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# Watsonville annexation hearing set

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A case with important ramifications for the future of Watsonville will be heard in the state Court of Appeal today.

The Resource Defense Fund is appealing a 1984 decision by then-Superior Court Judge Harry Brauer that upheld the city's annexation of 72 acres of agricultural land on the east side of the city.

The case pits the environmentally active RDF against the city and owner of the property, Tony Franich, over the question of whether once-productive agricultural land can be converted to residential development.

Attorneys for both sides said the case is complicated, and they have submitted extensive legal briefs to the higher court.

The case will be heard in the First District Court of Appeal, First Division, said Tom Brown, attorney for the RDF. He said a decision

probably won't be handed down for a month.

The 72-acre Franich property was once a productive apple orchard, but as the trees began to die off, Franich considered converting the property to development.

In 1981, Franich asked the city to annex the property. Subsequently, hearings were held by the City Council and the Local Agency Formation Commission (LAFC).

The annexation was approved by both governmental bodies and later upheld by Judge Brauer.

Brown, for the RDF, has raised a number of points in his appeal. Among them are that the environmental impact report was inadequate, that the city didn't spell out its reasons for not considering a partial annexation of the property, and he has raised an issue over the "sphere of influence."

Also, Brown contends that when Judge Brauer upheld the annexation, he should not have sent the issue of partial annexation back to the City

Council for consideration.

But, Watsonville City Attorney Don Haile said that issue is academic because when the city looked at the whole parcel for annexation, they also looked at any and all parts of the property.

The city contends the EIR was "adequate, but not perfect," said Haile, and that it was perfectly correct for Brauer to order the council to go back over any issue the judge thought needed to be better reviewed. (Brauer ordered the council to look at the partial annexation question).

Also, Haile said, no one challenged the EIR until after the hearings were held in the city and at LAFC. If there were serious deficiencies, they should have been raised during the EIR review process, he said.

The question of the sphere of influence is complicated. Briefly, the appeals court ruled several years ago that every agency and government needed to design new "spheres

of influence" (the area affected by an agency or city).

Later the state legislature passed a law that required new spheres of influence to be done by 1985. But certain cities were excluded from the new law. Watsonville was one of those cities.

Brown contends that had the sphere of influence been in place, it would have prevented the city from annexing the Franich property.

The sphere which was finally adopted for Watsonville insists that LAFC will not approve any annexations of agricultural land unless it makes a finding that there are no lands already within the city's boundaries capable of sustaining a similar type of development, Brown said.

However, Haile said the point is procedural and that the city didn't need the sphere of influence.

Franich is represented by attorney Tim Morgan. LAFC has decided not to defend its actions.