

'Franich annexation overturned

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After three years of debate and court battles, Watsonville's annexation of the 72-acre Tony Franich apple orchard was declared null and void by a state Court of Appeal yesterday.

"The decision should send a clear message to the city of Watsonville that it should think long and hard before making further efforts to expand onto surrounding agricultural lands," said Tom Brown, lawyer for the Resource Defense Fund, which had challenged the annexation.

Annexation of the property along East Lake Avenue was approved by the Local Agency Formation Commission and the City Council in 1982.

The environmental group's first challenge failed in March 1984 when Santa Cruz Superior Court Judge Harry F. Brauer upheld the actions of the two government bodies.

Resource Defense Fund sued on grounds that the city and LAFCO did not follow the recommendations of the environmental impact report when the annexation was first proposed and the public was not given a proper opportunity to challenge the city's findings in the EIR.

Key in the First District Court of Appeal decision was the determination that LAFCO's findings that led to approval of the annexation were inadequate, according to Brown.

He said the appellate court's decision effectively overturns the lower court decision. The appellate court found that the initial court was wrong in deciding EIR findings were adequate for the project, Brown said.

Brown said LAFCO board members failed to consider a staff recommendation that would have allowed partial development of the Franich property. By not considering that mitigation measure LAFCO conducted itself improperly, Brown said the appeals court concluded.

No city officials were available for comment.