



# THE *Highlander*

Sept./Oct. 2014

Keeping Bonny Doon Rural and Natural since 1957

## **Public Access to Coast Dairies and San Vicente Redwoods**

If you look at a map of Bonny Doon, one thing should strike you clearly: we are a small populated enclave surrounded by about 40,000 acres of preserved, open lands.

Two of the biggest pieces, Coast Dairies (about 6,000 acres) and San Vicente Redwoods (about 8,500 acres) are slated to open for public access in the next 2 years: Coast Dairies in early 2015 (beginning with guided tours only) and San Vicente Redwoods (the former Cemex timberlands) in 2016.

This is wonderful—people have been eager to explore these properties for a long time, whether on foot, horse, or bicycle.

Equally, many, often the same people, are worried about the possible impact on Bonny Doon: increased traffic; illegal camping; litter; noise; and most concerning, a heightened risk of wild fires.

At the RBDA meeting on September 24, Bryan Largay of the Land Trust of Santa Cruz County, who is spearheading the process for opening San Vicente Redwoods, and Rick Cooper, of the Federal Bureau of Land Management, which acquired Coast Dairies in April, will talk about plans for public access to these 2 properties.

If you are a hiker, biker, bird watcher, or horseback rider, or just concerned about what the opening of these properties to the public will mean for you and Bonny Doon, you should attend this important meeting.

Photo: Ted Benhari



Coast Dairies has been beckoning since 1998.

**RBDA Meeting Wed., Sept. 24, 2014**

**Coast Dairies, San Vicente Redwoods**

**Rick Cooper**

**Bureau of Land Management**

**Bryan Largay**

**Land Trust of Santa Cruz County**

**Bonny Doon School Multipurpose Room**

**Pine Flat & Ice Cream Grade**

## **Castle House Weddings Approved**

Despite opposition from the RBDA, many neighbors, and other Bonny Dooners, the Castle House owners' controversial application to rent their home, at 4286 Bonny Doon Rd., for weddings was approved at a Zoning Administrator (ZA) hearing on Sept. 5.

This approval sets the precedent of allowing commercial development in a Rural Residential zone, and opponents of the project are considering whether to appeal the decision to the Planning Commission. The appeal must be filed by Sept. 19, with an accompanying fee that was said by Planner Randall Adams to be \$1,200.

Assistant Planning Department Director Wanda Williams, acting as the ZA, did put some conditions on the approval. For the next 3 years, the Sabankayas, owners of the Castle House (so called because of its turrets), will be prevented from asking for any expansion of the permitted weddings beyond the 4 per year that were approved. One year from now, in Sept. 2015, the Planning Department will hold a hearing to review whether the limits of the permit have been honored. The limits include strict rules about the weddings ending at 7 p.m.; parking for no more than 10 cars (the Sabankayas have agreed to rent a shuttle to bring wedding guests to the site); downcast lighting; strict limits on noise; a ban on live music; a ban on food preparation on site, and other mitigations to minimize the impact on the neighborhood. The Sabankayas must also apply for a separate license in order to serve alcohol.

Originally, as reported in the July *Highlander*, the Planning Dept. intended to refer the application to the Planning Commission, but changed that plan, according to Adams, when the Sabankayas reduced their application to 4 events of up to 50 people, ending at 7 p.m., from as many as 12 weddings a year with up to 100 guests, and lasting as late as 10 p.m. The Sabankayas also agreed to all the impact mitigations that the Planning staff demanded.

Included in the Sept. 5 decision was approval of up to 10 luncheons annually between the hours of 2 and 4 p.m. in con-

*continued on page 3*

## State Getting Into Deep Water

Without water, property is virtually worthless. (Unless you have oil or other minerals under it, but that's another story.) We are in the midst of one of the great droughts of recent history. When it will end is far from clear. Recent studies have shown that 30- or even 100-year droughts are not uncommon in the geological past of the land we now call California.

California is the only Western state that doesn't regulate groundwater. Many people believe that they are entitled to any water that lies under their land. They don't recognize that underground water is little different from surface water. Like a creek or river, groundwater flows by gravity across many properties, or like a lake, it underlies many properties. Like surface water, the volume depends on rainfall, though its movement through some geological formations is so slow your pump may be pushing up water that fell as rain decades ago. Just as you don't have the right to draw all the water you want out of a creek you have rights to, especially during this drought you should consider how much you are pumping out of the aquifer that you share with your neighbors such that no one runs out of water,

Gov. Jerry Brown indicated he will sign 2 bills that for the first time will regulate pumping. While this action doesn't, and probably never will affect all or most of Bonny Doon, it marks a sea-change in perception and regulation of groundwater, and brings closer the day when we may have to meter our wells, if for no other rea-

**Drought, legal and illegal diversions are drying Laguna Creek.**

Photo: Ted Benhari



son than for us to keep tabs on our usage.

The new state regulations require areas where over-pumping exists to establish an agency to control and manage groundwater supplies so that aquifers don't continue to drop or to run the risk of saltwater intrusion, like in the Pajaro Valley and Soquel Creek water districts.

On a related note, a recent story in the *Good Times* ([gtweekly.com/index.php/santa-cruz-news/santa-cruz-environmental-news/5904-nowhere-to-run.html](http://gtweekly.com/index.php/santa-cruz-news/santa-cruz-environmental-news/5904-nowhere-to-run.html)) talked about people illegally pumping water out of Majors, Liddell and Laguna Creeks, practically drying them up and wreaking havoc on endangered fish populations.

We called Chris Berry, the Santa Cruz Water Department's Water Resources Manager, to ask if they were aware of that, and if so, what they were doing about it. They are investigating it, Berry told us. Like the National Marine Fishery Service, he recognizes that the fish population,

which NMFS and the state Dept. of Fish and Wildlife is working to restore, have been harmed by the improper stream diversions.

"If these streams are going dry, or the amount of water is significantly less, ultimately we'll have fewer adults returning to the streams, and that's when populations become weak and more vulnerable to other impacts," Jonathan Ambrose, a NMFS biologist, told the *Good Times*.

Illegal pumping from creeks can result in criminal penalties and fines of \$1,000, with an additional \$500 for each day of use 30 days after notification. In August, an illegal pot grow in San Vicente Redwoods that was being watered from San Vicente Creek was busted, and several people were arrested. One benefit of opening the San Vicente Redwoods property to the public may be that it will be harder for people to do this sort of illegal activity without being detected.

## Don't Trust TPL *from page 4*

becca Connolly wasn't buying into their lawsuit, writing in her order denying TPL's reimbursement request that, "*The record supports that Petitioners' [i.e., the RBDA, SOAL et al] actions was not brought to prevent the transfer of the Coast Dairies property to the Bureau of Land Management ("BLM"); rather, it was brought to assure compliance with the approval processes under the Coastal and Subdivision Map Acts prior to such a land transfer, in order to obtain protective conditions on that transfer which would better serve and benefit the public.*" She went on to write that "... there is a concern that **an award of attorneys' fees in this case could have a chilling effect on other environmental actions brought to require both public and private interest projects to comply with acts and ordinances, such as the California Environmental Quality Act ("CEQA"), in order to assure that all appropriate environmental concerns are addressed.**"

TPL eventually applied for the Coastal Development Permit, contending that it

did so not as a result of legal pressure from SOAL and the RBDA, but voluntarily, so technically it "won" the lawsuit.

However, the part of the suit dealing with compliance with the Subdivision Map Act was in the process of going to the State Court of Appeal. In early August, SOAL, the RBDA, and some Davenport residents who were co-plaintiffs agreed to drop the appeal of the Subdivision Map Act part of the suit if TPL dropped its appeal of the denial of attorney's fees. They agreed, so all legal battles between SOAL and the RBDA and TPL are now over. However, it should be noted that TPL has still not taken several steps required by the Coastal Permit, nor recorded the legal easements necessary to protect the agricultural parcels that it still owns, because these parcels were not transferred to BLM, which did not want to manage them.

**What remains is the bad feeling that TPL, a formerly respected organization, whom we once considered allies in trying to preserve ecologically significant prop-**

**erties, turned out to be little different in their tactics than arrogant bullies** like a large corporation that uses its wealth and power to intimidate and bowl over anyone who challenges it. We hope that anyone who may be considering a donation to TPL will instead support one of the other conservation organizations, such as the Santa Cruz County Land Trust, which respects the motives and concerns of like-minded individuals and groups.

Finally, we must give a shout-out to our attorneys, the highly respected law firm of Wittwer/Parkin, probably the pre-eminent land use and environmental legal firm in Santa Cruz County, who put in many pro bono hours, and thousands of dollars in largely unreimbursed legal fees, in a noble and selfless effort to ensure that the magnificent Coast Dairies property and related agricultural parcels are truly protected in perpetuity by iron-clad legal language to preserve them from exploitation, degradation, development and improper uses.



# Highs and Lows of Marijuana Growing

Marijuana use and cultivation is a complex issue that is best thought about while sober. Both medicinal and recreational uses are more and more accepted as time goes on. A recent poll of nearly a half-million American adults by the polling and data company CivicScience found that support for use is increasing, and that 58% of those polled want it to be taxed and regulated like alcohol.

There are now 23 states where medicinal use is legal, including California and 2 states, Colorado and Washington, which permit recreational use. In nearly all states, the penalties for illegal possession of small amounts have been reduced to misdemeanors or less.

This growing acceptance demands new regulations to ensure that access, where it is legal, is not unreasonably difficult, while at the same time protecting our neighborhoods and our children from any negative

impacts from pot's distribution and cultivation.

Bonny Doon, for several reasons—remoteness, privacy, good climate and public acceptance come to mind—has seen a growing boom of marijuana cultivation in recent years. Earlier this summer a cultivation planned near Summit Road that violated several zoning laws was stopped in its tracks by neighborhood action, but not before numerous trees were felled. In the San Vicente Redwoods a major illegal grow that was drawing large amounts of water out of San Vicente Creek was destroyed and several arrests made. Supervisor Neal Coonerty told us that there are 68 suspected illegal grows in the county, 16 of which the Sheriff is actively targeting.

While in one respect growing marijuana isn't that dissimilar from growing grapes for wine, in other important respects it is quite different. Its immense value attracts

criminals hoping to steal it, and illegal and sometimes even legal growers may take extreme measures to protect it: watchdogs, guns etc. Additionally, there is the negative impact on the environment, especially from illegal grows: runoff of fertilizers, illegal pumping from streams, or heavy pumping from shared aquifers.

In response to these and other concerns, the Board of Supervisors passed an ordinance in February to try to deal with legal medical marijuana cultivation, and at their Sept. 16 meeting will review a staff report on implementation of that ordinance. In June they approved placing a measure on the Nov. 4 ballot that, if approved by a majority of voters, would establish a Cannabis Business Tax to be used for enforcement of marijuana laws. We believe that this tax and the enforcement it should provide is a good step toward keeping marijuana cultivation from damaging our neighborhoods and our environment, while still ensuring that legal cultivation is not impeded.

## Castle House *from page 1*

junction with classes in flower arranging, Teresa Sabankaya's principle occupation.

Williams said that in her opinion the Castle House isn't technically an "event center" because the weddings are a natural outgrowth of the floral arrangement business and wouldn't have regular, i.e., weekly or monthly events. She also instructed the Planning staff to carefully monitor adherence to the permit limits, and to keep an eye on similar applications in other residential areas so this approval isn't seen as setting a precedent for similar permits.

We are skeptical of the Planning staff's ability and commitment to monitor activities at the Castle House. Despite several testaments to the good character of the Sabankayas at the Sept. 5 hearing, the fact is that they began renting their home for weddings without any permits, and only applied for a permit after neighborhood opposition coalesced and the code violations were made known to the Planning

Department. Advertising for their venue via a web site continued for some time even after the County sent warning letters.

Although 4 relatively small and quiet weddings that stop in the early evening may not have a significant impact on the residential neighborhood, the task of keeping track of adherence to the permit limits has been effectively transferred unfairly and uncomfortably to the neighbors, whose property values are most likely lessened now because this home in their midst has been approved for commercial events.

Comments on the Bonny Doon Facebook page indicate that some people don't distinguish between having a private wedding or large party at one's own home from renting their home out for commercial festivities. At the hearing Sabankaya supporters pointed to the private outdoor parties in Bonny Doon that are unregulated (except for limits on noise after 10 p.m.), and asked why commercial events should be treated any differently. Even planner Adams said that he didn't see the difference

between renting out a house for events and throwing a party for friends or relatives.

The major difference is that the rest of us throw parties only to celebrate, or sometimes to raise money for local organizations like the school, not to make money at the expense of our neighbors' quality of life. Another is that someone seeking economic gain has a motivation to hold as many events as they can get customers and permits for, or get away with. The Sabankayas are, like anyone in Bonny Doon, still free to put on their own, or their friends' or relatives' parties *in addition* to the commercial events. Will the neighbors have to call them each time and ask if the party is a commercial wedding?

What it comes down to is the vision we have for Bonny Doon. Do we want it to remain the relatively peaceful, natural, residential place we cherish, or allow creeping commercialism to eventually turn it into just another busy suburb, one property at a time?

## RBDA MEMBERSHIP

**Yearly dues are \$20/pp or \$15/pp for multiple members at same address. Memberships expire on Jan. 31 of the next year. \***

Number of Members \_\_\_\_ Number of years you are  joining or  renewing for \_\_\_\_

Multiply years times number of memberships. Checks only, please, made out to RBDA.

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I also wish to support the RBDA with an additional contribution of \$ \_\_\_\_\_

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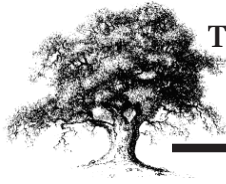
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*Dues mostly go for printing and mailing*

*The Highlander,  
your voice for keeping  
Bonny Doon rural  
and natural.*

*Additional contributions  
are gladly accepted and  
greatly appreciated!*

*\*Dues paid after Nov. 30  
count toward the next year.*



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Bonny Doon's voice in preserving our special quality of life, *The Highlander*, is mailed free 6 times a year. RBDA Public Meetings are usually held the second Wednesdays of January, March, May, September and November. We encourage you to participate. Send correspondence to *The Highlander* at the above address.

Access the RBDA on the Internet at:  
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## September 24 RBDA Meeting: Coast Dairies, San Vicente Redwoods

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### ***New Law Aimed at Protecting Cyclists***

To increase the safety of bicyclists (of whom there are many in Bonny Doon) California has a new law that went into effect Tuesday, Sept. 16. It requires motorists to give at least 3 feet of clearance when passing.

If you don't you could face a \$35 fine plus fees (which usually aren't cheap), or a \$220 fine that comes to \$959 with fees if a collision occurs.

"More and more Californians are discovering that bikes are an easy, healthy, and fun way to get around, but it's unnecessarily dangerous sometimes when a motorist passes too closely," says Dave Snyder, the executive director of the California Bicycle Coalition, "Bicyclists need some 'wiggle room' to safely avoid a pothole or road debris without having to worry about getting hit by a passing car."

At least 3 cyclists have been killed in automobile collisions in Santa Cruz County in the past year. Another was hurt badly on Hwy. 1 in early September. Your humble *Highlander* editor suffered some nasty cuts, bruises and road rash when a driver crossed into the bike lane right in front of him in July.

Let's be safe out there, and share the road.

### ***Don't Trust TPL***

As we reported in the May *Highlander*, the Trust for Public Land (TPL), which owned the vast Coast Dairies property from 1998 until its recent transfer to the federal Bureau of Land Management, was rebuffed in its suit to recoup over \$200,000 in attorney fees that it claimed to have spent fighting a lawsuit brought by the RBDA and SOAL (Save Our Agricultural Lands). The suit involved 2 parts, one over whether TPL needed to obtain a Coastal Development Permit from the Coastal Commission to subdivide the property, and the second whether it needed to comply with the Subdivision Map Act, which allows for public input into the subdivision process.

The RBDA and SOAL felt that certain restrictions on activities and uses of Coast Dairies were not written with strong and precise enough language to adequately protect the conservation of the property. Apparently TPL was so enraged by small, local upstarts questioning its motives and judgment, and forcing it to abide by the law, that it wanted to punish SOAL and the RBDA as an example to anyone who might try to take them to task in the future. Towards this end, they decided to sue SOAL and the RBDA for legal costs.

Santa Cruz Superior Court Judge Re-

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