

# Local *Watsonville - annexation* Franich ball back in Watsonville's court

By GREG BEEBE  
 Sentinel staff writer

WATSONVILLE — The Franich property hot potato is back in the hands of Watsonville leaders.

Local Agency Formation Commission executive director Pat McCormick is drafting a letter formally asking the city to seek a continuance in its bid to annex the Franich family's 72-acre parcel of prime agricultural land.

If the city does not honor LAFCO's request for more time, the commission could be forced to vote on the Franich issue on July 28.

LAFCO commissioners voted 4-1 Monday night to delay a decision on the annexation request until the city completes its general plan for the year 2005, a blueprint for future city growth.

Four of the five LAFCO members — Capitola Vice Mayor Michael Routh, Scotts Valley Mayor Gina Koshland, county Supervisor Gary Patton and at-large appointee Robert Garcia — said they didn't want to decide the 12-year attempt to annex the property until after viewing the city's long-term growth objectives.

Only commission member Ray Belgard, the chairman of the county Board of Supervisors from Watsonville, said he was ready to vote for the annexation.

A majority of the City Council, after striking a deal with principal

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— *Watsonville Mayor Oscar Rios*

property owner Tony Franich, envisions the property as the future site of a school, park and much-needed affordable and market-rate housing.

Opponents say the 180-270 units of affordable housing gained from the annexation are not enough to justify taking prime farm land out of production. They contend the city needs to better explore its expansion options elsewhere.

A 1989 legal agreement between LAFCO and the city requires that the commission decide the Franich issue by July 29. The pact is designed to protect the applicant, in this case the city of Watsonville, from lengthy delays.

But LAFCO will soon formally request more time, McCormick said Tuesday.

"What we're doing is asking the City Council if they will ask for a continuance. I will report back to the commission at the next LAFCO

meeting) on July 28, hopefully with a letter from the city," said McCormick.

Mayor Oscar Rios, a member of the city council majority that voted to seek the Franich annexation, said it was too early to tell what the city might decide to do.

"I guess we're going to have to discuss it and get legal advice and figure it out," Rios said. "I just don't want us to be put in a position where we are not going by the what the law says.

"I don't want (the city) to be sued," said Rios.

The epic Franich saga can splinter in several directions:

- The city could agree to seek a continuance, delaying a decision until the general plan is done. Planning officials say the document — charting Watsonville housing, job and growth needs into the next century — could be approved as soon as four months or as late

as early next year.

- The city could decline to seek more time and force a vote. In the event LAFCO rejects the annexation, the city could refile its application after the general plan is finished, but doing so would essentially start the whole time-consuming process over again, said McCormick,

- LAFCO could buy more time without breaking its agreement with the city by reopening the Franich public hearing on July 28, closing it again and waiting the maximum allowable 35 days before making a decision. That pushes a vote back to Sept. 1.

- Lastly, LAFCO could ignore the city's denial and grant a continuance without the city's permission, perhaps setting off a chain of legal actions, McCormick said.

Meanwhile, a frustrated Rios wondered if North County growth-control sentiments — and not a desire to see a complete master plan — were the driving force behind the Franich non-decision.

"To me, the bottom line behind the smoke screen about losing agricultural land is the no-growth (interests)," Rios said. "Unfortunately, sooner or later we're going to have to grow. We can't keep a group of the population in the substandard conditions that we have now. ...

## Fray keeps Franich going

WATSONVILLE — The joke around here is that the long wait for a decision on the Franich property is keeping Tony Franich alive.

"Yeah, everybody says that," said Franich, the principal owner of a piece of farmland coveted by the city as a future site for a school, park and housing.

Franich is almost 82 years old, and he's been trying to develop his 72-acre parcel on East Lake Avenue for parts of two decades.

Despite another delay Monday night, he won't give up.

"I got to stay with it because I've been at it 12 years and I've spent a fortune," said the longtime local attorney. "It cost me \$146,593 just for the (environmental report). It's the Cadillac of (environmental reports)," Franich said Tuesday.

He was caught off guard by the Local Agency Formation

Commission's decision to seek more time until the city completes its master planning document for the next century.

And he grows agitated when talking about charges brought by Franich property foes that developing his parcel will start a chain reaction of developments on prime agricultural land.

"There's no automatic domino effect," said Franich. "It's a phony issue."

Franich views himself as a "third-party beneficiary" in the matter between the city and LAFCO, and he's waiting just like everybody else to see what happens next. So far, he's not ready to throw in the towel, or take legal action.

"At this point, I haven't discussed it with my attorney ... I'm not going to say forget it. ... Twelve years ... I spent a fortune."

By Greg Beebe

"I would like to know what it means when a city has gone through a district election to have an equal playing field but then your decisions are made by a

group that's from a different ballpark," said Rios.

"What does that mean? That's a legal question that I would like to ask ..."