



## County of Santa Cruz Board of Supervisors

### Agenda Item Submittal

**From:** Community Development and Infrastructure

**Subject:** Application 231323, Las Cumbres Open Space Contract and Rezone

**Meeting Date:** January 28, 2025

**Formal Title:** Consider approving in concept "An Ordinance Amending the Zoning Plan and Map to Add Parcels in Las Cumbres Subdivision to the Open Space Easement Combining District Pursuant to Section 13.10.185 of the Santa Cruz County Code", approve California Environmental Quality Act exemption, and take related actions

### Recommended Actions

- 1) Accept the Planning Commission resolution, dated November 13, 2024;
- 2) Determine the proposal is exempt from further Environmental Review under the California Environmental Quality Act (CEQA) pursuant to Sections 15317 (Open Space Contracts) and 15183 (Projects Consistent with a Community Plan or Zoning);
- 3) Accept the Amended Open Space Easement Contract for the Las Cumbres Subdivision;
- 4) Approve in concept "An Ordinance Amending the Zoning Plan and Map to Add Parcels in Las Cumbres Subdivision to the Open Space Easement Combining District Pursuant to Section 13.10.185 of the Santa Cruz County Code" to rezone APN's 088-111-32, 088-141-63, 088-141-64, 088-241-23, 088-241-24, and 088-241-25 to include an Open Space Easement "O" Combining district designation;
- 5) Approve application 231323 to amend the Las Cumbres Planned Unit Development Permit 4286-U based on the staff report findings and conditions;
- 6) Schedule the ordinance for a second reading and final adoption on February 11, 2025; and
- 7) Direct the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than February 1, 2025, pursuant to Government Code Section 25124.

### Executive Summary

On July 31, 2023, the Department of Community Development and Infrastructure (CDI) Planning Division accepted application 231323 to amend an Open Space Easement Contract to add an additional six parcels (APN's 088-111-32, 088-141-63, 088-141-64, 088-241-23, 088-241-24, and 088-241-25). The existing contract protects approximately 1,100 acres of private open space surrounding the Las Cumbres Subdivision, which is located on Skyline Boulevard just south of Castle Rock State Park.

A zoning plan amendment is required to amend the zoning designation of the six parcels to include the Open Space Combining District (-O) zoning designation.

On November 13, 2024, the Planning Commission held a public hearing to consider the application and adopted a resolution recommending approval of the project (Attachment 1).

### **Discussion**

In 1972, the Las Cumbres Subdivision and Planned Unit Development (PUD) approved the creation of 112 single-family parcels, a community center, ancillary service buildings and uses, and reserved approximately 1,100 acres of land surrounding the community as private open space. As a condition of approval for the PUD, an Open Space Easement Contract was established for management of the open space. If approved by the Board, the current contract would be revised to include six undeveloped parcels totaling approximately 51 acres. These parcels would be managed under the terms and conditions of the existing contract, which restrict development, uses, and activities to maintain the open and natural condition of the parcels.

Open Space Easement Contracts are subject to consideration and approval by the Board of Supervisors, and parcels maintained under Open Space Contracts are required to be maintained in the Open Space Easement Combining District ("-O") pursuant to Santa Cruz County Code Chapter 13.10.462. Therefore, the proposal also requires Board approval to rezone the parcels to include said designation.

The project is consistent with Chapter 5 of the Santa Cruz County General Plan, which supports open space preservation "for current and future generations to assure and conserve the continued availability of land for agriculture, the enjoyment of scenic beauty, outdoor recreation, and the conservation and sustainable use of natural resources, and to support the County's economy." Furthermore, mitigating fire risk through active and responsible open space management aligns with Objective 6.5 of the General Plan's Public Safety element by providing the opportunity for increased fire protection planning and fire risk mitigation in the open space surrounding the Las Cumbres neighborhood.

### Environmental Review

Open space contracts and easements are categorically exempt under Section 15317 of the California Environmental Quality Act (CEQA) Guidelines.

Section 15183 of the CEQA Guidelines mandates projects aligning with the development density defined by existing zoning, community plans, or general plan policies (provided an Environmental Impact Report (EIR) has been certified) do not necessitate further environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. According to Santa Cruz County Code 13.10.462, parcels under open space contracts must be zoned within the Open Space Combining District. Given that this rezoning is mandated by County Code, which has undergone environmental review, and that the project complies with the development density established by existing policies, the rezoning is exempt from additional environmental review (Attachment 5, CEQA Notice of Exemption).

## Conclusion

The required findings for a Zoning Plan Amendment, pursuant to Santa Cruz County Code 13.10.185, can be made to approve the application. Findings for the amendment are incorporated into the proposed ordinance (Attachment 4, Ordinance Amending Chapter 13.10 of the Santa Cruz County Code).

The proposed addition of six parcels into the open space easement contract are in the best interests of public health, safety, and welfare by:

- 1) Supporting the County's goal of the preservation of open space for current and future generations to assure and conserve the continued availability of land for agriculture, the enjoyment of scenic beauty, outdoor recreation, and the conservation of sustainable use of natural resources.
- 2) Supporting public safety through fire protection planning and fire risk management, in that the proposed open space would provide and permanently maintain emergency access for the Las Cumbres residential subdivision.
- 3) Providing potential for participation in fuel reduction programs, as specified in the Santa Cruz County Climate Action and Adaptation Strategy.

## **Financial Impact**

The project could result in a nominal fiscal impact to the County as a result in a change in the annual property taxes collected for the six parcels. Five of the six parcels did not generate any property tax in 2024 and valuation for the sixth parcel generated an approximate \$4,200 annual tax bill. The County Assessor's valuation for properties maintained under an open space contract is subject to formulas established by the California Revenue and Tax Code.

While it's anticipated that valuation would result in a reduction of property taxes, the degree of reduction is uncertain. However, it can be reasonably anticipated that the reduction in annual property tax for one parcel would not have a significant fiscal impact.

## **Strategic Initiatives**

Operational Plan - Sustainable Environment  
Climate Action - Wildfire Prevention

## **Submitted By:**

Matt Machado

## **Recommended By:**

Carlos J. Palacios, County Administrative Officer

## **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.