

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No.: ROW-01 (Rights-of-way, private; improvements within)  
Effective Date: 03/04/05  
Originally Issued: Replaces oral direction from County Counsel

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**Question:**

What is the Planning Department's position on placing improvements within private rights-of-way?

**Applicable Ordinance Section(s)  
And/or General Plan/LUP Policy(ies)**  
§13.10.525

**INTERPRETATION:**

The Planning Department has the authority to regulate improvements within rights-of-way. For County maintained roads, the Public Works Department also has permitting authority.

This interpretation applies to private rights-of-way only. Allowed improvements are those allowed in required front and street side yards. Fences, retaining walls, and other improvements within private rights-of-way shall be subject to the same site and development standards as allowed improvements located within required front or street side yards.

A person placing an improvement in a private right-of-way does so at his/her own risk in that the area may be needed at some future time for roadway or roadside improvements or may conflict with current private covenants and/or restrictions that could result in adjudication in civil court. To avoid these conflicts, improvements should not impede vehicular, bicycle, or pedestrian access or reduce existing on-street parking. Obstructions that block access, create health and safety hazards or remove on-street parking required by a County Development Permit will be subject to County enforcement action.

**Reason:**

For non-County maintained roads, the County Code does not explicitly address the regulation of improvements located within rights-of-way; however, one of the purposes of the Zoning Regulations (13.10.120(b)) is "to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare." It is reasonable to conclude such protection includes private rights-of-way.

When private roads are not improved to the width of their rights-of-way nor have curbs, gutters, sidewalks, and street trees, this leaves an unimproved area between the road

surface and the front property lines. It is common that landscaping, fences, retaining walls, mailboxes, parking deck approaches, and other improvements are put in this area.

Because these improvements may impede sight distance within the right-of-way, it is appropriate that they be subject to the same site standards as allowed improvements within required front and street side yards. Those improvements not meeting the required site standards are subject to the same Variance or Exception permit processes as improvements located within the front and street side yards.

No improvement is authorized by this interpretation that would impede vehicular, bicycle, or pedestrian access, reduce existing on-street parking, or create any other health and safety hazard.

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Tom Burns  
Planning Director