



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, DIRECTOR

July 2, 2004

AGENDA: July 14, 2004

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

PUBLIC HEARING TO CONSIDER PROPOSED CHANGES TO THE PARK SITE REVIEW PROCESS (EXISTING GENERAL PLAN – LOCAL COASTAL PROGRAM CHAPTER 7.1, PROGRAMS “h” AND “j;” EXISTING COUNTY CODE VOLUME II, SECTIONS 13.10.418(a) AND 15.01.090(c); AND NEW SECTION 15.01.120).

Planning Commissioners:

Under current budgetary constraints, both the Planning and Parks Departments have re-examined the park site review process to eliminate unnecessary processes. Review of the park site acquisition review policies and ordinances also disclosed a number of inconsistencies and conflicts between the General Plan and the County Code that need to be resolved. In addition, changes in planning terminology and the implementation of the Permit Streamlining Act have made some of the language in the ordinances out-of-date. A number of amendments to the General Plan – Local Coastal Program and to the County Code are proposed to deal with these issues.

On November 4, 2003, the Board of Supervisors considered this item and gave conceptual approval to the proposed changes to the **park** site review process and directed the Planning Department to proceed with processing the amendment, including review by your Commission.

CURRENT REGULATORY SETTING

The 1994 General Plan-Local Coastal Program Land Use Plan (GP-LCP) designates a number of properties as future park sites. The GP-LCP also requires that these proposed park sites be designated on the land use maps and requires that a procedure for the review of these properties for possible acquisition by the County for park purposes be maintained (GP-LCP Section 7.1, Programs h and j).

Accordingly, the land use maps for the 15 planning areas include the “Proposed Park Site” designation on the parcels designated in the GP-LCP Table 7-2 and two ordinances have been adopted to assist in the implementation of the GP-LCP policies and programs: Section 13.10.415 et seq., and Chapter 15.01.

County Code Section 13.10.415 et seq., creates the “D” – Designated Park Site Overlay District. Parcels designated by the GP-LCP for future park sites are zoned with the “D” – Designated Park Site Overlay to signify that they are to be reviewed for possible acquisition by the County. County Code Section 13.10.418, Use and development standards in the “D” Designated Park Site Combining District, requires that applications for development on parcels in the “D” overlay district be submitted to the County Parks and Recreation Commission for review.

County Code Chapter 15.01 (Park Dedication and Public Access Requirements) implements the park site acquisition program and specifies the requirements for park and public access-way dedication for all development in the County, whether or not the subject site is a designated park site. Section 15.01.090(c) contains the review procedures (see Exhibit E).

Proposed changes to the Ordinance are explained below. Please refer to the strike-through, highlighted version of the General Plan – Local Coastal Program Chapter attached to Exhibit A and to the strike-through, highlighted version of the County Code Sections in Exhibit B for the actual language changes.

PROPOSED CHANGES

General Plan – Local Coastal Program Land Use Plan Chapter 7, Programs h and j:

These two programs direct the County to maintain a procedure for reviewing potential park sites and for compensating owners for not being able to develop land that is designated for park acquisition. The changes proposed for these two Programs involve deletion of obsolete or unclear language and clarification of the types of applications that trigger park site review.

Program h. The existing language was carried over from the 1980 General Plan, before the enactment of the Permit Streamlining Act when a “complete development application” meant an application that had all of the required materials submitted. Currently, a “complete application” means an application that has been determined to be complete under the Permit Streamlining Act. The intent of the change is to clearly state that the park site review process begins immediately upon permit application.

Program j. This Program relates to review of projects by Parks staff. “Development projects” is not defined in the General Plan glossary; “development permits” is. The proposed changes to Program J are intended to ensure review by Parks staff of those projects that either would have some potential impact on an existing park site or trigger the more in-depth review for possible acquisition. Review of development proposed on sites adjacent to proposed park sites and trails is proposed for deletion because there is no way to adequately review the impacts on future potential park sites or trails.

Referral of applications to the Parks and Recreation Commission (County Code Section 13.10.418(a)):

Currently, the language of this section requires the Parks and Recreation Commission to review all applications proposed on properties with the "D" designation, however minor. According to Parks, they generally are not concerned with a building permit for structures ancillary to ~~an~~ existing single family dwelling or for minor improvements to an existing single family dwelling. New single family dwellings, however, may trigger the park site acquisition review process depending on the particulars of an individual case such as size of the house relative to that of the parcel, amount of grading, etc. In the case of a project such as a land division, the site could be altered to such an extent that it would be rendered useless for a park and the cost of purchasing the site after it is subdivided could be prohibitively expensive. Thus, the changes allow the Parks Director discretion in what applications should be referred to the Parks and Recreation Commission for review. That discretion would be tempered, however, by 1) the requirement that the Parks Director inform each Board member in writing if a determination is made not to proceed with review, and 2) the ability of each member to refer an application to the Parks and Recreation Commission notwithstanding the determination of the Parks Director. These proposed changes will improve workload issues in the Parks Department by reducing the number and kinds of applications that require review by the Parks and Recreation Commission, yet ensure that the Commission review those projects that would be most likely to trigger the County's interest in obtaining the site for park purposes.

Maintenance of Consistency between application referral and the actual review process (County Code Section 15.01.090(c)):

This section spells out the park site review process and is proposed to be changed so that it is consistent with Section 13.10.418(a) in terms of the Parks Director's discretion in referring projects to the Parks and Recreation Commission. This is simply a clarification so that this section is consistent with Section 13.10.418(a).

Provision of notice of "D" designated park site adjacency (New County Code Section 15.01.120):

This proposed new section would add a requirement for notification of prospective purchasers that the property is adjacent to a designated park site that might be developed for park uses in the future and advises them that the property may be subject to noise and other potential inconveniences upon park development. This proposal is intended to address the concern raised by the Board of Supervisors about potential purchasers of property adjacent to a "D" designated park site being aware of the potential of a future park development.

CONCLUSION AND RECOMMENDATION

The park site acquisition review process contains a number of inconsistencies and conflicts. Changes in planning terminology and implementation of the Permit Streamlining Act have made some of the language out-of-date. According to the Parks Director, the Parks Department does not need to review applications for structures such as decks or a garage and, in most cases, does not need to review one single family dwelling on a single parcel. Proposed changes to streamline the park site review process would give the Parks Director

the discretion whether or not to refer applications on designated park sites to the Parks and Recreation Commission, would also require written notification to the Board of Supervisors for applications not referred, and would provide an opportunity for a Board member to refer an application the Parks Director declined to refer. The draft proposed amendments are intended to address all of these issues.

It is, therefore, RECOMMENDED that your Commission:

1. Approve the Resolution attached ~~as~~ Exhibit A recommending that the Board of Supervisors approve the proposed amendments to the park site review process as set forth in Attachment 1 to Exhibit A and in Exhibit B; and
2. Recommend that the Board of Supervisors certify the categorical exemption from further review under the California Environmental Quality Act.

Sincerely,



Mark Deming
Assistant Planning Director



Steven Guiney
Planner IV
Long Range Planning

- Exhibits:
- | | |
|----|--|
| A. | Resolution |
| B. | Strike-through version of draft ordinance |
| C. | Issues raised by the Board of Supervisors |
| D. | Board of Supervisors action of 11-04-03 |
| E. | Existing park site acquisition regulations |
| F. | Determination of exemption from CEQA |

cc: Parks Department

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

PLANNING COMMISSION RESOLUTION REGARDING PROPOSAL TO
AMEND EXISTING GENERAL PLAN – LOCAL COASTAL PROGRAM
CHAPTER 7.1, PROGRAMS H AND J AND COUNTY CODE SECTIONS
13.10.418(a) AND 15.01.090(c); AND TO ADD A NEW SECTION 15.01.120,
REGARDING THE PARK SITE ACQUISITION PROCESS

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) which designated certain properties as future County park sites and on December 19, 1994, the County General Plan/Local Coastal Program was certified by the California Coastal Commission; and

WHEREAS, Programs h and j of Chapter 7.1 of the General Plan – Local Coastal Program require a procedure for review of designated park sites for possible acquisition; and

WHEREAS, County Code Section 13.10.415 et seq., and Chapter 15.01 implement the park site review process mandated by the General Plan – Local Coastal Program; and

WHEREAS, there exist unnecessary processes and inconsistencies and conflicts in both the General Plan – Local Coastal Program and the County Code regarding the park site review process; and

WHEREAS, changes in planning terminology and the implementation of the Permit Streamlining Act have occurred since the original adoption of the park site review process; and

WHEREAS, the County desires to correct and conform the General Plan- Local Coastal Program and the County Code regarding the park site review process; and

WHEREAS, on July 14, 2004, the Planning Commission held a duly noticed public hearing to consider amendments to General Plan – Local Coastal Program Chapter 7.1, Programs h and j, and County Code Section 13.10.418(a) and Chapter 15.01 regarding the park site acquisition process; and

WHEREAS, the Planning Commission finds that the proposed amendments to General Plan – Local Coastal Program Chapter 7.1, Programs h and j, and County Code

Section 13.10.418(a) and Chapter 15.01 regarding the park site acquisition process are consistent with the policies of the General Plan and Local Coastal Program; and

WHEREAS, the proposed amendments to General Plan – Local Coastal Program Chapter 7.1, Programs h and j, and County Code Section 13.10.418(a) and Chapter 15.01 regarding the park site acquisition process have been found to be exempt from further environmental review under Section 501(b)(3) of the County's CEQA Guidelines and Section 15061(b)(3) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission finds that the proposed amendments are consistent with the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the amendments to General Plan – Local Coastal Program Chapter 7.1, Programs h and j, attached hereto as Attachment 1, and County Code Section 13.10.418(a) and Chapter 15.01 regarding the park site acquisition process be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2004 by the following vote:

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

Chairperson

ATTEST: _____
Cathy Graves, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

PROPOSED CHANGES TO THE GENERAL PLAN –LOCAL COASTAL PROGRAM

Proposed deleted language is shown ~~struckthrough~~, proposed new language is shown **highlighted**.

Chapter 7.1, Program h

When a specific development proposal is pending, maintain the procedure described herein by which property owners shall be compensated for not being able to develop land which is designated for park acquisition while the County secures acquisition funds. ~~After~~ submission of a ~~complete~~ development application, the County would have one year to decide whether acquisition for the park site is to proceed. If the County decides to acquire the parcel, the County shall make payment for such acquisition within an additional two years and shall enter into a lease agreement with the landowner in the interim. If the County decides not to acquire the property, the owner may proceed with development consistent with surrounding densities and land uses as indicated by the General Plan and Local Coastal Program Land Use Element. In connection with the residential development of designated park sites, the board of Supervisors should provide for appropriate areas for park development on the parcel, or obtain concurrent designation of an appropriate alternative park site. The parks designation process shall not apply to any application submitted before the effective date of the General Plan (Responsibility: County Parks, Planning Department, Board of Supervisors)

Chapter 7.1, Program j

Maintain a process to require review and comment by the Parks, Open Space and Cultural Services (County Parks) staff of all ~~applications for~~ development projects ~~which~~ **which** are either on proposed park sites or adjacent to, ~~proposed and existing park sites or trails. Those permit~~ applications that ~~are for a park site acquisition review, shall be reviewed by the Parks Commission.~~

ORDINANCE NO. _____

AN ORDINANCE TO AMEND EXISTING COUNTY CODE SECTIONS 13.10.418(a)
AND 15.01.090(c); AND TO ADD A NEW SECTION 15.01.120, REGARDING THE
PARK SITE ACQUISITION PROCESS

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

SECTION I

County Code Section 13.10.418(a) is hereby amended to read as follows:

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 an application for a Building

Permit for a single family dwelling, ~~Development Permit, or Land Division Approval or a Development Permit or Coastal Permit for residential development for one unit or more~~ has been submitted to the County, in accordance with County Code Chapter 18.10, shall ~~may, in the discretion of the Parks Director,~~ be submitted to the County Parks and Recreation Commission for review, pursuant to County Code Section 15.01.090(c). Each member of the Board of Supervisors shall be notified in writing of the determination of the Parks Director not to proceed with the review and shall have 10 days following receipt of such notification to refer the application to the Parks and Recreation Commission at her or his discretion.

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.

SECTION II

County Code Section 15.01.090(c) is hereby amended to read as follows:

1. When an application for a ~~development application- building permit, Land Division Approval, or a Development Permit or Coastal Permit for residential development for one unit or more~~ is received which is on or adjacent to a proposed a park site within the "D" Combining District, which the Parks Director determines should be reviewed under this section or which ~~the Parks and Recreation Commission, Planning Commission, or a member of the~~ 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 _____, 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.

SECTION III

County Code Section 15.01.120 is hereby added, to read as follows:

(a) A person who is acting as an agent for a seller of real property which physically touches land in the "D" Combining District, as designated on the zone district maps of the County, or the seller if he or she is acting without an agent, shall disclose to the prospective purchaser that:

The property physically touches land in the "D" Combining District as designated on the zone district maps of the County, and residents of the property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park.

(b) The following statement shall be included in any deposit receipt for the purchase of real property physically touching land in the "D" Combining District, as designated on the zone district maps of the County, and shall be included in any deed conveying the property:

The property described herein physically touches land in the "D" Combining District as designated on the zone district maps of the County, and residents of the property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park.

(c) The County Building Official shall require, prior to issuance of building permits for parcels physically touching a parcel in the "D" Combining District, as designated on the zone district maps of the County, either:

1. Recordation of the following statement of acknowledgement by the owners of the property on a form approved by the Building Official:

The undersigned _____ do hereby certify to be the owner(s) of the hereinafter legally described real property located in the County of Santa Cruz, State of California: _____ and do hereby acknowledge that the property described herein physically touches land that is designated for future development of a park, and that residents or users of this property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park.

This statement of acknowledgement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this statement of acknowledgement are required to be disclosed to prospective

purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property.

Or

2. Evidence that the above statement has been made part of the parcel deed.

SECTION IV

This ordinance shall take effect immediately upon final certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2004, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning
County Counsel

ISSUES RAISED BY THE BOARD OF SUPERVISORS**Definition of “Application”**

The term “application” is not defined in the Zoning Ordinance or in the General Plan. However, County Code Section 18.10.210, Application submittal requirements, sets forth what is required to be submitted to the Planning Department in an application for a permit. County Code Section 12.01.050, Building permit applications, further specifies what is required to be submitted to the Planning Department in a building permit application. Both sections require submittal of substantial information, professionally prepared, about the particular proposal.

Status of “D” designation if County decides not to purchase property

Your Board asked whether a property owner could get the “D” designation removed by simply making **an** application triggering the park site review process, where the review process resulted in the County declining to purchase the property. The short answer is no.

County Code Section 13.10.418(a), Use and development standards in the “ D Designated Park Site Combining District, references submittal of an application “in accordance with County Code Chapter 18.10...”

As previously indicated, County Code Chapters 18.10 and 12.01 both require submittal of substantial information. For an application to be approved, it must demonstrate consistency between the proposal and the County Code. The information required for **an** application includes location of the parcel where the building or other development is proposed; drawn-to-scale plans, including what the building or other development would **look** like, how it would be situated on the parcel, proposed ground disturbance or vegetation removal; and adherence to the various uniform codes (building, electrical, mechanical, etc) for proposed buildings, and adherence to the Subdivision Map Act for land divisions. In short, applications must detail what is proposed and where it is proposed in order for the Planning Department to determine the proposal’s consistency with the County Code and applicable building and land use regulations. The applicant must also pay filing fees.

Given the likely considerable expense and time required to prepare an application, it is unlikely that a property owner would do so solely for the purpose of triggering the park site review process and gambling that it would result in the County declining to purchase the property. Even if that were the case, removal of the “D” designation is not automatic if the County declines to purchase the property. Nothing in the County Code provides for the removal of the “D” designation upon a decision not to purchase a property. The “D” designation is not removed when a minor project, such as a single family dwelling, is approved. Removal of the “D” designation does occur as part of the approval of a major development proposal such as a subdivision, where the cost of purchasing the property at some later time would be prohibitive.

Design of future park property and the impact of an adjacent development

Your Board expressed concern over whether the Parks Department (Parks) could comment on proposed development on a site adjacent to a designated park site and how such development might impact the future design and use of the designated park site and how development of a park site could affect adjacent property owners.

Parks can comment on proposals on parcels adjacent to designated park sites just as any owner of property adjacent to a proposed development can. However, those comments would not be binding on the applicant because Parks would have no approval authority over a proposal on a parcel adjacent to a designated park site.

The design and use of a particular designated park site is not known with any specificity until after the site has been acquired. The park site review process incorporates consideration of some design and use issues, but only at the level of determining feasibility of acquiring the site at that time. Also, acquisition of a site does not necessarily mean either that the final design and uses will be determined or that a park will be developed immediately thereafter or within any particular time frame.

In certain situations, the County requires notification be given to property owners of actual or potential uses on adjacent land. For example, the County requires that notice of adjacency of agricultural land be given to purchasers of real property within 200 feet of agricultural land and prior to issuance of a building permit on a parcel within 200 feet of agricultural land. Currently, purchasers of property adjacent to a designated park site are not required by the County to be notified of the adjacency of the designated park site and the potential future park development on that site. Notice about adjacency to a designated park site could be required in a manner similar to the notice of adjacency of agricultural land. This notice would alert purchasers to the potential future development of a park and associated noise, activity, parking, etc.

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

Creation Date: 10/24/03

Source Code: PLANN

Agenda Date: 11/4/03

INVENUM : 53604

Resolution(s): _____

Ordinance(s): _____

Contract(s): _____

ContinueDate(s): _____

Index: --Letter of the Planning and Parks Directors of October 8, 2003 with attachments

Item: 47. ACCEPTED **AND** FILED report on General Plan and ordinance amendments related to the park acquisition process; and directed the Planning Department to process the proposed amendments including review by the Planning Commission and the Environmental Coordinator, as recommended by the Planning Director and the Director of Parks, Open Space and Cultural Services



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET-4TH FLOOR, SANTACRUZ, CA 95060
(831)454-2580 FAX: (831)454-2131 TDD: (831)454-2123

ALVIN D. JAMES, DIRECTOR

October 8, 2003

APPROVED AND FILED

VISORS

BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
SUSAN A. MAURIELLO

AGENDA. October 21, 2003

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

BY

[Signature]
DEPUTY

REPORT BACK ON POTENTIAL GENERAL PLAN AND ORDINANCE CHANGES ABOUT THE PARK SITE ACQUISITION PROCESS

Members of the Board:

On August 12, 2003, your Board considered this item and continued it until September 23, 2003, at which time your Board deferred the item ~~until~~ October 21, 2003. Your Board directed the Planning Department to report back on the following issues: (a) definition of "application," (b) process for dealing with the "D Designated Park Site designation on a designated park site that the County decides not to purchase, and (c) review of the impact of an adjacent development on a "D" designated property even if it was not currently owned by the County.

Included in both the previous Board letters and in this one are also proposed revisions to portions of the General Plan and County Code Volume II that address the park site acquisition review process. Under current budgetary constraints, both the Planning and Parks Departments have re-examined the park site review process to eliminate unnecessary processes. Review of the park site acquisition review policies and ordinances also disclosed a number of inconsistencies and conflicts between the General Plan and the County Code. In addition, changes in planning terminology and the implementation of the Permit Streamlining Act have made some of the language in the ordinances out-of-date.

These issues raised by your Board and the proposed revisions to the General Plan and County Code are discussed in detail in Attachment 1. Proposed significant changes to the Ordinance are summarized on the following page.

Referral of applications to the Parks and Recreation Commission (County Code Section 13.10.418(a)):

Currently, the Parks and Recreation Commission reviews all building permit and development applications proposed on properties with the "D" designation. This results in Commission review of decks, fences, and other minor improvements to existing structures. Because these improvements have a very minor impact on the value of a "D" designated property, Commission review for these types of minor building permits is not needed. In addition, in an effort to streamline the "D" designation review process, the Parks Director has recommended that the "D" designation review requirements be changed to 1) allow the Parks Director discretion to refer applications for building permits for single family dwellings, Land Division Approvals, or Development Permits of Coastal Permits for residential development of one unit or more to the Commission for review, and 2) require the Parks Director to provide written notification to your Board of those applications not referred to the Parks and Recreation Commission. An additional change to this section would allow for each Board member to individually refer an application to the Parks and Recreation Commission for review even if the Parks Director declined to. These proposed changes will improve workload issues in the Parks Department by reducing the number and kinds of applications that require review by the Parks and Recreation Commission, yet ensure that the Commission review those projects that would be most likely to trigger the County's interest in obtaining the site for park purposes.

Maintenance of Consistency between application referral and the actual review process (County Code Section 15.01.090(c)):

This section spells out the park site review process and is proposed to be changed so that it is consistent with Section 13.10.418(a) in terms of the Parks Director's discretion in referring projects to the Parks and Recreation Commission. This is simply a clarification so that this section is consistent with Section 13.10.418(a).

Provision of notice of "D" designated park site adjacency (New County Code Section 15.01.120):

This proposed new section is modeled after the County-required notification for property transactions involving parcels near agricultural land and would add a requirement for notification of prospective purchasers that the property is adjacent to a designated park site that might be developed for park uses in the future and advises them that the property may be subject to noise and other potential inconveniences upon park development. This proposal is intended to address the concern raised by your Board about potential purchasers of property adjacent to a "D" designated park site being aware of the potential of a future park development.

Conclusion and Recommendation

The park site acquisition review process laid out in the General Plan and County Code contains a number of inconsistencies and conflicts. In addition, changes in planning terminology and the implementation of the Permit Streamlining Act have made some of the language used in the ordinances out-of-date. The Parks Department does not need to review applications for structures ancillary to an existing single family dwelling, such as a decks or a garage and, in most cases, does not need to review one single family dwelling on a single parcel. The proposed changes would give the Parks Director the discretion to refer

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applications on "D" designated park sites to the Parks and Recreation Commission or not. The Parks Director would be required to notify each Board member if he or ~~she~~ determined that an application on a "D" designated park site did not need to be referred to the Parks and Recreation Commission. A Board member would, however, individually be able to refer such an application for review even if the Parks Director declined to. Finally, your Board expressed concern over several aspects of the park site acquisition review process. ~~The~~ draft proposed amendments are intended to address all of these issues.

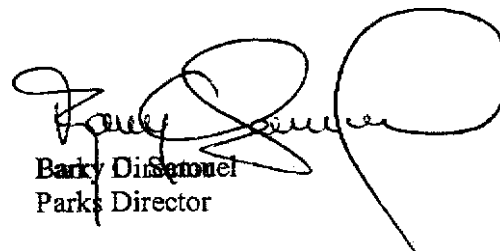
It is, therefore, RECOMMENDED that your Board:

1. Accept and file this report on the park site acquisition review process; and
2. Direct the Planning Department to process the proposed amendments including review by the Planning Commission and the Environmental Coordinator.

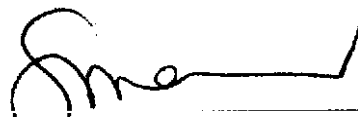
Sincerely,


A. D. Jones

Planning Director


Barry DiStefano
Parks Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Detailed discussion of issues and proposed changes
2. Board letter from August 12, 2003 (dated for agenda of August 5, 2003)

cc: Parks Department

Attachment 1

0342

~~0290~~**I. Issues Raised by Your Board****Definition of "Application"**

The term "application" is not defined in the Zoning Ordinance or in the General Plan. However, County Code Section 18.10.210, Application submittal requirements, sets forth what is required to be submitted to the Planning Department in an application for a permit. County Code Section 12.01.050, Building permit applications, further specifies what is required to be submitted to the Planning Department in a building permit application. Both sections require submittal of substantial information, professionally prepared, about the particular proposal.

Status of "D" designation if County decides not to purchase property

Your Board asked whether a property owner could get the "D" designation removed by simply making an application triggering the park site review process, where the review process resulted in the County declining to purchase the property. The short answer is no.

County Code Section 13.10.418(a), Use and development standards in the "D Designated Park Site Combining District, references submittal of an application "in accordance with County Code Chapter 18.10...."

As previously indicated, County Code Chapters 18.10 and 12.01 both require submittal of substantial information. For an application to be approved, it must demonstrate consistency between the proposal and the County Code. The information required for an application includes location of the parcel where the building or other development is proposed, drawn-to-scale plans, including what the building or other development would look like, how it would be situated on the parcel, proposed ground disturbance or vegetation removal; and adherence to the various uniform codes (building, electrical, mechanical, etc) for proposed buildings, and adherence to the Subdivision Map Act for land divisions. In short, applications must detail what is proposed and where it is proposed in order for the Planning Department to determine the proposal's consistency with the County Code and applicable building and land use regulations. The applicant must also pay filing fees.

Given the likely considerable expense and time required to prepare an application, it is unlikely that a property owner would do so solely for the purpose of triggering the park site review process and gambling that it would result in the County declining to purchase the property. Even if that were the case, removal of the "D" designation is not automatic if the County declines to purchase the property. Nothing in the County Code provides for the removal of the "D" designation upon a decision not to purchase a property. The "D" designation is not removed when a minor project, such as a single family dwelling, is approved. Removal of the "D" designation does occur as **part** of the approval of a major development proposal such as a subdivision, where the cost of purchasing the property at some later time would be prohibitive.

Attachment 1

0291

0343

Design of future park property and the impact of an adjacent development

Your Board expressed concern over whether the Parks Department (parks) could comment on proposed development on a site adjacent to a designated park site and how such development might impact the future design and use of the designated park site and how development of a park site could affect adjacent property owners.

Parks can comment on proposals on parcels adjacent to designated park sites just as any owner of property adjacent to a proposed development can. However, those comments would not be binding on the applicant because Parks would have no approval authority over a proposal on a parcel adjacent to a designated park site.

The design and use of a particular designated park site is not known with any specificity until after the site has been acquired. The park site review process incorporates consideration of some design and use issues, but only at the level of determining feasibility of acquiring the site at that time. Also, acquisition of a site does not necessarily mean either that the final design and uses will be determined or that a park will be developed immediately thereafter or within any particular time frame.

In certain situations, the County requires notification be given to property owners of actual or potential uses on adjacent land. For example, the County requires that notice of adjacency of agricultural land be given to purchasers of real property within 200 feet of agricultural land and prior to issuance of a building permit on a parcel within 200 feet of agricultural land. Currently, purchasers of property adjacent to a designated park site are not required by the County to be notified of the adjacency of the designated park site and the potential future park development on that site. Notice about adjacency to a designated park site could be required in a manner similar to the notice of adjacency of agricultural land. This notice would alert purchasers to the potential future development of a park and associated noise, activity, parking, etc.

11. Proposed Changes to the General Plan and County Code

Based on the issues discussed above, staff recommends changes to some of the park site review General Plan policies and County Code sections that your Board considered on August 12, 2003. All of the applicable policies and sections considered by your Board on August 12 are included below with a brief discussion of the reasoning for the proposed amendment. Also included is a proposed new section 15.01.120, Public Notification Requirement. Proposed deleted language is shown ~~struck through~~, proposed new language is shown **highlighted**.

Attachment 1

0292

0344

General Plan Chapter 7.1, Program h, change as follows (No change from August 12, 2003):

- h. When a specific development proposal is pending, maintain the procedure described herein by which property owners shall be compensated for not being able to develop land which is designated for park acquisition while the County secures acquisition funds. After submission of a ~~complete~~ development application, the County would have one year to decide whether acquisition for the park site is to proceed. If the County decides to acquire the parcel, the County shall make payment for such acquisition within an additional two years and shall enter into a lease agreement with the landowner in the interim. If the County decides not to acquire the property, the owner may proceed with development consistent with surrounding densities and land uses as indicated by the General Plan and Local Coastal Program Land Use Element. In connection with the residential development of designated park sites, the board of Supervisors should provide for appropriate areas for park development on the parcel, or obtain concurrent designation of an appropriate alternative park site. The parks designation process shall not apply to any application submitted before the effective date of the General Plan (Responsibility: County Parks, Planning Department, Board of Supervisors)

This change is proposed for clarity, The existing language was carried over from the 1980 General Plan, before the enactment of the Permit Streamlining Act when a "complete development application" meant an application that had all of the required materials submitted. Currently, a "complete application" means an application that has been determined to be complete under the Permit Streamlining Act. The intent of the change is to clearly state that the park site review process begins immediately upon permit application.

If an application is determined to be complete under the Permit Streamlining Act, then the County must act within the time frame set out in the Permit Streamlining Act or the County may be required to grant an automatic approval.

General Plan Chapter 7.1, Program j, change as follows (No change from August 12, 2003):

Maintain a process to require review and comment by the Parks, Open Space and Cultural Services (County Parks) staff of all ~~applications for development projects permits~~ which are either on proposed park sites or adjacent to, ~~proposed and existing park sites or trails. Those permit applications that trigger a park site acquisition review shall be reviewed by the Parks Commission.~~

Attachment 1

0345

This Program relates to review of projects by Parks staff. "Development projects" is not defined in the General Plan glossary; "development permits" is. The proposed changes to Program J are intended to ensure review by Parks staff of those projects that either would have some potential impact on an existing park site or trigger the more in-depth review for possible acquisition. Review of development proposed on sites adjacent to proposed park sites and trails is proposed for deletion because there is no way to adequately review the impacts on future potential park sites or trails.

County Code Section 13.10.418(a) change as follows (language added to August 12 version shown in *highlighted italics*).

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~~ *an* application for a Building Permit ~~for a single family dwelling, Development Permit, or Land Division Approval or a Development Permit or Coastal Permit for residential development for one unit or more~~ has been submitted to the County, in accordance with County Code Chapter 18.10, ~~shall~~ *may, in the discretion of the Parks Director,* be submitted to the County Parks and Recreation Commission for review ~~pursuant to County Code Section 15.01.090(c). Each member of the Board of Supervisors shall be notified in writing of the determination of the Parks Director not to proceed with the review and shall have 10 days following receipt of such notification to refer the application to the Parks and Recreation Commission at her or his discretion.~~

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.

According to Parks, they generally are not concerned with a building permit for structures ancillary to ~~an~~ existing single family dwelling or for minor improvements to an existing single family dwelling. New single family dwellings, however, may trigger the park site acquisition review process depending on the particulars of an individual case such as size of the house relative to that of the parcel, amount of grading, etc. In the case of a project such as a land division, the site could be altered to such an extent that it would be rendered useless for a park and the cost of purchasing the site after it is subdivided could be prohibitively expensive. Thus, the changes allow the Parks Director discretion in what applications should be referred to the Parks and Recreation Commission for review. That discretion would be tempered, however, by 1) the requirement that the Parks Director inform each Board member in writing if a determination is made not to proceed with review, and 2) the ability of each member to refer an application to the Parks and Recreation Commission notwithstanding the determination of the Parks Director.

Attachment 1

-0294-

0346

County Code Section 15.01.090(c), change as follows (language added to August 12 version shown in highlighted italics).

1. When an application for a development application building permit, Land Division Approval, or a Development Permit or Coastal Permit for residential development for one unit or more is received which is on or adjacent to a proposed park site within the "D" Combining District which the Parks Director determines should be reviewed under this section or which the Parks and Recreation Commission, Planning Commission, or a member of the 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 _____ and Board of Supervisors _____ 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.

This section of the ordinance deals with potential acquisition of a designated park site, not just review and comment by Parks on a development permit application. The proposed changes maintain consistency with Section 13.10.418(a) and clarify that the Parks Department is responsible for the park site review process.

As this section reads now, Parks staff would have to go to the Parks and Recreation Commission with a report reviewing all the factors involved in a potential site acquisition even if the proposal is not on a designated park site and even if the designated park site is already developed and regardless of the nature of the proposal for which a development application has been made.

New County Code Section 15.01.120:

(a) A person who is acting as an agent for a seller of real property which physically touches land in the "D" Combining District, as designated on the zone district maps of the County, or the seller if he or she is acting without an agent, shall disclose to the prospective purchaser that:

The property physically touches land in the "D" Combining District as designated on the zone district maps of the County, and residents of the property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park

Attachment 1

(b) The following statement shall be included in any deposit receipt for the purchase of real property physically touching land in the "D" Combining District, as designated on the zone district maps of the County, and shall be included in any deed conveying the property:

The property described herein physically touches land in the "D" Combining District as designated on the zone district maps of the County, and residents of the property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park.

(c) The County Building Official shall require, prior to issuance of building permits for parcels physically touching a parcel in the "D" Combining District, as designated on the zone district maps of the County, either:

1. Recordation of the following statement of acknowledgement by the owners of the property on a form approved by the Building Official.

The undersigned _____ do hereby certify to be the owner(s) of the hereinafter legally described real property located in the County of Santa Cruz, State of California: _____ and do hereby acknowledge that the property described herein physically touches land that is designated for future development of a park, and that residents or users of this property may be subject to inconvenience or discomfort arising from noise, night lighting, etc., upon development of a park.

This statement of acknowledgement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this statement of acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property.

Or

2. Evidence that the above statement has been made part of the parcel deed.

This proposed new section would address the issue of potential purchasers of property knowing that a park development could occur adjacent to their property and is modeled after the County-required notification used for property near agricultural land.



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

ALVIN D. JAMES, DIRECTOR

July 24, 2003

AGENDA: August 5, 2003

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

REPORT ON POTENTIAL, GENERAL PLAN AND ORDINANCE CHANGES ABOUT THE PARK SITE ACQUISITION PROCESS

Members of the Board:

Since the adoption of the Parks Master Plan in the 1980's, County staff has successfully implemented the policies and ordinances governing the County's park site acquisition review process. However, under the current budgetary constraints, both the Planning and Parks Departments have been forced to re-examine the park site review process to eliminate unnecessary processes and staff responsibilities. Following a review by Planning Department staff and the Director of Parks, Open Space and Cultural Services (Parks) of the policies and ordinances that govern the park site acquisition review process, a number of inconsistencies and conflicts between the General Plan and the County Code were discovered. In addition, changes in planning terminology and the implementation of the Permit Streamlining Act have made some of the language used in the ordinances out-of-date. These inconsistencies and conflicts and their possible resolution are the subjects of this report.

As your Board knows, the 1994 General Plan-Local Coastal Program Land Use Plan (GP-LCP) designates a number of properties as future park sites. The GP-LCP also establishes a procedure for the review of these properties for possible acquisition by the County for park purposes (GP-LCP Section 7.1, Programs h and j - Attachment 1).

Two ordinances have been adopted to implement the GP-LCP policies and programs: Section 13.10.416 et seq., and Chapter 15.01. County Code Section 13.10.416 et seq. creates the "D" - Designated Park Site Overlay District (Attachment 2). Parcels designated by the GP-LCP for future park sites are zoned with the "D" - Designated Park Site Overlay to signify that they are to be reviewed for possible acquisition by the County. County Code Section 13.10.418, Use and Development Standards in the "D" Designated Park Site

Combining District, requires that applications for development on parcels in the "D" overlay district be submitted to the County Parks and Recreation Commission for review. 0076

County Code Chapter 15.01 (Park Dedication and Public Access Requirements) implements the park site acquisition program and specifies the requirements for park and public access-way dedication for all development in the County, whether or not the subject site is a designated park site. Section 15.01.090(c) contains the procedures for the park site review process (Attachment 3). 0390

The following are draft proposed amendments to the park site review and acquisition process, with a brief discussion of the reasoning for the proposed amendment. Proposed deleted language is shown ~~struck through~~, proposed new language is shown highlighted.

General Plan Chapter 7.1, Program h, change as follows:

h. When a specific development proposal is pending, maintain the procedure described herein by which properly owners shall be compensated for not being able to develop land which is designated for park acquisition while the County secures acquisition funds. After submission of a ~~complete~~ development application, the County would have one year to decide whether acquisition for the park site is to proceed. If the County decides to acquire the parcel, the County shall make payment for such acquisition within an additional two years and shall enter into a lease agreement with the landowner in the interim. If the County decides not to acquire the property, the owner may proceed with development consistent with surrounding densities and land uses as indicated by the General Plan and Local Coastal Program Land Use Element. In connection with the residential development of designated park sites, the Board of Supervisors should provide for appropriate areas for park development on the parcel, or obtain concurrent designation of an appropriate alternative park site. The parks designation process shall not apply to any application submitted before the effective date of the General Plan. (Responsibility: County Parks, Planning Department, Board of Supervisors)

This change is proposed for clarity, The existing language was carried over from the 1980 General Plan, before the enactment of the Permit Streamlining Act when a "complete development application" meant an application that had all of the required materials submitted. Currently, a "complete application" means an application that has been determined to be complete under the Permit Streamlining Act. The intent of the proposed change is to clearly state that the park site review process begins immediately upon permit application.

General Plan Chapter 7.1, Program j, change as follows:

Maintain a process to require review and comment by the Parks, Open Space and Cultural Services (County Parks) staff of all ~~applications for development projects~~ permits which are either on proposed park sites or adjacent to; ~~proposed and~~ existing park sites or trails. Those permit applications that trigger a ~~park~~ site acquisition review shall be reviewed by the Parks Commission.

This Program relates to review of projects by Parks staff. "Development projects" is not defined in the General Plan glossary; "development permits" is. The other proposed changes to Program J are intended to ensure review by Parks staff of those projects either would have some potential impact on an existing park site or triggers the more in-depth review for possible acquisition. Review of development proposed on sites adjacent to proposed park sites and trails is proposed for deletion because there is no way to adequately review the impacts on future potential park sites or trails.

County Code Section 13.10.418(a), change as follows:

(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 where the project involves 1) residential development at a density greater than one dwelling unit per parcel, or 2) a land division, or 3) a new use, or 4) an expansion or intensification of an existing use, or 5) a significant tree removal permit, or 6) a grading permit. No application for a Development Permit or Land Division Approval subject to this section shall be determined to be complete under the Permit Streamlining Act until the County Parks and Recreation Commission has completed its review and the Board of Supervisors has acted on any Parks and Recreation Commission recommendation.

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.

According to Parks, they generally are not concerned with a single structure (e.g., a house) where only a building permit is required because such a structure would not add significantly to the cost of purchase and the County could demolish such a structure, with minor expense, if the parcel were purchased in the future.

County Code Section 15.01.090(c), change as follows:

1. When an application for a development application permit is received which is on or adjacent to a proposed park site within the "D" Combining District where the project involves 1) residential development at a density greater than one dwelling unit per parcel, or 2) a land division, or 3) a new use, or 4) an expansion or intensification of an existing use, or 5) a significant tree removal permit, or 6) a grading permit; 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 and Board of Supervisors 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.

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0392 0351
0078

This section of the ordinance deals with potential acquisition of a designated park site, not just review and comment by Parks on a development permit application. The proposed changes define the types of "development applications" that will be reviewed for park site acquisition and clarify that the Parks Department is responsible for the park site review process.


Currently, the review process for park site requires the Parks Department to review all applications for any type of permit proposed on a designated future park site, including fence permits, building permits, etc. While it is necessary and appropriate for the Parks Department to review development applications that would eliminate any potential future park development (land divisions, commercial development, etc.), review of applications for development that does not jeopardize the future acquisition of the property for park purposes should not be conducted. These types of development will not affect the future acquisition costs of the properties and should not be considered the trigger for park site acquisition review. Accordingly, the proposed policy and ordinance amendments will focus the review of future park site acquisitions on specific types of development applications that will result in the removal of the potential for future park development.

It is, therefore, RECOMMENDED that your Board

1. Accept and file this report; and
2. Direct the Planning Department to process the proposed amendments including review by the Parks Commission, the Planning Commission, and the Environmental Coordinator.

Sincerely,


Alvin D. James
Planning Director


Barry C. Samuel
Parks Director

D: 
SUSANA A. MAURIELLO
County Administrative Officer

- Attachments:
1. General Plan Programs Section 7.1
 2. County Code Section 13.10.416 et seq)
 3. County Code Section 15.01.090

cc: Parks Department

Programs1994 GENERAL PLAN —
LOCAL COASTAL PROGRAM

- a. Commit adequate **resources** (funds and personnel) to the Parks and Recreation Program and allocate a greater proportion of the recreation budget for neighborhood, rural and community parks and programs, rather than for the proposed regional parks, **as** the most pressing recreation needed in Santa Cruz County. (Responsibility: Board of **Supervisors**)
- b. Proceed with a complete budget for each of the neighborhood, rural and community recreation sites so that adequate funds are available for land acquisition, site design, construction and maintenance. (Responsibility: County Parks, Planning Commission, County Administrative Office, Board of Supervisors)
- c. Seek assistance from **tax** exempt foundations and corporations, businesses, and community and Civic groups in the County's efforts to provide, maintain and operate parks. (Responsibility: County Parks)
- (LCP) d. Maintain an ordinance requiring countywide park dedication and/or in-lieu fees in connection with residential development, including provisions for a yearly review and update of fees **and/or annual** increases keyed to inflation rates. (Responsibility: County Parks, Parks Commission, Board of Supervisors)
- e. Establish a priority list by **park type** (i.e., neighborhood, rural, community, regional), for each planning area, for park site acquisitions and allocation of funds in order to develop a distribution of park facilities. Ensure public participation in the development and **adoption** of the priority list, including **consultation** on park locations, facility, **type of park use, and** other community concerns. Update the list **as** needed with public participation. Responsibility: County Parks, **Parks** Commission, Board of Supervisors)
- f. Update the County Parks Master Plan to identify adequate park land in each planning area to meet the General **Plan** and LCP Land Use Plan standards for park acreage. and to identify specific park sites for planning, budgeting, and acquisition purposes, in **consultation** with residents of each affected community and/or neighborhood. (Responsibility: County Parks, Planning Department, Parks Commission)
- g. Plan for acquisition of regional parks to ensure protection of the identified sites, **as** most of these areas will provide valuable recreation opportunities in their undeveloped condition. (Responsibility: County Parks, Board of
- h. When a specific development proposal is pending, maintain the procedure described herein by which property owners shall be compensated for not being able to develop land which is designated for park acquisition while the County secures acquisition funds. After submission of a complete development application, **the** County would have one year to decide whether acquisition for the park site is to proceed. If the County decides to acquire **the** parcel, the County shall make payment for such acquisition within an additional two years and shall enter into a lease agreement with the landowner **in the** interim. If the County decides not to acquire **the** Property, **the** owner may proceed with development consistent with surrounding densities and land uses **as** indicated by the General Plan and Local Coastal Program Land Use Element. In connection with the residential development of designated park sites, **the** Board of Supervisors should provide for appropriate areas for park development on the parcel, or obtain concurrent designation of an appropriate alternative park site. **The parks** designation process shall not apply to any application submitted before the effective date of the General **Plan**. (Responsibility: County Parks, Planning Department, Board of Supervisors)

1994 GP-LCP

- (LCP) i. Establish and fund a park lease/option fund that would be available during any fiscal year to compensate owners and secure acquisition rights to park sites upon which development proposals are pending. (Responsibility: County Parks, Board of Supervisors)
- j. Maintain a process to require review and comment by the Parks, Open Space and Cultural Services (County Parks) staff of all development projects which are on, or adjacent to, proposed and existing park sites or trails. (Responsibility: Board of Supervisors, Planning Department, Parks Commission, County Parks)
- ↗ k. Implement Urban and Rural Parks Master Plans which specify whether all or a portion of designated parcels are proposed for purchase; and, which outlines acres planned, acres acquired, acres developed and cost estimates for each park site in the County. (Responsibility: County Parks, Parks Commission, Board of Supervisors)
- (LCP) l. Continue participation in joint powers agreements between state/County/ incorporated cities/recreation districts/school districts and private recreational facilities to optimize recreational opportunities for all County residents. (Responsibility: County Parks, Parks Commission, Planning Department, Board of Supervisors)
- m. Maintain a parks planning process for the development of specific park sites. A key feature of this process should be early consultation between Parks, Open Space and Cultural Services (County Parks) staff, Planning staff and other agencies charged with reviewing development proposals to identify development requirements, resources and constraints which may affect park design and construction. (Responsibility: County Parks, Planning Department, Public Works, Redevelopment Agency)
- n. Examine the current Park Dedication ordinance to determine if new development is paying its fair share for new parks. If this examination shows that the in-lieu fees are inadequate, the ordinance should be amended to increase the amount of in-lieu fees according to that which can be legally substantiated. (Responsibility: Planning Department, County Parks, County Administrative Office)

Article L "D" Designated Park Site
Combining District.

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 Park 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)

Article II. "GH" Geologic Hazards
Combining District

13.10.421 Purposes of the Geologic Hazards
"GH" Combining District.

The purposes of the "GH" Combining District are:

(a) To designate those lands which are located in areas containing geologic hazards which constitute a threat to life and property.

(b) To facilitate implementation of the requirements of the Geologic Hazards Ordinance Chapter 16.10 to reduce the loss of life, injury, damage to public and private property, and public costs for rescue operations, disaster relief and cleanup which are associated with the natural physical hazards of earthquakes, tsunamis, floods, and landslides. (Ord. 3344, 11/23/82; 3432, 8/23/83)

13.10.422 Designation of the Geologic Hazard
"GH" Combining District.

(a) The Geologic Hazards "GH" Combining District may be applied to properties where appropriate to facilitate the planning and regulation of land use and development where one or more of the following geologic hazards exist:

1. Coastal bluffs and beach areas
2. Active and potentially active fault zones
3. Areas of high or very high liquefaction potential
4. Active and potentially active landslide areas
5. 100-year flood plains and tsunami inundation areas

These hazards are mapped on documents filed with the Planning Department.

(b) The Geologic Hazards Combining District shall usually be applied to the entire parcel on which the

which will serve the residents of such development and the local community area. (Ord. 1853, 4/10/73; 2341, 9/21/76; 2506, 11/22/77; 2600, 11/21/78; 2673, 5/8/79; 2800, 10/30/79; 2822, 12/4/79; 3064, 4/21/81; 3183, 11/15/81; 3186, 1/12/82; 4318, 5/24/94)

15.01.090 Review procedures.

(a) Owner Preference. Notwithstanding that the final decision will rest with the county, at the time of filing a tentative subdivision map or other development application, the owner shall, as part of such filing, indicate whether he prefers to dedicate land for park, recreation, or public access purposes, or pay a fee in lieu thereof, or do a combination of both. If the owner prefers to dedicate land and improvements, he shall suggest the specific land and improvements he desires to provide.

(b) Determination. At the time of development approval, the Approving Body shall determine whether to require a dedication and development of land within the development, payment of a fee in lieu thereof, or a combination of both, and shall determine the specific location of land to be dedicated and/or, where the developer is entitled to a credit for improvements as provided in Section 15.01.080(b), the amount of fees to be paid. For development which only involves a division of land of less than fifty (50) parcels, only the payment of fees shall be required unless dedication of land is necessary in order for the development to be consistent with the General Plan or Local Coastal Program Land Use Plan. (Ord. 3596, 11/6/84)

(c) Park Site Review Process.

1. When a development application is received which is on or adjacent to a proposed park site, or which the Park 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.

(d) Public Access Review. Dedication of an easement for public access shall be required if adverse environmental impacts and use conflicts can be mitigated, as determined by the decision-making body, and if one of the following situations exists:

1. The parcel is designated as primary public shoreline access or as a location appropriate for neighborhood shoreline access in the Local Coastal Program Land Use Plan as adopted and amended at the time of the decision on dedication.

2. Dedication is required to protect established access which has been in long and continuous use by members of the public. Such use shall be determined by the decision-making body based upon public testimony.

3. The parcel is located within the Urban Services Line, and

(i) It is between the first public roadway and the shoreline, and there is no dedicated public access to the shoreline within 650 feet; or

(ii) It is inland of the first public road and residents have been using the property to gain access to the

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

APPLICATION NO.: N/A

ASSESSOR PARCEL NO.: N/A

PROJECT LOCATION: County-wide

PROJECT DESCRIPTION: Amend General Plan - Local Coastal Program Chapter 7.1, Programs h and j; and County Code Sections 13.10.418(a) and 15.01.090(c), and add new Section 15.01.120, all regarding the park site acquisition process.

APPLICANT: County of Santa Cruz

A. XX The proposed activity is exempt under County CEQA Guidelines, Section 501(b)(3) and State CEQA Guidelines, Section 15061(b)(3) in that it can be seen with certainty that the project has no possibility of having a significant effect on the environment.

B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.

C. _____ Statutory Exemption other than a Ministerial Project.
Specify type: _____

D. Categorical Exemption

- | | |
|--|---|
| <input type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 17. Open Space Contracts or Easements |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 18. Designation of Wilderness Areas |
| <input type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 19. Annexation of Existing Facilities/Lots for Exempt Facilities |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 20. Changes in Organization of Local Agencies |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 22. Educational Programs |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 10. Loans | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 14. Minor Additions to Schools | |
| <input type="checkbox"/> 15. Minor Land Divisions | |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |

E. _____ Lead Agency Other Than County: _____

STAFF PLANNER: _____ DATE _____