

**SANTA CRUZ COUNTY  
BOARD OF SUPERVISORS INDEX SHEET**

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**Ordinance(s):**

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**Contract(s):**

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**Continue Date(s):**

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**Index:** --Letter of Planning Department dated June 17, 2008  
--Electronic Correspondence of Cove Britton dated June 23, 2008

**Item: 44.** AUTHORIZED the Board of Supervisors to consider appeals of incompleteness determinations per Government Code Section 65943(c), as recommended by the Planning Director



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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**TOM BURNS, PLANNING DIRECTOR**

June 17, 2008

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

**APPROVED AND FILED**  
**BOARD OF SUPERVISORS** AGENDA DATE: June 24, 2008  
 DATE: 6/24/08  
 COUNTY OF SANTA CRUZ  
 SUSANNA MATHEWLO  
 EX-OFFICIO CLERK OF THE BOARD  
 BY: *[Signature]* DEPUTY

**SUBJECT:** Authorize the Board of Supervisors to Consider Appeals of Incompleteness Determinations per Government Code Section 65943 (c)

Members of the Board:

State Law sets forth specific processing times for development permit applications. The statute is commonly known as the Permit Streamlining Act, Government Code 65940 et seq. One of the legal requirements is for the local permitting agency to make a completeness determination within 30 days after the filing of an application. If the application is deemed incomplete, an applicant is entitled to appeal that determination.

The County Planning Department has always considered completeness determination appeals to be administrative appeals as set forth in County Code Chapter 18.10. The Planning Director is the designated hearing body for such administrative appeals.

However, it has come to our attention that State Law does not allow these appeals to be considered administratively. The law specifically states that *"If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.[65943(c)]"*

Even though the issues that arise in these appeals relate solely to the adequacy of the application materials for processing, and no final decisions are rendered with regard to the application itself, State Law requires these appeals to be heard by your Board, the Planning Commission, or both. The State law also requires that this review be completed within 60 days or the application is automatically deemed complete.

In our judgment, the Planning Commission, due to their familiarity with the technical application requirements and the reasons why such information is necessary to enable staff to evaluate projects for conformance with complex regulations, is well prepared to consider these appeals. However, the length of time it takes to place the appeal on the Planning Commission agenda,

have the appeal consideration by the Commission and accommodate the subsequent appeal process to your Board may not easily fit within the 60 day limit.

For that reason, we believe that, for the time being, your Board should be the entity that considers appeals of incompleteness determinations. After we have had some experience with these appeals, it may be appropriate to shift the responsibility to the Planning Commission.

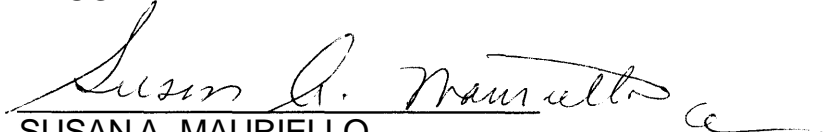
It is therefore recommended that your Board assume the authority to hear incompleteness appeals per Government Code Section 65943(c).

Sincerely,



Tom Burns  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

## CBD BOSMAIL

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**From:** CBD BOSMAIL  
**Sent:** Monday, June 23, 2008 8:35 PM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

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**Meeting Date :** 6/24/2008

**Item Number :** 44

**Name :** Cove Britton

**Email :** cove@matsonbritton.com

**Address :** 728 N. Branciforte  
Santa Cruz, CA  
95062

**Phone :** Not Supplied

### **Comments :**

Dear Supervisors,

I respectfully request that this item be pulled from the agenda and continued until the next available hearing date. As consistent with my request in regards to today's hearing on Design Brochure No. 2, I am unable to attend.

This item is related to my letter under "written correspondence" enclosed in this agenda packet and is an item I have been very concerned about (as indicated by my letter and other interactions with the county).

It is very encouraging that this issue is being brought to the Board but it is important an important item and deserves more input from the public. It is also important to note that this item should not be titled as an "authorization" for the Board to hear these appeals, the state requires these appeals to be heard by the Board (or Planning Commission at the Board's option). Unfortunately, and as is noted by staff, the lawful process for these appeals have not been followed by the county, with no disrespect intended, the Planning Director is not "authorized" under county ordinances, or state law, to rule on appeals of determination of "completeness", however the Board of Supervisors is already "authorized".

But I hope and encourage that this issue be looked at as an opportunity...to work with the community on improving the process. Toward that end I again respectfully request that this item be continued.

Thank you for the Board's consideration.

Sincerely,  
Cove Britton  
Architect  
Matson Britton Architects