



# County of Santa Cruz

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September 7, 1999

### Agenda: September 21, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

#### **Re: Policy Limiting Abandonments of Open Space Conservation Easements**

Dear Members of the Board:

On August 3, 1999, your Board considered and approved Application No. 98-0433 to abandon an open space easement on four out of the five parcels on which the easement had originally been created in 1976. At that time your Board directed County Counsel to return with a policy which would clarify that the abandonment of an open space easement on less than an entire parcel of land would not be approved. The abandonment approved by your Board on August 3<sup>rd</sup> is consistent with this policy, as that application abandoned the easement entirely on four smaller parcels, while retaining it completely on the one large remaining parcel.

Our Office has conferred with the Planning Department and has determined that this policy clarification could be implemented in a number of ways. First, your Board could take action to approve a policy which would state your intent to only allow the abandonment of an open space easement if the easement is eliminated entirely from each separate legal parcel of land proposed for abandonment, and if the required statutory findings for abandonment are made for each parcel. The Planning Department staff can then be directed to implement that policy when it receives an application for an abandonment.

Second, your Board could direct that this new policy be added into the County's General

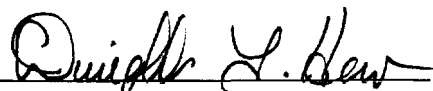
Plan/Local Coastal Program. The benefit of incorporating the policy into the GP/LCP, is it increases public access to the information and more readily ensures its consistent application.

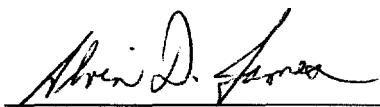
Attached for your consideration is a proposed amendment of Program (a) under Objective 5.11 of the GP/LCP regarding the use of open space and conservation easements to preserve urban and rural open space. This amendment clarifies that the County would only allow the abandonment of an open space easement if the easement is eliminated entirely from each separate parcel of land. In addition, the required statutory findings for abandonment must be met individually for each separate parcel. If your Board decides to proceed with an amendment of the GP/LCP, it can direct that the Planning Department incorporate this item into its work program for the coming year.

IT IS THEREFORE RECOMMENDED that your Board:

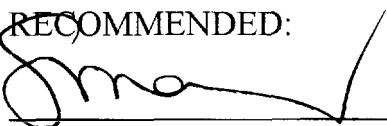
1. Adopt a policy that the County would allow the abandonment of an open space easement only if the easement is eliminated entirely from each separate legal parcel of land that is proposed for abandonment and if the required statutory findings for abandonment are made for the separate legal parcel, and direct the Planning Department staff to implement this policy.
2. Direct the Planning Department to incorporate into its work program an amendment of Program (a) under Objective 5.11 of the General Plan/Local Coastal Program stating that an open space easement may only be abandoned if only the easement is eliminated entirely from a separate legal parcel of land and if the required statutory findings for abandonment are made for the parcel.

Very truly yours,

  
DWIGHT L. HERR  
County Counsel

  
ALVIN D. JAMES  
Planning Director

RECOMMENDED:

  
SUSAN A. MAURIELLO  
County Administrative Officer

Enclosure: Draft amendment to General Plan/Local Coastal Program

## CHAPTER 5 CONSERVATION AND OPEN SPACE

### OPEN SPACE

#### Objective 5.11 Open Space Preservation

##### Programs (LCP)

- (a) Continue using open space and conservation easements and other methods to help preserve urban and rural open space areas. Review and revise the Open Space Combining District ordinance to achieve clarification of the allowed uses on those properties containing open space easements. Allow the abandonment of an open space easement only if the abandonment includes the entire area of a separate legal parcel proposed for abandonment, and the required statutory findings for the separate legal parcel are made. (Responsibility: Planning Department, Planning Commission, Board of Supervisors).