

Watsonville growth plans hit snag



Bill Lovejoy/Sentinel photos

A judge has tentatively ruled this property between Buena Vista Road and the airport is off-limits to development.

Judge tentatively rules aviation law violated, environmental review flawed

By DONNA JONES
SENTINEL STAFF WRITER

SANTA CRUZ — Watsonville's plans for development of as many as 2,250 homes west of the municipal airport were dealt a setback Thursday when a judge tentatively ruled the city violated state aviation law.

Santa Cruz County Superior Court Judge Paul Burdick said the city should not have eliminated runway

safety zones aimed at protecting pilots and people on the ground during take-offs and landings and should not have lifted restrictions on certain types of development, such as schools and nursing homes, near the airport.

"We tried to tell the city that and nobody would pay attention," said Dan Chauvet of the Watsonville Pilots Association. "They just kissed us off."

See GROWTH on PAGE A4



Watsonville airport is pressed by commercial and residential development.

A-4 SANTA CRUZ SENTINEL Friday, December 7, 2007

Growth

Continued from Page A1

The judge had to tell them, and that's unfortunate."

The tentative ruling came in response to two lawsuits filed in June 2006, one by the pilots group and the other by Friends of Buena Vista, a group fighting urbanization of the rural neighborhood, and the Ventana Chapter of the Sierra Club.

The lawsuits, which were later merged, challenged aspects of the city's 2030 general plan, adopted by the City Council last year. The lawsuits alleged the growth plan would adversely affect water supply, put airport safety at risk, eat up agricultural land and increase traffic congestion and claimed an environmental review of the plan fell short of legal standards.

Burdick agreed in part, ruling:

■ The environmental impact report failed to adequately analyze the impact of more housing on Highway 1 traffic.

■ The report should have considered alternative development scenarios, such as building fewer homes.

■ The city should have created a standalone airport land-use compatibility plan for review and approval by the state Division of Aeronautics.

But Burdick dismissed other



Bill Lovejoy/Sentinel file

This plane struck a house on Loma Prieta Avenue near the Watsonville airport in September 2006 after it ran out of fuel and was forced to find a place to land short of the runway. Loma Prieta is on the east side of the airport, but near the end of the lesser-used crosswind runway. The Buena Vista area, where development is proposed, is on the west side.

concerns about traffic, and didn't buy plaintiffs' arguments related to the impact of development on water supplies. He said he found "substantial evidence" to show the conversion of farmland to housing will result in a reduction in water use.

He said he was "on the fence" regarding a question of whether adequate measures were in place to protect agricultural land outside the planning area from devel-

opment.

As to the airport issues, Burdick said he couldn't find case law to back up his decision in favor of plaintiffs, and that he was interpreting the statutes. At an earlier hearing, he expressed doubt that legislators meant to give the city the authority to do whatever it wanted with the airport when they exempted Watsonville from a rule requiring independent airport land-use oversight elsewhere

in the state.

Plaintiffs argued in exchange for the exemption, Watsonville had to follow rules in a state handbook that would have prevented changing the runway safety zones.

The city maintains the rules are merely guidelines.

Burdick said he was open to both sides pointing out "where I got it wrong" before he issues a final ruling Feb. 29.

John Doughty, the city's com-

munity development director, called the tentative ruling "a mixed bag." Though the judge favored some arguments by plaintiffs, he limited their challenges to "a very, very small number of issues" that "potentially needed additional consideration."

In what could pose the most serious challenge to city development plans — the questions surrounding the airport — Doughty said Burdick got it wrong.

"He was making the law," Doughty said. "There was nothing in state law, nothing in case law to back it up so he was making his call on that."

But lawyer Raiyn Bain, who represents the Division of Aeronautics — technically a defendant in the lawsuit but in reality aligned with plaintiffs on the airport issues — said she was pleased with the preliminary ruling and believed it would stand. She said the judge recognized the need for checks and balances.

"He's not going to change his position on that," she said.

City Attorney Alan Smith said if the tentative ruling holds up, the city's options are conducting additional environmental analysis, appealing or both. An appeal would be likely, he said.

So far, the city has spent \$116,000 defending itself against the legal challenge, Smith said.

Contact Donna Jones at
djones@santacruzsentinel.com.