



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

February 19th, 2008

AGENDA DATE: March 26th, 2008

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Item: 38

SUBJECT: Rezoning of Parcels with Correct Combining Zone Districts to Reflect Williamson Act or Open Space Easement Status

Commissioners:

Over the past four decades, the County of Santa Cruz has entered into Williamson Act (Agricultural Preserve) and Open Space Easement Contracts with property owners on hundreds of parcels throughout the County. These contracts provide for the long-term maintenance of these properties as commercial agriculture operations or open space areas by limiting the development potential of the affected properties while providing property tax relief. In order to ensure that Planning Staff and the public are aware of the contract status of these parcels, the Board of Supervisors established combining zone districts as identifiers that are applied to parcels at the time of entry into any type of conservation contract and removed upon termination of the contract. Lands entered into the Williamson Act receive a "-P Agricultural Preserve" zone, and lands entering into Open Space Easements are indicated with an "-O Open Space" zoning.

On January 1st, 2004, the State of California enacted legislation requiring local governments to determine if any material breaches to Williamson Act contracts existed in their jurisdiction. As part of the review of records in accordance with this state law, staff performed an audit of the current zoning for these Contract parcels which revealed some errors and that the record-keeping and communication between various County departments regarding contract status has not been entirely accurate. While no material breach cases were identified, many parcels were found to be incorrectly zoned either by not having the combining district identifier or retaining the identifier after a contract expired. Staff is proposing a rezoning to ensure that these combining zones have been accurately applied to or removed from the affected parcels. The proposed rezonings will have no effect on the actual contract or tax assessment status of any parcel. A total of 263 parcels would be rezoned to either add or remove a combining zone district.

Environmental Review

The rezonings are exempt from review from the California Environmental Quality Act (CEQA) because there is no potential for the project to adversely impact the environment. The addition or deletion of the "-O" or "P" combining district identifier to the parcels merely provides formal recognition of the existing contracts status approved by the Board of Supervisors.

Conclusion and Recommendation

This rezoning action is a move by the Planning Department to correct our records and ensure that parcels under contract are not mistakenly issued building or use permits that would conflict with their conservation contracts. This action will have no effect on parcels whose contracts have expired other than to take the action that should have occurred the same year the contracts expired. Staff is interested in ensuring that the Planning Department's records accurately reflect the status of land in the County in order to provide proper and useful information to landowners, project applicants, and the public

It is therefore RECOMMENDED that your Commission take the following actions:

1. Adopt the Resolution attached as Exhibit A recommending that the proposed Rezoning, as shown in Attachment 1 to Exhibit A, be approved by the Board of Supervisors; and
2. Recommend to the Board of Supervisors certification of the CEQA Notice of Exemption attached as Exhibit B;

Sincerely,



Sarah Neuse
Planner II
Policy Section



Glenda Hill, AICP
Principal Planner
Policy Section

Exhibits:

- A. Resolution recommending approval of Rezoning Ordinance.
- B. CEQA Notice of Exemption

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ, STATE OF
CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following resolution is adopted:

**RESOLUTION TO THE BOARD OF SUPERVISORS RECOMMENDING THE
APPROVAL OF CERTAIN REZONINGS TO ADD OR REMOVE COMBINING ZONE
DISTRICTS AS APPROPRIATE BASED ON ACTIVE WILLIAMSON ACT OR OPEN
SPACE EASEMENT CONTRACT STATUS**

WHEREAS, the Board of Supervisors, in 1969, established an Agricultural Preserve program and zone district to maintain the County's most valuable farm lands,

WHEREAS, the Board of Supervisors, in 1972 established an Open Space Easement program and zone district to maintain the County's most valuable open space lands,

WHEREAS, on many subsequent dates the Board of Supervisors, upon recommendation of the Planning Commission did approve certain parcels for inclusion in either the Williamson Act or Open Space programs;

WHEREAS, each parcel that entered into a Williamson Act contract must meet the specific requirements of their particular contract and in order to ensure that these requirements are upheld the "-P Agricultural Preserve" combining zone district is applied to each such parcel;

WHEREAS, each parcel that entered into an Open Space contract must meet the specific requirements of their particular contract and in order to ensure that these requirements are upheld the "-O Open Space Easement" combining zone district is applied to each such parcel;

WHEREAS, the Planning Department designates those parcels that are under contract with either a -O for open space parcels or a -P for Agricultural Preserve (Williamson Act) parcels, so that staff and the public can be aware of the parcels to which a restrictive contract may apply;

WHEREAS, the conditions of such contracts state that when the conditions of non-renewal or termination are met, these parcels shall be released from the terms of the contract and have their zoning adjusted to properly reflect their contract status,

WHEREAS, the existing zoning of each of the parcels in this Resolution is currently in error with regard to the combining district for either Agricultural Preserve or Open Space Easement;

WHEREAS, the rezoning of these parcels will have no effect upon the contract and tax-reduced status of these parcels; and

WHEREAS, pursuant to the California Environmental Quality Act, the action was evaluated and determined to be Categorically Exempt under CEQA;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the ordinance amendments proposed serve a public benefit; and

BE IT FURTHER RESOLVED, that the Planning Commission recommends the proposed rezonings as set forth in Attachment 1 hereto to change the zoning of certain parcels from certain zone districts to others, and the Notice of Exemption under the California Environmental Quality Act as set forth in Exhibit B, and incorporated herein by reference, be adopted by the Board of Supervisors.

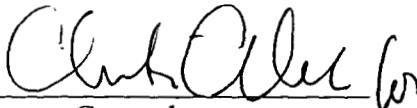
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, California, this _____ day of _____, 2008 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



County Counsel

Cc: County Counsel
Planning Department

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM VARIOUS ZONE DISTRICTS TO OTHERS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the properties listed in Section III of this ordinance; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Notice of Exemption for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone districts will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone districts are appropriate for the level of utilities and community services available to the land; and
3. The present zoning is the result of error.

SECTION III

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

APN	Recorded Zoning	New Zoning
04113224	CA	CA-P
04113227	RA	RA-P
04603210	CA	CA-P
05003122	CA	CA-P
05015116	CA-L, PR-L	CA-L-P, PR-L-P
05110110	CA	CA-P
05120107	CA	CA-P

APN	Recorded Zoning	New Zoning
05120116	CA	CA-P
05120120	CA	CA-P
05120121	CA	CA-P
05120155	CA	CA-P
05120156	CA	CA-P
05124142	CA	CA-P
05125114	CA	CA-P
05125115	CA	CA-P
05173104	CA	CA-P
05173106	CA	CA-P
05218117	CA	CA-P
05218118	CA	CA-P
05218120	CA	CA-P
05258110	CA-W	CA-W-P
05715105	CA, TP	CA-P, TP
05715106	CA, PR	CA-P, PR-P
05715107	CA	CA-P
05730101	CA	CA-P
05901201	PR	PR-P
08628107	A	A-P
09102108	CA	CA-P
09343101	CA-L	CA-L-P
09648107	R-1-100AC	R-1-100AC-P
09801120	CA	CA-P
09801122	CA	CA-P
09801123	CA	CA-P
09802101	CA	CA-P
09802106	A	A-P
09802107	CA	CA-P
10013103	CA	CA-P
10018101	CA	CA-P
10621123	CA	CA-P
10621126	A	A-P
10708122	CA	CA-P
10721101	CA	CA-P
10721119	CA	CA-P
10721120	CA	CA-P
10736107	CA, RA	CA-P, RA-P
10754102	CA	CA-P
10754103	CA	CA-P
10754104	CA	CA-P
10816106	CA	CA-P
10817111	CA	CA-P
10819102	CA	CA-P
10902120	A	A-P
10905103	CA	CA-P
10905104	A	A-P
10905105	CA	CA-P
10905106	CA	CA-P

APN	Recorded Zoning	New Zoning
10905107	CA	CA-P
10905108	CA	CA-P
10906102	CA	CA-P
10906105	CA	CA-P
10906108	CA	CA-P
10909106	CA	CA-P
10909107	CA	CA-P
10910115	CA	CA-P
10913115	CA	CA-P
10913116	CA	CA-P
10914142	CA	CA-P
10923236	CA	CA-P
10924105	CA	CA-P
10924106	CA	CA-P
10924107	CA	CA-P
10926121	CA	CA-P
10926122	CA	CA-P
11009106	CA	CA-P
11010204	CA	CA-P
11011102	CA	CA-P
11011104	CA	CA-P
11011105	CA	CA-P
11013104	CA	CA-P
11016102	CA	CA-P
11017107	CA	CA-P
11018101	CA	CA-P
11018102	CA	CA-P
11018103	CA	CA-P
11018104	CA	CA-P
11018106	CA	CA-P
11018107	CA	CA-P
11019110	CA	CA-P
11020102	CA	CA-P
11020103	CA	CA-P
11020106	CA	CA-P
11021212	CA	CA-P
11023105	CA	CA-P
11027101	CA	CA-P
11027103	CA	CA-P
11028101	CA	CA-P
11028102	CA	CA-P
11032102	CA-L	CA-L-P
04503102	CA-P	CA
04503104	CA-P	CA
04611113	CA-P	CA
04615116	CA-P	CA
04909125	CA-P	CA
04909126	CA-P	CA
05104146	CA, CA-P, RA	CA, RA

APN	Recorded Zoning	New Zoning
05110109	CA-P	CA
05168103	CA-P	CA
05217121	CA-P	CA
05725102	A, CA-P, A-P, TP	A, CA, TP
05725103	A, A-P, TP	A, TP
05802206	CA-P	CA
05805101	CA-P	CA
05809306	CA-P, C-4	CA, C-4
05812205	CA-P	CA
05901112	CA-P	CA
05902311	CA-P, CA, PR	CA, PR
10107103	A-P	A
10612127	A-P	A
10612138	A-P, RA	A, RA
10716202	CA-P	CA
10716204	CA-P	CA
10718142	CA-P, CA	CA
10758107	CA-P	CA
05426127	CA-P	CA
05426128	CA-P	CA
05426129	CA-P	CA
05426130	CA-P	CA
04050102	RA	RA-O
04113248	RA	RA-O
04612103	CA	CA-O
05103138	CA	CA-O
05179101	PR-GH	PR-GH-O
06307117	TP	TP-O
06307119	TP	TP-O
06307120	A	A-O
06307122	RA	RA-O
06307128	A	A-O
07001103	RA	RA-O
07013113	A	A-O
07013114	A	A-O
07313102	RA	RA-O
07314201	RA	RA-O
07314202	RA	RA-O
08515302	SU	SU-O
08628124	A	A-O
08903179	SU	SU-O
08903180	SU	SU-O
08905112	SU	SU-O
09101251	RA	RA-O
09101253	SU	SU-O
09101254	RA	RA-O
09403112	RA	RA-O
09636118	R-1-100AC	R-1-100AC-O
09639108	TP	TP-O

APN	Recorded Zoning	New Zoning
09642103	R-1-20AC	R-1-20AC-O
10317107	RA	RA-O
10504146	A	A-O
10514124	CA	CA-O
10514127	CA	CA-O
10745112	SU	SU-O
10830106	RA	RA-O
10835106	SU	SU-O
10835108	SU	SU-O
10912111	SU	SU-O
10912113	A	A-O
11002103	CA	CA-O
04912123	A-O	A
06315212	RA-O	RA
06315213	RA-O	RA
06315218	RA-O	RA
06315219	RA-O	RA
06221130	CA-O	CA
09645102	A-O	A
06715322	RA-O	RA
07001138	RA-O	RA
04023201	RA-O, TP-O	RA, TP
04023202	RA-O	RA
04023203	RA-O	RA
10322123	RA-O	RA
10545103	R-1-1AC	R-1-1AC-O
10545105	R-1-1AC	R-1-1AC-O
10545106	R-1-1AC	R-1-1AC-O
10545107	R-1-1AC	R-1-1AC-O
04112175	A-O	A
09402122	RA-O	RA
10906116	A-O	A
06308117	A-O, RA	A, RA
08038110	RA, RA-O	RA
06424216	SU-O	SU
10610105	RA-O	RA
04901127	SU-O	SU
10204127	A-O	A
04008119	RA, RA-O	RA
04112174	A-O	A
04113247	RA-O, RA	RA
04113253	RA-O	RA
04113254	RA-O	RA
04626121	CA-O	CA
05731120	PR-O, SU	PR, SU
06001117	PR-O	PR
06008210	PR-O, R-1-20	PR, R-1-20
06137109	SU-O	SU
06213115	TP-O	TP

EXHIBIT, A

ATTACHMENT

APN	Recorded Zoning	New Zoning
06218112	M-3, M-3-O	M-3
06226104	SU-O	SU
06306130	A-O	A
06306132	A-O	A
06306133	A-O	A
06308106	A-O	A
06309117	A-O	A
06309119	A-O	A
06313208	M-3, A-O, RA	M-3, A, RA
06424212	RA-O	RA
06622101	SU-O	SU
06701106	SU-O	SU
06805211	RA-O	RA
07011129	SU, RA-O	SU, RA
07618152	RA-O	RA
07625117	RA-O	RA
08018158	A-O	A
08018159	A-O	A
08019119	RA-O	RA
08023140	RA-O	RA
08025137	RA-O	RA
08029107	RR-O	RR
08029108	RR-O	RR
08607109	RA-O	RA
08635101	RA-O	RA
08636106	RA-O	RA
08636206	RA-O	RA
08636213	RA-O	RA
08811132	RA-O	RA
08814163	R-1-100AC-O	R-1-100AC
08814164	R-1-100AC-O	R-1-100AC
08825128	R-1-100AC-O, R-1-1AC	R-1-100AC, R-1-1AC
08826130	R-1-100AC-O, R-1-1AC	R-1-100AC, R-1-1AC
09402109	RA-O	RA
09408132	RA-O	RA
09627102	RA-O	RA
09645103	SU-L-O	SU-L
09805102	RA-O	RA
09811109	RA-O	RA
09827120	RA-O, RA	RA
09827126	RA-O	RA
09832106	RA-O	RA
09832108	RA-O	RA
09832109	RA-O	RA
09832110	RA-O	RA
09910136	RA-O	RA
09912116	RA-O	RA
09917106	RA-O	RA
09917109	RA-O	RA

APN	Recorded Zoning	New Zoning
09917110	RA-O	RA
10513142	RA-O, RA	RA
10530106	A-O	A
10530108	A-O	A
10547104	RA-O	RA
10610132	RA-O	RA
10610133	RA-O	RA
10610140	RA-O	RA
10708120	A-O	A
10708123	A-O	A
10749116	RA, RA-O	RA

SECTION IV

This ordinance shall take effect on 31st day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED this _____ of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:


Assistant County Counsel

DISTRIBUTION: County Counsel, CAO, Planning Department

EXHIBIT, A
ATTACHMENT 1

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A
Assessor Parcel Number: See Attached
Project Location: Countywide

Project Description: Recognizing the Williamson Act or Open Space Easement contract status of parcels throughout the county by assigning the correct zoning combining district.

Person or Agency Proposing Project: Planning Department, Santa Cruz County

Contact Phone Number: Sarah Neuse, 454-3290

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☒ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. ☐ **Categorical Exemption**

F. Reasons why the project is exempt:

This action is strictly internal to the planning department and will have no effect on the land uses permitted on the parcels that are part of this rezoning. Parcels under Open Space or Williamson Act Contract are restricted by the terms presented in their contracts, and those no longer under contract are subject to their existing primary zoning designation only.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Sarah Neuse
Sarah Neuse, Project Planner

Date: 3/4/08