

Two supervisors attack another Wingspread vote

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The latest agreement between Santa Cruz County and developer Ryland Kelley has angered Gary Patton and Joe Cucchiara, the two supervisors who have consistently opposed the developer's plans to build the Wingspread Beach conference center in Aptos.

The dispute is the latest in the long-running Wingspread controversy, which has bitterly divided the community since it was first proposed in the late 1970s.

Patton and Cucchiara, in a press release issued late Friday, said they were "outraged" because Kelley and the majority of the board of supervisors have agreed, at least for now, not to pursue a suit Kelley filed against the county in April.

Others involved, however, seem to think Patton and Cucchiara are making much ado about nothing.

In the suit, Kelley had claimed the supervisors acted illegally when they denied Plan A, the smallest of three Wingspread plans. While the suit sits on the back burner, however, Kelley and the county will try to negotiate terms for another Wingspread proposal, Plan C.

Plan C would make the county and Kelley partners in developing condominium rentals, a conference center, a three-hall performing arts complex and playing fields on 66 acres of oceanfront land known as the Porter Sesnon property.

In Plan C, the county would buy Kelley's long-term lease on the property, then lease the land back to the developer. In turn, Kelley would build the Wingspread Beach project and run it as a county concession.

Cucchiara and Patton strongly criticized the other supervisors for agreeing not to pursue the suit over Plan A. The agreement, made during a

closed meeting, gives Kelley an additional advantage in his future negotiations with the county, they said.

Patton and Cucchiara called Kelley's suit "frivolous." They said the only appropriate action for the county would be to dispose of it through a definitive judgment as soon as possible.

The board unanimously rejected Plan A in January because it exceeded density,

Patton and Cucchiara said they were 'outraged.'

height and traffic limits set in county land-use laws and promised no public benefits — "very significant and solid legal grounds," Cucchiara and Patton said.

By refusing to settle Kelley's claim, the board will perpetuate Kelley's argument that he has a legal right to develop Plan A, the least desirable plan, they said.

The supervisors' future actions on Plan C are related to Plan A, the two supervisors said. If it's true the developer has a legal right to develop Plan A, it makes more sense for the county to consider more attractive Wingspread proposals, they said.

The public, as well, deserves to know if the supervisors acted improperly in denying Plan A, they said.

Aptos-Capitola Supervisor Robley Levy, the key vote on Wingspread, calls Patton and Cucchiara's arguments "a lot of hot air."

"The developers' suit is absolutely non-threatening to the county," Levy said. "A suit that doesn't have merit is not

good leverage."

If Kelley were ever foolish enough to take the suit to court, Levy said, the county would win.

Levy said Patton and Cucchiara, who seem to be losing the fight to block Wingspread, were "continuing to grasp at straws" in an effort to stop the project.

County Counsel Dwight Herr explained that the suit would become a dead issue if plans to develop Plan C proceed and it would be a waste of county resources to take on the case unnecessarily.

Either side can activate the suit at any time, he said.

Tim Welch, spokesman for the developer, said Kelley would prefer to negotiate Plan C, a "much more exciting plan" than go to court over Plan A.

As long as Kelley feels the Plan C negotiations are proceeding well, he'll let the lawsuit lie, Welch said.

Welch said Kelley filed the Plan A suit to meet the legal deadline for doing so and keep his options open, Welch explained.

Of Patton and Cucchiara's press release, he said, "I think it's just another occasion to beat the drum."

REFERENCE

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