

OF ANNEXATION

RP 5/12/88

Watsonville

Franich-annexation bill expected to pass

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The bill that created a local brouhaha this week because it would let Watsonville attorney Tony Franich bypass normal channels to annex his 72-acre apple orchard to Watsonville has drawn some opposition in Sacramento, but probably not enough to defeat it.

Assemblyman Sam Farr, the Carmel Democrat who represents this area, said yesterday he planned to pull the bill from the Assembly's consent calendar today in order to subject it to some debate, but that the bill's affordable-housing com-

ponent would probably carry it through the Legislature.

Known as the "Local Agency Housing Incentive Act," the bill passed unanimously through the Assembly Housing and Community Development Committee last week at the behest of Assemblyman Daniel Hauser of Arcata, chairman of that committee and author of the bill.

Passage of the bill would mean, in effect, that the annexation of the Franich property could be consummated without the approval of the county's Local Agency Formation Commission (LAFCO), an approval

normally needed for such annexations. Franich, with support from Watsonville Councilman Rex Clark and others, persuaded Hauser to sponsor the bill and shepherd it to committee approval.

The effort to bypass the local agency, and the way it was done, was criticized by Santa Cruz County Supervisor Gary Patton. At Patton's request, the Board of Supervisors voted 3-1 Tuesday to oppose the bill, and Farr has joined the opposition, saying he feels the Franich matter ought to be settled at the local level.

Franich has said he can't get

a fair shake from LAFCO because its board is made up of a majority hostile to his efforts to get the property annexed.

The annexation was originally approved in 1982 by LAFCO, which had a different makeup then. A group of environmentalists sued to have the annexation overturned on grounds that it had been approved improperly. The annexation was upheld by the Superior Court, but later overturned by a state Court of Appeal on technical grounds.

That meant it had to go back to LAFCO to begin the process again. At that point, Franich

began looking for legislative assistance. He first asked Assemblyman Dominic Cortese to draft legislation that would allow the annexation. When that failed, Franich and his allies turned to Hauser, who agreed to push the bill.

The effort to use the Legislature was taken up this week in a column by Dan Walters, of McClatchy News Service, as an example of the not-uncommon practice of local politicians using the Legislature as a "court of last resort" when they are stymied at the local level.

Rather than return to LAFCO,

Walters wrote, "Franich hied himself to Sacramento, enlisting the aid of an old friend, state Sen. Henry Mello, D-Watsonville, and hiring a lobbyist, Fred Taugher."

"Mello and Taugher approached Assemblyman Dominic Cortese, chairman of the Assembly Local Government Committee, about carrying a bill that would validate the Franich annexation directly, bypassing further LAFCO review," Walters wrote in his column.

However, Mello said yester-

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day his only part in the matter was to mention to Cortese that Franich wanted to talk to him. He also said he was unaware of the Hauser bill until he read about it in the newspapers, and hasn't yet taken a position on it.

Walters wrote in summary, "Franich and his backers say he's a victim of political and judicial whim, but his critics say he wants to bend the rules, to put himself above the laws that govern others."

Franich's backers include the Watsonville City Council, which voted 7-0 Tuesday night to support the Hauser bill on the basis that the county has left it no recourse.

Farr, however, sides with the Board of Supervisors to the extent that he believes the matter should be decided through the regular process.

"Exhaust your local remedies and if that's not effective, then come back to the Legislature and argue the inequities of the local process," he said.

Farr pointed out that Cortese has said he would consider legislation if the annexation was turned down by LAFCO. Still, despite some opposition to the bill's apparently deliberate attempt at evasion of local control, Farr said his perception of the attitude in the Assembly is that the bill's benefits outweigh its detriments.

Lobbyist Taugher also said he perceived a broad-based concern over a shortage of housing in the state. The reason Hauser agreed to amend his bill dealing with low-income housing incentives was that the Franich annexation would provide some affordable housing for Watsonville, Taugher said.

"He was clearly convinced that Watsonville was faced with a housing crisis with respect to both affordable housing" and housing in general, Taugher said.

While the bill does not name the Franich property, it includes a list of conditions so specific as to be very unlikely to apply to any other property in the state, Taugher said.

Franich has said 90 of 600 units constructed through annexation of his land, located adjacent to the East Lake Village shopping center, would be affordable in accordance with the Hauser bill's stipulation that 15 percent of the units be affordable.

That stipulation is why Farr said he thinks the bill has a good chance of passing.

"I think the momentum is probably in favor of Hauser and his bill," he said.