

✓ LAFCO (Local Agency Formation Commission)

Fairgrounds annexed to sanitation district

LAFCO compromise angers property owners dropped from district

11-5-87
By JAMIE MARKS

Sentinel Staff Writer

SANTA CRUZ — In a compromise move, the Local Agency Formation Commission added the Santa Cruz County Fairgrounds to the Salsipuedes Sanitary District Wednesday and kept four agricultural parcels in the district as well.

The move was aimed at blunting controversy that surrounded last month's action on a "sphere of influence," a map of the district's future boundaries. But the reorganization failed to satisfy the directors of the sanitation district or three property owners who were dropped out of the district.

Les McClane, general manager of the sanitation district, said after the meeting: "We don't like the amendment. Originally it was a simple request for the fairgrounds to join the district. We are very much against detaching agricultural land to get

the fairgrounds."

Last month LAFCO commissioners, led by Santa Cruz County Supervisor Gary Patton, voted to drop farmlands from the district to preserve agricultural land and control development.

One of the chief critics of the sphere came away with more than he expected. Tony Franich, owner of a 72-acre apple orchard next to the city limits — whose efforts to annex to Watsonville have been overturned in the courts — will be allowed to stay in the district. Franich has been a member of the district since its inception 20 years ago, but LAFCO dropped his property and three adjacent parcels from the sphere of influence last month. Despite not being in the sphere, Franich and the other property owners will be allowed to remain in the sanitation district.

The move also averts a vote of the property owners which likely would have overturned LAFCO's decision. Opponents of LAFCO's

decision on the sphere said they thought they could muster enough support — more than 25 percent of the property owners — to force a vote. Now the issue is academic, because a large subdivision, known as the Delaney property, was dropped from the district's boundaries, leaving only a few property owners. LAFCO isn't required to call an election of rural areas.

Watsonville Mayor Betty Murphy, a LAFCO commissioner, cast the lone vote against the amended plan, saying: "I'm glad to see the commission has come around to an alternative, but I think it was to honestly get out from under a vote and to shake off some of the residents who otherwise would have protested."

Santa Cruz Mayor Jane Weed, a LAFCO commissioner who was in the Soviet Union during last month's meeting, said she had read the minutes and "wasn't quite comfortable with what was

being proposed. Perhaps it was too aggressive. This alternative is reasonable."

The new plan allows the fairgrounds, which has been swimming in sewage because of a failed septic system, to get a sewer line extended to its 100-acre parcel. But in doing so, LAFCO forced several agriculturally zoned parcels out of the district, including part of the St. Francis School, some land owned by Vanderson Construction Co. and a parcel owned by Stewart Kett.

Franich had been threatening to challenge the plan, and while he no longer opposes it, an attorney for the St. Francis School said he was prepared to take the matter to court.

Stephen Pezzola, an Oakland attorney representing St. Francis School, said he questioned LAFCO's authority to drop parcels from a district that's been in existence since 1967 when the district directors only wanted to add the fairgrounds.

"We feel you have treated St. Francis and some other property owners unfairly," he said.

Of the compromise that the commission adopted, Pezzola said: "Your argument seems to be: 'Let's find a way of detaching as much as we can without having enough residents for an election.'"

Pezzola reminded the commission of the U.S. Supreme Court's recent decision that government can't "take" property without compensation, and intimated he'd consider suing LAFCO because the commission's action will devalue the school's property.

Besides the fairgrounds, three adjacent properties are coming into the sanitation district. They will repay the property owners who were in the district and who've been assessed fees for the past 20 years.

The LAFCO decision now goes to the county Board of Supervisors for final consideration.