

Showgrounds development challenged

By ROBERT GAMMON
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SANTA CRUZ — A local housewife is leading a legal battle against the county and the S.H. Cowell Foundation over a multimillion dollar housing development at the Graham Hill Showgrounds.

Karen Simmons, who said she also was acting on behalf of the Graham Hill Neighborhood Association, has filed a lawsuit in an attempt to block a planned 60-house subdivision — the largest housing development in that area in a generation.

"What we're talking about is an incredible piece of open space lost forever," Simmons said Friday.

The suit, filed Thursday in Santa Cruz County Superior Court, alleges that the environmental impact report on the proposed development next to Henry Cowell Redwoods State Park is inadequate.

"The possible impact on Henry Cowell, for example, was not even mentioned in the EIR," Simmons said.

The County Board of Supervisors certified the EIR in late November in a 4-1 vote that also provided the go-ahead for developing the Cowell Foundation's 170-acre wooded property.

The foundation hopes to sell the 23,000-square-foot lots for about \$150,000 each, which puts the total price tag for the development at upwards of \$9 million. The Cowell family has owned the land since about 1850.

No one from the foundation was available for comment Friday, and former Supervisor Fred Keeley, who used to represent the area and voted for the project, declined to comment about the suit.

Simmons and the Graham Hill Neighborhood Association are not seeking damages in their complaint; they're seeking an injunction against the development, which would displace forests, coastal prairie and marshland.

According to the complaint, the EIR, and in turn, the county and the foundation, repeatedly violated the California Environmental Quality Act by not addressing the effects of the project on such issues as endangered species, air and water quality and wetlands.

If Simmons and the neighborhood association win, the EIR will be nullified and the development plan, which was announced seven years ago, effectively will be shelved because it cannot proceed without a certified EIR.

The county has 30 days to respond to the various allegations in the suit, said County Counsel Dwight Herr.

First, Herr will meet in private with the board, which is standard when the county is being sued, and formulate a plan on how to combat the complaint, Herr said.

The board will also have to meet with attorneys for the foundation, which has leased out the property as a horse recreation area since the 1940s, because it is also named in the suit. The project calls for relocating the equestrian facilities to another area of the property.

Then, the case will go to a judge to decide whether the "EIR was in compliance with the law," Herr said.

Herr declined to comment on the specifics of the case.

One of the messiest issues in the complaint involves

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the project's sewage plan. Originally, the development was to have septic tanks for each one of the homes, but the city of Santa Cruz opposed that plan, arguing that sewage could leech into its water supply, the nearby San Lorenzo River.

Current plans for the project, which is in an unincorporated section of the county, call for an on-site treatment plant and depend on getting the OK from Scotts Valley to tap into its sewer line.

However, the EIR did not look at the effect of increased effluent in the Scotts Valley line, the complaint states. In fact, the Scotts Valley City Council last month backed off approving the additional sewage, because it would have to conduct an EIR.

Now the city is trying to circumvent an EIR by labeling the proposal as a "specific project," which gives the city more flexibility.

But even if Scotts Valley approves the project, Simmons maintains that it's unfair because the new development will have access to the sewer line while access has been denied to homes built along Graham Hill Road up to 35 years ago.

Many in the area testified at the Nov. 27 Board of Supervisor's meeting that old septic tanks have

created a health hazard in the area.

Another thorny issue for the project is timber harvesting. Under the plan, part of the project site is being reserved as timber harvest area, and the development's neighborhood association, which does not exist yet, will be in charge of deciding how to harvest the timber, Simmons said.

"I just can't imagine a neighborhood association managing a timber production plan," she said. "They could decide to allow clear-cutting if they wanted."

The environmental issue that may help turn the tide against the development is how threatened or endangered species may be impacted.

The EIR overlooked the effect on coho salmon, which have decreased in number to an estimated 10 to 15 in the San Lorenzo River, Simmons said. The project calls for having all water runoff from the subdivision draining to one spot on the river — a plan that could impact the salmon run.

"We have just felt all along that the process of approving this development did not dot all the I's and cross all the T's," she said.

Jeffrey Almquist, who replaced Keeley as supervisor after the project was voted on, also declined to comment on the lawsuit.