within the floodway; home will be elevated
- b. Soil Report completed; plan review letter will be required.
- c. Fire protection improvements will be required.
- d. Site is level.
- e. Riparian habitat and endangered species in **area;** none on site.
- f. None proposed
- g. Double trunk Cottonwood on site to be protected.
- h. Not within a scenic corridor or visible from a highway.
- i. Drainage improvements will be installed per plans.
- j. No significant impact
- k. Site at end of River Road. no road improvements.

SERVICES INFORMATION

W/in Urban Services Line: ___yes XX_no Water Supply: American Water Company Sewage Disposal: On site septic system Fire District: Felton Fire Protection District Drainage District: Zone 8 Flood Control/Water Conservation District

ANALYSIS & DISCUSSION

The proposed construction is part of a FEMA sponsored, Santa **Cruz** County coordinated house raising project in the Felton Grove Subdivision. The **1928** subdivision is **located** in the floodway of the San Lorenzo River. The floodway is an extremely **hazardous** zone due to the quantity and velocity of flood waters, the amount of debris which may be transported, and the high potential for erosion during periods of large **streem** flows. **Several** winters have resulted in severe damage to the homes within the Felton Grove Subdivision. The Federal Emergency Management Agency **has** been involved in subsequent repairs to the homes following these disasters. The objectives of the house raising project *is* to increase the safety of the residents and decrease the required funds for **repairs** following floods in the future. The homes **are** raised enough to ensure they **are** out of the elevation of the floodway and temporarily supported while the new foundation and flood proof walls **are** erected. In some **cases** this results in a building that is over the maximum 28 foot height limitation. This particular project will result in a 33 **foot** high structure, 'which will require a variance to the **maximum** building height.

Parcels within the Felton Grove Subdivision **are substandard** in **size** by *current* site regulations. Many parcels are unusual in configuration and it is common for homes and associated improvements to be nonconforming relative to setbacks or even within the right-of-way. This project involves a home which does not meet the required front yard setback of 20 feet. It is proposed **that** the building be raised, new walls and garage door constructed to support it, and maintain the existing 16 fcot setback from the right-of-way for River **Road**. The new garage doors will have adequate back out **area as** the paving for River Road is at least 20 feet from the garage door, **and** the site is **at** the end of the road. Further, there **are** existing **posts** and roofing zero feet from the side property line. These will be constructed. The new **stairs** and deck will be five feet from the side property line. These inconsistencies with the required site standards require that a Variance be granted.

RECOMMENDATION

Staff recommends:

- 1. Approval of the determination that the project is Categorically Exempt **from** the California Environmental Quality Act; and
- 2. Approval of Application No.04-0015, based on the attached findings and conditions.

EXHIBITS

- A. Project Plans
- B. Variance Findings
- C. Development Permit Findings
- D. Conditions
- E. Environmental Determination
- F. **Zoning** Map
- G. General Plan Map
- H. Assessor's Parcel Map
- I. Location Map

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN **THIS** REPORT **ARE** ON FILE AND AVAILABLE FOR **VIEWING** AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, **AND** ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Darcy Houghton Santa Cruz County Planning Department 701 Ocean **Street**, 4th Floor Santa Cruz CA 95060 Phone Number: (831) 454-7586

VARIANCE FINDINGS:

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO HE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES. THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

Special circumstances applicable to thisproperty include it's location within the floodway. The floodway is described as extremely hazardous due to the velocity \mathbf{cfthe} moving water and debris that it carries. This requires that the structure be elevated which, depending on the size \mathbf{cf} the existing unit, may result in a building higher than the 28 foot height limitation. In this case the unit is **two** story and so the elevation \mathbf{cf} it will result in a 33 foot high structure. A garage and storage area will be built under the two story habitable area to support it up and out \mathbf{cf} the hazardous floodway.

The other portion **d** the variance is to setback requirements. The special circumstances associated with this variance is the location **d** the existing structure. The **new** garage doors will only be sixteenfeetfrom the front property line and the site standards require 20feet from garage doors to the front property line for proper backout area The right-of-ways are unusually wide surrounding the site **and** actual road widths are narrow. Therefore, the vehicle backing out will not actually be backing out onto the road Adequaie sight distance exists for vehicles exiting the garage and the site is the last house on a dead end road The **new** exterior stairs to access the second and third stories and the second story decking will not meet the required tenfoot setback to the side property line. This is **due** to the location **d** the existing home and the need **io** access the elevated structure.

2. THAT THE GRANTING OF THE VARIANCE WILL BE INHARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

The granting of the variance will be in harmony with the general intent and purpose \mathbf{c} zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity in that the height and locution \mathbf{c} the building will not effect the neighbor's privacy, solar access, or open space. Privacyfences exist which will not be affected by the project. The existing roads will not be affected and the project site is at the end \mathbf{c} a dead end roadway.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

The granting \mathbf{c} the variance to increase the maximum 28 foot height limitation to 33 feet, reduce the required 20 foot setback to front property line to 16 feet, and reduce the required IO foot side yard setback to 5 feet will not constitute a grant \mathbf{c} special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated in that the other homes in Felton Grove which require variances due to the presence \mathbf{c} the floodway, wide right-of-ways, narrow roads, and existing building location have similarly been granted the same. In addition, most **d** the homes **do** not meet current site standards. Many are over the property lines and into the right-of-ways. Fences and accessory structures exist which are not within the parcel boundaries. **This** home and it's associated improvements are within the parcel boundaries and the project will include removing**psis** and roofing which is on the property line, thereby improving the existing nonconformities. The project is therefore, not a grant of special privileges inconsistent with the limitations **upon** oiher properties in the Felton Grove vicinity.

FINDINGS:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the residence and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use **d** energy. and will not be materially injurious to properties **or** improvements in the vicinity in that the project includes elevating the structure out of the hazardous floodway of the San Lorenzo River which will improve safety. The project will not result in any impacts on sight distance for vehicular **traffic**, or light, air, and open space for the neighbors.

2 THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF **THE** ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-I-1.5-GH zone district. The project is consisten: with the **specific** purposes of the R-1 zoning to provide areas of primarily residential use, protected from the incompatible effects of nonresidential land uses. The project will not interfere with the surrounding recreational, commercial, and public uses.

The project is consistent with the GH (Geologic Hazards) combining zone district due to it's location within the 100 year floodway. This provides early notice of the development constraint and requires that development projects be subject to the Geologic Hazards Ordinance, Section 16.10 of the County Code. The Felton Grove House Raising Project has been designed and monitored to be consistent with the County Code which requires that buildings be elevated within the highfloodhazard areas.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN, WHICH **HAS** BEEN ADOPTED FOR THE AREA.

The project is located in the Suburban Residential **land** use designation. The proposed residential use is consistent with all elements of the General Plan in that the home will be compatible in scale and design with the others in the neighborhood The project is consistent with the General Plan in that it will reduce hazards associated with the jloodway. The project isfurther consistent with the Felton Town Plan in that the neighborhood will remain residential.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The use will not overload utilities and will not generate more than the acceptable level **d** traffic on the streets in **the** vicinity in that **the** project does not include an increase in the number **d** units **or** bedrooms. The current home already has a water connection and an approved septic system.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed residence will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities d the neighborhood in that the design has incorporated features common to the area and is in scale with the other homes in the neighborhood.

6. THE DPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STAN-DARDS AND GUIDELINES (SECT § 13.11.070 THROUGH 13.11.076), AND ANY ^THER ICABLE REQUIRE! N OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and i of the Count Code in th t it is compatible with the ig vin round existing, and will maximize compliance with the site standards to the extent possible

RECORDING REQUESTED BY: COUNTY OF SANTA CRUZ

WHEN RECORDED, RETURN TO: *county* of Santa CRUZ planning Department 701 OCEAN STREET SANTA CRUZ CA 95060

CONDITIONS OF APPROVAL

Variance 04-0015 Property Owner: Maura Zink Assessor's Parcel No. 065-092-10 Property location and address: 322 River **Rcad**, Felton San **Lorenzo** Valley Planning Area

Exhibits: A. Architectural Plans prepared by The Final **Draft** dated January, 2004

- I. This permit authorizes the elevation of an existing single family dwelling, construct a new foundation and garage, and storage below, a new bedroom and bath **abover**, and construct exterior decks, stairways, and landings. Prior to completing any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - 1. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - 2. Obtain a Building Permit from the Santa Cruz **County** Building Official.
- II. General Conditions Prior to issuance of a Building Permit the applicant/owner shall:

Submit final Architectural Plans for review and approval by the Planning Department and other required agencies. The final plans shall be in substantial compliance with the plans marked "Exhibit A" on file with the Planning Department. Any changes between the approved Exhibit A including, but not limited to the attached exhibits for road improvement, grading, drainage, architectural, and landscaping plans, and the final Architectural Plans must be submitted for review and approval by the decision-making body..

Such proposed changes will be included in a report to the decision-making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County code. Any changes that are **on** the final plans that do not conform to the project conditions of approval **shall** be specifically illustrated **on a** separate sheet and highlighted in yellow on any set of plans submitted to the **County** for review. The final plans shall include, but not be limited to the following:

- a. Exterior elevations identifying finish materials and colon.
- b. Floor plans identifying each room and its dimensions.

- c. A site plan showing the location of all site improvements, including, but not limited to, landscaping, points of ingress and egress, parking areas, and accessory structures. The site plan shall indicate all new impervious surfaces and drainage control.
- 2. **Meet** all requirements of the Department of Public Works, Zone 8. New impervious area shall be less than 500 square feet or a drainage mitigation plan including retention or detention facilities must be submitted and accepted by the Drainage District. Clarify all changes to existing and proposed impervious surfacing. Show existing and proposed routing of the building downspounts.
- 3. Meet all the requirements and pay any applicable **fees** to the Felton Fire Protection District.
- 4. Meet all the requirements in the soils report **and** all regulations from the Federal Emergency Management Agency. Submit the soils engineer plan review letter that verifies the plans **are** in conformance with the recommendations in the soils report.
- **5.** Comply with all requirements of the County Environmental Health Department. Provide a satisfactory pumpers **report**.
- 7. Plot the large, double trunked cottonwood tree located to the side of the house on the site plan and indicate that this tree shall remain undisturbed. Provide recommendations from a licensed arborist to guarantee it's protection and survival.
- **III**. All construction shall be performed in accordance with the approved plans. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:
 - 1. All site improvements shown on the final approved Building Permit plans shall be installed. All inspections **required** by the building permit shall be completed to the **satisfaction** of the County Building Official **and** the County Civil Engineer.
 - 2. Pursuant to Sections 16.40.040and 16.42.100 of the County Code, if at any time during site preparation, excavation or site disturbance associated with this development, any artifact or other evidence of an historic archeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains **no** human remains. The procedures established in 16.40.040 and 16.42.100 shall be observed.
 - 3. Construction activities shall be completed so **as** to not impact the functioning of the existing septic tank, leachfields and future expansion leachfield.
 - 4. Submit the elevation certificate verifying the structure is raised to the correct elevation.

- IV. Operational Conditions.
 - 1. In the event *that* future County inspections of *the* subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL, UNLESS YOU BOTH OBTAIN YOUR BUILDING PERMIT AND OBTAIN REQUIRED FIRST BUILDING INSPECTION.

Conditions verified by

Date / /2001

Don Bussey, Deputy Zoning Administrator

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

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.

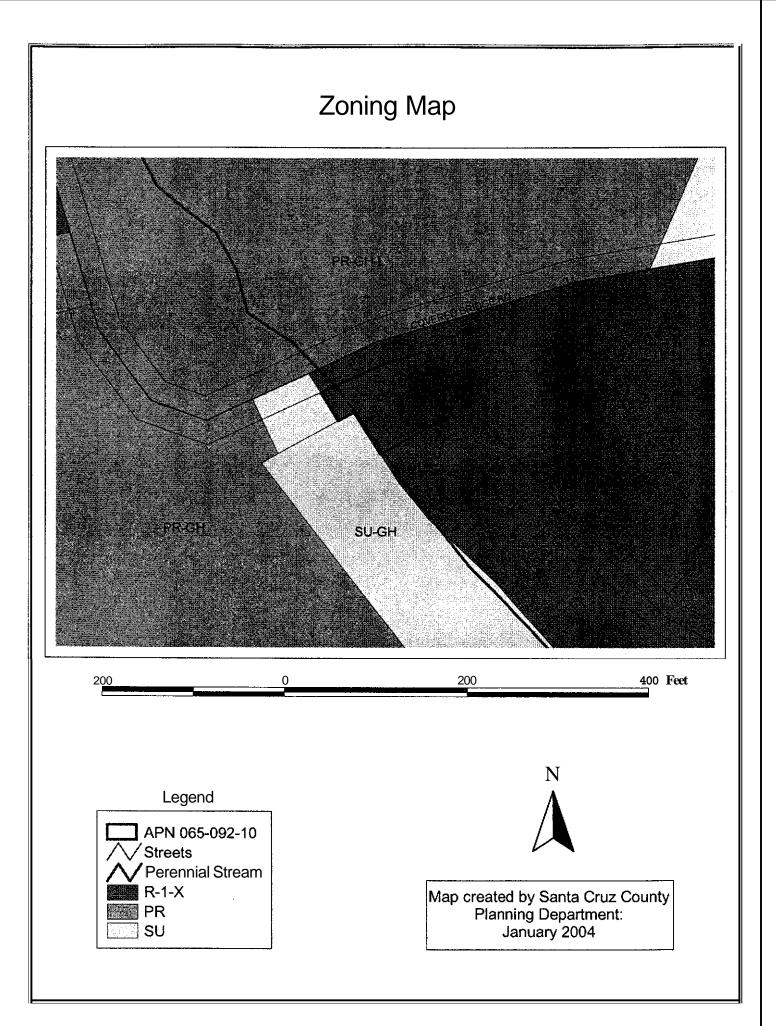
Application No.04-0015Assessor's Parcel No.065-092-10Project Location:The project is located at the end of River Road in Felton Grove.Project Description:The project proposes to elevate and remodel an existing single family dwelling.Person or Agency Proposing Project: Maura Zink

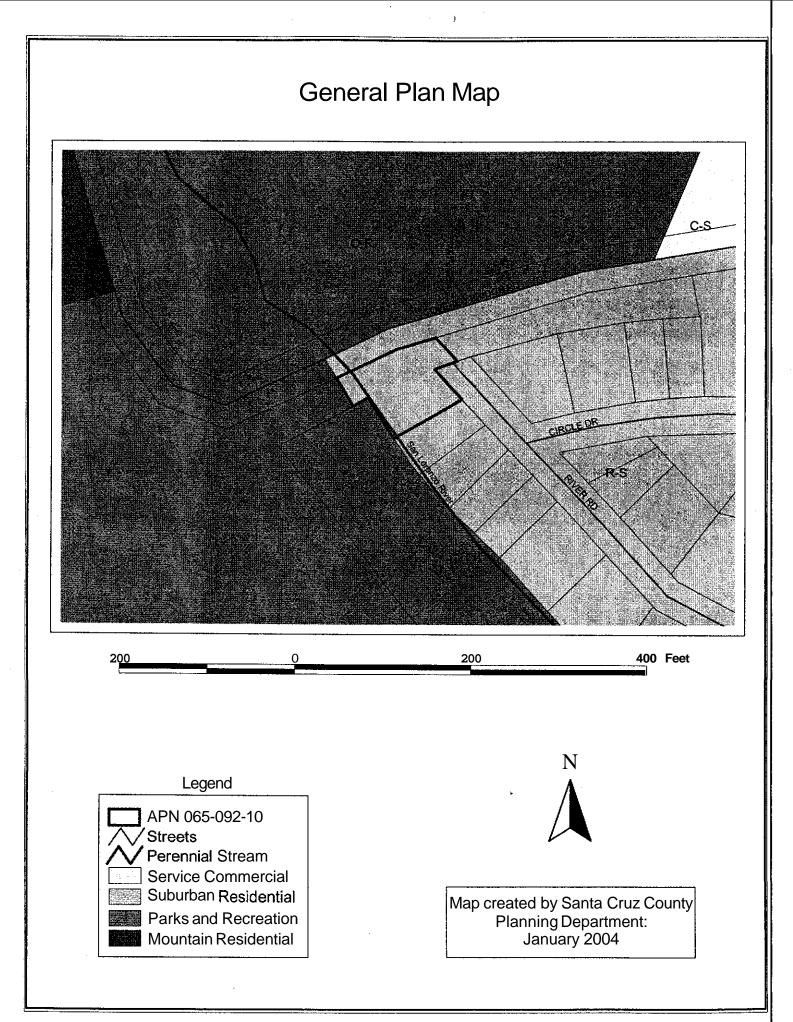
- A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501
- B. _____ Ministerial Project involving only the use of fixed standards or objective **measurements** without personal judgment.
- C. _____ Statutory Exemption other than a Ministerial Project. Specify type:
- D. <u>Categorical Exemption</u>
- XX_1 Existing Facility
- **____ 2.** Replacement or Reconstruction
- ____ 3. New Construction of Small Structure
- **4.** Minor Alterations to Land **5.** Alterations in Land Use
- Limitations
- **6.** Information Collection
- **___ 7.** Actions **by** Regulatory Agencies for Protection of the Environment
- **8.** Actions by Regulatory Agencies for Protection of Nat. Resources
- <u>9</u>. Inspection
- ____ 10. Loans
- ____ 11. Accessory Structures
- _____ 12. Surplus Govt. Property Sales
- _____ 14. Minor Additions to Schools
- **15.** Minor Land Divisions
- Land to Create Parks
- E. _____ Lead Agency Other Than County:

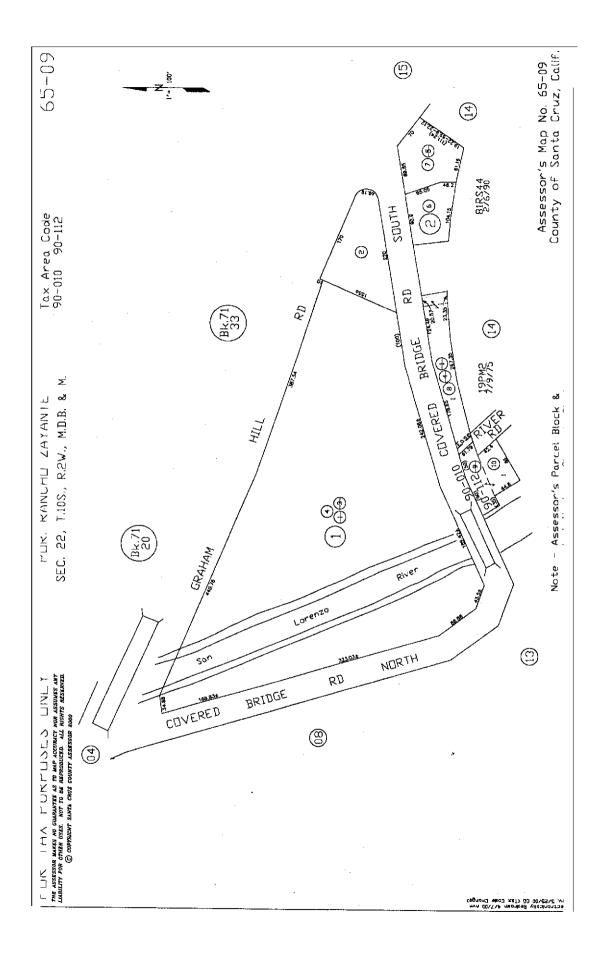
- ____ 17. Open Space Contracts or Easements
- **18.** Designation of Wilderness Areas
- ____ 19. Annexation of Existing Facilities/ Lots for Exempt Facilities
- ____ 20. Changes in Organization of Local Agencies
- ____ 21. Enforcement Actions by Regulatory Agencies
- ____ 23. Normal Operations of Facilities 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 **a** Existing Facilities
 - 29. Cogeneration Projects **a** Existing Facilities

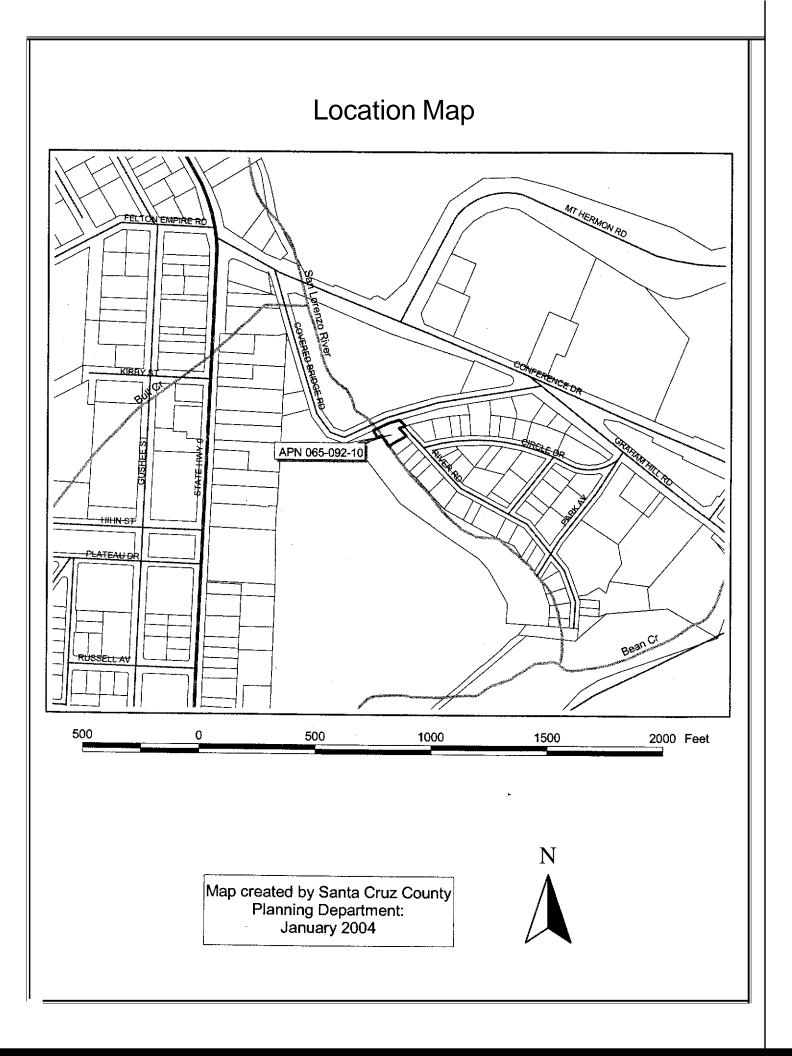
Date: 03/10/04

Darcy Houghton, Project Planner









PLANNING DEPARTMENT



GOVERNMENTAL CENTER

DEVELOPMENT PERMIT APPLICATION

APPLICATION NO. : 04-0015

PARCEL NO. SITUS ADDRESS 065-092-10 322 RIVER RD FELTON 95018

PROJECT DESCRIPTION:

Proposal to remove an existing nonconforming carport and elevate an existing two story single family dwelling, construct a new foundation, garage, and storage below, construct new exterior entry stairs, decks, and landings. and construct a new bath and bedroom above. Requires a Variance to reduce the required twenty foot front yard setback to about sixteen feet to the proposed garage, to reduce the required ten foot side yard setback to about five feet to the new decks, stairs, and landings, and to increase the maximum 28 foot height limitation to about 33 feet. Property located at the end of River Road (322 River Road) in Felton Grove.

DIRECTIONS TO PROPERTY: GRAHAM HILL RD NORTH TO LEFT AT PARK AVE AT FELTON GROVE TO RIGHT AT RIVER RD. TO END ON NORTHWEST CORNER (322 RIVER)

APPLICANT:	ZINK MAURA E U/W Z∎NK MAURA E U/W		322 RIVER R 322 RIVER R	D FELTON CA 9 D FELTON CA 9	
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COUNTY OF SANTA CRUZ

 701 OCEAN STREET
 SANTA CRUZ, CALIFORNIA
 95060

 FAX
 (831)
 454.2131
 TOD
 (831)
 454-2123

200 DIVED DD FELTON CA OFO40

PHONE: (831) 454-2130 PRINT DATE: 03/10/2004 APPLICATION DATE: 01/13/2004

COPY - APPLICANT

GENERAL PLAN RESOURCES & CONSTRAINTS: ARCRES GENERAL PLAN RESOURCES & CONSTRAINTS: BOTO ASSESSOR LAND USE CODE: SINGLE RESIDENCE DISTRICT SUPERVISOR: Mark Stone PARCEL SIZE: 8668.4 SQUARE FEET (EMIS ESTIMATE)

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS. THE COUNTY'S GEOGRAPHIC INFORMATION SYSTEM. AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN A SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

ACTUAL CONDITIONS ON THIS PROPERTY MAY NOT COINCIDE WITH THE MAPPED RESOURCE/CONSTRAINT INFORMATION. WHICH IS SOMEWHAT GENERALIZED. THE APPLICATION OF SPECIFIC RESOURCE AND CONSTRAINT POLICIES IS DEPENDENT ON THE ACTUAL CONDITIONS ON THE PROPERTY AND IN THE AREA OF DEVELOPMENT.

YOU WILL RECEIVE A LETTER OR LETTERS WITH THE RESULTS OF YOUR TECHNICAL REVIEW(S).

APPLICATION TAKEN BY HILARIE PHELPS. PLANNING DEPARTMENT

* NOTICE TO DEVELOPMENT PERMIT APPLICANT:

 $\frac{1}{4}$ You will be notified within five (5) working days of the name and phone number of your project planner.

* If your project is found to be extraordinarily complex, reviews normally charged a fixed development permit or technical * review fee may be charged on an actual cost basis. This determination may be made either at application acceptance or * during application review. Authority for these charges is found in the Planning Department Fee Schedule.

^{*} Your application fees are not refundable. except as specified in the Planning Department Fee Schedule.

* If YOU have begun an activity or work requiring county review or approval without first obtaining a permit, you will be * charged fees equal to the cost of investigation and resolution of the violation. Authority for these charges is found * in Chapter 1.12 of the Santa Cruz County Code.

* You need to advise residents of property that Planning Department staff may be visiting the site. Site should be clearly * marked/staked for staff inspection. Incomplete directions or marking will delay review of the project.