Planning Application Guide

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Version 2

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The Town of Ross is a small incorporated town in Marin County, California, United States, just north of San Francisco. Ross is located 1.5 miles (2.4 km) west-southwest of San Rafael, at an elevation of 36 feet. Ross is an upscale community with an abundance of tree-lined vistas, parks, open space, healthy creeks and watersheds. Privacy and outstanding design is important to the Ross community. The Town is bordered by Kentfield and Greenbrae to the east, Larkspur to the south and San Anselmo to the north. The Town of Ross is a General Law city that was incorporated in 1908. The Town provides a range of services including police, building safety regulation and inspection, land use planning and zoning, maintenance and improvement of streets and related public facilities, street lighting, traffic safety maintenance and improvement, and recreational and cultural programs.

The Town of Ross Planning Department regulates real estate development by requiring property owners to obtain permits and meet certain standards consistent with the Town's General Plan and Municipal Code. The Town staff understands that the planning process can be daunting at first, which is why we have created this application guide.

Getting a planning permit is usually only one step in the development process; other permits may be necessary and there are utilities and other services that must be provided. Multiple departments and public agencies work together during the permit process, each specializing in their field of expertise. The key agencies and their roles in the development process are briefly discussed below:

1. The Planning Department reviews planning permit application, such as Variance, Use Permits, Nonconformity Permits, and Lot Line Adjustments, to ensure that projects are consistent with the Town's policies and regulations.

2. The Department of Public Works (DPW) reviews site preparation details of development projects, including grading plans, drainage plans, retaining walls, construction management plans, and all work within the Town's public rights-of-way. The DPW also reviews and issues encroachment permits and grading permits.

3. The Building Department is responsible for administering the provisions of the California Building Code by providing plans check and building permit inspection services.

4. The Ross Valley Fire Department is responsible for ensuring emergency access, safe construction practices, and vegetation management.

5. Special Districts, such as the Marin Municipal Water District and the Ross Valley Sanitary District, are responsible for connecting development to water and sewer public utility infrastructure.

6. The Marin County Environmental Health Services reviews applications for wells and restaurant inspections.

7. The Marin County Tax Assessor's office is involved when modifications to lot lines are made and when lots are created (subdivision) or eliminated (lot mergers).

As an applicant, it is important for you to familiarize yourself with the possible costs and requirements for permits or utility hook-ups from all public agencies that will be involved with your project. It is your responsibility to gain an understanding of all of the requirements that apply and how to meet them before beginning a project.

This guide is intended to assist property owners, community members, and business owners to better understand the review process for planning permits. Preparation is the key to success. The following sections in this guide provide a step by step overview of the process of evaluation of a variety of types of land use planning permit applications. You can also access more information at the Town's Planning Department webpage (http://www.townofross.org/planning).

FIRST STEPS

Defining Your Goal

The first step in seeing your project through is defining your goals up front. For a growing family this may mean adding another bedroom to their house, while to a business owner this may mean opening a new store. Regardless of the situation, clearly setting forth what you hope to achieve is critical for success. As you learn more about the standards that apply to your project, you may need to redefine your goals, so it is also important to decide on your priorities in advance.

Gathering Information

The first piece of information you will usually need is the zoning for the property where your project will take place. You can contact the Planning Department to inquire about zoning regulations, basic development standards, and permit requirements. This information may help you refine your goals before doing any more research.

Next, you may want to visit the Planning Department's public service counter to discuss your project. Checking for previous permits is especially important if the property is developed, because those permits may place limitations on future projects that can occur. A planner will be able to identify the zoning standards, policy documents, and guidelines that are applicable in the area of your property. In addition, if you can specifically describe your project to the planner, the planner may be able to tell you if any planning permits will be required. A planner will also be able to explain the general process involved for any planning permits that are necessary for your project.

Choosing a Project Manager

For many smaller projects, a homeowner or business owner may be able to manage the application process themselves. However, there are a number of benefits to having someone who is more experienced than a typical property owner act as the project manager and applicant. An applicant is responsible for understanding all the requirements from the various agencies that

may be involved with a project, making sure that subconsultants are on track with their work, and for coordinating with the Town. The applicant will usually serve as the main contact and conduit of information about the project and represent the property owner at any public forums. Typically, a property owner will hire an architect to design their project and it is very common for the architect to act as the applicant as well.

PREPARING YOUR APPLICATION

Once you have defined your goals and gathered information about planning permits, you will be ready to begin preparing your planning application. For this effort, it is important to understand the constraints (both physical and regulatory) that may affect your design. Review the Title Report that was prepared when the property was purchased to locate any easements affecting the site. Having a site survey prepared is the only certain way to precisely locate property boundaries, existing improvements, and natural features, and is often very helpful.

Identify areas on the property that are the most suitable for development within the confines of the general development standards (e.g., setbacks, lot coverage, floor area, and height) to assure no adverse impacts on adjacent properties relative to light, air, privacy, and neighborhood compatibility. Also, identify areas on the property with constraints such as steep or unstable slopes, areas that could be subject to flooding, streams, wetlands, ridgelines, or mature woodlands. In some cases, it may be a good idea to hire experts to evaluate constraints. For example, if there are streams or wetlands on the property, consider hiring a biologist to evaluate them. If there are slopes that look like they might be unstable, consider hiring a geotechnical engineer to make sure that development can be done safely. As a rule of thumb, it is usually best to avoid areas near streams, wetlands, and ridgelines.

The Town requires reaching out to your neighbors to discuss your project before finishing your design. Accordingly, as part as any discretionary land use permit submittal, a neighborhood outreach description which includes how neighborhood outreach was conducted, dates neighbors were contacted, any meetings held, the specific concerns of neighbors and how those concerns were mediated (through changes to the proposal, site visits, etc.) is required. If there is a property owners' association with Covenants, Codes, and Restrictions (CC&Rs) that cover the development, such as a property that was established by the Kent Woodlands Subdivision, it is very important for you to contact the association before applying for your planning permit. The Town does not enforce CC&Rs, but property owners' associations have the legal right to enforce their own CC&Rs.

Your primary resource for putting a planning application together is the "Planning Application Submittal Checklist" found at http://www.townofross.org/planning/page/planning-application-submittal-checklist. The submittal checklist provides a detailed description of every item of information that the Planning Department can request for your application. Please follow the instructions in the submittal checklist carefully- it may delay processing your application if we do not receive all the information that we need for a decision.

Once you have finished putting your application materials together, you may submit your application at the Planning Department's public services counter. A counter planner will briefly review your plans and other information before taking it in to make sure there are no glaring omissions. The project applicant should personally come to the counter to submit, rather than having the materials delivered by someone else, since the counter planner may identify required information that is missing and may not be able to accept the application. Your planner will conduct a cursory review of the plans then let the designer know whether the plans have all the basic submittal items necessary. Taking this extra step can sometimes save a lot of time by catching problems with the plans early on in the process.

THE BASIC PLANNING PROCESS

Types of Planning Applications

There are three categories of land use permit applications that the Planning Department evaluates: ministerial permits, discretionary permits, and projects that require legislative action. Ministerial permits, such as Building Permit applications, are evaluated for compliance with technical criteria that are objective and require little or no subjective judgment. No public noticing or input is required on ministerial projects and the decisions are generally not appealable. Planning permits are usually not ministerial.

Discretionary permits, such as Design Review applications, are evaluated for consistency with various policies, regulations, and guidelines published by the Town as well as specific "findings" that apply to each different type of planning permit. Findings rely on subjective judgments based on evidence. Public input is relevant to Town Council decisions on discretionary projects.

Projects that require legislative action are also discretionary, but they are fundamentally policy based. Legislative actions, such as changing zoning designations, can only be approved by the Town Council. Although legislative actions include important policy considerations, they are relatively rare in the context of the overall variety of planning projects, but they tend to be the most complex types of projects.

Initial Review

The review of your project proposal will involve a series of steps. The first step will be to determine whether your application materials include all the information necessary for us to evaluate it adequately. Your planner will review your project plans and other relevant information in support of your project, review Town records for the property, and conduct a site visit of the property. In most cases, your planner will visit the property within a few weeks of when you first submit your planning application. An applicant does not need to be at the property for your planner to inspect the site. However, please let your planner know if you would like to schedule an appointment to meet him or her on-site, to be shown around and discuss the project.

GATHER INFORMATION

If you have not already done so before submitting your application, you should contact any public agencies that may have requirements for your project as soon as possible after you have applied for a planning permit. Special districts, such as the Ross Valley Sanitary District and the Marin

Municipal Water District, may have their own permit or fee requirements. The Ross Valley Fire Department will also have requirements for vegetation management, fire sprinklers, or other issues you will need to address.

As a routine part of reviewing discretionary land use permit applications, your planner will transmit the project plans to public agencies, such as the Marin Municipal Water District and the Ross Valley Sanitary District. Sometimes someone from these agencies will want to visit your property, and the Town appreciates your cooperation in allowing them to enter and inspect the site. Public agencies often provide the Town with useful comments that need to be addressed during the review and decision on your application.

Analysis and Evaluation

Once you submit your land use permit application, your planner will determine if your application is complete within 30 days of the date it was submitted. If your application is not complete, your planner will send you a list of required information for you to submit before your application can be deemed complete. You will have 30 days to resubmit all the requested information before your application will expire. If you would like additional time to submit these incompleteness items, you may request an extension of time before your application expires. Your application will expire if it remains incomplete or inactive for a period greater than 90-days or a property owner or applicant may request a 60-day extension to provide a complete application.

If your application is deemed complete, your planner will send you a letter letting you know, as well as when the project will be scheduled for a public meeting with the Town's Advisory Design Review (ADR) Group and the Town Council. In this letter, your planner will also let you know what their review indicates about your project's compliance with the California Environmental Quality Act (CEQA). Most projects are exempt from CEQA, but some projects may require environmental review to determine whether they would result in environmental impacts. If your project requires environmental review, your planner will contact you with more information about the process. If your project is exempt from CEQA, your planner will begin assessing the merits of your project.

Sometimes applicants or members of the community will need to meet with the planner to discuss aspects of the project. In general, meetings are not necessary if there are no potential problems with the project. When neighbors raise concerns about a discretionary application, your planner will sometimes offer to visit their property to gain an objective perspective and understand their concerns. Planners will not attempt to negotiate with multiple parties or resolve neighborhood disputes. The job of your planner is to evaluate projects based on the criteria in the various Town policies, regulations, and guidelines that apply to a project in a fair and objective manner.

For discretionary land use permits, a public hearing is required and a public notice will be distributed at least 10-days prior to a scheduled ADR Group meeting and the Town Council meeting. Anyone who chooses to comment on a particular project will have an opportunity to do so during a public hearing and the Town Council will consider all comments before issuing a

decision on the project. Your planner will provide you with information about the hearing before it occurs.

Provided a discretionary application is exempt from CEQA, State law mandates that the Town issues a decision within 60-days of the date the application has been deemed complete. A complete application entails submittal of the required project information listed in the "Planning Application Submittal Checklist."

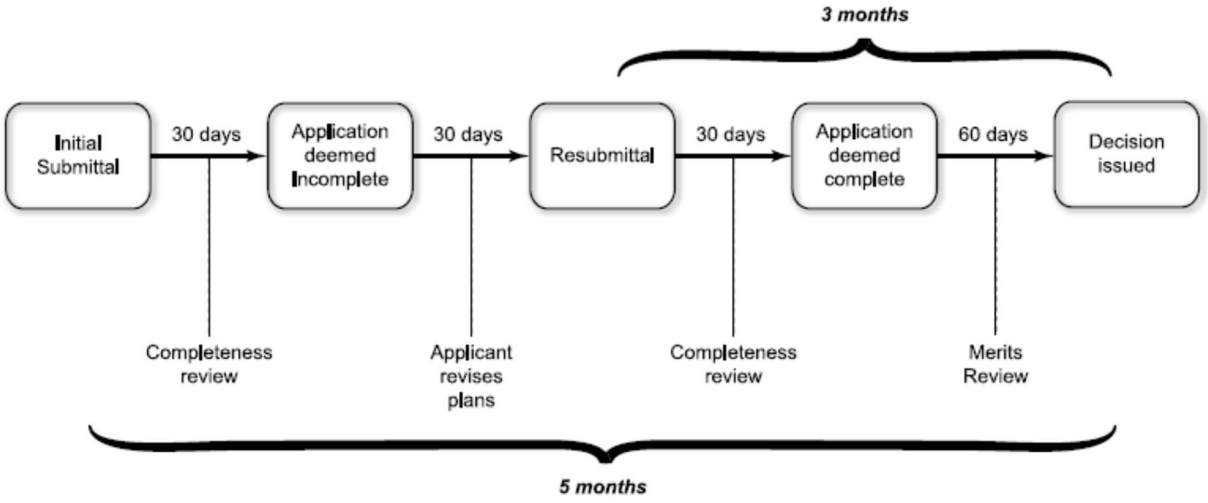
After Receiving Planning Approval

If your planning permit is approved, there will usually be additional steps you need to take to move forward with your project. For most development projects, you will need to get a Building Permit. If you have adjusted your property lines or created new lots, then maps and revised deeds will need to be reviewed before they can be recorded to modify the property. Approvals issued for land use permits will usually contain what are called "conditions of approval". These conditions will specify certain actions that you must take as you finish your project. For example, a project may be approved with the stipulation that the applicant install new landscaping. In this example, new buildings could not be occupied until the planting has been completed.

The basic process outlined above can vary considerably depending on the different types of planning permits that may be involved. Individual planning permits are discussed in greater detail in the following sections. Each section covers a typical class of application related to land uses and businesses, modifications to properties, or development projects. Individual planning applications are discussed in terms of the scope of services that the Planning Department provides for each as well as the particular aspects of each type of application.

EXAMPLE OF TIMELINE FOR A DISCRETIONARY PROJECT

This flowchart shows a typical timeline for a Discretionary Project (e.g., Design Review, Variance, Nonconformity Permit) application for a project that is exempt from CEQA (California Environmental Quality Act). This is just an example – the process and timelines may vary depending on the project.



TOWN COUNCIL PUBLIC HEARINGS

The Ross Town Council is the governing body of the Town of Ross and the five members are elected by the residents. Each year, in July, the Council elects one of its members to serve as Mayor for a one-year term. Council members are residents of the Town who volunteer their time to serve the community. Council members do not receive any compensation or benefits for serving on the Council. Council elections are held in June on even-numbered years. Members are elected for a four-year term.

The Council meets on the second Thursday of each month at 6:00 p.m., in the Council chambers, Ross Town Hall, located at 31 Sir Francis Drake Boulevard, at the corner of Lagunitas Road. Agendas are typically available at Town Hall and on the Town's website on the Friday prior to each meeting. View the list of the scheduled Town Council meetings or see the Town of Ross Community Calendar.

Town Council

The Town Council conducts hearings to discuss and vote on discretionary planning projects, as well as important policy issues. In terms of planning issues, the Town Council makes the final decisions on discretionary projects, policies, and ordinances.

A Town Council public hearing on a planning related agenda item usually begins with your planner giving a brief Powerpoint presentation, and then responding to any questions the Town Council members may pose. The Mayor will then open the public testimony period of the hearing. A project applicant has 15 minutes to speak, and other members of the public are usually given three minutes to speak. It is unusual and usually unnecessary for anyone except planning staff to give a PowerPoint presentation. If you wish to make a Powerpoint presentation, please advise your planner before the hearing. Your presentation should be submitted on a USB flash drive at least two business days (by 12:00 noon on the Tuesday prior to a Thursday hearing) in advance of the hearing to be checked for viruses and pre-loaded onto the Town's computer equipment. Non-Town computers cannot be connected to the Town's network. Please contact your planner to discuss your equipment needs.

After the public testimony period is closed, the Town Council members will deliberate publicly before rendering a decision. The Town Council's decisions are reflected in written resolutions, that include findings and conditions of approval, prepared by your planner. All Town Council hearings are recorded for public distribution and you can listen to the Town Council hearings on the Town's website at http://www.townofross.org/meetings after adjournment of the public meeting.

Advisory Design Review Group

The ADR Group is a citizen advisory group and acts as a liaison to the Town Council. The ADR Group provides professional review of design-related issues, including site planning, building massing, setbacks, light/air, privacy, etc., as well as material selection in architectural and landscape design. The objective of the process is to provide applicants with helpful advice throughout the entire review process and to offer an opportunity for neighbor input and

feedback. The professional design suggestions, solutions, and non-binding recommendations to the Town Council are provided in an informal setting conducive to dialogue and collaborative problem-solving.

The ADR Group is a volunteer committee that was appointed by the Ross Town Council in 2008. The group is composed of four design professionals and a non-design professional who are residents of the Town of Ross. The committee members serve a three-year term and may serve multiple terms. While the ADR Group do not issue decisions on project, they do provide advisory comments and non-binding recommendations to the Town Council relative to design related matters consistent with the Town's Design Review criteria and standards pursuant to Section 18.41.100 of the Ross Municipal Code. The ADR Group does not provide interpretations or recommendations regarding policy related matters such as Variances, Exceptions to Attics and Basements, Use Permits, etc.

The ADR Group meets on the fourth Tuesday of each month at 7:00 p.m. in Ross Town Hall, 31 Sir Francis Drake Boulevard, at the corner of Lagunitas Road. Agendas are available at Town Hall and on the Town's website on the Friday prior to each meeting. A project property owner and/or applicant should attend the ADR Group meeting and be prepared to present the project proposal with the aid of plans, building material and color sample board, and any other information that may be helpful to adequately represent the project.

In addition to the Town Council and the ADR Group, there are home owners' associations, such as the Kent Woodlands Property Owners Association, which has an architectural review committee that evaluates projects for conformance with their CC&R's. The Town does not oversee home owners' associations, but the Planning Department does encourage property owners and community members to be informed and engaged when it comes to planning matters.

APPLICATIONS FOR LAND USE PERMITS

The Town of Ross zoning regulations require for a variety of discretionary land use permits that entails a Town Council public review process to address the impacts of a proposed project and under which circumstances the land use permits can be approved. The following is a list of the different permits types of discretionary permits required by the Town for the development of one's property:

Accessory Dwelling Unit

An Accessory Dwelling Unit (ADU) is required pursuant to Chapter 18.42 of the Ross Municipal Code to allow a second permanent dwelling that is accessory to a primary dwelling on the same property. For example, a property with a house may also have an attached or detached living area with full kitchen facilities that is used as a rental or in-law unit. An ADU Permit may be subject to either an Administrative Review or Town Council review as detailed in the aforementioned ADU regulations. If a project can be approved administratively, your planner will issue an administrative decision regarding the project, and this decision is not appealable. A public notice is not required for an Administrative Review. If the ADU requires Town Council

approval, a public notice and public hearing will be scheduled. The Town Council will adopt a Resolution regarding action taken to approve or deny the ADU.

Demolition Permit

A Demolition Permit is required for any project resulting in the alteration of more than twenty-five percent of the exterior walls or exterior wall coverings of a residence pursuant to Chapter 18.50 of the Ross Municipal Code. Accessory structures not used for dwelling purposes, including but not limited to swimming pools, decks, fences, garages and cabanas, and interior remodels or alterations involving no exterior demolition, are exempted from a Demolition Permit. A Demolition Permit requires the Town Council to take action on the permit and automatically requires Design Review pursuant to Chapter 18.41 of the Ross Municipal Code.

Design Review

Design Review is a discretionary Town Council action with the purpose of guiding new development to preserve and enhance these special qualities of Ross, to sustain the beauty of the Town's environment, and to promote excellence in design. Design Review is required for the following types of projects pursuant to Section 18.41.020 of the Ross Municipal Code:

1. All new buildings and for all exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area, including enclosing existing open areas. Design review is required for all building relocations.

2. All fences, gates or walls, or a combination of these, greater than forty-eight inches in height in any yard adjacent to the street or right-of-way. Design review is required for the construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height. Design review is required for retaining walls totaling more than one hundred linear feet. Design review is also required for any sports court fences over 6 feet in height and for gate columns and other decorative fence elements that exceed the permitted fence height limits.

3. Any project resulting in the removal or alteration of more than twenty-five percent of the exterior walls or wall coverings of a residence, as determined by the town planner.

4. Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required.

5. Any construction, improvements, grading/filling or other site work within twenty-five feet of a creek, waterway or drainageway, whether or not a building permit is required.

6. Outdoor advertising in the C-L district.

7. Any project resulting in over 1,000 square feet of new impervious landscape surface, whether or not a building permit is required.

8. Accessory Dwelling Units when required by Chapter 18.42 of the Ross Municipal Code.

Design review is not required for repainting existing structures involving no exterior remodeling resulting in additions, extensions or alterations or for an attic or basement improvement permitted under Chapter 18.46 unless the project involves exterior work within twenty-five feet of a creek, waterway or drainageway, or if the attic or basement project is associated with a larger project that requires design review.

Design Reviews are the most common type of discretionary planning permit and are intended to ensure that development is attractive and located in an appropriate area on a site. Some Design Review applications are referred to other public agencies and a public notice of the project will be posted on the site.

Design Review requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Exceptions to Basements and Attics

An Exceptions to Basements and Attics permit is a discretionary permit that would allow the Town Council to authorize exceptions to development standards (e.g., floor area, lot coverage, and setbacks) for basement and attic areas to be used as storage or habitable space where the improvement will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, pursuant to Chapter 18.46 of the Ross Municipal Code. In order for the Town Council to approve this permit, the following standards must be met:

1. The area to be improved is an existing area created prior to the effective date of this chapter in an existing residence built prior to August 11, 2011.

2. The existing ceiling height is 5.5 feet or greater.

3. If the project involves improvement of an attic, that the improvements proposed shall not change the exterior appearance of the structure, for example, by addition of dormers or raising the roof ridge. However, the Town Council may approve minor changes to the exterior appearance of an attic, such as the addition of windows or skylights, if they will not create view, light or privacy issues for neighbors.

4. If the project involves improvement of a basement:
   a. If the structure is in a Special Flood Hazard Area identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, that the finished floor level of the improvements shall be above the base flood elevation.
   b. That modifications proposed to the building exterior do not increase the exterior dimensions of the building and that modifications, such as new windows, are compatible with the design of the existing improvements and shall not create privacy issues. The

Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress.

c. That any modifications to site drainage have been designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.

5. The fire chief has confirmed that there is adequate water supply for firefighting purposes for the site, or that the project includes measures to provide adequate water supply for firefighting purposes.

6. The site has adequate parking. For purposes of this section, adequate parking shall mean that the site complies with at least the minimum number of parking spaces required for the zoning district (covered or not covered). If the site does not comply with the covered parking requirement, the Town Council may require covered parking to be provided. The Town Council may consider the size of the residence, number of bedrooms, and the size and use of the proposed attic and/or basement area and may require additional parking up to the following:

Total site floor area (excluding covered parking)	*Required off street parking*
1,300 square feet to 3,300 square feet	3 spaces
Over 3,300 square feet	4 spaces

7. That the project shall comply with the most recent California Residential Code adopted by the Town.

8. Excavation, grading or cutting shall not exceed 35 cubic yards for newly created basement floor area. The excavation limit shall apply to excavation required to lower the floor to the finished floor and shall not include up to one foot of over excavation for the floor and foundation or any removal of existing foundation or flooring. Additional excavation is permitted for construction of stairs counted as floor area on an upper floor and for existing areas that meet the definition of floor area. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area.

9. The project substantially conforms to design review criteria and standards in Section 18.41.100, even if design review is not required.

An Exceptions to Basements and Attics permit requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Hillside Lot Permit

A Hillside Lot Permit is a discretionary permit required for any parcels located which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on

the town slope stability map pursuant to Chapter 18.39 of the Ross Municipal Code. The Town Council will take action on the permit at a noticed public meeting.

It is important to note that the Town has specific Hillside Lot design regulations and guidelines pursuant to Section 18.39.090 of the Ross Municipal Code. For example, the maximum floor area for lots having thirty percent or greater overall natural slope shall be limited based on the lot slope and lot size using a specific formula provided in the regulations. Additionally, building setbacks may be increased dependent on the size of the residence.

Contact the Planning Department to inquire whether a parcel is wholly or partially within Hazard Zones 3 or 4. You will need to work directly with a licensed surveyor to determine the slope of a lot. Pursuant to Section 18.12.315 of the Ross Municipal Code, "Slope" means percent slope determined by the difference between the minimum and maximum elevations, divided by the horizontal distance between these respective elevations measured along a line perpendicular to the natural contours, times one hundred. Contact the Department of Public Works to verify the methodology and measurement of slope.

A Hillside Lot Permit requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Minor Exception

A Minor Exception is an administrative process that provides limited relief from the strict application of the development standards specified in this title to allow fences up to 7 feet tall, small accessory structures, and mechanical equipment, where the improvements will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood pursuant to Chapter 18.45 of the Ross Municipal Code. A Minor Exception requires public notification and consent by adjacent property owners and can either be approved by the Town Planner or the Town Council.

A minor exception from required side and rear yard setbacks, lot coverage and floor area ratio may be requested for the following structures to be located on a lot developed with a single-family residence:

1. Fences between 6 and 7 feet in height.
2. Small play structures that do not exceed a height of 15 feet, footprint of 600 square feet (e.g. the footprint of structure including any deck, slide, trampoline and/or swing set area) and the primary deck or enclosed area does not exceed 64 square feet.
3. Small shed structures used as tool and storage sheds that do not exceed 64 square feet and a height of 6 feet.
4. Air conditioners and generators and any associated enclosure.

Nonconformity Permit

A Nonconformity Permit is a discretionary permit to allow for the continued existence, reconstruction and modification of nonconforming residential structures. Many residential

structures in the Town do not conform to the requirements of this Zoning Code because they were established before the adoption of zoning or development standards (e.g., floor area and lot coverage maximums, setbacks, and height limitations). Nonconforming structures in a residential zoning district may be enlarged, extended reconstructed or structurally altered with a nonconformity permit approved under Section 18.52.040, except that a floor area ratio Variance shall be required to increase the square feet of nonconforming floor area. The Town Council will take action on the permit at a noticed public meeting.

A Nonconformity Permit requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Outdoor Advertising Signs

Sign can be approved with discretionary Design review for any outdoor advertising signs in the Local Commercial (C-L) zoning district pursuant to Section 18.20.090 of the Ross Municipal Code. Other signs may be approved by standard as described in the Zoning Ordinance for all zoning districts within the Town limits. Refer to the appropriate chapter in Zoning Ordinance relative to the zoning district your property is located. Please contact the Planning Department to request which zoning district your property is located.

Tree Permit

A Tree Permit is a discretionary permit that is processed in accordance Chapter 12.24 of the Ross Municipal Code. A Tree Permit is required for the following:

1. Removing more than 25% of an individual tree's crown consistent with the Approved American National Standard (ANSI).
2. Trenching within in the root zone of a tree.
3. Alteration or Removal of a "Significant" tree. "Significant tree," means any tree having a single trunk diameter greater than twelve inches (12").
4. Alteration or Removal of a "Protected" tree on developed property. "Protected tree," means any tree located within twenty-five feet (25') of the front or side yard property line or within forty feet (40') of the rear yard property line of any parcel, with such tree having a diameter greater than eight inches (8").
5. Alteration or Removal of any tree six inches (6") in diameter or greater on undeveloped or vacant property.
6. The pruning, maintenance, and removal of all trees greater than 1" in diameter located in the right-of-way.

The Department of Public Works is responsible for issuing Tree Permits and the Tree Permit may be appealed to the Town Council, unless the removal of the trees are associated with a discretionary project. If the Tree Removal is associated with a discretionary project, such as Design Review or a Nonconformity Permit, then you will include the request to remove any trees as part of the discretionary land use permit application. The Town Council will take action to approve or deny the Tree Permit.

Variance, Exceptions, and Adjustments
A Variance is a discretionary planning permit that is processed in accordance with Chapter 18.48 of the Ross Municipal Code. Variances are necessary to allow deviations from the height, setback, or floor area ratio standards specified in a particular zoning district. Variances are often considered some of the most difficult permits to obtain, and the Planning Department usually recommends against seeking one unless necessary. Variances, Exceptions, and Adjustments requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Use Permit
A Use Permit is a discretionary planning permit that allows for certain identified uses listed in the Zoning Ordinance pursuant to 18.44 of the Ross Municipal Code. Specifically, for each zoning district, there are land uses that are permitted by right without Town review and those that may be permitted by approval of a Use Permit. Uses that are not permitted by right, or permitted through an approved Use Permit, are prohibited. All Use Permit applications are referred to other public agencies that may have an interest in the proposed use before determining whether an application is complete. A Use Permit requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

APPLICATIONS FOR PROPERTY MODIFICATIONS

Tentative Maps
A Tentative Map for a subdivision is a discretionary planning permit that is processed in accordance with Chapter 17.12 of the Ross Municipal Code and the State Subdivision Map Act. Tentative Map is the first step in the subdivision process and is required to create new lots or to adjust the lot lines of more than four separate lots.

All Tentative Map applications are referred to other public agencies that may have an interest in the subdivision before determining whether an application is complete. Most Tentative Map applications are subject to environmental review, as required by the California Environmental Quality Act (CEQA). Tentative Map applications require a publicly noticed hearing before the Town Council. Your Planner will prepare a staff report before the hearing with a recommendation to the Town Council.

After a Tentative Map is approved, a subsequent Final Map or Parcel Map is required for the final approval and recordation of the subdivision with the Marin County Recorders office. The primary difference between a Final Map and a Parcel Map is that a Final Map is required for all subdivisions creating five or more lots, while a Parcel Map is required for four or fewer lots. Only after a Parcel Map or Final Map is recorded can the newly created lots be sold.

A Tentative Map requires a public notice and a public hearing. The Town Council will adopt a Resolution regarding action taken to approve or deny the project.

Parcel and Final Maps

Parcel and Final Maps are decisions issued by the Town Council in accordance with Chapter 17.16 and Chapter 18.34 of the Ross Municipal Code and the State Subdivision Map Act. Before an application for a Parcel Map or Final Map can be accepted by the Public Works Director/Town Engineer, an applicant must submit a conforming Tentative Map for a Plan Check by the Planning Division. The purpose of the Plan Check is for your planner to review a draft Parcel or Final Map as well as any title documents and to collect any impact fee accounts necessary before the subdivision can be finalized by the Public Works Director/Town Engineer. Plan Check applications are not referred to other public agencies and no public notice is provided. The Public Works Director/Town Engineer will take action to approve a Parcel Map unless it is conditioned to be reviewed by the Town Council. The Town Council will take action to approve the Final Map. No public notice will be provided for the approval of a Parcel or Final Map. The Tax Assessor's office will be responsible for reflecting the new lots in the Assessor's Parcel Maps and tax assessments.

Certificates of Compliance

Certificates of Compliance (COC) and conditional Certificates of Compliance are ministerial permits that are processed in accordance with Section 17.04.070 of the Ross Municipal Code and the Subdivision Map Act. Certificate of Compliance applications are used to determine whether a particular unit of real property is a legal lot of record. If a unit of real property is not a legal lot of record, a conditional certificate of compliance indicates those conditions that must be met for the property to become a legal lot of record. A single Certificate of Compliance will be issued for each unit of real property determined to be a single legal lot of record. The application is not referred to any other public agencies and no public notice is provided. Town staff will issue an administrative decision regarding the project, and this decision is not appealable. A legal determination of the status of the property will be recorded after a decision on the application has been issued.

Lot Line Adjustments

A Lot Line Adjustment is a discretionary permit that is processed in accordance with Chapter 17.10 of the Ross Municipal Code and the State Subdivision Map Act. A Lot Line Adjustment allows for adjusting lot lines between two to four existing contiguous lots, where real estate is transferred between lots and where no more lots are created than originally existed. The Town of Ross will review the proposed Lot Line Adjustment to ensure that Town standards for such items as minimum lot size, setbacks and access are maintained. Some Lot Line Adjustment applications are referred to other public agencies. Town staff will typically take action on the Lot Line Adjustment after public notice, however, when a lot line adjustment is part of a project that requires one or more discretionary planning entitlements, then final action on the lot line adjustment will be conducted by the Town Council at a publicly noticed meeting.

Mergers

A Merger is a discretionary planning permit that is processed in accordance with Chapter 17.05 of the Ross Municipal Code and the State Subdivision Map Act. Merger. Chapter 17.05 provides the procedures for the consolidation of contiguous parcels held in common ownership, which

were created prior to modern subdivision requirements and are substandard with respect to current Town's standards.

A Merger may be initiated by the Town or a property owner. If owner initiated, a Merger Determination Application must be completed by the applicant. The owner's name must be identical on all relevant deeds, and there can be only one primary structure on the final merged lot. Once an application has been received, the Public Works Director or Town Council will take action on the merger.

APPEALS

A Decision approving or denying a Minor Exception, Tree Permit, or any other administrative decision made by the Planning Manager may be appealed to the Town Council by anyone. The Town Council has certain protocols that they follow when considering an appeal, and their hearings are usually scheduled within two months of the appeal being submitted. When the Town Council considers projects on appeal, they do so on a de novo basis, which means that they may consider any aspect of the project even when it has nothing to do with the appeal.

Planning staff typically provides a number of services for appeals to the Town Council, but the scope of these services is limited. Planning staff will begin by taking care of administrative tasks such as scheduling the hearing and distributing public notices. Most of the substantive work by the planning staff involves reviewing the basis of the appeal and preparing a staff report and draft resolution for the Town Council. During the hearing, the planning staff will give a PowerPoint presentation about the project and address issues that arise from the appeal. In those cases where the Town Council requests modifications to the draft resolution, staff will make the revisions for the Mayor's signature.

Services other than those described above may be outside of the scope covered by the appeal fee. For example, if an applicant submits a revised project to address issues raised in an appeal, the review of those new plans will be billed for on a cost recovery basis rather than being billed against the appeal fee.

FINISHING THE PROCESS

Conditions of Approval

A decision on a planning application is provided in the form of a Notice of Decision letter issued by staff for a Minor Exception, a Tree Permit, or a Town Council Resolution for all other discretionary projects. A Notice of Decision letter to approve a Minor Exception, a Tree Permit, and a Resolution of Approval are usually accompanied by a list of conditions of approval. Conditions may range from procedural requirements to modifications to the design. It is imperative that these conditions of approval be reviewed and satisfied.

In addition, if these conditions are not reviewed during the appeal period for the Minor Exception and Tree Permit process, and if the applicant takes issue with any of them, they may not be able to contest the conditions after the appeal period ends and will have to apply for an amendment to the approved permit to change them. In addition to the conditions imposed by the Planning

Department, the conditions may also list requirements for the Building Department, the Department of Public Works, the Ross Valley Fire Department, and for other special district, such as water and sewer districts. If a Building Permit is required, you may need to provide verification of having met the conditions prior to receiving a Building Permit, or prior to receiving approval for Building Permit inspections.

Substantial Conformance and Project Amendments

An applicant may propose changes to an approved project by submitting the proposed changes in writing and furnishing the appropriate supporting documentation. There are almost always minor refinements to a project's design that are made between the planning permit approval and the Building Permit submittal. Planning staff may administratively authorize changes to an approved project consistent with Section 18.41.090 of the Ross Municipal Code. If the changes do not substantially conform to the original Town Council decision, then the applicant must seek an amendment to the original planning permit.

Planning Permit Vesting and Extensions

Unless conditions of approval establish a different time limit, any permit or entitlement not vested within two years of the date of approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel Map or Final Map.

It is important to note that planning permits are not extended automatically when you file a Building Permit application. The applicant must actually obtain the Building Permit and move forward with the construction to vest most projects. If the project cannot be vested before the clock runs out on the planning permit, then the applicant must apply to the Planning Department for an extension to vest the planning permit. The Town Council, at a noticed public meeting may extend the original expiration date up to one year after a public meeting pursuant to Section 18.60.060 of the Ross Municipal Code.

PLANNING FEES and OTHER COSTS

In order to get a good sense of how much your project may cost, we recommend that you take into account all the potential fees from the Planning Department as well as other permitting and/or public service agency fees before you submit an application. In many cases, it is also a good idea to talk to builders about the potential costs of construction.

Planning fees are charged according to the Planning Department's fee schedule, which is adopted by the Town Council. Planning permits differ in cost, with the fees meant to defray some of the costs of reviewing the application. There are basically two different kinds of planning fees- flat fees and retainer fees. The costs of planning permits with flat fees are more predictable than for those with retainer fees because the initial fee paid will usually cover the full cost of the planning application. On the other hand, retainer fees are collected with an initial deposit, which is then billed against during the application review. If additional fees are necessary to cover the

application review costs, then those fees will need to be paid mid-way through the planning process. However, if some of the fees paid are not used (to within one hour of time spent) then you will be refunded the portion that is left at the end of the process.

If your planning permit is for development, you will almost certainly need to get a Building Permit for the construction. The application process for a Building Permit is separate from the planning permit, and has separate fees. A Building Permit fee schedule is available from the Building Department and you should talk to the Building Department staff about how to do a preliminary estimate of their fees for your project.

Other fees that may be required at the time of a Building Permit application are impact fees, which are intended to offset the additional demand that is generated by development. Impact fees may be due during the Building Permit process and transportation improvements. The following provides a summary of the types of impact fees that may apply to your project.

1. **Drainage Fee**
   This fee is applied at the issuance of a building permit. The current fee is 1.0% of the valuation of the project.

2. **Road Impact Fee**
   This fee is applied at the issuance of a building permit. The current fee is 1.0% of the valuation of the project, plus $3 per cubic yard of import/export for demolition activity, earthwork, and site work.

3. **General Plan Fee**
   This fee is applied at the issuance of a building permit. The current fee is .35% of the valuation of the project.

4. **In-Lieu Park Dedication Fee**
   This fee is applied prior to recordation of a Parcel or Final Map. The fee is calculated based on a formula derived from Section 17.44.025 of the Ross Municipal Code.

5. **In-lieu Tree Replacement Fee**
   This fee is applied prior to issuance of a Tree Permit when on-site tree replacement is not feasible pursuant to Section 12.24.080(5)(a). The current fee is $750 per 3 inches of tree replacement diameter.

TOWN, SCHOOL DISTRICT, SPECIAL DISTRICT, and UTILITY PROVIDERS

Town of Ross

General Information Line	415-453-1453
Administration	415-453-1453, Ext. 105
Building Department	415-453-1453, Option 4
Planning Department	415-453-1453, Ext 122
Police	415-453-1453, Option 2
Public Works Department	415-453-1453, Option 4
Recreation	415-453-6020
Emergency Services	415-453-1453, Option 2
General FEMA or Flood Information	415-453-1453, Ext 115

School District

Ross Elementary School District	415-457-2705

Fire

Ross Valley Fire Department	415-258-4686

Water

Marin Municipal Water District	415-945-1145

Sewer

Ross Valley Sanitary District	415-259-2949

FEEDBACK

The Planning Department is always looking for ways to improve the planning process, and your feedback is a valuable source of information for us. We invite you email your comments and suggestion to planning@townofross.org.