

Supervisors adopt Wingspread law

By ADRIANA REYNERI
STAFF WRITER

Santa Cruz County supervisors gave final approval last Tuesday to an ordinance that sounds like an anti-Wingspread measure but probably won't prevent the board from cooperating in developing that controversial project.

What the board did was adopt as an ordinance an initiative drawn up by a group opposed to the Wingspread development on the 66-acre beachfront Porter Sesnon property next to New Brighton State Beach. However, if the county's lawyers are correct, adopting the ordinance won't prevent the county from joining developer Ryland Kelley in the latest plan for the Wingspread project.

The ordinance would prevent the county from contributing financially to the development, either by purchasing the property or in any other manner, but, county lawyers say, it wouldn't prevent the county from accepting the lease on the property from Kelley as a gift, then leasing it back to the developer so he could build and operate Wingspread as a concession.

During last Tuesday's discussion, Aptos-Capitola Supervisor

Robley Levy, although voting for the ordinance, took issue with the wording of several sections of the law. She said the wording "did not accurately reflect the facts."

Levy has borne harsh criticism and personal attacks from the anti-Wingspread coalition since she cast the key vote to tentatively approve Wingspread in March.

The coalition, now called the Committee for Coastal and Neighborhood Protection, first threatened to try to recall Levy. They now vow to work for her defeat if she runs for re-election.

The coalition aimed the initiative at negotiations between the county and Kelley over a lease-purchase, lease-back deal. The scheme would have enabled the county to buy Kelley's long-term lease on the Porter Sesnon property. In turn, Kelley would build Wingspread and run it as a concession.

The plan was proposed by County Administrative Officer George Newell to prevent the county from losing Wingspread revenue if the Porter Sesnon property were annexed or incorporated.

The voter initiative, which had gathered more than 11,000 signatures, enough to qualify it

for the ballot or adoption by the supervisors, promised to kill those talks.

In an unexpected move, however, Kelley recently agreed to give his lease on the state-owned Porter Sesnon property to the county in return for his being allowed to build and operate Wingspread as a concession. The gift plan, proposed by Newell, appears to bypass the restrictions of the "fiscal responsibility" ordinance.

(Wingspread opponents, however, insist the measure prevents the county from accepting the gift or even requesting employees to negotiate further with Kelley. They've threatened to sue the county if it accepts the gift, indicating that questions about the legal scope of the ordinance are ones that will be likely decided in court.)

Levy contended last Tuesday the ordinance wording was inaccurate and exaggerated.

It states that the county has made an "initial commitment leading toward multimillion-dollar financial participation in development of the Porter Sesnon property."

Levy countered that the supervisors never made a com-

mitment to Kelley, but merely asked Newell to explore the possibility of a lease-purchase, lease-back arrangement. What's more, she said, the county did not authorize or indicate approval of a "multi-million-dollar" investment of county money.

The ordinance states the county's financial involvement would create "an irreconcilable" conflict of interest for the county. The county's desire to make money from Wingspread would prevent it from critically reviewing the environmental impacts of the project, it says.

Levy maintained that the county's environmental review of Wingspread has always been and will continue to be rigorous.

The ordinance says that "qualified financial analysts" have said the project would not be a sound investment.

Levy said so far no independent study of the financial feasibility has been made. But, she said, such a report is required for final approval of the project.

The night Levy cast the decisive Wingspread vote, she also presented a long list of conditions Kelley must meet to win final approval of his project.