



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS, DIRECTOR

July 28, 2004

Agenda: August 25, 2004

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

SUBJECT: Rescission of Planning Commission Policy Action Regarding Allowed Uses in the Residential Agriculture (RA) Zone District

Dear Commissioners:

On October 9, 2002, the Planning Commission considered application 01-0151, Hospice Caring Project; a referral from the County Environmental Coordinator relating to project consistency with the Residential Agriculture (RA) zone district and the Rural Residential (R-R) General Plan designation; and as to whether the proposed site design was consistent with General Plan policies intended to minimize grading.

After discussion at the public hearing, the Planning Commission determined that the proposed Hospice Project use was consistent with the allowed uses in the RA zone district and was also consistent with the R-R General Plan designation. The Planning Commission referred the proposed project back to the Environmental Coordinator with additional direction to collect information relating to several potential project-specific impacts. A copy of the Minutes reflecting the Commission's action is included as Attachment 1.

The Planning Commission's decision was appealed to the Board of Supervisors by the Rural Aptos Community Association (RACA), and the Board accepted jurisdiction on November 19, 2002. At the Board's February 11, 2003 meeting, it denied the appeal and upheld the Commission's determination. A copy of the Board's action is included as Attachment 2.

However, notwithstanding the action by the Planning Commission and the Board, the applicant, Hospice Caring Project, did not actively pursue the application. Ultimately, the application was withdrawn by the applicant on September 11, 2003.

At the same time, the RACA threatened legal action against the County challenging the appropriateness of the Board's action. In response to that threat, the Board of Supervisors has entered in to a Settlement Agreement with RACA, which, among other things, requires the County to consider rescinding the prior policy actions with respect to the Hospice application.

In light of the withdrawal of the application by Hospice, and in order to avoid the cost of needless litigation, I believe that it would be appropriate to rescind the prior action. In doing so, however, it is important to preserve the County's ability to consider the issue of General Plan and zoning consistency of a future project when the specific circumstances of such a project are known. In other words, I recommend that the rescission of this determination would be "without prejudice" to a future action, so neither the action nor the rescission of the action would tie the County's hands in evaluating whether a future project is, or is not, consistent with the General Plan and Zoning designations.

I therefore recommend that the Planning Commission rescind its October 2002 policy action regarding Application 01-0151, APN 041-281-59, Hospice Caring Project, relating to project consistency with the Residential Agriculture (RA) zone district and the Rural Residential (R-R) General Plan designation, with the specific finding that such action is taken without prejudice to any future actions in this regard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Burns", with a stylized flourish at the end.

Tom Burns
Planning Director

cc: Rural Aptos Community Association
Owner of APN 041-281-59 (former Hospice property)

Attachments:

1. Minutes of Planning Commission's October 9, 2002 meeting
2. Minutes of Board's February 11, 2003 meeting

**PROCEEDINGS OF THE
SANTA CRUZ COUNTY
BOARD OF SUPERVISORS**

**VOLUME 2003, NUMBER 5
Tuesday, February 11, 2003**

53. Continued De Novo public hearing to consider the appeal of the Planning Commission's policy determination that the use proposed under Application 01-0151 is consistent with the allowed uses in the Residential Agriculture zone district and with the Rural-Residential General Plan designation. (A maximum of one hour of public testimony will be heard); Assessor's Parcel No.: 041-281-59; Appellant: Rural Aptos Community Association (RACA); Owner JoAnn Siemsen;
- (1) closed public hearing;
- (2) denied appeal and upheld the Planning Commission's policy interpretation that the use proposed under Application 01-0151 is consistent with the allowed uses in the Residential Agriculture zone district and with the Rural-Residential General Plan designation
AWBCp