

Scotts Valley General Plan satisfies AMBAG planner

SCOTTS VALLEY — A planning expert from the Association of Monterey Bay Area Governments sees no "gross violations of law or gross intent to not follow the law" in the city General Plan.

Planner Warren Freeman said Wednesday he has "come across no major gross deficiencies in this plan."

There are some deficiencies and ambiguities, he said, but so far he sees nothing serious enough to halt city decisions on land use applications.

Most of the problems in the plan have to do with format, "not really with the legal content," Freeman said in a report to the City Council.

He said he sees nothing in the Scotts Valley plan to show "a flouting of the law," as was recently decided in the case of Mendocino by the state Attorney General.

Freeman has been hired by the city to review the adequacy of the General Plan. His report Wednesday was an overview. More detailed analysis will come later.

The General Plan has been under attack by Councilwoman Barbara Leichter, Planning Commissioner Charles Hoover and residents, who maintain the document is incomplete and inconsistent, and therefore illegal under state law. They have said the City Council should not approve any higher density rezonings until the plan is updated and legalized.

Both Leichter and Hoover have been voting no against such rezonings. With each no vote, they have said the rezonings "cannot be found consistent with the General Plan because the General Plan is not consistent with itself."

Leichter said Wednesday she would

continue to vote against rezoning applications.

"Just a drive through Scotts Valley will show, regardless of what the General Plan has said, the city did just what it damn well pleased," said Leichter.

In fact, later in the meeting, she cast the lone dissenting vote on Douglas Godwin's request to rezone for multiple housing units his land in the Hacienda Drive area. However, in casting her vote, Leichter did not deliver her usual explanation about the General Plan being inconsistent.

Instead, when asked by Councilman Rod Pulley to explain her dissenting vote, Leichter referred to traffic and safety problems she said would result from higher density.

The final project will be reviewed by the Planning Commission, but Leichter said that was "not very good protection for the residents in the area."

It was Councilman Ray Carl who made the motion to approve the Godwin rezoning. In doing so, Carl said he "finds it consistent with the General Plan."

"How is this consistent with the General Plan?" asked Leichter.

"Do I have to explain why it is consistent, because I have not intention of doing so," Carl asked City Attorney Ray Haight.

Haight said he did.

Pulley came to the rescue and said the reason for the consistency was based on the plan's housing section, which designates the parcel to be used for multiple residential units.

Leichter questioned Freeman about his legal expertise.

Freeman said he had been trained in

planning law, but was not a lawyer.

Freeman said the city should update its plan over the next five years. Parts of it, he said, are confusing to the general public and ambiguous. It needs a bigger map, also, he said.

"There are some deficiencies in the plan that have occurred over the past five years," said Freeman. During the plan update, he suggested the city continue business as usual and continue referring to the existing plan, noting there are deficiencies.

Freeman said an annual planning report should be made. "You have had bits and pieces of annual reports, but no a com-

prehensive one," Freeman told the council.

There is one deficiency that "kind of stands out," said Freeman. That has to do with the General Plan goal of timing growth to match the availability of services.

"There's nothing in the plan that says how this will be done in terms of land use and circulation (traffic)," said Freeman.

Freeman said the Council needs to decide exactly what this goal means.

Also Freeman said, on the surface at least, the scenic highways section of the plan appears to be subordinate to the traffic circulation section.

The General Plan has been under attack by those who maintain the document is incomplete and inconsistent, and therefore illegal under state law.

