

LAFCO drops out of annexation suit

It will be up to Watsonville and Tony Franich to defend the city's annexation of the 72-acre Franich apple orchard when the State Court of Appeal hears the case.

When that appeal will be heard has not yet been determined.

Defendants in the original lawsuit were Franich, the city and the county Local Agency Formation Commission, which had OK'd the city's annexation of the property.

Following a closed-door session yesterday, LAFCO executive officer Pat McCormick announced that the commission had decided not to respond to the appellate court appeal.

"The commission is allowing the city of Watsonville and the property owner to carry the burden of defense at the state Court of Appeal," he said.

The Resource Defense Fund, which lost a move in Santa Cruz Superior Court to block the annexation, filed the appeal last year.

City Attorney Don Haile, when asked this morning if it was proper for LAFCO to pull out of the case, said that it was perfectly legal for any defendant in any case to default.

Haile said that the date for the appellate court hearing

would not be set until additional transcripts of the Superior Court hearing are made, after which both sides will prepare and submit written briefs.

The backlog in the Court of Appeal has run as long as 22 months recently, Haile said.

In its original suit, the Fund, the fund-raising arm of the Environmental Council, claimed that the City Council and LAFCO did not follow the recommendation of the environmental impact report (EIR) on the annexation and that the public was not given a proper opportunity to challenge the city's findings in adopting the EIR.

Then-Superior Court Judge Harry Brauer allowed the annexation to stand but ruled that LAFCO's standards for ruling on annexations did not meet state law requirements.

LAFCO has been operating under an interim set of standards for the last seven months while a committee writes permanent rules.

Haile said this morning state legislation has been passed since Brauer's decision clarifying the rules governing LAFCO annexation procedures. Under the new legislation, Haile said, LAFCO's previous standards are adequate.