

From: [Board Of Supervisors](#)
To: [Jesseka Rodriguez](#)
Subject: Fwd: 9211 E. Zayante Road, APN: 074-152-30
Date: Friday, May 9, 2025 2:36:38 PM

From: Steve Homan [REDACTED]
Sent: Tuesday, May 6, 2025 1:53 AM
To: Board Of Supervisors <boardofsupervisors@santacruzcountyca.gov>; Carlos Palacios <Carlos.Palacios@santacruzcountyca.gov>
Cc: Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; Kimberly De Serpa <Kimberly.DeSerpa@santacruzcountyca.gov>; Justin Cummings <Justin.Cummings@santacruzcountyca.gov>; Monica Martinez <Monica.Martinez@santacruzcountyca.gov>; Felipe Hernandez <Felipe.Hernandez@santacruzcountyca.gov>; David Faulkner <dave@davidfaulkner.com>
Subject: [REDACTED] E. Zayante Road, [REDACTED]

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Dear Members of the Board of Supervisors and County Executive Officer Palacios,

I really dislike injustice, and I am sure you do as well.

I helped 50 CZU Fire families at no charge, because they were being treated unjustly with requirements demanded of them that were outside of the County Sewage Disposal Ordinance.

The same thing has happened to my client, Mr. Faulkner. However, it started happening at the County Environmental Health Service (EHS), starting in 2016, 4 years before the CZU Fire. However, the same law that applies to CZU Fire families applies to his circumstance. He applied for a catastrophic loss septic repair permit prior to the ten year statutory limit, in 2016.

Each member of your Board has received an individual email from me covering the timeline of my client's over eight years of delay by the County EHS Management.

Section 7.38.080(D) of the Sewage Disposal Ordinance states this:

(D) Reconstruction of any legal structure partially or wholly destroyed by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development for the purposes of this chapter if all of the following conditions are met:

(The section goes on to recite some reasonable conditions of approval.)

The EHS Management improperly tried to treat my client's application as an Upgrade or a

New Construction application, when it was no such thing. The improper reason appears to be an attempt to trigger New Construction Septic Standards, when by ordinance Repair Standards actually apply.

My client has been run around, delayed, had his application sent to the Central Coast Regional Water Quality Control Board (CC-RWQCB), where no action was taken for two years, and he has had his finances squandered by the unreasonable requirements improperly imposed on his application by the EHS Management.

I am certain that the current management of the County Environmental Health Service knows that there has been a terrible injustice, but the Director of EHS and the Director of the HSA have both failed to act. In fact, they have not agreed to meet with me and my client, after several requests.

I know of no applicant who has ever been required to do so much to satisfy the requirements of this simple ordinance section. Over 8 years, my client has spent over \$25,000 trying to obtain a simple catastrophic loss septic tank repair permit to replace a burned building with a modest two-bedroom home. He has paid for test holes to be both dug and drilled. He has waited for 2 years for enough rainfall to conduct a rainy season ground water test by a private consulting REHS. He also paid for a percolation test by a private consulting REHS. He has paid for an unnecessary special septic design by a Geologist, which was submitted to the CC-RWQCB. He has endured a two-year delay by the CC-RWQCB.

All of these tests and submittals had satisfactory results. However, his application was required to be sent to the CC-RWQCB by EHS Management, because the EHS could not get its act together on the revised LAMP Sewage Ordinance for a decade. The application languished at the CC-RWQCB for two years. My client has paid permit application fees to both the County and the CC-RWQCB. The CC-RWQCB eventually refunded his fees, although they never apologized for delaying him two years for no reason. It turned out that the EHS Management had improperly instructed the CC-RWQCB in writing to take no action on his application, by means of comments made on an emailed spreadsheet sent to their staff.

My client did not deserve this. No one does. This injustice, this farce, has to end. WHEN? Who will step up and do the right thing? My client deserves approval for his proposal to replace a bar, pool hall, restaurant, and public swimming pool with a modest two bedroom home. The neighbors support this concept and have signed a petition endorsing it. The County's General Plan calls for residential use of this site. Minimum lot size requirements do not pertain to catastrophic loss replacement structures and their septic tank repair systems. My client is working with Planning regarding a zoning change to conform to the General Plan, a change that is state law mandated and long overdue.

Who will make the right decision? My client's permit application has not been approved. It remains in limbo. He has falsely been told that his permit application had expired. However, by County Ordinance, Septic Permit applications can never expire until 24 months after they are issued, and only then if the applicant has not made use of the permit. That is the law!

The EHS Management is made up of different people now. Given the facts, the proper decision should be made.

Very truly,

Stephen D. Homan, REHS#3784, B.S.
Consulting Reg. Env. Health Specialist