

# Aptos Fire District to push for Day Valley annexation

By BOB SMITH

The Aptos Fire District will try to annex a major portion of Day Valley, but only if residents in the area are willing to tax themselves to support the additional fire protection.

The board also decided to try to annex a major portion of the old NBC Ranch north and east of the freeway and Freedom Boulevard. The county is now processing a proposal to subdivide the ranch into a 38-unit subdivision.

The district's board of directors Tuesday night asked county Local Agency Formation Commission executive officer Pat McCormick to start work on the Day Valley annexation, which would include the Forest and Meadows subdivision and the surrounding rural-residential areas between Cox and Day Valley roads.

The district was approached by the Forest and Meadows developers about annexation to the district. One of the conditions imposed on the subdivision when it was approved by supervisors three years ago was that it apply for annexation to the fire district.

McCormick said LAFCO would not approve annexation of just the subdivision since it is not contiguous to the fire district's present boundaries.

The fire directors told McCormick they would be willing to annex Day Valley only if two conditions were approved by LAFCO and the county Board of Supervisors.

First, the district wants the county supervisors to transfer the property taxes Day Valley residents now pay to the California Department of Forestry, through a county service area for fire protection, to the fire district.

The fire directors said they would like a larger share of the property taxes than that now paid to the CDF by Day Valley residents, but McCormick warned them that there was virtually no chance that the Board of Supervisors would agree to give up any revenue not now assigned to fire protection.

The second condition is that Day Valley residents vote favorably on a benefit assessment fee that would equalize the amount of money they pay for fire protection with the amount paid by property owners now inside the district.

Property taxes were set at 1 percent of market value by Prop. 13; local taxing agencies such as the county, fire districts and cities get varying shares of the tax revenues under a complicated formula that is based on their pre-Prop. 13 tax efforts.

The Department of Forestry provides structural fire protection to the Day Valley under a contract with the Board of Supervisors, but the portion of a Day Valley property owner's tax payment going to CDF is much smaller than the share of a Aptos fire district homeowner's taxes going to the fire district.

Directors have been arguing that it would not be fair to make present district residents subsidize fire protection in a newly annexed area.

A law co-authored by state Sen. Henry Mello gives fire districts the power to set up benefit fee assessment areas in portions of districts (such as Day Valley).

The law has been used successfully in San Diego County, McCormick told the board, but

any fee requires a two-thirds "yes" vote to be approved.

Fire board members agreed with chairman Richard Duchscher that the annexation and benefit fee issues must be tied together so that an annexation would not be approved without a benefit fee.

McCormick said it will take several months to process the Day Valley proposal.

It won't take as long to process the NBC Ranch annexation.

McCormick said he plans to bring the Aptos proposal to LAFCO along with annexations proposed by La Selva Beach and Freedom fire districts.

The two districts want to annex the areas to which they have been providing structural fire protection for the last three years under contract with the county.

The La Selva proposal includes the White Road and upper Larkin Valley area west to the Rancho Soquel Augmentation boundary, and the area between the freeway and San Andreas Roads from La Selva Beach to Buena Vista Drive, McCormick said.

Freedom wants to annex the southern part of Larkin Valley Road, as well as the remainder of its contract service area.

The NBC Ranch development straddles the spheres-of-influence boundaries between Aptos and La Selva Beach; access to the project would be through the Aptos Fire District.

Aptos fire directors agreed with acting fire chief Paul Vitali that the subdivision could best be served by the Aptos department, and McCormick said he would consider the district's request.