



SAN LUIS OBISPO LAFCO

Local Agency Formation Commission

Meeting Agenda

ORCUTT AREA ANNEXATION PROTEST HEARING

July 18, 2011, at 9:00 a.m.

**Board of Supervisors Chambers
County Government Center
1055 Monterey Street
San Luis Obispo, California**

**Phone: (805) 781-5795
Fax: (805) 788-2072
www.slolafco.com**

Call to Order: 9:00 a.m.


Protest Hearing:

A-1 LAFCO File 4-R-10: Protest Hearing for Annexation No. 79 to the City of San Luis Obispo (Orcutt Area) - Recommend that the Executive Officer Conduct the Protest Hearing pursuant to Government Code Section 57000 (c).

Adjournment:



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

TO: INTERESTED PARTIES
FROM: DAVID CHURCH, LAFCO EXECUTIVE OFFICER 
DATE: JULY 18, 2011
SUBJECT: PROCEDURAL GUIDELINES FOR THE PROTEST HEARING OF THE ORCUTT AREA ANNEXATION TO THE CITY OF SAN LUIS OBISPO LAFCO File #4-R-10

The Executive Officer (E.O.) of the Local Agency Formation Commission (LAFCO) is conducting the Protest Hearing for the above annexation pursuant to the Cortese-Knox-Hertzberg (CKH) Act and as delegated to the E.O. by the Commission under Government Code Section 57000(c).

General Information. A Protest (Conducting Authority) Hearing regarding the 231-acre Orcutt Area Annexation will be held on July 18, 2011, at 9:00 a.m. in the Board of Supervisors Chambers, 1055 Monterey Street, County Government Center, San Luis Obispo, California. This Hearing was continued from June 16, 2011. July 18, 2011 is the date, time and place of a hearing to receive written protests from registered voters and/or property owners within the annexation boundary area. Written protests to the annexation may be submitted or withdrawn at any time prior to the conclusion of the hearing. Only written protests will be used to determine the outcome of the hearing. The form for filing a written protest can be mailed to the LAFCO Office, 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401. The form can be found on the LAFCO Website www.slolafco.com.

Proposal Location/Description. The City submitted approved the Resolution of Application to annex the inhabited Orcutt Area Specific Plan properties on September 21, 2010. The proposal was approved by LAFCO on April 21, 2011. This proposal considers the annexation of approximately 231 acres bounded by Tank Farm Road to the east and north and the Union Pacific Railroad (UPRR) to the west. The area is unincorporated and has seen limited development under County zoning; residential single family (152 ac.) and agriculture (79 ac.). For a complete description of the Commission's action and the boundaries please refer to the April 21, 2011 Staff Report for the annexation which is available on the website www.slolafco.com or the LAFCO office.

Notification Requirements. The CKH Act outlines the information that is to be included in the Notice of the Protest Hearing. This includes the short form name, how the annexation was initiated, a description of the annexations' exterior boundaries and the proposed change, a statement of the reasons for the annexation, the time, date and place of the hearing, and a statement that any property owner or registered voter within the boundaries may file a written protest prior to the conclusion of the hearing. The original Notice, Map and Written Protest Form were mailed to the property owners and registered voters within the annexation area on May 24. Another mailing of the same material was sent to an updated mailing list sent on June 17.

1042 Pacific Street, Suite A • San Luis Obispo, California 93401
Tel: 805.781.5795 Fax: 805.788.2072 www.slolafco.com

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Executive Officer

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Analyst

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Commission Clerk

Resolution of the Protest Hearing. A notice that clarified how the protests would be resolved was sent out on June 28. The procedures for resolving the Resolution of Conducting Authority Hearing are found under Government Code Section 57075. The annexation is approved if:

- written protests submitted by registered voters are less than 25% of the registered voters within the annexation area, or
- written protests submitted by property owners are less than 25% of the property owners who own 25% of the assessed value of the property within the annexation area,

The annexation goes to a vote of the registered voters if:

- written protests submitted are 25% to less than 50% of the registered voters within the annexation area, or
- written protests submitted are 25% or more of the property owners who own at least 25% of the assessed value of the property submit written protests.

The annexation is terminated if 50% or more of the registered voters in the area submit written protests.

The Executive Officer shall determine the validity and number of written protests consistent with Government Code Sections 56707, 56708, and 56710. These code sections identify the procedures that are used to tabulate the written protests. Should the annexation go to a vote of the registered voters within the area, a majority of the votes cast will either approve or terminate the annexation.

cc. Members, Formation Commission