

VCF Annexation R.P. 1/5/89 Watsonville

Franich annexation back on front burner

By KATHARINE BALL
STAFF WRITER

Watsonville and Santa Cruz County's Local Agency Formation Commission appear to be close to an agreement on how fast LAFCO will proceed in considering the city's proposed annexation of the Franich orchard on East Lake Avenue, and what factors LAFCO must consider in approving or denying the annexation.

Such an agreement, called a "Memorandum of Understanding," or MOU, has been in the works since June.

The process was originally begun in an effort to thwart Watsonville attorney Tony Franich's attempt to have the 72-acre orchard on the city border added to the city by the state Legislature instead of having to go through the regular local process.

Franich failed to get the Legislature to act, but the effort caused concern among the county's environmentalists.

LAFCO normally has final say over what property can be added to cities and special districts within the county.

Franich has been trying to get his orchard annexed for about seven years, and stands to make a few million dollars if it is sold for development.

In 1982, an annexation was approved by LAFCO, but was later successfully challenged in court by the Resource Defense Fund, an environmentalists' organization, on the grounds that LAFCO failed to consider alternatives to the annexation of the agricultural parcel. As many as 600 housing units will be built on that land if annexed to the city.

Two final sticking points remain to an MOU, which would not guarantee annexation of the orchard but merely the manner in which LAFCO would consider the annexation.

The city and LAFCO are still

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arguing over how long LAFCO could take to make its final decision after receiving an environmental impact report on the matter.

Watsonville wants a decision within 90 days. State law gives LAFCO 195 days. LAFCO Executive Director Patrick McCormick has most recently offered a compromise of 150 days.

A grammatical dispute is also raging over whether a particular clause should use the words "would subject" or "subjecting."

The clause in question comes in a long list of city objectives that LAFCO must consider, and refers to development costs for sewers and roads the city might encounter if forced to annex some piece of property other than the orchard.

LAFCO — whose commissioners include supervisors Gary Patton and Robley Levy and Santa Cruz Mayor Mardi Wormhoudt, who are considered strong environmentalists — has suggested that if it does not allow the annexation of the orchard, it would be willing to substitute some other property on the fringe of Watsonville, which would accommodate the same amount of housing.

But Watsonville is worried that any substitute property may be lacking the "infrastructure" (such as sewage lines and good roads) that the Franich orchard offers.

The clause in dispute promises that any alternative annexation would cost the city no more than the Franich annexation.

Because the clause in question comes as part of a long list, LAFCO says it should begin with the word "subjecting" to make grammatical

sense.

Watsonville City Manager John Radin, in a Dec. 20 letter, said "would subject" was the wording agreed to.

Watsonville says it needs to annex property in order to be able to build the amount of housing the state says is its "fair share" to accommodate statewide growth.

Patton said yesterday he thought LAFCO had definitely shown good will and fairness toward the city in the MOU. He said if Watsonville does not sign this version of the MOU, including the provision giving LAFCO 150 days to make its decision, it would be a strong signal that the city does not want an MOU.

Mayor Betty Murphy, who also serves on LAFCO, and has abstained on most votes relating to the MOU, said she didn't know what response the Watsonville City Council would give the MOU when it is presented Tuesday night.

—Laramie Trevino