

# Aptos incorporation dealt major setback

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SANTA CRUZ — The Aptos incorporation effort was dealt a "big blow" Thursday when a judge upheld a costly environmental study.

While directors of the Aptos Incorporation Group aren't coming right out and saying it, they said it will be difficult — if not impossible — to raise an estimated \$94,282 to do an environmental impact report on Aptos cityhood.

Pat McCormick — executive director of the Santa Cruz Local Agency Formation Commission,

which has required the study — said the Aptos incorporation process would stop if proponents decided they could not afford to move ahead to the environmental report.

Superior Court Judge Tom Black ruled that such a full-blown environmental study on the proposed city of 18,000 between Capitola and Watsonville should not be reduced in scope. The ruling sided with LAFCO, which was requiring the EIR before the Aptos cityhood issue could come to a vote.

Both McCormick and Aptos Supervisor Robley Levy, who serves

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as a director of LAFCO, said afterward they were "pleased" with the ruling.

Aptos Incorporation Group director Doug McConnell was anything but pleased. He called the ruling "a big blow."

McConnell said their group might be able to raise upwards of \$50,000 for an environmental report. "But, in my judgment, it's not feasible to raise \$94,000," he said. "To say the least, we're very unhappy."

Kelly Walker, attorney for the Aptos Incorporation Group, said, "It's really hard for me to say I believe we can raise \$90,000."

Dick Allen, another Aptos Incorporation Group director, added, "What's difficult to understand is why our democratic process doesn't seem to allow us to even get this issue to a vote of the people. That's what's disappointing."

All three proponents of Aptos cityhood agreed they would have to get together with others to discuss whether they should try fund-raising.

The current incorporation effort, which has been going on for four years, has already proceeded further than any other attempt. In November 1988, 3,081 signatures (or 25 percent) of the registered voters within the proposed 6.9-square-mile city were successfully gathered by proponents.

The previous cityhood effort came in 1980 and fell 595 signatures short. However, since 1988, the process has slowed as backers fought LAFCO in court over the EIR.

The group said it was pushing cityhood in order for Aptos to better control its own destiny, and to

get out from under the thumb of the county Board of Supervisors. LAFCO, while not taking a stand for or against incorporation, said it wanted to cover all environmental and fiscal-impact issues to avoid future lawsuits.

Judge Black essentially sided with a state appellate court decision in Citrus Heights in deciding that an environmental-impact report was necessary.

LAFCO's McCormick said the local agency has spent between \$20,000 and \$25,000 on the incorporation issue. However, he called it money well spent since LAFCO avoided future lawsuits by going through the proper channels now.

"We were really the umpire in all this anyway," McCormick said. "Judge Black was like the commissioner of baseball, and he made his decision."

Levy said of Black's ruling, "It underlines the fact there is a need to have a real documented understanding of both the environmental and fiscal impacts of incorporation," she said.

McCormick added that the original low bid of \$94,282 for the environmental report could possibly be negotiated lower. However, incorporation proponents still doubted they would be able to raise what would be needed.

Yet another aspect of the Citrus Heights' case was the appellate court's decision that residents in the entire unincorporated area could vote on the incorporation issue. Aptos cityhood proponents conceded that if all Santa Cruz County residents were allowed to vote on Aptos incorporation — rather than just those within the proposed city's boundaries — it would surely fail.