



LandWatch Monterey County

A Short History

"Ill fares the land, to hastening ills a prey
Where wealth accumulates and men decay"
— Oliver Goldsmith (1770)

"This land was made for you and me"
— Woody Guthrie (1956)

(cover) Salinas Valley agriculture
Photography by Caroline Campbell

(opposite) Monterey aerial view
Photography by Nic Coury, Courtesy of Monterey County Weekly

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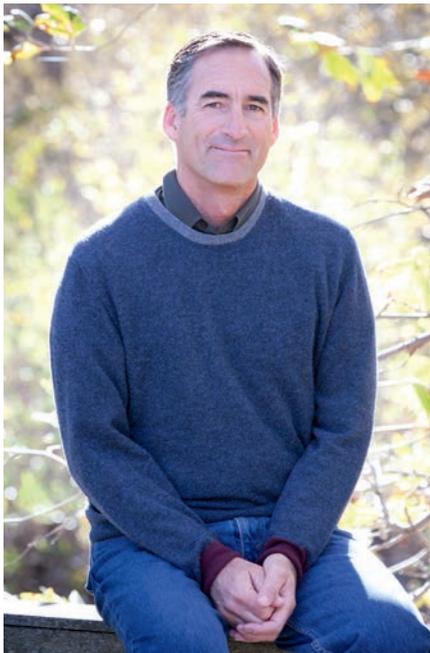
David and the Growth Machine

In the spring of 1972, an initiative petition circulated throughout California proposing a Coastal Zone Conservation Act. Its stated aim was “preservation, protection, restoration and enhancement of the environment and ecology of the coastal zone”—to control commercial and residential development along the shore and oil drilling offshore, activities that were accelerating in recent years.

Qualifying for the November ballot with over 900,000 signatures, Proposition 20 provoked a pitched struggle between, on one hand, real estate developers, oil companies, and public utilities in opposition, and, on the other hand, a coalition of environmental groups led by the Sierra Club and civic organizations joined in the California Coastal Alliance in support. Corporate opposition lavishly out spent supporters by a factor of 6-1. The campaign was particularly active in Monterey County owing to its many interconnected organizations dedicated to land and ocean protection. While the corporate opposition to Prop 20 deployed a heavily financed aerial campaign of media appeals threatening calamity (“conservation yes, confiscation no”), supporters pressed a strategy of household canvassing by volunteers, neighborhood meetings, and recruitment of local talent such as Ansel Adams, who contributed images of the coastal landscape, and cartoonist Hank Ketchum, whose character Dennis the Menace was sketched saying “we went to the beach and it was gone.” The initiative succeeded in the November 1972 election by a comfortable

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Michael DeLapa, founder of LandWatch
Photography by Ian Martin

margin of 55 percent "yes" to 45 percent "no," proportions exceeded in Monterey County by 58 percent to 42 percent. The David of mobilized citizens drawing on their own resources vanquished the Goliath of corporate power. How do such things happen? How in some instances do citizens prevail over vested interest?

Addressing that question, sociologists and planners analyze American real estate development and urban sprawl as a figurative "growth machine." Growth machines are comprised of "place entrepreneurs attempting through collective action often in alliance with other business people to create conditions that will intensify future land use in an area, whether a neighborhood or a nation, through an apparatus of interlocking pro-growth associations and governmental units. They tend to oppose any intervention that might regulate development." (John Logan and Harvey Molotch, *Urban Fortunes*) The notion of growth machines conceives the process of land development as a relentless pursuit of more intensive and profitable uses by alliances among interest groups in business, government, voluntary associations, and investment firms. Whether they are land companies, builders, realtors, planning commissioners or elected officials, the essential feature of the growth machine is their interaction, negotiation, and collaboration in the interests of a mutually workable result. Land use practices at the local level typically result from the engagement of growth machines with communities, sometimes compliant and occasionally resistant through the agency of conservation, environmental, and civic groups devoted to limited growth, anti-sprawl, and sustainable communities—groups like LandWatch Monterey County. The outcomes of these engagements vary widely and depend upon unique case histories such as those of LandWatch examined in what follows.

Origins

When Michael DeLapa and Rebecca Shaw married in October 1996, they suggested that in lieu of gifts their guests might consider a contribution to the DeLapa/Shaw Advisory Fund. The advice being sought concerned the formation of a grassroots organization for "funding projects that promote appropriate land use in Monterey County, in particular efforts to stop urban sprawl, protect critical habitat, preserve agricultural lands and guide better planning," as DeLapa explained in a letter. The appeal worked. In addition to several thousand dollars from the wedding, the couple and Bradley Zeve each contributed \$2,500. The first major donation of \$15,000 from Peter Neumeier and Gillian Taylor set everything in motion. By the end of its first year Monterey County Land Watch (the original name) began work with a treasury of \$20,000.

Michael DeLapa received a BA and MA in biology from Stanford, including study at Hopkins Marine Station and another degree in Business Administration; followed by work with the California Coastal Commission, and a bi-state organization that developed a comprehensive land and water use plan for a task force studying Oregon's Columbia River Estuary. He also drew inspiration from 1000 Friends of Oregon, a nonprofit dedicated to livable urban and rural communities. About LandWatch, "I think I first had a spark of an idea when I returned to Monterey in 1989 and realized there were no professionally

run environmental/land-oriented grassroots nonprofits. The Big Sur Land Trust was well established but it had no companion organization to advocate for policy." Co-founder Rebecca Shaw finished a PhD in Energy and Resources from UC Berkeley in 1997, leading to work with the Environmental Defense Fund, The Nature Conservancy, and World Wildlife Fund. The first board meeting on October 20, 1997 at the couple's home also included Bradley Zeve (founder of *Monterey County Weekly*), Maggie Hardy (Development Director of the Big Sur Land Trust) and Lorraine Yglesias, whose husband Jim Rice served as the LandWatch pro bono legal counsel for incorporation in July 1997.



Applications for incorporation and tax-exempt status were granted in the name of Monterey County Land Watch (MCLW). Although it was employed for a while, the rubric seemed colorless and clunky. DeLapa, knew of a group called CoastWatch, created in the 1990s to monitor actions of the Coastal Commission. Shortly after becoming official, though no one seems to remember exactly when, the name evolved to LandWatch Monterey County along with the idiosyncratic spelling. Initially, LandWatch was conceived as a professional, technical, and educational organization as opposed to an environmental action or advocacy group. The principal focus was policy; to advise and inform planning efforts of citizen interest groups and governmental bodies, to facilitate better land use practices, certainly, but not to carry them out. Consultation and support were the watchwords, not direct action, although the distinction would become elusive as real events unfolded. Ag land preservation loomed large among projected objectives; linked neatly to the prevention of urban sprawl, traffic congestion, and habitat destruction.

Getting started involved a number of tasks; not least the administrative details of permitting and fund raising assisted by staff planning and program coordinator Donna Kaufman. Grant requests went to the Community Foundation of Monterey County, Sierra Club, PG&E, Upjohn Foundation, Irvine Foundation, and many more. Needing visibility, the board began contacting cities and planning commissions county-wide about the aims of LandWatch. For example, a presentation to the City-Center Growth Taskforce in October 1998 stressed the compatibility of planning and sound growth. Doubts about

Ag land preservation loomed large among projected objectives; linked neatly to the prevention of urban sprawl, traffic congestion, and habitat destruction.

(left) Salinas Valley, San Lucas Vineyards
© Steve Zmak Photography

(right) A farmer hand waters the crop
Photography by Caroline Campbell

LandWatch intentions were raised by members of the Center for Community Advocacy (CCA) who arrived in force and unannounced at a board meeting in Michael DeLapa's and Rebecca Shaw's living room. The Salinas Valley based Latino group wanted assurances of a commitment to affordable housing and deference to their leadership. In the meeting and subsequent agreements, LandWatch explained the close association of land use planning and sustainable communities, a program that should be compatible with CCA. Diplomacy was a necessity, whether dealing with pro-growth interests or community advocates.

"Are we sprawling towards San Jose? [with] 15,400 more houses and five million square feet of commercial development approved or pending approval: How will this affect you? Traffic is already over capacity..."

LandWatch media alert, 1998



The Chualar II Project

In spring 1998, LandWatch entered its first public controversy. The Priske-Jones firm based in Camarillo, California, presented the Chualar II project, "a massive housing development consisting of 843 units in Chualar, a community of 1,000...built on 165 acres of productive agricultural land." The plan was opposed by the Chualar Area Concerned Citizens (CACC), whose chair Sharon Parsons explained, "[T]he density is staggering. The actual improbability, the foolishness of it! Chualar is a place so small you can't even buy a quart of milk that is not out of date." (*The Weekly*, January 15, 1998) LandWatch circulated a letter and Internet post addressed to Dear Friend of Monterey County calling Chualar II "a dangerous planning precedent; the conversion of Monterey County's farmland for suburban sprawl and leapfrog development." Nevertheless, the County Board of Supervisors approved the project, overruling its own unanimously opposed Planning Commission. With help from LandWatch, CACC circulated a petition in support of a referendum on the November ballot that would stop the project. Qualifying for the ballot with 14,794 verified signatures, the petition testified to a vigorous anti-sprawl sentiment and a capacity to mobilize a concerned public. Finally convinced, the Supervisors and developers chose to abandon the plan. The referendum petition had done its work and the ballot measure was withdrawn from the November election.

In a short span of time, LandWatch had achieved a voice in county affairs. On May 20, 1998, LandWatch issued a media alert announcing the publication of *State of Monterey County 1998. Land Use, the Environment and Infrastructure: Status and Recommendations*. At a public announcement in the County Court Plaza, keynote speaker LandWatch President Michael DeLapa presented “The FIRST report of its kind, [an] annual comprehensive assessment of land use, the environment, and infrastructure for Monterey County.” The media alert asked rhetorically, “Are we sprawling towards San Jose? [with] 15,400 more houses and five million square feet of commercial development approved or pending approval: How will this affect you? Traffic is already over capacity...Join LandWatch for a presentation of key findings and recommendations for a better future.” Those key findings were contained in a detailed report written by Janet Brennan, a planner and early board member. The evidence detailed trends in the population growth over the next 20 years (39 percent), increasing traffic congestion, threatened water supply, loss of agricultural lands, lack of affordable housing, air pollution, endangered open space, and wildlife — ominous prospects that could be avoided, or at least tempered, only by serious planning and a concerned public. The report offered a prophetic agenda that continues in many ways to guide LandWatch today.

A Decisive Moment: The Packard Grant Application

Then came the decisive event that would secure a future for LandWatch. In July 1998, the board submitted a grant application to the Packard Foundation titled *A Comprehensive Plan to Improve Land Use Planning Through Citizen Monitoring, Policy Development, Public Education and Legal Advocacy* signed by members of the board (now with the addition of Joyce Stevens and Keith Vandevere). The application argued that although watchdog organizations concerned with the ocean existed — such as the Coastal Commission, Save Our Shores (SOS), Friends of the Sea, and the National Marine Sanctuary — land use was left mainly to local governments subject to economic pressures and developer influence. The document explained the outlook was grave:

Monterey County is at a crossroads. As San Jose and Silicon Valley migrate south, ill planned growth is rapidly spreading across our landscape. We face a stark choice: to allow this growth to continue unabated or to organize a healthier, better planned future, one in which cities and Monterey County develop and adhere to comprehensive, coordinated land use plans.

Citizens of Monterey County must be alerted, educated and organized.

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LandWatch grant application to the Packard Foundation, 1998



Janet Brennan, planner and early LandWatch board member, author of *State of Monterey County 1998*

How did LandWatch happen?

Obviously, it was the work of a talented and energetic group of people with the combined experience of environmentalists, planners, organizers, and community activists. Yet it was also a product of the social and political context.



Gary Patton, LandWatch Executive Director (1998–2006)

We face a future with more days of poor air quality, longer commuting times, more intersections with gridlock, affordable housing replaced with commercial centers, loss of our last open coastal lands, and worsening overdraft of our water supplies. We are in danger of losing the wildlife and scenic habitat that make our county unique.

Monterey County needs an organization that can coordinate the enthusiasm and efforts of the varied environmental groups, establish enforceable county-wide land use goals, and develop a vision of what we want our county to become.

The proposal offered an action plan; research and policy advice as demonstrated already, but also further outreach: connections to interest groups, workshops, coalition building, and legal interventions. Utilization of media would spread the message: press conferences, a regular newsletter, action alerts, and sponsored events. The effort succeeded in July 1998 when the Packard Foundation committed \$225,000 for a three-year period to build the organization.

How did LandWatch happen? Obviously, it was the work of a talented and energetic group of people with the combined experience of environmentalists, planners, organizers, and community activists. Yet it was also a product of the social and political context. The environmental movement was thriving and taking shape in organizations like the Sierra Club, Friends of the Sea Otter and regional conservation institutions such as the Big Sur Land Trust, Hopkins Marine Station, Monterey Bay Aquarium, Coastal Commission, and the National Marine Sanctuary — training grounds of a new generation of activists. Equally important, Monterey County benefited from a unique organizational density of a variety of environmental groups, connected to one another and sometimes joined in collaborative ventures. And something more was at work, something elusive. The county's extraordinary physical beauty added incentive and inspiration, a force difficult to measure but part of the collective consciousness.

The Early Years

A new chapter opened with the Packard grant and appointment in October 1998 of Gary Patton, the first Executive Director of LandWatch—who remarked, “I wouldn’t be here without the Packard grant.” Patton was renowned on the central coast. His membership in a score of state and local associations included General Counsel of the Planning and Conservation League, Association of Monterey Bay Governments, and a legendary 20-year career on the Santa Cruz County Board of Supervisors. As Supervisor he authored pioneering legislation and “helped secure the passage of Measure J, which in June of 1978, banned conversion of prime agricultural land, directed growth to existing urban areas,



mandated the construction of low-income housing." Patton came with a well-earned reputation for "a certain directness...a political heavy hitter...luring the lion is an indication that the neophyte nonprofit means business about having a real voice in the future of Monterey County Planning." (*Coast Weekly*, October 1, 1998)

At the same time major changes were afoot stemming from the decommissioning of Fort Ord in 1992 and establishment of the Fort Ord Reuse Authority (FORA) in 1997. By allocating land to surrounding communities for commercial and residential development, FORA hoped to replace 18,000 jobs lost to the base closure.

The City of Marina Urban Growth Boundary

The City of Marina responded with an ambitious general plan revision that would provide jobs, homes, and even a science research park. That became a possibility in 1998 when owners of the 2,000-acre Armstrong Ranch adjacent to Marina's northern boundary announced they had signed an option with Gibson Speno of San Jose, developers of Cisco System's Coyote Valley. The planned "village" would cover 900 acres with 3,580 homes handy to commercial services and mass transit. Initially, local officials supported the general plan revision, but soon became concerned over the size of the development, an imbalance of housing over commercial uses, and potential conflicts with FORA requirements, not least an insufficient water supply for the projected growth.



(top) Marina, aerial view
Photography by Nic Coury

(bottom) Marina urban growth boundary drawing
Source: City of Marina General Plan

The urban growth boundary was a major victory for LandWatch, securing its visibility and credibility as an effective actor in land use planning and politics.

In December 1998, a small group of local citizens and officials; including Ken Gray (later to join the LandWatch board and become elected to the Marina City Council), Bruce Delgado (later to become Mayor of Marina), Tina Walsh, John Willmot, and Chris Fitz calling itself Marina 2020 Vision organized with the help of Patton and LandWatch. According to Gray, "[B]y spring 1999, we concluded we were not going to get anywhere with the Council" and general plan route. (*Coast Weekly*, October 2000) Instead, they chose the initiative petition gathering some 9,000 signatures supporting creation of something new in the county, an urban growth boundary — Measure E as it appeared on the November ballot. The campaign was guided by LandWatch under Patton's experienced hand. "I believe it is fair to say that LandWatch mobilized the local group on the Measure E initiative right from the start. I am not at all certain that there would ever have been an initiative if LandWatch had not been involved. [We] were involved in discussions about how to fight the proposed development of Armstrong Ranch and the small group that formed strategized on the initiative idea, ultimately, LandWatch, and the group, worked with [the law firm] Shute, Mihaly and Weinberger on Patton's draft of the initiative, the signature gathering and the final election campaign." (conversation with Gary Patton) Measure E passed by a majority of 52.4 percent establishing Monterey County's first and only urban growth boundary, which extended to the sea, preserving the Marina Dunes and re-directing growth south to former Fort Ord land. When the developers challenged the legal status of Measure E, Marina hired prominent environmental attorney Michael Stamp who successfully defended the statute. The City of Marina also sued LandWatch, which counter-sued. LandWatch, with legal assistance from Shute, Mihaly and Weinberger won a substantial award.

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Presentation of "The Community's GPU" at the County Courthouse Plaza on June 29, 2004. The poster boards list features of the plan.

Among those pictured are Lynne Classon, Margie Kay, Gillian Taylor, Fred Keeley, Mike Weaver, Gary Patton, Paula Lotz, John Dalessio, Alex Urciuoli, and Chris Fitz

In the midst of various projects, LandWatch maintained its emphasis on policy; a set of plans drawn up for individual cities and a General Plan for Monterey County. Gary Patton authored detailed plan documents and presented these to interest groups, workshops, community forums, and certain developers interested in working with knowledgeable planners. LandWatch carried on a broadly public educational campaign. "Between 1999 and 2004, hundreds of General Plan public meetings and hearings had been held throughout Monterey County. These community meetings had shaped the basic goals and principles of the proposed General Plan Update (GPU)." (LandWatch website)

In March 2004, LandWatch organized a one day "General Plan Boot Camp" to prepare activists for meetings of the Planning Commission. Summer and fall saw more than a dozen "Community GPU Forums" prompted by a Board of Supervisors decision to terminate the General Plan Update process and start over with something more to their liking. "In response to this Board action, more than a dozen community organizations, including LandWatch, have decided to hold a series of Community Forums to make sure the public has a continued voice in the process." LandWatch commanded planning expertise and familiarity with the complex legal landscape providing a valuable service for those who could appreciate it.



Patton was at the center of a whirlwind of negotiations and agreements on planning principles, which he hoped would create a policy consensus informing government standards and concrete projects. Often lengthy and elaborately specific, these documents typically included a set of principles. Prominent on any list of objectives was preservation of agricultural land in the spirit of Santa Cruz's Measure J followed by: directing development to established urban areas and within urban growth boundaries; balanced residential, commercial and appropriate industrial uses; livable communities with open space and proximity to public services including transportation; affordable housing; adequate and sustainable water supply; and environmental protection of landscape and wildlife. Agreements based on these principles were negotiated and signed between LandWatch and two important, if disparate, organizations: the Latino group Center for Community Advocacy (CCA) and Common Ground, a coalition of business interests. Ironically, when the terms of these non-binding agreements became known to the rank-and-file, each group withdrew its support of the principles and agreement soon collapsed as Common Ground's members split up and CCA returned to its original focus on farmworkers and affordable housing.

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Twelve Guiding Objectives

The result of this effort was an authentically Community General Plan, a detailed document based on a set of guiding objectives. This Community General Plan is based on these Twelve Guiding Objectives, which are hereby incorporated and made a formal part of this General Plan.

Guiding Objective #1 Preserve the unique character of areas throughout Monterey County as represented by the different Area Land Use Plans.

Guiding Objective #2 Identify land that is adequate and appropriate for the residential, commercial, and industrial development needs of Monterey County during the next 20 years, taking into account land located within the cities, existing legal lots of record, and resource and infrastructure constraints.

(left) Multi-family housing

(right) Pajaro River, aerial view
©Steve Zmak Photography

Guiding Objective #3 Preserve a distinction between urban and rural areas. Channel new growth to areas already committed to an urban level of development (e.g., cities, areas directly adjacent to cities and densely developed unincorporated communities). Preserve rural areas for resource-based industries (e.g., farming, livestock grazing, mining), natural resource protection, and open space recreation uses.

Guiding Objective #4 Strongly encourage new commercial, industrial, and residential development to provide actual, new, permanently affordable living quarters, including housing for people with very low, low, and moderate incomes who live and/or are employed in Monterey County. Promote density, creative and innovative design concepts, and employer-produced housing which will increase affordable housing opportunities convenient to the workplace. Promote a healthy job and housing balance in all areas.



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Guiding Objective #5 Promote the development of walkable communities that meet the daily needs of their residents, offer a high quality of life for their residents, and reduce the need for automobile trips.

Guiding Objective #6 Promote, preserve, and support agriculture and the industries that serve it. Promote industries that preserve and support environmental quality or serve the local needs of our communities.

Guiding Objective #7 Minimize development of commercially viable agricultural land. Ensure that recognized needs for growth are met by infill and contiguous, compact development.

Guiding Objective #8 Provide adequate infrastructure and public services for existing residents and businesses. Ensure that infrastructure and public services are available, fully funded, and constructed concurrently with new development. Ensure that new development neither increases the infrastructure and public service cost for existing residents and businesses nor reduces their quality of service by any significant amount.

(left) Kitchen set up

(right) Tanimura and Antle housing
Photography by Melanie Schlotterbeck



Protect the visual integrity of ridgelines, designated scenic corridors, and other identified sensitive visual resources throughout Monterey County.

Guiding Objective #9 Provide long-term protection of identified resource-rich and critical habitat areas.

Guiding Objective #10 Protect the visual integrity of ridgelines, designated scenic corridors, and other identified sensitive visual resources throughout Monterey County.

Guiding Objective #11 Seek to provide an adequate and sustainable water supply while protecting the county's watersheds and marine environment, including surface water, ground water, and aquifer recharge areas.

Guiding Objective #12 Provide a clear statement of county land use values and policies to provide clarity in the county's permit processing system and to simplify review of projects that are consistent with the General Plan.

Arroyo Secco River
Photography by Jared Ikeda

Now placed in opposition to local government and certain special interests, LandWatch resorted to a political movement. Years of Patton's work with grassroots organizations had created a solid base of sponsoring groups.

Initially, the Board of Supervisors adopted the twelve guiding objectives for the county's General Plan Update (GPU) then in the development stage. Soon, however, the Supervisors reversed themselves abandoning the community plan and deciding to "start over" with something of their own making. LandWatch suspected the Board had yielded to pressure from commercial interests and large land owners (more so than agricultural processing interests), both of whom favored unlimited growth and urban sprawl, without saying so openly.

Now placed in opposition to local government and certain special interests, LandWatch resorted to a political movement. Years of Patton's work with grassroots organizations had created a solid base of sponsoring groups including the: California Native Plant Society, Monterey Bay Chapter; Carmel Valley Association; Citizens for Responsible Growth; Concerned Citizens of River Road; Coalition to Protect Housing, Farmlands, Air & Water; Friends, Artists and Neighbors of Elkhorn Slough; Highway 68 Coalition; League of Women Voters, Monterey Peninsula; Líderes Comunitarios de Salinas; Monterey Pine Forest Watch; North County Citizens Oversight Coalition; Planning and Conservation League Foundation; Prunedale Neighbors Group; Prunedale Preservation Alliance; Rancho San Juan Opposition Coalition; and Save Our Shores.

In 2005, LandWatch published *Land Use and the General Plan*, a highly readable volume that spells out the case for grassroots action. LandWatch mobilized and directed the popular movement. Recalling this history, one contemporary witness to Patton's labor remarked, "it was Gary's plan."



Creekbridge Homes in northeast Salinas is a notable example of a livable planned community

Creekbridge Homes

While County government dithered and debated in the following years before finally adopting the 2010 General Plan Update (itself subject to continuing challenges and limited implementation), events on the ground were moving in response to an emerging acceptance of popular land use principles. In some cases, progressive developers saw the virtues, and the market, for livable planned communities. A notable example is Creekbridge Homes in northeast Salinas. In a July 8, 2002 letter to the Salinas Mayor and Planning Commission, Creekbridge joined LandWatch urging that the city adopt the objectives of the Community General Plan. Creekbridge was designed as an expression of the "New Urbanism" mixed-use residential and commercial neighborhoods, higher densities minimizing the loss of agricultural land, recreational facilities, walking paths, and open space. The letter noted that, "All of the residents of our valley owe the participants in the drafting of this General Plan a debt of gratitude...[but now the] Council must give the city staff, future developers and all the other diverse participants in the growth process, clear guidance on how to achieve a healthier, more livable, more sustainable method of creating new neighborhoods." In short, the letter writers were seeking official sanction for their efforts.

Creekbridge was built according to plan, but soon ran into unplanned misfortune. Residents bought in at rapidly rising housing prices, followed by the devastating recession of 2009.



Lost equity and construction defects led to a lawsuit between residents, Creekbridge, and various subcontractors. Buyers who stuck it out reached a settlement and eventually some restoration in home values. The developers were not so fortunate, filing bankruptcy in the wake of recession and settlement claims. Some fates even sound planning cannot avoid. Yet today Creekbridge appears quite livable, certainly a contrast to urban sprawl.

Elkhorn Slough Proposals

Just as LandWatch encouraged progressive developers, they continued to oppose bad ideas. Sunridge Views proposed development of 10 lots on 25 acres in the Elkhorn Slough watershed in 2004. The plan seemed wrong for this sensitive landscape and ill-advised for an over-drafted groundwater basin. LandWatch argued before the Coastal Commission that Sunridge violated the prevailing Local Coastal Plan. The surrounding community organized Friends, Artists and Neighbors of Elkhorn Slough (FANS), "committed to preserving and enhancing the marshland through public education, citizen activism and advocacy." FANS sponsored fund raising events including a picnic and the Fragile Landscape art show featuring paintings of Elkhorn Slough. "The slough encompasses 44,000 acres of watershed but only 10 percent of this is protected. This land is deemed a globally important area for over 200 species of birds. If the birds don't have a place to rest, they could become extinct." (*Coast Weekly*, May 22, 2003)

Although LandWatch and FANS prevailed in a series of developer appeals to the Coastal Commission, the battle of Elkhorn Slough continues. Despite rejection of Sunridge Views, a similar project called Rancho Los Robles was proposed by Heritage Western Communities in 2000 and approved by the Monterey County Supervisors in 2008 over its denial by the Planning Commission. Rancho Los Robles would cover 33 acres with 54 lots in the Elkhorn Slough watershed. FANS and LandWatch once more organized opposition, arguing that similar projects had been denied previously owing to the lack of a sustainable water supply. Elkhorn Slough falls within the jurisdiction of the Coastal Commission and North County Local Coastal Plan, where developers argued their case for reversing earlier denials.

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(left) Elkhorn Slough
Photography by David Matthews

(right) Elkhorn Slough, aerial view
© Steve Zmak Photography



Not every effort succeeds. Delays, appeals, protracted lawsuits, and outright defeats are common.

Success relies on three critical forms of support: citizen participation, communication, and funding.

This time, to the community's dismay, the Coastal Commission approved the project—some seeing it as the result of a politically reconfigured Commission by 2017. FANS and LandWatch filed suit against the Commission and the county challenging the decision, a case still pending in 2019.

Not every effort succeeds. Delays, appeals, protracted lawsuits, and outright defeats are common. Shortly after the early success with Chualar II, Shaw developers proposed the Mountain View project, a shopping center, and 850 homes in East Salinas. Considering it a typical case of sprawl, LandWatch joined in opposition with Citizens for Responsible Growth (CFRG), who began a referendum petition drive. But the citizens confronted their own approving City Council and a counter campaign in East Salinas by developer Bill Shaw, who sponsored an alternative petition and newspaper ads favoring the project. The CFRG referendum failed to gather enough support, no vote happened and Mountain View went forward. (*Coast Weekly*, March 4, 1999)

In 2004, LandWatch suffered another defeat at the hands of the D'Arrigo Brothers Company, a major Salinas Valley landowner and agricultural processing firm. D'Arrigo wanted to build an office building and processing facility on 34 acres of potential farmland. In letters to the County Planning Commission, LandWatch cited multiple legal arguments against the project: it violated the prevailing General Plan; contrary to the California Environmental Quality Act (CEQA) requirements no proper Environmental Impact Report (EIR) had been done; and the project conflicted with Farmland Security Zone protection under the California Williamson Act—yet the project was approved. Once more, landowners and their supporters in county government prevailed.

Land use planning was a struggle then, and still is. Successes that have been achieved rely on three critical forms of support: citizen participation, communication, and funding. First, whenever possible, LandWatch worked with community groups, some already forming in response to threats (e.g. FANS) and others mobilized largely by LandWatch itself (e.g. Marina 2020 Vision, CFRG).

Second, in July of 2001, at the invitation of local NPR station KUSP, Gary Patton began broadcasting the "Land Use Report," a weekday minute and one-half spot that came during a station break of the popular "Morning Edition" program. For 15 years (until the station itself was driven out of business), the daily report provided news of current issues, dates and times of public meetings, which interested listeners were encouraged to attend. Although the program was never explicitly connected to LandWatch, Patton recalls, "most people really attributed the show to LandWatch, so it was great publicity for the organization." Years later the "Land Use Report" is still remembered. These days, a website and social media posts have superseded radio (lamentably one might say) spreading the word to a new audience.

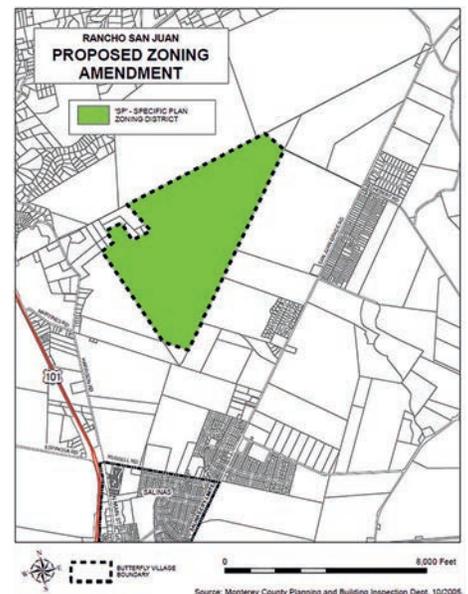
Third, funding LandWatch critically depends on individual donors. Several institutional grants have supported specific programs, but day-to-day maintenance of a small staff, office, legal fees, information, and outreach comes from donations. Since 2001, donor funding derives mainly from the annual luncheon, a "free ask event" that Patton learned about from Terry Axelrod's book, *Raising More Money*. Every November, hundreds of members and guests are invited to lunch for a presentation of current issues and projects, followed by a second invitation — to donate as they see fit. Judging from its longevity, the model is working.

Years of Conflict

As LandWatch was forming in 1998, so too was one of the epic controversies that would roil county politics for the next decade. Rancho San Juan, proposed by the H-Y-H Corporation of Marin County, envisioned a virtual town of 4,000 homes on 2,500 acres of farm land adjoining the northern boundary of Salinas, replete with five schools, a town center devoted to commercial and industrial use, transportation facilities, a golf course, parks, and open space — by far the largest proposed development in county history. Although the plan was scaled down over subsequent negotiations, its heavy impact on the environment and city and county services remained. Water for as many as 16,000 new residents would endanger the already over-drafted Salinas Valley groundwater basin and accelerate saltwater intrusion observable in the aquifer. Traffic would choke Highway 101, the principal regional artery. The cost of roads, schools, health services, police and fire were estimated at \$1.5 million yearly imposed on stressed government budgets.

LandWatch challenged the initial plan for Rancho San Juan, which was soon implicated in the General Plan Update process. The two issues became linked in a complicated set of circumstances. In 1998, the county released a planning document that identified Rancho

Rancho San Juan was by far the largest proposed development in county history.



Planning diagram of the proposed Rancho San Juan development north of Salinas
Source: County of Monterey



Julie Engell directed the Rancho San Juan Opposition Coalition.

Developers have a language of their own. New subdivisions appearing as sprawl are made appealing to potential buyers with names like "Oak Shade" (where no trees grow) or "Green Meadows" (in the desert).

San Juan as a future prospect despite public criticism. As the county contended with the General Plan Update controversy, permitting new developments was stalled, which led H-Y-H to successfully sue the county for reneging on a permit agreement. In order to avoid penalties stemming from the lawsuit, the county began working with H-Y-H. The Board of Supervisors approved the original, massive Rancho San Juan plan by a 3-2 margin in December 2004. When it began to look like the project would become reality, two groups, government and grassroots joined the opposition. "Salinas [City] officials have opposed Rancho San Juan and have repeatedly told their counterparts in County government that if necessary, they will sue to stop the development." (*Coast Weekly*, April 1, 2004)

Encouraged by these events, LandWatch board member Julie Engell organized the Rancho San Juan Opposition Coalition (RSJOC) with 20 or so original members, who soon attracted support from the network of environmental groups (e.g. Sierra Club, Ag Land Trust). Engell explained, "On January 12 [2005] fewer than 30 days after the Board's action to approve the development, the Rancho San Juan Opposition Coalition (with lots of help from LandWatch) turned over 16,000 signatures to the County's Elections Official. This should be more than enough to qualify the referendum challenging Rancho San Juan." Indeed, the referendum qualified for the November 2005 ballot, serving in turn to mobilize more opposition and allies. The San Francisco law firm M.R. Wolfe and Associates, working on a pro bono basis, submitted to the County Planning Commission a lengthy analysis of revisions added to the plan by the developers with the intent of satisfying previous objections. The M.R. Wolfe letter written by associate John Farrow ran to 24 pages enumerating inconsistencies with the County General Plan, inadequate water supply assessment, and violations of EIR and CEQA requirements. LandWatch and the Opposition Coalition held a demonstration at the County Administration Building in August, which fueled speculation that under pressure the Supervisors were rethinking their earlier approval. One day before the November 8 vote Supervisors rescinded their approval of the full project, turning to a downsized alternative. Nevertheless, the referendum (Measure C) opposing Rancho San Juan in any form won a resounding 76 percent of the votes.

Butterfly Village

Developers have a language of their own. New subdivisions appearing as sprawl are made appealing to potential buyers with names like "Oak Shade" (where no trees grow) or "Green Meadows" (in the desert). H-Y-H Corporation and the Supervisors recognized the cumbersome tones of "Revised Rancho San Juan Specific Plan" in the Draft EIR. (In fact, there never had been a San Juan Rancho in this area. The property previously known as the Herbert Ranch was once part of the Mexican land grant Rancho Bolsa de las Escarpinas, literally a slipper or shoe bag, hardly fitting suburb). In a stroke of whimsy, the development was rechristened "Butterfly Village" in the Supervisor's substitute referendum and H-Y-H promotion — a pastoral image that didn't amuse critics who saw a sprawling design that looked nothing like a village or butterfly habitat.

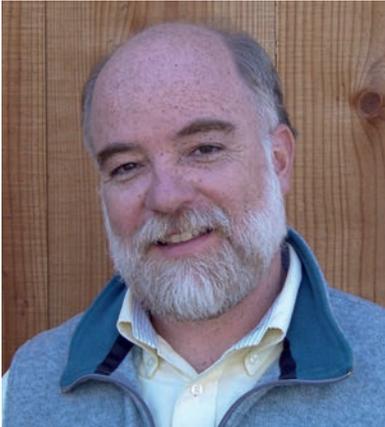


Proposed plan for Butterfly Village

"Butterfly Village" filled another purpose. In response to critics of the huge environmental and financial costs of the 4,000-home, 2,500-acre mini-city, the new Village would include just 1,147 homes, 80 villas, and a golf course on 647 acres — although there were also worrisome allusions to this as a "first phase." The Opposition Coalition was not buying it. A second referendum drive was launched for the next (June 2006) election, restating their arguments against "Butterfly Village" or any other piecemeal plan. When that measure also qualified, the Board of Supervisors illegally removed it from the 2006 ballot. A federal court overruled the county, ordering that referendum be restored. The message was clear. Public opinion opposed Rancho San Juan, thanks to a resourceful popular movement.

The message was clear. Public opinion opposed Rancho San Juan, thanks to a resourceful popular movement.

Meanwhile, the dance of General Plan Update (GPU) planners: County Supervisors, Rancho San Juan promoters, and LandWatch partners continued. The familiar battle line lay between the Board of Supervisors (and sometimes the Planning Commission) generally aligned with developer, business, and landowner interests on one side and, on the other, LandWatch, Rancho San Juan Opposition Coalition, responsible growth people, and the County's array of environmental groups. But the lines were sometimes blurred. LandWatch supported properly scaled projects and progressive developers and agricultural land defenders opposed sprawl. Yet the main contours of conflict had pro-growth advocates favoring the



LandWatch worked hard under Executive Director Chris Fitz for the passage Measure A, the General Plan Initiative, which suffered a disappointing loss in June 2007.

County's General Plan Update or GPU 4 (indicating the number of attempts at agreement) pitted against limited-growth proponents behind the General Plan Initiative. (The LandWatch Community General Plan now elaborated in the form of another proposed initiative.)

Chris Fitz succeeded Gary Patton as LandWatch Executive Director in late 2006 in the midst of the plan wars. In January 2007, he asked supporters to attend any one of a series of petition-signing meetings because the several hundred-page document was too bulky to circulate. The Supervisors had just voted 4-1 to adopt GPU 4 despite its direct conflict with the wishes of 76 percent of the voters and two successful referendums. The citizens-sponsored General Plan Initiative (GPI) referendum campaign succeeded, once again with some 16,000 signatures, and became Measure A on the ballot for the June local election. The terms of Measure A would require a county-wide vote on any significant new development outside established "community areas," a reduction by half in the number of new homes, limitation of agricultural land losses, provision of affordable housing, and many more principles that echoed the LandWatch policy manual Land Use and the General Plan. The county placed its version of GPU 4 on the ballot as Measure C.



Source: Janet Brennan

Mischievously, the Supervisors presented two additional measures on the ballot designed to confuse voters. "Measure B asks if you want to repeal the Supervisors' General Plan (GPU 4). A "no" vote is really a vote for the Supervisors' plan. Measure D is a referendum on Butterfly Village, a subset of the monstrous Rancho San Juan project. A "yes" is a vote for development." (*Coast Weekly*, May 10, 2007) The "no" backers hired private consultants, outspending the opposition in a hard fought campaign of mailings, press notices, and

television ads. Whether it was the muddled language or the number of measures that put off voters, the results favored no one. “No” won in every case, even when the messages were contradictory. Defeat of Measure A (56 percent “no”) dealt LandWatch a serious blow. Small consolation derived from similar defeat of the Supervisors’ Measure C (55 percent against). Measure D and Butterfly Village lost. And the backhanded Measure B won by losing, urging not to kill a plan that had no legal status. Nothing was settled.

Yet the grueling Measure A campaign and its unsatisfying result chastened all parties, leading to renewed negotiations. The county came forward with General Plan 5, which replaced the heavily pro-growth GPU 4. GPU 5 acknowledged the implications of the Measure A results. Limits were placed on new subdivisions in Carmel Valley, North County, and Toro Park. A settlement agreement with LandWatch and the Rancho San Juan Opposition Coalition allowed that “Butterfly Village” could go forward in downsized and amended form: a limit of 1,147 homes on 671 acres, provision for affordable and multi-family housing, a health and wellness center replacing the previous golf course and time shares, more open space and parks, and a new school. The developer received financial compensation from the county for delays in the approval process. “LandWatch remains optimistic about the adoption of GPU 5. In its current form, GPU 5 represents significant progress toward the compromise the Board of Supervisors promised voters after the stalemated election of June 2007.” In a November 2008 bulletin, Fitz granted, “the current language of GPU 5 is very good,” although issues remained concerning water, development on steep slopes, and a system for evaluating projects. The plan and its implementation became a continuing negotiation.

The long-standing effort to build Rancho San Juan ended in irony. Had the development been built according to plan by 2008, it would have collided with the great recession and devastation of the real estate market for years to come. As Julie Engell wryly remarked, “LandWatch and the Rancho San Juan Opposition Coalition saved developers from potential financial ruin.”

Growing

The first tenet of LandWatch is land—land preservation as open space and natural habitat, land use for productive cultivation, land for aesthetic value, and land for human occupation consistent with the assortment of necessarily interdependent uses. The objective of wise land use stewardship is a balance among these functions—land for people, production, wildlife, and appreciation. Similarly, the challenges facing a balance of effective uses of the land are acts that engross some portions of land at the expense of others. Urban sprawl is a principal culprit, but there are others. Concretely, the problem lies in the commercial value of land and the various means of increasing that value: “conditions that will intensify future land use” in terms of the growth machine. In Monterey County, the principal means to increase land values is conversion of agricultural land for development and the profit incentive that drives it. It is “obvious why an agricultural landowner will often ask the

The first tenet of LandWatch is land—land preservation as open space and natural habitat, land use for productive cultivation, land for aesthetic value, and land for human occupation...



Marks Ranch, Salinas Valley
Photography by Jared Ikeda

local government to permit the conversion...good agricultural land is currently selling in Monterey County for about \$20,000 per acre. If a landowner gets permission to convert that land, then the values of the land will be about \$200,000 per acre" (figures circa 2005 in *Land Use and the General Plan*).

Yet there are also pressures to prevent agricultural land conversion, pressures generated by protectors of the land like LandWatch, by environmental legislation, authorized land use planning and, on rare occasion, by acts of generosity. Marks Ranch is a case in point.

Marks Ranch

Salinas Valley pioneers Benjamin and Nisene Marks bought 2,000 acres along what is now Highway 68 (then the setting for Steinbeck's *Pasture of Heaven*) and "created one of the state's largest egg farms. Over the years, the Marks family expanded their holdings and donated nearly 11,000 acres of public parkland in Monterey and Santa Cruz counties, including 1,200 acres of the homestead ranch to create Toro County Park." (*Monterey Herald*, May 8, 2007) In 1973, Herman Marks, the last surviving member of the family, donated the remaining roughly 840 acres to St. John's College of Annapolis, MD and Santa Fe, NM with the stipulation that the land be used exclusively for a small campus surrounded by open space. Before long, the administration of St. John's decided that a branch campus was not feasible and began looking for a way to liquidate the asset. A series of legal



Residents of the River Road and Highway 68 communities organized Citizens to Save Marks Ranch and turned to LandWatch for help.
Source: Arianne Tucker

maneuvers awarded clear title to the property to St. John's, which then negotiated purchase options with both California State University, CSU (22 percent) and the Fletcher Company, developers of the adjacent Las Palmas subdivision. Then came the public reaction.

The Fletcher Company proposed a change in the General Plan that would permit construction of 275 houses, in effect an extension of Las Palmas. Residents of the River Road and Highway 68 communities promptly organized Citizens to Save Marks Ranch (CSMR) and turned to LandWatch for help in 2001. Chris Fitz directed the campaign, which included full deployment of previously winning protest strategies. Volunteers collected over 2,000 signatures on a petition to the county. Among the many objections to the project citizens cited: sizable additions to the already congested traffic on Highway 68, violation of the General Plan, insufficient water supply, and destruction of open space and wildlife habitat.

A series of community meetings began in May with 300 vocal citizens at a county workshop that turned into demands on officials and a spirited assembly of CSMR at a local church in June. Fitz wrote letters to former Congressman Leon Panetta and a board member and trustee of California State University (CSU) about the dubious legal means used to secure options. LandWatch projected a \$40,000 budget for campaign materials, direct mail, newspaper ads, and a video production. Fitz explained that the strategy was to shame St. John's for its betrayal of the original Marks philanthropic intention. Campaign literature stressed consistency with the donors' intent and in that anticipated a solution. "We want to know why St. John's is willing to sacrifice its fine name and reputation for this shortsighted economic plan. No one expects St. John's to give the Marks Ranch property away. The Big Sur Land Trust and The Nature Conservancy both have expressed interest in purchasing the Marks Ranch, in order to create a public park or otherwise conserve the property for wildlife habitat and open space." The opposition's message was taking shape.

A connection was established between St. John's and the Big Sur Land Trust (BSLT), which secured an option to buy the property in 2004. Several years of fund raising and an anonymous donor led to BSLT acquisition of the 816 acre Marks Ranch for \$4.7 million in 2007. This, the first non-coastal BSLT property, now offers much-needed educational and recreational opportunities to Salinas Valley communities.

LandWatch and Citizens to Save Marks Ranch successfully held off a subdivision of the historic Marks Ranch until its preservation was insured by the Big Sur Land Trust.

When Amy White became Executive Director of LandWatch early in 2009, Monterey County, like much of the country, was in financial doldrums. The great recession devastated markets of employment, equities, and economic growth. Urban sprawl was arrested as new construction stopped, but so too were environmental initiatives. In Monterey County, the discouraging results of Measure A, combined with extended arguments over general plan updates, cast a pall over most land use planning activity. It was not surprising, therefore, that any new issues would come from government rather than commercial initiatives.

Marks Ranch, the first non-coastal Big Sur Land Trust property, now offers much-needed educational and recreational opportunities to Salinas Valley communities.



Amy White, LandWatch Executive Director (2009–2015)
Photography by Margie Kay

Fort Ord Development

The Fort Ord Reuse Authority (FORA), established in 1993, is authorized to assign portions of the extensive former military land to uses sought by local governments. Late in 2009, Monterey-Salinas Transit (MST) announced its intention to build a new headquarters on a swath of open space to be known as Whispering Oaks Business Park. A three-story office building, a two-story bus maintenance facility, and a fleet parking lot would replace 58 tree-covered, trail-laced acres presently devoted to recreational uses. The County Board of Supervisors approved the project in July 2011.

Announcement of the MST plan sparked immediate mobilization. Hikers, walkers, cyclists, birders, artists, and wildlife photographers who made frequent use of the natural park organized in opposition. Fort Ord Recreational Users (FORU) joined LandWatch to launch a campaign of public outreach and political pressure. Kindred groups including Sustainable Seaside and Marina, Citizens for a Sustainable Monterey County, Friends of the Ord Warhorse, and Keep Fort Ord Wild joined FORU and LandWatch, adding numbers to the grassroots effort. By canvassing neighborhoods and recreational trails, volunteers gathered 18,000 signatures, which they presented to the Supervisors as the basis for a potential referendum petition.



Opponents claimed the development portended traffic congestion, air pollution, habitat and wildlife degradation and, most sensational of all, removal of 3,400 oaks trees that lent the setting its unique scenic value. In a series of letters to public officials and public presentations, Amy White argued not only was the project site inappropriate, but that alternatives were available in already blighted areas including a paved parking lot across from Whispering Oaks. Judging an MST environmental plan inadequate, LandWatch sued MST in November 2010 for violations of the California Environmental Quality Act (CEQA). Faced with formidable opposition and following a contentious board meeting on February 13, 2012, the Supervisors voted (4-1) to rescind its approval of Whispering Oaks and recommend the site be designated permanent open space. The 18-month campaign realized an advance for LandWatch, new territory manifest in an alliance with community organizations devoted to recreational and natural values beyond matters of property and commerce.



In addition to the many worthy reasons for preserving recreational open space, language once more figured in the outcome. Who would want to destroy a place called "Whispering Oaks" — a name ironically chosen by supporters of the business park? As the manager of MST observed: "Had [Whispering Oaks] been named 'Landfill-Adjacent Parcel Number XYZ,' perhaps there wouldn't have been as much of an outcry."

Monterey Downs

Whispering Oaks was a minor intrusion on Fort Ord lands compared to the great racetrack scheme proposed in 2013. Unlike anything previously imagined in the county, Monterey Downs was by far the largest and most elaborate potential development with an incredible variety of land uses. The proportions were staggering: 710 acres in the heart of the re-use area converted from recreational use; 41,000 oak trees removed; six phases of development over 10 years beginning with 600 single family homes, a hotel, and portions of the horse park just in phase one (700 more homes and apartments and two hotels to follow); a 300,000 square foot commercial center, race track and 650 seat sports arena; a 5,000 square foot tennis and swim center; and, oh yes, 73 acres and of "habitat" and 74 acres of "open space" for parks — all for the benefit of Seaside, the local government authority, although most of the Downs lay on county land proposed for annexation.

Given the popularity of this public land among recreational users and nature enthusiasts, a vigorous opposition movement arose as expected. Initially, LandWatch joined Sustainable Seaside to publicize the threat. The Fort Ord Access Alliance (FOAA) orchestrated a variety of organizations including Keep Fort Ord Wild to pressure local officials. In response, advocates for the project launched their own public relations campaign led by Monterey Downs LLC, a Calabasas development firm headed by Brian Boudreau. The alliance included the Monterey Business Council, United Veteran's Council of Monterey County (convinced of the developers' claim that a veterans cemetery would be facilitated by the project), and the Seaside City Council. The alignment of contending interests convinced FOAA that

Whispering Oaks was a minor intrusion on Fort Ord lands compared to the great racetrack scheme proposed in 2013. Monterey Downs was by far the largest and most elaborate potential development in local history.

(left) Fort Ord Dunes
© Steve Zmak Photography

(right) Ford Ord visitors
Photography by Dr. Bill Weigle

The sheer size of the project would overwhelm Seaside with traffic congestion and public service demands far in excess of city budgets.



Monterey Downs proposed the largest development with the biggest scope of land uses in county history, and after years of public controversy and environmental obstacles the project was ultimately abandoned.

(top) Photography by Jared Ikeda

an initiative would be necessary to stop the project. By April, volunteers from variety of organizations were in the field with a petition to preserve 540 acres of open space and prevent any development. The proposed ballot measure quickly qualified with enough signatures for the November 2013 local election. Meanwhile, Monterey Downs LLC followed suit with a phalanx of paid signature collectors, who also succeeded in putting a measure on the ballot. The battle was on, Measure M vs. Measure K.

Measure M. The Protect Fort Ord Open Space Access Initiative stated, in the first instance, that these were public lands, which the Fort Ord Reuse Authority (FORA) was charged to return from military to civilian uses that benefited local and regional communities. Monterey Downs would be gifted extensive land to private for-profit purposes, for use that destroyed the natural advantages of a “wild” area of trees, wildlife, and recreational and aesthetic value. The sheer size of the project would overwhelm Seaside with traffic congestion and public service demands far in excess of city budgets. Paramount among problems was reliance on an unproven water supply. Monterey Downs claimed the water was there based on an “allotment” for groundwater pumping once granted (on paper) to the Fort Ord military base. Additional water would come from new sources to be developed by the Marina Coast Water District. But even these optimistic estimates failed to reckon with the fact that the projected amounts barely covered the demands of phase one. The Salinas Valley groundwater basin was already over-drafted, menaced by saltwater intrusion and without a new supply on the horizon. A racetrack, moreover, meant gambling including off-track betting, a less than desirable activity evidenced by general decline of horse racing nationally.

Measure K. The California Central Coast Veterans Cemetery, Open Space Preservation and Economic Revitalization Initiative. Creatively titled, the measure described its many virtues: open space (not much), a “required” (of whom?) cemetery, “allowed” educational and industrial development and, foremost, in the words of the initiative “the creation of jobs, including a potential Monterey Downs development, with selective preservation.” The vague, even misleading language, put forward under the slogan “Keep the Promise,” stressed job creation—the employment boom Seaside would enjoy from construction and operation of the facilities. The promise to be kept was FORA’s mission to revitalize the region after the base closure. Unacknowledged in the idea that the promise had not been kept was the earlier creation of a California State University Monterey Bay (CSUMB) in operation and growing since 1994.

The initiative campaign witnessed a spirited contest between rival coalitions. The team, Yes on M/No on K included some 21 mainly environmental groups including LandWatch, the League of Women Voters, Sustainable Seaside (and of Pacific Grove and Carmel Valley), California Native Plant Society, Veterans for Peace, Veterans for Wild Fort Ord, Surfrider Foundation, Highway 68 Coalition, Keep Fort Ord Wild, PEDALI ALPINI (bicycle club), People for the Ethical Treatment of Animals, and more. The other side, Yes on K/No on M, comprised 15 American Legion Posts from all over the county, Chambers of Commerce from Salinas Valley and Seaside, Fire Fighters of North County and Latinos for Environmental Justice. Posters, lawn signs, and leaflets blanketed the county for several months. Shopping



centers and neighborhoods were canvassed. Campaign M raised \$69,000 largely from individuals plus substantial contributions from LandWatch and Henry Wheeler. Campaign K raised \$97,000, most of it from Monterey Downs LLC, and \$10,000 from the Veterans Council. For all their effort, the results were null. Both initiatives lost: No on M, 53.4 percent, No on K, 62.22 percent. Out of approximately 50,000 votes cast, K lost worse than M. Each campaign seem to destroy its opposite number with no joy for anyone.

A common strategy employed by developers faced with popular initiatives to sponsor and finance their own twin, "no" initiative. Thus one measure (say M) presents a clear yes or no choice. Confusion is deliberately introduced with a second "no" (say K) measure, which would nullify the first option should it succeed. Faced with confusion, voters tend to say "no" to everything. The confusion tends to undermine growth control measures seeking a positive outcome.

Monterey Downs proposed the largest development in county history (to date), including 1,300 homes and apartments, a horse racing track and arena, and extensive commercial center. After years of public controversy and environmental obstacles the project was ultimately abandoned.

A common strategy employed by developers faced with popular initiatives to sponsor and finance their own twin, "no" initiative. The confusion tends to undermine growth control measures seeking a positive outcome.

Fort Ord landscape
Photography by Dr. Bill Weigle

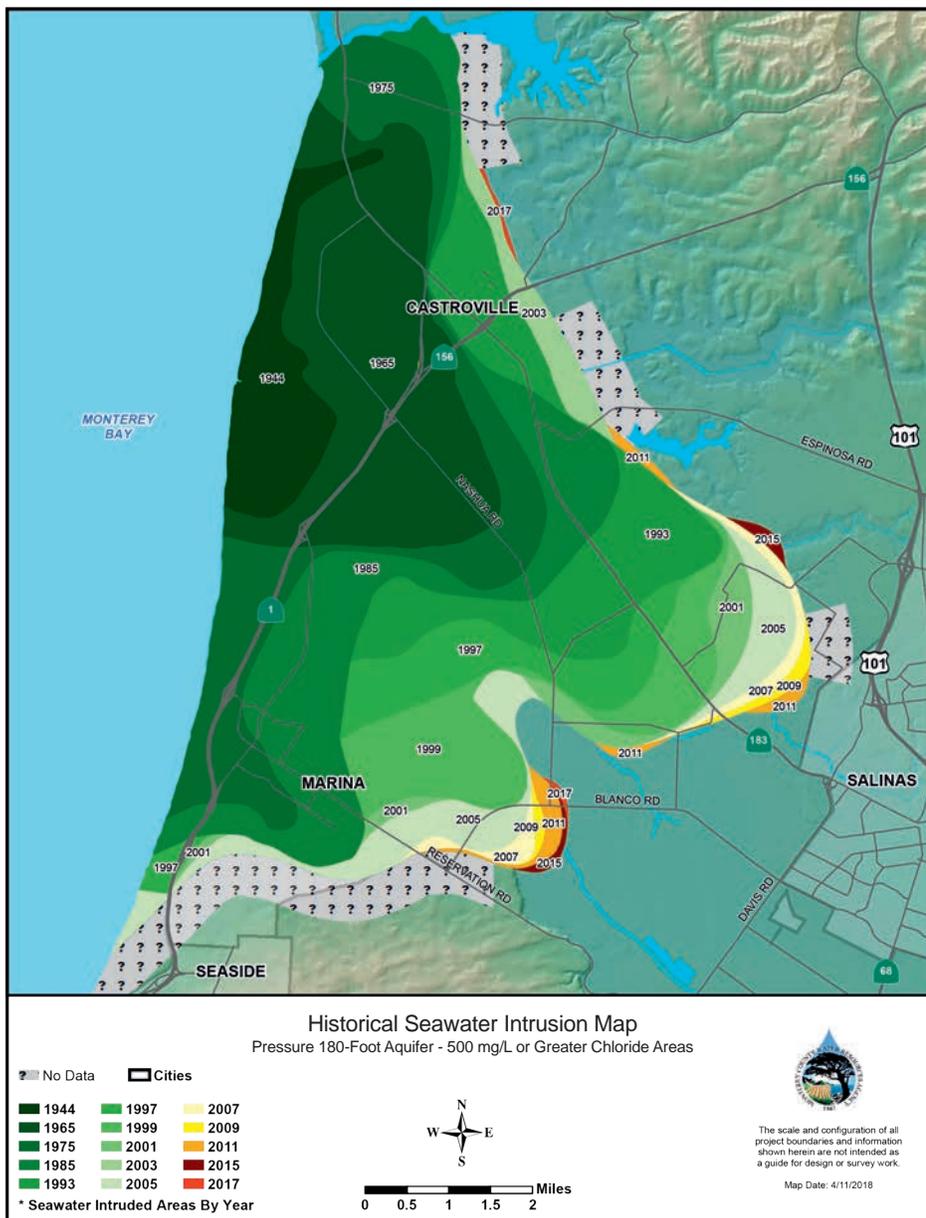


The struggle over Monterey Downs did not end with the failed initiatives or the public standoff among partisans. Developers persevered while LandWatch and its legal team continued to scrutinize claims by successive EIR drafts. The issues were many and complex. The question of county land annexation went unresolved. LandWatch and Sustainable Seaside sponsored a workshop on the provisions of CEQA and how to document apparent violations. LandWatch attorneys argued that draft and supplemental EIRs were wholly inadequate, failing to provide information on traffic, greenhouse gas reduction, and water supply. Representing LandWatch, attorney John Farrow enlisted a hydrological consultant to assess developer claims that “the water is there.” The claim derived from a magic trick. FORA had indicated that Marina Coast Water District might have access to 6,600 AFY (acre feet per year) drawn from the Salinas Valley groundwater basin, although the estimate reserve was on paper, not real water in the over drafted basin. This source supposedly would serve the needs of Monterey Downs for phase one, until Marina Coast developed an “alternative supply source.” But the projection failed to contend with seawater intrusion, a growing problem documented by local agencies and Stanford University researchers. Pumping 6,600 AFY would add to the over-draft and even accelerate seawater intrusion, thus reducing the supply of potable water. Moreover, even the illusory 6,600 AFY would not be enough to meet the demands of phase one, which estimates suggested would need another 7,932 AFY. And Marina Coast had no alternative source to come to the rescue.

Seaside
Photography by Nic Coury

As these issues played out in public forums, the Seaside City Council came under increasing criticism. John Farrow spoke for LandWatch about the city's failure to consider flaws in the EIRs beginning with inconsistencies between the Fort Ord Reuse Plan and the Downs plan. Molly Erickson representing Keep Fort Ord Wild produced additional evidence of insufficient water and chastised the Council for restricting public testimony. She suggested that the Council "take your time" listening to public comment and deliberating. "This is an awful project, it's widely unpopular." (*Monterey County Weekly*, October 14, 2016) Michael DeLapa, who returned as LandWatch Executive Director in April 2016, wrote an inspired plea that Seaside look beyond unrealistic promises of race track and construction jobs to the many unique advantages the community offered for good jobs in education (adjacent to CSUMB), recreation, tourism, and small business (*Monterey Herald*, November 12, 2016).

Michael DeLapa wrote an inspired plea that Seaside look beyond unrealistic promises of race track and construction jobs to the many unique advantages the community offered for good jobs in education, recreation, tourism, and small business.



Map of seawater intrusion on the Seaside Aquifer from Marina to Moss Landing

Dark green illustrates the decades from 1944 through the 1970s, light green through 2005, followed by the orange and dark red reflecting increase to 2017
 Source: Monterey County Water Resources Agency

Support from the City Council, always split among its five members, was weakening. On the advice of the City Attorney, further Council meetings were postponed to a future date when the turmoil might resolve.

Meanwhile, Monterey Downs LLC seemed to be faltering when they withdrew their agreement to indemnify the city against any adverse legal claims. Rumor had it that their financing was shaky. In a surprise move, the developers dropped the horse park and racetrack from their proposal in a meeting with city officials. Desperate, perhaps, the horsey sounding name Monterey Downs was erased in favor of the patriotic evocation "Monument Village." The signs were apparent — the project was collapsing. On November 30, 2016, Seaside was informed by Monterey Downs' attorney that the developer "had no intention of proceeding with the project." (*Monterey County Weekly*, November 30, 2016) On the following day, the Seaside City Council unanimously voted to rescind its approval of Monterey Downs (and of Monument Village, one supposes).



Sustainable Water Supply

From its inception, LandWatch has identified water supply as a critical consideration in land use policy. The foundational guidebook *Land Use and the General Plan* states among recommended policies: "Sustainable Water Supply Required. No residential subdivision, or any industrial, or commercial development project shall be approved without a specific finding supported by facts in the administrative record, that an adequate, long term, and sustainable water supply is available. A water supply shall not be considered 'sustainable' if the water proposed to be supplied comes from a groundwater aquifer in which groundwater over-draft conditions exist." Through a series of debates and negotiations, similar provisions now appear in the county General Plan, thanks in important part to LandWatch and its allies. At the same time, the primary mission of LandWatch is land use policy and implementation, not water policy, although the two are frequently inseparable. As a result, LandWatch is involved in water supply issues where they pertain to land use — that is, often. From the early days of Rancho San Juan to Monterey Downs, a sustainable water supply has been a critical if not decisive consideration.



In recent years, water in Monterey County has become increasingly important in policy and public awareness for a number of reasons. A growing population poses greater potential demand on the available water supply. Drought years have raised public concerns about water scarcity. The threat of seawater intrusion is growing and more widely recognized. State imposed limits on water extraction, particularly from the Carmel River, require both conservation and development of new sources. Controversial water rate (the highest in the country) increases dictated by California American Water Company (CalAm), the monopoly supplier for much of the peninsula's population, have given rise to a popular movement advocating public ownership of the distribution system. LandWatch has been involved directly or indirectly in all of these developments.

LandWatch has sponsored a series of public forums focused on the Salinas Valley groundwater basin, the Salinas and Carmel Rivers. Its website published summaries of current water supply projects in 2008 and 2013. A number of long letters from LandWatch attorney John Farrow and successive Executive Directors Amy White and Michael DeLapa went to CalAm and the California Public Utilities Commission (PUC) evaluating EIRs for the proposed (CalAm) Monterey Peninsula Water Supply Project (MPWSP). The issues are diverse ranging from engineering methods to pumping limits and water rights. More recently, LandWatch and Keep Fort Ord Wild sued and eventually settled with Marina Coast Water District (MCWD) regarding the extent of Marina Coast's annexation and the amount of new housing on Marina's Fort Ord land. LandWatch is actively participating in the Salinas Valley Groundwater Basin Agency established by the state Sustainable Groundwater Management Act (SGMA) intended to govern, for the first time, California groundwater and to achieve sustainability by 2040.

A water supply shall not be considered 'sustainable' if the water proposed to be supplied comes from a groundwater aquifer in which groundwater over-draft conditions exist.

Carmel River
Photography by Monterey Peninsula Water
Management District

Because of concern over a project relying on a large desalination plant, the League of Women Voters of the Monterey Peninsula led an effort to develop an alternative plan which was called the Hybrid Regional Plan.

Hybrid Regional Plan

All of these complicated, nuanced, and lengthy deliberations absorb considerable time and effort from LandWatch staff, volunteers, and legal advisors. The best illustration of how LandWatch has worked to influence water supply policy is the development of a Hybrid Regional Plan as an alternative to CalAm proposals. The story begins in 1995 when the State Water Resources Control Board (SWRCB) reported that CalAm was diverting 14,100 AFY from the Carmel River, which was 10,730 AFY in excess of their legal right (to 3,370). That is, as one critic put it, CalAm was illegally taking 76 percent of the water it distributed for profit—stealing it. The SWRCB then issued Order 95/10 that required CalAm to either acquire rights to the amount it was pumping (from the river underflow), develop new sources or reduce its take to the legally entitled amount. Despite the order, nothing was done to reduce significantly the illegal diversion. In 2009, the SWRCB reported that CalAm was still pumping 11,000 AFY (7,600 AFY in excess of its legal right) and issued a stern Cease and Desist Order requiring that CalAm reduce pumping on a prescribed yearly schedule that would bring it into compliance by 2018. Although the ruling was appealed and modifications in its terms allowed, CalAm and other aspiring enterprises were now constrained to develop new water supplies. The solution according to CalAm and several private endeavors was desalination of ocean water in new plants capable of producing enough water to meet the shortfall and then some. The cost of these facilities and their product water would be huge, passed on to consumers, and highly profitable to the corporate owner. In all, the proposed solutions met with well-earned public skepticism.

In 2007, CalAm proposed the Regional Project which included a large desalination project. In response, several local agencies formed the Regional Plenary Oversight Group (REPOG) to address a regional solution to water supply issues. The REPOG effort had broad community support including LandWatch, the League of Women Voters of the Monterey Peninsula, and the Carmel Valley Association. Because of concern over a project relying on a large desalination plant, the League of Women Voters of the Monterey Peninsula led an effort to develop an alternative plan which was called the Hybrid Regional Plan. The Plan still relied on desalination but in smaller quantities; new potential water sources; revised demand assumptions; regional coverage; reduced capacity of any desal plant; increased use of reclaimed water and recovered storm water; priority use of lower cost water; and repair of costly leaks in the distribution system. The Plan was developed in cooperation with LandWatch, Sierra Club, Carmel Valley Association, and Prunedale Neighbors Group. The REPOG soundly rejected the Hybrid Regional Plan and went on to endorse the Regional Project. After the Regional Project failed, the REPOG was dissolved.

The Monterey Peninsula Water Supply Project (MPWSP) was the subsequent effort by CalAm to develop a water supply project. The project incorporated the portfolio approach identified in the Hybrid Regional Plan. Provisions were expanded to include: public financing of major capital projects; representation of ratepayers in management and oversight; updated demand estimates based on demonstrated conservation by users; and growth addressed in a subsequent phase. With various interests looking for broad support



for the MPWSP, a Mayor's committee led by then Carmel Mayor Jason Burnett proposed a Settlement Agreement supporting the MPWSP. In 2013, with some misgivings, LandWatch signed on to the Settlement Agreement along with 15 other local organizations. Signees agreed to support the MPWSP unless significant environmental impacts were later identified.

During the environmental review process for the MPWSP, Monterey One began developing the groundwater replenishment project included in the MPWSP. Phase 1 of Pure Water Monterey was completed in 2019 and phase 2 was proposed in the same year. Because Pure Water Monterey was able to meet water supply needs through 2040, LandWatch withdrew its support for the near-term desalination plant in favor of Pure Water Monterey.

Continuing Evolution of Water Supply Debate

The debate over water supply has evolved through several stages and so accordingly has the involvement of LandWatch. Over the years, as other schemes have collapsed or stalled, the Hybrid Plan continues to provide the most feasible and equitable policy solution to Monterey County's water supply problem. It is a centerpiece of the latest official Monterey Peninsula Water Supply Project (MPWSP). LandWatch continues its involvement, particularly in support of advances in groundwater recharge developed by Monterey

Salinas River
© Steve Zmak Photography

*Monterey One and its facility
Pure Water Monterey has
substantially increased the supply
of recycled water for groundwater
replenishment, just as conservation
has reduced effective demand.*



One (the renamed pollution control agency). LandWatch has worked with the Monterey Peninsula Water Management District on a variety of programs including Carmel River restoration, and Aquifer Storage and Recovery, both substantially increasing the available water supply. It is no exaggeration to say that the work of LandWatch, the League of Women Voters, the Carmel Valley Association, and all those allied community organizations has significantly shaped Monterey's water problem and potential solution.

Meanwhile, a popular movement for public ownership (specifically for a study of its feasibility) was gaining ground. A referendum in June 2014 (Measure O) was defeated 45 percent voting "yes," 54 percent "no." With rising water rates and public tempers, and unflagging efforts of the grassroots organization Public Water Now (PWN) and its Director George Riley, essentially the same referendum (Measure J) reversed the previous result in November 2018 winning with 56 percent "yes."

At least one reason for growing support of public ownership has been the development of alternative sources projected in the Hybrid Plan. Monterey One and its facility Pure Water Monterey has substantially increased the supply of recycled water for groundwater replenishment, just as conservation has reduced effective demand. Given modifications that ease state ordered limits on pumping from the Carmel River, some observers envision a secure water supply future without expensive desalination — or at least far less of it. LandWatch has given public support to these less costly, less risky, environmentally responsible alternatives and, indeed, has helped create them.

Successes achieved in the cases of Monterey Downs and water policy are not always the rule. Projects endowed with large financial resources, County Supervisors given to approving development even over objections by their own Planning Commission, the great effort demanded from opposition volunteers, and the extended duration of these struggles—all weigh in favor of the growth machine. Two projects planned to develop neighboring rural lands illustrate the contingencies that affect land use outcomes.

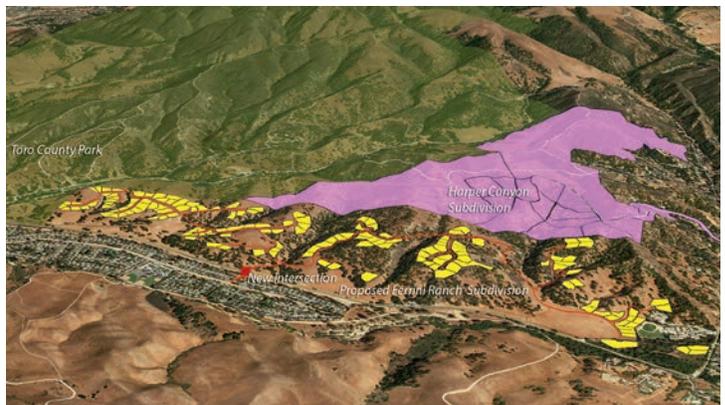
Pure Water Monterey facility
Photography by Monterey Peninsula Water
Management District

Ferrini Ranch

The affected area is the Highway 68 corridor from San Benancio Road to River Road. Ferrini Ranch is a big project. Divided in two parcels it covers 870 acres devoted to 185 residential lots and, separated by Toro Park, a winery, and commercial center. Bordering Ferrini to the southwest is Harper Canyon (sometimes Encina Hills) on 344 acres planned for 17 large lots (from 5 to 23 acres) plus one 180-acre parcel. Preparation for each project was announced in 2005 and their separate fates not finally decided until 2018. Ferrini Ranch was approved by the county and the court, Harper Canyon was not.

Ferrini Ranch is described by developers Bollenbacher and Kelton as guided by laudable "project objectives:" it would "establish" large permanent open space (by not building on it); continue the history of cattle grazing; create a "well planned, quality residential community" and a "wine oriented facility;" "provide public access and recreational opportunities" on walking and bike paths connected to Toro Regional Park (where the recreation would happen). Neighbors in the Highway 68 Coalition differed. Highway 68 is one of the most congested roads in the county, especially at commuting times, and scarcely able to absorb additional traffic generated by homeowner and service trips. The pastoral landscape would be transformed by suburban sprawl. The natural habitat of plants, animals and over 400 oak trees would be sacrificed. Once again water supply, loomed large among potential problems given that Toro Park was already suffering shortages from over-drafted sources.

Highway 68 is one of the most congested roads in the county...and scarcely able to absorb additional traffic generated by homeowner and service trips. The pastoral landscape would be transformed by suburban sprawl.



- Ferrini Ranch subdivision parcels
 - Harper Canyon subdivision
- Source: Jared Ikeda

LandWatch had been tracking the Ferrini development from the outset and, with the Highway 68 Coalition, became involved publicly following release of the draft EIR in late 2012. Executive Director Amy White wrote a series of long letters based on critical examination of the document by John Farrow and Janet Brennan. Graphics and a video were produced for public viewing of the project's location and scope. Over 100 homeowners attended White's community workshop. LandWatch and its partners sued the county over inadequacies of the several EIRs under CEQA requirements. The EIRs were shown to be incomplete and at times inconsistent with the General Plan (in either the 1982 or 2010 version) — insufficient or silent on a series of issues. The exact sites of development were unclear, shifting from one plan to another, making it difficult to assess their

(left) Ferrini Ranch
Photography by David Matthews



environmental impact. Although traffic problems were acknowledged, proposed mitigation measures (required by CEQA) were likely ineffective. No solutions were offered concerning the visual effects on scenery or access to Toro Regional Park. But water remained the essential problem.

Developers claimed an available water supply, but did not provide any supporting hydrological study. The EIR cited the Salinas Valley Water Project (SVWP) as the guarantee of a hydrologically balanced groundwater basin and as the source of an adequate water supply for the Salinas Valley through 2030. But the SVWP was oversold. The SVWP was designed on the assumption of substantial decreases in groundwater pumping that did not occur. Indeed, the county had already concluded that the SVWP would not be sufficient to halt falling groundwater levels and seawater intrusion. Critically, the EIRs neglected the project's cumulative contribution to the groundwater problem, just as it dismissed the project's cumulative impact to Highway 68 traffic.

Although these problems were well publicized, backed by public opinion and detailed in letters from LandWatch, the Ferrini Ranch plan was approved in split decisions by both the County Planning Commission (5-4) and the Board of Supervisors (3-2). LandWatch and the Highway 68 Coalition sued the county for accepting a project in violation of CEQA. Three years later, Monterey County Superior Court Judge Thomas Wills ruled against the plaintiffs. Ferrini Ranch could go forward. The judge rebutted opposition arguments saying the developer's mitigation measures were reasonable in the face of long-standing conditions. Traffic on Highway 68 is and will continue to be troublesome in any case. A residential subdivision could not be expected to mitigate the greater problem of seawater intrusion.

Citing another case, Wills said, "A lead agency is not required to adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR." (*Monterey County Weekly*, August 23, 2017) LandWatch announced in a press release that it would appeal the decision (November 7, 2017). "LandWatch and its legal counsel have invested hundreds of hours in technical review, video production and legal services, mostly uncompensated...Our membership remains resoundingly opposed to the Ferrini Ranch subdivision because of its impacts on water, traffic, greenhouse [gas] emissions and views. Ferrini Ranch represents exactly the kind of sprawling, wasteful, socially unnecessary and environmentally damaging development that motivated residents to form LandWatch."

Harper Canyon

The story of Harper Canyon is shorter and more satisfying. Many familiar issues were documented in letters and EIR reviews, preeminently the lack of a demonstrated sustainable water supply. Additional problems included traffic congestion, threats to biological resources and wildlife corridors, and their cumulative effects. Agreeing with LandWatch, the Planning Commission rejected the proposal. The Board of Supervisors initially agreed with the denial, but then reversed itself to approve the project when it received an appeal from the developers citing a new well test showing that the project's well could pump enough water for the project itself. LandWatch objected that the current hydrological study and the well test itself showed that the groundwater level had declined by 25 feet in 12 years and that other wells in the area have run dry due to cumulative pumping for new development.

Once again, LandWatch sued the county arguing that the EIR was unusually inadequate. In one instance, the geography was wrong stating the project was located on the El Toro groundwater basin, which does not exist, rather than the actual Salinas Valley groundwater basin. The case went to the same Superior Court Judge Wills who ruled this time in favor of LandWatch setting aside the county's approval. The court noted that the EIR "was so fundamentally and basically inadequate and conclusory [sic] in nature that meaningful public review and comment were precluded." Greeting the decision in a LandWatch press release (September 6, 2018), Michael DeLapa said, "The project is exactly what should not be allowed: sprawling homes in high fire zones that would over-draft already depleted groundwater. Thanks to tremendous public support and a terrific legal team, LandWatch remains committed to protecting Monterey County's groundwater resources and promoting infill development that generates affordable housing for local working families."

As DeLapa's remark suggests, housing has always been central to LandWatch policy. Contrary to the view that LandWatch is all about preventing development, its advocacy pro or con depends upon the nature of proposed development. LandWatch promotes affordable inclusionary housing in two ways. First, is smart growth designed to create affordable housing in the right places by means of infill, up-zoning and mixed-use commercial and residential facilities within cities and with access to public transportation.

"The project is exactly what should not be allowed: sprawling homes in high fire zones that would over-draft already depleted groundwater."

Michael DeLapa, LandWatch press release, 2018

Spreckels Crossing built by the Tanimura and Antle Company opened in July 2016 after overcoming popular opposition from Spreckels town residents.



Smart growth that promotes more efficient uses of space can minimize urban sprawl, traffic congestion, agricultural land loss, and social segregation. Studies of specific sites amenable to smart growth have identified opportunities on Garden Road and in Sand City.

Affordable Housing Projects

The proposed Campus Town project at Fort Ord near CSUMB and Highway 1 merits consideration for its plan to redevelop a "mixed use urban village" on blighted space, consisting of up to 1,485 housing units, 250 hotel rooms, 75 youth hostel beds, and 200,000 square feet of commercial space on 122 acres, including some parks and open space. LandWatch may be willing to support this infill project if a water supply can be provided that does not result in increased groundwater pumping. A LandWatch study of housing inventory in the county showed that most of the approved but unbuilt projects provide expensive single family homes, which are difficult to sell, while the great demand for affordable housing is unmet; "governments are failing to address the housing needs of local working families, by adhering to outdated general plans and zoning ordinances that favor large lots, low density single family homes over apartments, condominiums, town houses and other residences that by design relatively more affordable."

Second, are employer-sponsored affordable housing projects, which LandWatch has supported and in several cases helped to gain public acceptance. Spreckels Crossing built by the Tanimura and Antle Company opened in July 2016 after overcoming popular opposition from Spreckels town residents. Nine two-story buildings contain 100 units that house up to 800 men in two bedroom apartments accommodating eight occupants each. The project serves male company employees rather than families. Initially town residents protested against the project expressing fears that the concentration of Latino (unstated but apparent) men would risk the incidence of crime and drug use. The press described

a “fiery meeting [with] heavy criticism” from 75 locals who complained the project would double the size of the town, burden public services, cause traffic congestion, noise, water shortages, and insecurity. Men off work with nothing to do in quiet Spreckels would “go to the park and drink.” (*Monterey Herald*, June 17, 2015)

Local officials offered a design review session to demonstrate the quality of the project and its location at some distance from the city park. Eventually, town residents accepted assurances that the company would handle any difficulties. LandWatch was represented at the ribbon cutting celebration. As Executive Director for eight years, Amy White worked with the community and the company to find a solution to the housing needs of agricultural workers. She advocated more attention to Salinas Valley issues and, in the words of Gary Patton, provided a “softer” approach to the work of LandWatch.

A similar, if more genteel process worked itself out on the coast at the same time. The Pebble Beach Inclusionary Housing project designed for employees of the resort contains 24 residential units on three acres and open space in a surrounding 13-acre forested area. Employee housing on site had been an issue for many years when previous owners suggested that a site in Pajaro would be convenient for workers—and out of golfers' sight. Since then the Pebble Beach Company has shown more interest in the workforce. The County Planning Commission and Board of Supervisors unanimously approved the project in the summer of 2016. But residents organized as Del Monte Neighbors United were opposed, not so much to the idea of on-site worker housing as its location. They preferred a site farther from their neighborhood, arguing that removal of 725 Monterey Pine trees and a dangerous blind curve on the access road suggested a more sensible location, perhaps on the 17 Mile Drive. When the Pebble Beach Company declined the suggestion, “dozens” of Del Monte Neighbors showed up for a Supervisors' public comment session. A few workers also delivered one-minute duration remarks allowed to the large crowd. A housekeeper living in Marina explained, “sometimes I have to work late, and I am tired—very sleepy—and have to drive back home, about an hour commute every day. This is a project I really want to support.” (*Monterey County Weekly*, August 24, 2016) The Supervisors voted unanimously to deny the neighbors' appeal of their previous decision. With a new name, the Morse Place Townhomes opened in January 2019.

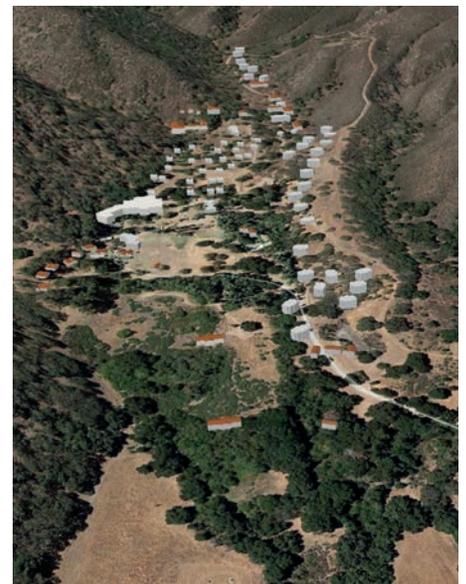
Paraiso Hot Springs

Once in a while, as in the case of Marks Ranch, LandWatch gets involved in matters projects with a history that bears directly on issues at hand. The most recent instance is Paraiso Hot Springs Resort located on the western edge of Salinas Valley near the town of Soledad. The hot spring flows out of a canyon in the Santa Lucia Mountains. Its provenance starts with Native Americans whose artifacts found on the site provide evidence of leisure and ceremonial use prior to missionary settlements. Franciscan clergy enjoyed the baths from the founding of Soledad Mission in 1791. In the 1890s, Watsonville storeowner Charles Ford established the first commercial resort, attracting visitors to tent cabins and the purported medicinal properties of the springs. Summers



As Executive Director for eight years, Amy White (left) worked with the community and the Tanimura and Antle Company to find a solution to the housing needs of agricultural workers.

Photography by Margie Kay



Proposed Paraiso development

Photography by Jared Ikeda

"Wildfires present significant environmental, societal, and economic costs to California... We must consider proposed developments with this risk in mind."

Letter from the State of California Attorney General



lured 400–500 guests. Ownership changed several times, each new management expanding the facilities with permanent cabins, indoor and outdoor pools. Claus Spreckels, founder of the nearby Spreckels Sugar Company and town namesake, had a private cottage on the grounds. Fires in 1928 and again in 1954 destroyed many of the original structures, followed by rebuilt and improved facilities and by growing popularity of the resort. In the 1990s Paraiso Inc. reconstructed cabins, hotel, dining room, pools, and meeting rooms, all on a sufficiently grand scale to merit the name "spa." (*Revised Evaluation of Historical Resources at the Paraiso Hot Springs*, Archaeological Resources Management, 2005, San Jose, CA)

John and Bill Thompson of Philadelphia bought the 235 acre property for \$3.9 million in 1999 with ambitious plans to recapture the resort's historical charm transformed as a trendy "wellness center." The plan is ambitious: 103 hotel rooms, 77 bedroom and villa timeshare units, a "hamlet" featuring a retail store, wine tasting, fitness center, and 23-lot residential subdivision. At peak times the complex would accommodate 500 guests and staff, many of them parked in a lot with 269 spaces. The resort is reached by the narrow Paraiso Springs Road, the only means of access.

Modernization in 2003 began with destruction of 12 cabins, nine deemed to have historical value, but all unsafe for occupancy. Removal was done without permit or approval from the County Historical Resources Review Board. The developers seemed unaware of the requirement and admitted to the mistake only years later when it was caught in the Environmental Impact Report. While assurances were being offered about restoring the cabins, a new threat arose. In November 2018, California suffered its worst wildfire in history. The Paradise (Camp) Fire, ignited by fallen electrical lines, spread over 150,000 acres in Butte County resulting in 86 fatalities and virtual destruction of the town of Paradise at an estimated cost of \$16 billion. Evacuation from the fast-moving flames was hindered the single mountain access road leading some 10 miles to the state highway. Stalled and burnt out vehicles blocked fleeing residents and fire fighting equipment.

Back at Paraiso Hot Springs Spa, fallout from the Paradise Fire came within months just as the project's draft and revised EIRs reached to the County Planning Commission. A letter from the State of California Attorney General warned the Commissioners that conditions at Paraiso were similar to Paradise; located in a fire prone area with restricted road access and little in the way of fire prevention regulations. The Attorney General's letter said, "Wildfires present significant environmental, societal, and economic costs to California...We must consider proposed developments with this risk in mind." Attorneys for Paraiso were stunned by the unprecedented letter; suspicious of its origin and hoping for a simple fix. In response, a revised draft EIR proposed mitigation by means of a phased widening of the road. The Attorney General replied this would not do; "we remain concerned that the risks of wildfire have not been adequately addressed." (*Monterey County Weekly*, July 18, 2019) LandWatch sent two detailed letters to the Planning Commission documenting CEQA violations and added to that with a commissioned study of fire protection by Roper Consulting. Bob Roper, a 40-year veteran fire chief, reported to LandWatch and the Planning Commission, "that the applicant-proposed mitigation measures for wildfire risks are not sufficient because the EIR does not provide critical information." LandWatch members wrote letters and attended the decisive Planning Commission meeting where a unanimous vote denied the project as it stood in the latest EIR. The developers promised to reconnoiter and return.

It is worth noting that LandWatch did not reject the Paraiso Hot Springs in totality. In addition to fire danger, the project was too big. The road was too narrow to handle 500 guests and staff plus local residents under normal conditions. One hundred hotel units, 77 time shares, restaurants, and meeting rooms placed an unrealistic load on the small space box canyon with slopes too steep to build on. The business model raised doubts. A mega resort serving Soledad seemed ill suited to the region. But, a remodeled hot springs resort could work. The Salinas Valley would benefit from employment opportunities and tourism at wine producing sites. LandWatch was inclined to favor a smaller project that captured the heritage and economic possibilities of the region. (The Planning Commission approved the project in October 2019.)

Reflections

Twenty years on, LandWatch continues the kind of land use planning and advocacy that inspired its creation. As times change, so do its endeavors. Sprawl is a ubiquitous threat. The growth machine rolls on unless effectively confronted. Water supply grows ever more critical. And new challenges come along, preeminently the "existential threat" of climate change as we have come to know it. Remedial strategies like those developed and applied in LandWatch practice also evolve: smart growth, conservation and recycling, legislative protections, legal tools, and growing environmental awareness.

As this history shows, LandWatch has held its own and more in struggles with the growth machine. David sometimes wins. Success depends on the interplay of a number of contingencies beginning with a few people combining expertise and commitment — activists. They need a plan, policy guidelines, mobilization, and realistic objectives. All that

A remodeled hot springs resort could work. The Salinas Valley would benefit from employment opportunities and tourism at wine producing sites.



Fort Ord visitors
Photography by Dr. Bill Weigle



Who benefits from urban sprawl on one hand or open space on the other hand? Who benefits from smart growth or unfettered growth?

is fairly obvious, but the case studies reveal something less obvious, a formula of sorts. LandWatch succeeds by marrying its policy and legal expertise to nascent or established grassroots groups. Community organizations come and go, win and lose with their grievances and leave a record. LandWatch perseveres moving on to the next issue and constituency with experience and an earned reputation. The marriage of felt grievances and organizational expertise enables action where the law allows a vehicle. Virtually all successful efforts employ legal means—lawyers, courts, legislation, general plans, voter initiatives, and referendums that connect mobilized groups and law. By themselves activists, organizations, and legal means seldom win short of their combination in strategic ways. Key is the interplay of conditions, the value added by working together.

Environmental struggles necessarily involve questions of equity. LandWatch is founded on policies that believe communities are better served by land devoted to productive agriculture than by urban sprawl, that preservation of the natural environment serves cities and habitat alike. Yet such commendable principles have corollaries. Housing developed on land once devoted to agriculture or open space may provide homes for people with limited financial means. A factory or office building that some regard as an eyesore may provide a job for someone else. Land use choices may try to balance or compensate for these competing values, but they also may ignore them. Self-righteousness easily creeps into policies we think best for everyone. Affluent communities can afford environmental amenities that may involve neglect or sacrifice of poor communities. The point is that choices involving social equity need to be recognized as such—appreciated, evaluated, and negotiated.

At the Planning Commission meeting held to consider the Paraiso Resort, opposing parties brought formidable resources: expertise and legal talent; a partisan audience who could afford to take the day off; and the state power of the Attorney General's letter. The Paraiso lawyer and developer were there, enduring criticism while appearing amiable. Only two local people who supported the project spoke toward the end of the session, both taking time from work, a deputy sheriff and a union representative. Their plea was simple. Salinas Valley, the poorest part of Monterey County, needs jobs, visitor attractions that divert a piece of the tourist bounty from the peninsula—a measure of social equity. LandWatch listens to these voices, understands questions of equity that seldom enter into the growth machine, and endeavors to balance them in reasonable and equitable choices about land and water, housing, and employment. Who benefits from urban sprawl on one hand or open space on the other hand? Who benefits from smart growth or unfettered growth? Speaking of LandWatch policy and practice, Michael DeLapa says it clearly: "There may be winners and losers under a given policy and if so we make a conscious decision about who we believe should win." The essential purpose is to ensure land uses that best serve society and the environment. Monterey County shows the result in what is on the land and what is not.

(top) Local Farmers Market
Photography by Monterey Business Association

(bottom) Runners on the former Fort Ord
Photography by Dr. Bill Weigle



(above) Big Sur and Highway 1 from Prewitt Ridge
©Steve Zmak Photography

(back cover) Marina State Beach
©Steve Zmak Photography



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