

Annexation maneuvering continues

By JENNIFER KOSS
STAFF WRITER

Last-minute maneuvering is escalating over proposed state legislation that would allow the annexation of Watsonville attorney Tony Franich's 72-acre apple orchard to the city.

Franich persuaded a state legislator to incorporate provisions into a state bill, expected to be voted on tomorrow, that would allow him to bypass the county's Local Agency Formation Commission in annexing his land to the city so it can be developed.

Wrangling over the proposed state legislation has increased resentment between the city and county governments and clouded the issues surrounding the annexation, Watsonville Councilman Dennis Osmer said today.

County Supervisor Gary Patton has enlisted the aid of Assemblyman Sam Farr, D-Carmel, who has said he would try to defeat the bill on the Assembly floor tomorrow or return it to the Assembly's Local Government Affairs Committee, which deals with LAFCO-related issues.

"The whole thing has become a battle between Tony Franich and Gary Patton and doesn't seem to involve the city of Watsonville," Osmer said.

Osmer wrote a memo yesterday asking that the matter be

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placed on the City Council's May 24 agenda regardless of what happens at the state level with the Franich bill, AB 4367, authored by Assemblyman Daniel Hauser, D-Arcata, Osmer said he wants the city, which last week unanimously approved a resolution supporting the bill, to restart hearings before LAFCO as a sort of peace offering to the county.

"The situation has been reduced to a struggle of personalities without regard to the issue of the actual benefit (or absence of benefit) of the annexation," he wrote in his memo.

Osmer, who supports the annexation and voted in favor of a City Council resolution supporting AB 4367, said today he'd still like to see the annexation resubmitted to LAFCO regardless of what happens in the state Legislature.

"We have to deal with these people in the county for a long time; Tony Franich doesn't," Osmer said this morning.

Meanwhile, LAFCO Chairman Robert Garcia has also been busy with his pen, and has sent a letter dated May 13 to each of the Assembly's 80 members opposing the bill. Garcia's letter addresses the assertion

repeatedly made by Franich that he believes the annexation would not get a fair hearing from the board members comprising the current LAFCO.

"As chairperson of the Santa Cruz County LAFCO, I can assure you that this application will be given a fair and open hearing, just as any application would," Garcia wrote. "Frankly, I am completely puzzled why anyone would think otherwise."

Both Osmer and LAFCO Executive Director Pat McCormick pointed out that Franich's offer to provide 90 affordable housing units on his land — the provision that reportedly won Hauser over — would not be assured through AB 4367.

The legislation if enacted "means that we (the city) can make a decision without the intervention of LAFCO," Osmer said. "It doesn't mean it's (the project) done."

All the bill assures is that 15 percent of the units built would be affordable, McCormick said. Franich has said he would build 600 units, but the project's environmental impact report only allows for 358, McCormick

said.

Even if the legislation passes and removes the matter from LAFCO's purview, the project would still be subject to environmental review under the California Environmental Quality Act, McCormick said. The EIR would at the least need amending and the city would have to change the zoning on Franich's land to allow more units, he said.

He also pointed to interest in 30 acres of the Franich property as a school site by the Pajaro Valley school district. If only 42 acres remained, there would only be room for 209 of the 358 units addressed in the EIR, McCormick said.

"Fifteen percent of that is 31 units," he said, "not 90."

McCormick said he would be more than happy to sit down with city officials, Franich, his attorney and their respective attorneys to decide what needs to be done to amend the EIR and fix what the court objected to in overturning LAFCO's 1982 decision allowing the annexation, so the annexation application could proceed to a hearing before LAFCO.