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Board Opposing SV Annexation Try

County supervisors are opposing the Local Agency Formation Commission's attempt to allow Scotts Valley to annex 22 acres of unincorporated land proposed for an industrial park.

Supervisors recently indicated their unanimous support of a lawsuit filed with the Court of Appeal in San Francisco which asks the court to stop the finalization of the annexation until the commission completes a sphere of influence report on Scotts Valley.

The lawsuit also wants the commission to complete all other sphere of influence reports not done on various agencies in the county.

Both the SV City Council and Planning Commission have approved the annexation of the proposed site of the Sequoia Research-Industrial Park on the east side of Highway 17.

On June 2, The Sentinel learned, supervisors voted unanimously in executive session to ask the court's permission to file a "friend of the court" brief in support of the lawsuit.

The court hasn't decided whether it will allow supervisors to get involved in the lawsuit.

Supervisors have had to hire an outside attorney on the matter since the county counsel's office represents the Local Agency Formation Commission.

The lawsuit was filed on May 27 by the

Resource Defense Fund, a local environmental group, and by fund member Mary Hammer of Boulder Creek and Scotts Valley residents Anne Hogan and Werner and Jane Plagge.

Upon the filing of the suit, Court of Appeal Justice Betty Berry-Deal issued an order temporarily stopping Pat McCormick, executive director of the Local Agency Formation Commission, from finalizing the annexation until the court could consider the lawsuit.

The judge's order was issued just hours before McCormick was to bring the papers to the county Recorder's Office that would have finalized the annexation.

While the commission is an independent governmental body charged with considering annexations, two of its members are county supervisors. Supervisors Chairman Gary Patton and Robley Levy voted against the annexation when it passed the commission on a 3-2 vote.

In their request to the Court of Appeal, supervisors state, "The Board is represented on the Santa Cruz County Local Agency Formation Commission and believes that said commission is failing to perform a legally mandated duty in allowing continuing annexations in the absence of designated spheres of influence."

These spheres of influence reports being done by the commission on the incorporated areas of the county show what unincorporated areas these cities have an influence over and, therefore, what areas these cities have the capability of serving with the necessary utilities in the event of an annexation attempt.

Those arguing against the annexation contend that the lack of a sphere of influence report on Scotts Valley caused the Local Agency Formation Commission to make a decision on the annexation without properly looking into the availability of services that this report would have addressed.

However, Jim Ritchey, attorney for the Local Agency Formation Commission, said the commission and the developers of the proposed industrial park are arguing that commissioners did consider the availability of services when they approved the annexation request.

The commission is further arguing that there's no law which states a sphere of influence report must be completed before an annexation can be approved.

The plaintiffs in the case, along with the Board of Supervisors, are arguing that there is a state law which says the commission cannot approve annexations in the absence of sphere of influence reports.