

SV council kills land-dedication law

□ City gets a new mayor —
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SCOTTS VALLEY — Faced with hordes of angry homeowners, the City Council agreed Wednesday afternoon to kill an unpopular ordinance aimed at protecting creekside property and to return hundreds of acres of land the city had required from developers since 1978.

They also agreed not to appoint a committee to study the issue, after residents complained vehemently that the council majority was trying to "stack" the committee.

On a 3-2 vote, in which Councilwoman Barbara Leichter cast the swing vote, the council agreed to "trash the ordinance, trash the committee, and trash the the riparian corridor portion of any dedication which may have been made to the city, except for storm-damage easements."

This could mean that property owners will be free to build within 50 feet of a creekbed, that environmentally sensitive patch of land known as the riparian corridor.

It could also mean the city will no longer clean up creekbeds and streams. Or it could mean virtually nothing, since storm damage and riparian corridor easements are recorded together.

The full implications of the council's action will not be known until the city attorney has a chance to study the less-than-legal-sounding motion.

Close to 60 persons jammed the Council Chamber at the Carbonero Creek Trailer Park to protest the proposed ordinance, which would have required creekside property owners to give the city 100 feet on either side of a stream before they could be awarded building permits.

Since 1978, city planners have required developers to dedicate 50 feet of land prior to permit approval.

Developers have griped about the policy, but nothing came of it. Then last month the Planning Commission, with little notice to area property owners, held a hearing on a new law which would have doubled the amount of property required for creekside developments.

Many of the lots along Carbonero Creek are barely 150 feet in depth, and homeowners feared if their houses were damaged due to fire or an earthquake, they would not be able to rebuild.

Planning commissioners deadlocked on whether to kill the ordinance and sent it along to the council June 5. City Council members voted to withhold consideration of the regulation until a committee consisting of council members, city staff and property owners had a chance to review it.

Wednesday, the so-called "Riparian Right Committee" was supposed to be discussed. But local property owners showed up en masse to protest the entire process.

They essentially gave the council an ultimatum: no riparian corridor ordinance, no committee, and return all land that developers had previously dedicated to the city, presumably since the policy went into effect in 1978. "Go ahead," they said in so many words. "Make my day."

Speaker after speaker recounted how they never make threats, but if the city didn't change, they would sue. Others threatened to seek revenge "at the polls," a thinly veiled reference to a recall effort.

Some threatened to sue individual council members for violating their constitutional rights.

Mildred Peters of Spotts Valley Drive said two people had wanted to



Dan Coyro/Sentinel

Overflow audience listens to proceedings

buy her property but backed out when they found they would need to dedicate land to the city before they could develop it. "I'm in negotiations with another buyer now and if this happens again, I'm going to sue the city and each and every one of you for the ramifications of your action," Peters said.

Leichter initially made a motion that City Attorney Ray Haight investigate each instance where a developer dedicated riparian land to the city, a process City Administrator Bob Rockett said would take one staff person working with Haight one month to complete.

Councilman Ray Carl amended her request to ask that the they "trash the ordinance, trash the committee," and give back land. Joe Miller, making his debut as mayor,

joined councilman Phil Liberty and Carl in approving the amended motion.

Because of parliamentary procedure, however, the council had to vote on the motion again. Miller wanted to change the motion so as not to include the part about returning land. "This could cost the city millions," Miller argued.

Carl amended his motion only to say that riparian easements, and not storm-drainage easements, should be returned to the city.

The action involves the potential refund of land from at least 36 developments, most of them subdivisions for single-family homes.

But that's only if city officials and Haight can agree on the implications of the council's motion.