



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

August 16, 2001

AGENDA: August 28, 2001

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

Re: DESIGNATION AND ACQUISITION OF COUNTY PARKS

Members of the Board:

On April 17, 2001, your Board adopted Resolution No. 121-2001 amending the General Plan/Local Coastal Program Land Use Plan and Implementation Plan (GP/LCP) by designating a site on East Cliff Drive, near Moran Lake (APN 028-302-04), as a future County park site and adopted an ordinance rezoning that property from R-1-5 (Single-family residential, 5,000 square feet per dwelling) to R-1-5-D (Single-family residential, 5,000 square feet per dwelling, designated park site overlay) zone district.

Your Board also directed that staff return with report on: (1) the process employed by the County for evaluating whether property designated as a future park site should be acquired, **and** (2) whether property owners should be compensated for the expense of having their park designated properties evaluated.

PROCEDURE FOR DESIGNATION AND ACQUISITION OF A PARK SITE

With regard to the County's procedures for park site acquisition, future park sites that are identified in the County's GP/LCP have the "combining zone" designation of "D" added to the parcel's primary zone district designation (See County Code Section 13.10.416 et seq - attached). Any project within the "D" Combining District for which a complete application for a building permit, development permit, or land division approval has been submitted to the County must be submitted to the County Parks, Open Space and Cultural Services Commission so that it may be evaluated for acquisition and development as a park (County Code Section 13.10.418). In performing its review of the site, the Commission is directed to apply the criteria and procedures established in Chapter 15.01 of the County Code which

are set forth below.

If the Commission recommends acquisition of all or a portion of the site for a park, the development application is forwarded directly to the Board of Supervisors to consider the recommendation (County Code Section 13.10.418(b)). If a partial acquisition of the site for a park would not preclude some compatible development by the owner, the owner may revise his or her application to allow for both public and private development. However, if either the Commission or the Board recommends against any acquisition, the owner's application can be processed based on the standards and requirements of the property's underlying zone district designation.

EVALUATION OF PARK SITES BY THE PARKS, OPEN SPACE AND CULTURAL SERVICES COMMISSION

In evaluating whether to recommend acquisition of all or a portion of the site, the Parks, Open Space and Cultural Services Commission shall apply the criteria and comply with the procedural requirements of subdivision (c) of Section 15.01.090:

1. When a development application is received which is on or adjacent to a proposed park site, or which the Parks and Recreation Commission, Planning Commission, or Board of Supervisors considers may be appropriate as a park site based on General Plan policies, staff of the Planning and Parks, Open Space and Cultural Services Departments shall prepare a report on the affected park site. This report shall include consideration of the factors listed below.
2. The Parks and Recreation Commission, Planning Commission, and Board of Supervisors, as appropriate, shall review this report to determine county policy regarding dedication and/or purchase of all or part of the site, payment of in-lieu fees, improvement of the site by the applicant, or a combination of these.
3. Residential development of a park site can be found consistent with the County General Plan only if
 - (i) **An** appropriate park area is dedicated as part of the development; or
 - (ii) **An** appropriate alternative park site is designated by the Board of Supervisors through a General Plan Amendment.
4. Park Site Review Factors:
 - (i) The topography, soils, drainage, access, location, and general

utility of the land in the development and land available for dedication;

(ii) Lands offered for dedication will substantially comply with the General Plan and the Local Coastal Program Land Use Plan, or suitable alternative park sites in the area are identified;

(iii) The size and shape of the development and land available for dedication;

(iv) Coordination of dedications by several owners of contiguous parcels or with existing contiguous public lands, to accomplish useful grouping of land.

(v) The area or local recreation or access facilities to be privately owned and maintained by the future residents of the development;

(vi) Written recommendations from the Parks and Recreation Commission;

(vii) Proximity of project area to existing population centers;

(viii) Specific and general needs related to area;

(ix) The existing facilities and area;

(x) The activities, programs and projects of other agencies;

(xi) Development needs or the nature of improvements required.

GENERAL PLAN/LOCAL COASTAL PROGRAM REQUIREMENTS

The provisions of Section 15.01.090 implement the requirements of the Park Development Program within the County's GP/LCP. The Program requires the County to complete its consideration of whether to acquire the park site within one year. If the County determines that acquisition of all or a portion of the site is sought, then acquisition must be completed within an additional two year period. A lease of the site is required to provide compensation to the owner during the acquisition phase.

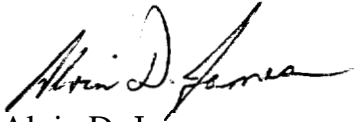
COMPENSATION OF PROPERTY OWNERS

Finally, your Board asked whether the County is legally required to compensate a property owner for expenses incurred in preparing and submitting the application for a County permit that initiates the County's process for evaluating its acquisition. While it is the opinion of County Counsel that such compensation is not legally required, your Board could direct that the property owner's expenses in preparing a development application be considered in

arriving at an agreed-to sales price. Conversely, if the County decides against acquisition of the site the owner can simply go forward with the application as submitted.

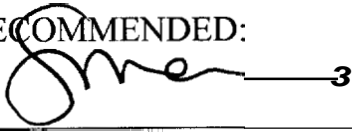
It is, therefore, RECOMMENDED that your Board accept and file this report.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachment: 1. County Code Section 13.10.416et seq

cc: County Administrative Office
County Counsel
Parks, Open Space and Cultural Services

13.10.416 Purposes of the “D” Designated Park Site Combining Zone District.

The Designated Park Site Combining District is established to denote those parcels which have been designated in whole or part by the County General Plan to be acquired and/or developed for future neighborhood, community or regional public recreational facilities.

13.10.417 Designation of the “D” Designated Park Site Combining District.

Parcels which have been designated by the County General Plan for future acquisition and/or development in whole or part for Neighborhood, Community, or Regional Parks shall be placed in a Designated Park Site “D” Combining District. Other properties designated in the County General Plan for any other type of future public recreational use may be placed in a Designated Park Site “D” Combining District at the discretion of the Board of Supervisors following a recommendation from the Planning Commission.

13.10.418 Use and development standards in the “D” Designated Park Site Combining District.

(a) In addition to complying with the regulations for development and use which are imposed by the basic zone district, any project within the “D” Combining District for which a complete application for a Building Permit, Development Permit, or Land Division Approval has been submitted to the County, in accordance with County Code Chapter 18.10, shall be submitted to the County Parks and Recreation Commission for review.

The Parks and Recreation Commission shall be considered possible County acquisition of the land and appropriate recreational development and use of it, pursuant to County Code Chapter 15.01, Park Dedication and Public Access Requirements.

(b) If the Parks and Recreation Commission recommends the acquisition of a Designated Park Site which would preclude development of the proposed project in any form, the project application shall be forwarded directly to the Board of Supervisors to consider acquiring the property according to the procedures established to implement General Plan policies for park land acquisition.

(c) If the Parks and Recreation Commission recommends acquisition of only a part of a parcel and/or development of the land in a manner which would allow the project to proceed in the proposed form or a modified form, their recommendation shall be incorporated into the design of the project. Failure to incorporate the Parks and Recreation Commission’s recommendations into the proposed project shall constitute grounds for denial of the project application.

(d) If the Parks and Recreation Commission, or subsequently the Board of Supervisors, determines that the acquisition and/or development of a Designated Park Site in whole or in part for park and recreation use is not appropriate or feasible, the proposed project shall be subject only to the regulations of the basic zone district.

(e) Determinations of the Parks and Recreation Commission regarding the acquisition of Designated Park sites are appealable to the Board of Supervisors pursuant to County Code Section **18.10.300** et seq. (Ord. **3844**, **6/23/87**)