

# ✓ Franich accord nearer

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## Watsonville sends LAFCO amended annexation pact

By TOM LONG  
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WATSONVILLE — The fate of the Franich apple orchard was bounced back to the Local Agency Formation Commission once again Wednesday night when the City Council inserted some changes in an agreement LAFCO had approved Monday.

"We are closer now to a solution ... than we ever have been," said attorney Tim Morgan, who represents the orchard's owner, Tony Franich. "The city is placing faith in LAFCO to do the job."

But not too much faith. The city is sending back to LAFCO a carefully amended version of a "memorandum of understanding" that LAFCO approved Monday. If LAFCO agrees to the changes, the memo will virtually erase the swirl of legal actions that have surrounded the proposed annexation of Franich's property to the city since 1981.

The property, which Franich wants to use for residential and commercial development, has been the center of a series of battles over the past seven years.

LAFCO says it is trying to protect the prime agricultural land surrounding Watsonville. Franich says he can't make money off the orchard anymore, and the city says it needs more room to grow.

Please see **FRANICH** — A4

# Franich/ Watsonville amends annexation pact

Continued from Page A1

In the memo, the city has made some major concessions — most notably agreeing to set aside 15 percent of any housing units built on the property for affordable housing.

If the commission does decide to approve the changes in the memorandum, it will have to approve them swiftly.

Later this week, legislation that would override LAFCO's jurisdiction in the matter is scheduled to go before a joint Assembly-Senate conference committee, said Watsonville City Manager John Radin. It would then go back to both houses and could be approved before the Legislature adjourns Aug. 31.

If the memorandum is signed by the city and LAFCO, state Sen. Henry Mello, who is backing the bill, would drop it, and the bill would die.

According to LAFCO executive director Pat McCormick, 24 hours' notice must be given before a meeting on the newly amended memorandum. That would mean a Friday meeting at the earliest, and the City Council scheduled a special Monday evening meeting to evaluate any counteramendments LAFCO might propose.

If the agreement cannot be finalized by Monday night, it could be superseded by the legislation.

The City Council has decided that it wants to keep the decision-making process local if possible.

"We're pretty local control-oriented," said Mayor Betty Murphy. "I still think the memo is more of a risk than the bill, but we wanted that local control."

Control is definitely what the council was voting for when it followed Radin's proposed amendments to the wording of the memo.

Radin was worried that some of the language proposed by LAFCO left a little too much leeway for interpretation.

The major point of contention was a clause that seemed to give LAFCO the option of looking for a "comparable" piece of property for the city to annex. Radin wanted to make sure that "comparable" didn't just mean equal size, but equal financial impact, and that any other piece of property that might be proposed by LAFCO would also have the same sewer, water and telephone services available to it that the Franich property on East Lake Avenue has.

"The gambit, or ploy, is to look for a substitute annexation," said city attorney Donald Haile.

So the council approved a clause that would require just that. And the clause virtually wipes out the possibility of annexing some other property since, according to Clark, "LAFCO's negotiators concede there is nothing comparable."

The agreement states that all legal actions that have taken place since September 1982 would be considered invalid, lifting the process out of its legal quagmire. The city would have to try to complete an environmental impact report within six months of the agreement and LAFCO would have to make a final decision on the annexation within two months after that report.

If less than the full 72 acres are approved for annexation, LAFCO must allow the city to reapply for the annexation immediately. And — in another change Radin suggested — if anybody tries to sue to stop the application process, both the city and LAFCO would turn to the Legislature to make the memo into law.