

IN THE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, January 19, 2012

PRESENT: Commissioners

ABSENT: Commissioners

RESOLUTION NO. 2012-XX

RESOLUTION TAKING THE FOLLOWING ACTIONS:

- (1) **DETERMINING THAT THE ENVIRONMENTAL DOCUMENTATION PREPARED BY THE CITY OF PISMO BEACH FOR THE LOS ROBLES DEL MAR (LRDM) SPECIFIC PLAN BE FOUND ADEQUATE FOR THE COMMISSIONS' ACTION; AND**
- (2) **ADOPTING THE CEQA FINDINGS OF FACT; AND**
- (3) **APPROVING WITH CONDITIONS ANNEXATION NO. 15 TO THE CITY OF PISMO BEACH (LRDM).**

The following resolution is now offered and read:

WHEREAS, pursuant to Government Code Section 56425 et. seq. and the Commission's duly adopted General Policies and Criteria for annexations, the Commission has previously adopted a sphere of influence for the City of Pismo Beach that includes the subject territory; and

WHEREAS, on December 19, 2011, the Executive Officer filed a Certificate of Filing to accept and consider the proposal for Annexation No. 15 to the City of Pismo Beach (LRDM); and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on January 19, 2012, and the public hearing was duly conducted and determined and a decision was made on January 19, 2012; and

WHEREAS, at said hearing this Commission heard and received all oral and written

protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said proposal and report; and

WHEREAS, the City of Pismo Beach certified the Los Robles Del Mar Specific Plan FEIR in April of 1996, a SEIR in February 2004, and an Addendum on August 2, 2011 and LAFCO is a Responsible Agency using these CEQA documents; and

WHEREAS, the site-specific environmental issues at LRDM have not significantly changed since the EIR Documents were approved. Therefore, the existing documents provide an adequate evaluation of the conditions, impacts, and alternatives for use by LAFCO; and

WHEREAS, the Final Environmental Impact Reports and Addendum prepared by the City of Pismo Beach, the Mitigated Negative Declaration prepared by the County of San Luis Obispo for the Coastal Christian School Site, and the Mitigated Negative Declaration for the Sphere of Influence Update certified by LAFCO have been duly prepared, noticed, and submitted for consideration by this Commission; and

WHEREAS, the Commission finds, based upon the information submitted and received prior to and at the public hearing, that the Environmental Documentation is adequate for approving this annexation; and

WHEREAS, the Commission has considered all factors required to be considered by Government Code Sections 56668 et seq. and adopts as its written statements of determinations therein, the determinations set in the Executive Officer's report dated January 19, 2012, and said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the proposal to annex territory to the City of Pismo Beach be approved without a further protest hearing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency

Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the environmental documentation prepared by the City of Pismo Beach for the Los Robles Del Mar Specific Plan, by the County of San Luis Obispo Mitigated Negative Declaration for the Coastal Christian School, and by LAFCO for the Sphere of Influence Update having been prepared in accordance with the provisions of the California Environmental Quality Act and is hereby determined to be adequate for the Commission’s actions on this annexation.
3. That the Commission hereby adopts the attached Findings of Fact found in Exhibit A and attached hereto according to the California Environmental Quality Act.
4. That the map and legal description approved by this Commission is attached hereto, marked as Exhibit B and incorporated by reference herein as though set forth in full.
5. That the Commission hereby adopts the attached Conditions of Approval found in Exhibit C attached hereto.
6. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
7. That Annexation No. 15 to the City of Pismo Beach (LRDM) should be approved.

Upon a motion of Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

AYES: Commissioners

NAYS: Commissioners

ABSENT: Commissioners

ABSTAINING: Commissioners

The foregoing resolution is hereby adopted

Chairperson _____
Local Agency Formation Commission

ATTEST:

David Church, AICP
Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Raymond A. Biering
LAFCO Legal Counsel

DRAFT

Exhibit A

FINDINGS OF FACT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR LAFCO 01-R-11 Los Robles Del Mar Annexation #15 to the City of Pismo Beach

The following statement of fact and findings and overriding considerations are adopted by the San Luis Obispo Local Agency Formation Commission (SLOLAFCO) pursuant to the California Environmental Quality Act (CEQA). A Responsible Agency has the responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project for which it has jurisdiction over. In this case SLOLAFCO is responsible for considering the annexation of the Los Robles Del Mar properties into the City of Pismo Beach. The impacts of the project have been evaluated and mitigated as documented in the Environmental Documentation referenced below. The Responsible Agency shall make findings for each significant impact of the project and adopt a statement of overriding considerations if necessary.

I. CONSIDERATION OF THE ENVIRONMENTAL DOCUMENTATION

The San Luis Obispo Local Agency Formation Commission (the Commission), acting in its capacity as a Responsible Agency under CEQA, certifies that it has had access to and considered the environmental documentation regarding Los Robles Del Mar Specific Plan, including:

- Mitigated Negative Declaration for 2011 Sphere of Influence Update for the City of Pismo Beach certified by LAFCO in October 2011.
- Addendum to the Certified Final Environmental Impact Report and Final Supplemental EIR (SCH 1996103448)-Certified by the City of Pismo Beach in August 2011. Incorporates all of the environmental documentation listed below.
- Mitigated Negative Declaration-Coastal Christian School, Certified by the County of San Luis Obispo in December 2010
- Final Supplemental Environmental Impact Report (EIR) Certified by the City of Pismo Beach in December 2004
 - Resolution No. R-04-009 of the City of Pismo Beach to Certify the Final Supplement to the Final Environmental Impact Report (SCH 1996103448), Adopted CEQA Findings, Statement of Overriding Considerations, etc.
- Final Environmental Impact Report (EIR) Certified by the City of Pismo Beach in December 1996.

The above documents shall be referred to as “Environmental Documentation” throughout these Findings. The Commission has received and considered the information contained in the Environmental Documentation prior to considering the annexation proposal. The Commission finds that its approval of the annexation reflects its independent judgment.

The proposed project for LAFCO consideration involves the annexation of two parcels described in

the Los Robles Del Mar Specific Plan approved by the City and in the LAFCO Staff Report. The purpose of the annexation is to allow the City to implement the Specific Plan as approved by the City of Pismo Beach. The annexation of these parcels changes the jurisdictional authority and allows for the City's land use authority to govern the area through the approved Specific Plan and other General Plan Policies.

The current zoning under the County's General Plan for the annexation area is Rural Lands. The City has rezoned the 182 acres as follows: 64 acres would be zoned for residential (312 potential units; 2.9 acres of high density (60 senior units), 61.1 acres at low densities) 27.4 acres would be zoned Public/Semi Public with 20 acres dedicated as road right of way, 69.8 acres for parks and Conservation/Open Space. Also the City has identified 38 acres as Open Space (Oak Woodland, and Pismo Clarkia Preserve) that will be conditioned to record a conservation easement allowing for more protection than if the area were in the County.

The Environmental Documentation for the Los Robles Del Mar Specific Plan is hereby incorporated into these findings in its entirety.

II. FINDINGS OF FACT

A. ENVIRONMENTAL REVIEW PROCESS

The Environmental Documentation referenced above was prepared by the City of Pismo Beach, County of San Luis Obispo and San Luis Obispo LAFCO. The City certified the Addendum, Final and Supplemental EIRs for the project. The County certified the Mitigated Negative Declaration for the Coastal Christian school. In addition, LAFCO adopted a Mitigated Negative Declaration for the recently approved Sphere of Influence Update in October 2011. The City adopted Findings of Facts and a Statement of Overriding Considerations for the project. The Environmental Documentation evaluated the environmental impacts of the proposed Specific Plan which designated the use of land located within the 182 acre area which is within the City's Sphere of Influence. The planned uses include 312 total residential units with 60 units of these being designated for Affordable Senior Housing. The Coastal Christian Private School is proposed on the 28-acre property adjacent to the City and already has obtained County land use approvals and completed the environmental review process.

The Environmental Documentation for the overall project environmental impacts found that development within the Specific Plan area could have adverse impacts. Mitigation measures to reduce the impacts were incorporated into the project approval as conditions of approval. Additional conditions that reduce the impacts of the project were approved by the City. The conditions are found in the 2011 Addendum to the EIRs prepared and approved by the City. It should be noted that the Addendum to the EIRs reviewed and incorporated the mitigation measures and conditions that were identified in prior environmental documents completed for the project. The Addendum also focused on the issues of traffic and water and provided additional documentation for these issues.

B. ENVIRONMENTAL IMPACTS

The Environmental Documentation for the project was prepared with the City of Pismo Beach as Lead Agency. The Mitigated Negative Declaration for the Coastal Christian School was prepared by County of San Luis Obispo for this site and project. These documents evaluated the project and identified impacts in the environmental categories listed in the Environmental Checklist. The Addendum (which reviews the environmental documentation) finds that no impacts were found beyond what had been previously studied in the prior Environmental Documentation prepared for the project. In other words, the previously completed Environmental Documentation adequately

analyzed the impacts and identified suitable and appropriate mitigation.

The Addendum confirmed that the CEQA documentation for this project was adequately prepared and continues to be relevant to the project impacts. The Addendum also considered the approved conditions of approval and mitigation and updated the conditions of approval to reflect the current situation. LAFCO's MND also required mitigation in regard to Water, Build-out, and Agriculture/Open Space. This mitigation was applied as Conditions of Approval placed on the Sphere of Influence and approved by LAFCO.

III. POTENTIAL ENVIRONMENTAL IMPACTS THAT ARE NOT SIGNIFICANT

The Environmental Documentation determines mitigation measures that would avoid or reduce some of the identified significant effects to less-than-significant levels. These measures are incorporated by the City as conditions of approval on the project. CEQA does not require any specific findings with regard to less than significant environmental effects. The Environmental Documentation identified the following impacts as less than significant:

- Energy
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Recreation
- Risk of Upset/Hazardous Materials

Consequently, no mitigation measures are required; however the City imposed conditions on the project approvals that will further reduce those less than significant impacts. Those conditions are found in the Addendum which is incorporated by reference.

IV. POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT LEVELS THROUGH MITIGATION MEASURES

The following impacts have been mitigated to a level of insignificance. The adopted mitigation measures and conditions of approval will avoid or substantially reduce the magnitude of the following impacts:

Aesthetics/Visual Resources

Project Impact: Future development would alter the visual qualities of the Annexation Area and would adversely affect views from surrounding residential neighborhoods.

Finding: As lead agency, the City has required mitigation for impacts to Aesthetics/Visual Resources that reduces the impacts to a less than significant level. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Aesthetics/Visual Resources are associated with the project as approved by the City, not with the annexation action taken by LAFCO. The City maintains sole responsibility for imposition of, and compliance with, the mitigation measures specified in the previously certified EIRs and listed in the Addendum. The annexation does not change the analysis or conclusions of the

previously certified CEQA documents.

Mitigation: VR-1, VR-2

Conditions: 50, 51, 52, 78, 87, 88, 97, 98,99

Agricultural Resources

Project Impact: Future development would facilitate the conversion of this area that has previously been used on a limited basis for grazing. The area is considered non-prime agricultural land. The County Agricultural Commissioners Office is concerned about impacts to groundwater resources and land use compatibilities. The Commissioner's Office recommended that State Water be used for all of the projects water supply demands. It also recommended an agricultural buffer for the 326-acre property to the northwest be established.

Finding: The City has adopted conditions/mitigation to reduce the impacts on Agricultural Resources to less than significant. LAFCO has required that the Oak Park Aquifer be prohibited from any use associated with project. The City has adopted a condition (#39) that requires the Specific Plan to incorporate the Agricultural Commissioner's recommendations. LAFCO's SOI Conditions require that proposed Open Space/Preservation areas be preserved under a Conservation Easement. The City maintains responsibility for imposition of, and compliance with, the mitigation measures specified in the previously certified EIRs and listed in the Addendum. The annexation does not change the analysis or conclusions of the previously certified CEQA documents.

Mitigation: AG-1 through AG-6

Conditions: 38, 39, 40, 41, 42, 43, 77; LAFCO SOI Conditions 3a., 3b.

Air Quality

Project Impact: Construction emissions for NOx and PM10 would exceed both daily and quarterly thresholds.

Finding: As lead agency the City has required mitigation for impacts to Air Quality that reduces the impacts to a less than significant level. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Air Quality are associated with the project as approved by the City, not with the annexation action taken by LAFCO. The City maintains sole responsibility for imposition of, and compliance with, mitigation regarding impacts to air quality.

Mitigation: AQ-1 through AQ17

Conditions: 1, 2, 3, 4, 5, 14, 15, 16, 79, 80, 81, 83, 84, 85, 86, 93, 94, 95, 96

Biology

Project Impact: The development of the proposed project would result in the loss of hillside seep wetlands and approximately 270 linear feet of waters of the U.S. The proposed project would result in the removal of the approximately 137 coast live oaks.

Finding: As lead agency the City has required mitigation for impacts to biological resources that

reduces the impacts to a less than significant level. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Biological Resources are associated with the project as approved by the City, not with the annexation action taken by LAFCO. The City maintains sole responsibility for imposition of, and compliance with, mitigation and conditions regarding impacts to biological resources.

Mitigation: VR-1, VR-2, BIO-1 through 8

Conditions: 21, 22, 23, 24, 25, 26, 27, 28, 44, 50, 51, 52, 63, 85, 86, 87, 88

Cultural Resources

Project Impact: There are no known or anticipated Cultural Resources within the Project Site, however construction activities could disturb any resources that are on the site.

Finding: The City has included mitigation even though Cultural Resources have not been identified. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Cultural Resources are associated with the project as approved by the City, not with the annexation action taken by LAFCO. The City maintains sole responsibility for imposition of, and compliance with, mitigation and conditions regarding impacts to biological resources.

Mitigation: CR-1

Conditions: 82, 89, 100

Greenhouse Gas Emissions

Project Impact: The proposed project would result in an increase in greenhouse gas emissions.

Finding: LAFCO does not have the authority to require mitigation for impacts to Greenhouse Gas Emissions. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Greenhouse Gas Emissions are associated with the project as approved by the City, not with the annexation action taken by LAFCO. As lead Agency, the City maintains sole responsibility for imposition of, and compliance with, mitigation and conditions regarding direct project impacts to Greenhouse Gas Emissions.

Mitigation: Energy, Air Quality

Conditions: 1-5, 11, 14, 15, 16, 76, 79, 80, 81, 93, 94, 95, 96, 100.

Hydrology and Water Quality

Project Impact: The proposed project would result in an increase in impervious surfaces, increasing runoff volumes and could impact on site and adjacent properties. The runoff would also impact the Meadow Creek Watershed Area and the Pismo Marsh Ecological Preserve. The on-site groundwater well could be used as a water supply to serve the project.

Finding: The City has addressed the potential impacts to the groundwater basin known as the Oak Park Aquifer. The City will be providing water from its existing water supply to offset project use. The property has obtained a 100 afy allocation of State Water as a supply for the project. The mitigation

and conditions of approval for the City's Sphere Of Influence prohibit the use of the Oak Park Aquifer as a water supply. LAFCO conditions on this annexation As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. The City and LAFCO has responsibility for imposition of, and compliance with, mitigation and conditions regarding direct project impacts to Hydrology and Water Quality.

Mitigation: DR-1 through DR-6

Conditions: 17, 18, 19, 20, 21, 59, 60, 61, 63, 85, 86, 100; LAFCO SOI Conditions of Approval 1a., 1b.

Public Services

Project Impact: Fire Protection would increase demand on an already understaffed fire department. Communications equipment is currently not adequate and the department would need wildland fire-fighting equipment. The proposed development would result in the increased need for police services, particularly in regard to the school site. The proposed project would generate approximately 87 students in the Lucia Mar School District.

Finding: The City has addressed the potential impacts to the fire protection, police, and school services through mitigation and conditions of approval. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. The applicant is responsible for upgrading facilities, increasing services and/or paying fees to ensure that these impacts are less than significant.

Mitigation: PS-5 through PS-9

Conditions: 33, 34, 35, 36, 37, 49, 62, 64, 65, 66, 67, 68, 69, 70, 71, 90, 100, 102

Transportation and Circulation

Project Impact: The Environmental Documentation evaluated the impacts of the project on transportation and circulation and found several significant impacts that could be reduced to less than significant through mitigation.

Finding: The City prepared an updated traffic analysis in 2010 to include in the Addendum to the EIRs. This analysis found that the impacts would remain less than significant if the mitigation and conditions were implemented as proposed by the City and applicant. The County prepared a traffic analysis for the approval of the Coastal Christian school which included a MND. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Impacts to Transportation and Circulation are associated with the project as approved by the City, not with the annexation action taken by LAFCO. As lead agency the City maintains responsibility for imposition of, and compliance with, mitigation regarding impacts to transportation and circulation. The mitigation for the Coastal Christian project would be implemented by the County until the annexation is completed, at such time the City would enforce this mitigation.

Mitigation: T-1 through T-9, P-1, P-2, P-3, C-1, C-2, C-3

Conditions: 6, 7, 8, 9, 10, 11, 12, 13, 45, 58, 83, 84, 102, 103, Condition H-Developers Agreement

Utilities and Service Systems

Project Impact: The Environmental Documentation evaluated the impacts of the project on Utilities and Services Systems and found several significant impacts that could be reduced to less than significant through mitigation. Impacts were identified regarding Storm Drainage, Wastewater, Water Supply, and Solid Waste.

Finding: The City analyzed the Water Supply and Demand for the project in the Addendum to the Final and Supplemental EIRs. The City Engineer has reviewed a revised water demand calculation for the project and determines that the demand of 105.6 afy for the project is accurate and can be used for planning purposes. The City has approved and the applicant has purchased a 100 afy allocation of State Water from another property owner in the area. The overall water supply available to the City is 2,836 afy. Current water demand is 2,156 afy. The City's analysis found that it could provide adequate water service to the proposed project in the long term. Impacts would remain less than significant if the mitigation and conditions were implemented as proposed by the City and applicant. The County prepared a water analysis for the approval of the Coastal Christian school which included limited use of an on-site well. The on-site well would be deed restricted and cannot be used by the City for any purpose. As lead agency the City maintains responsibility for imposition of, and compliance with, mitigation regarding impacts to Utilities and Service Systems. The County is responsible for imposition of, and compliance with, mitigation regarding impacts to Utilities and Service Systems for the Coastal Christian project. If annexed the City would enforce the County mitigation.

Mitigation: PS-1, PS-2, PS-3, PS-4

Conditions: 6, 7, 29, 30, 31, 32, revised 46, 47, 57, 72, 73, 102 Developer Agreement Conditions A, F, G; LAFCO SOI Condition 1a. 1b.

V. SIGNIFICANT UNAVOIDABLE IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

Air Quality

Project Impact: Long-term emissions associated with buildout (operation) of the Proposed Project will exceed thresholds for ROG, Co, and NOx.

Finding: The impact has been identified as significant and unavoidable and cannot be mitigated to a level of insignificance. Mitigation and conditions to reduce impacts to extent possible have been adopted by the lead agency. This City adopted a Statement of Overriding Consideration for this impact.

Mitigation: AQ-1 through AQ17

Conditions: 1, 2, 3, 4, 5, 14, 15, 16, 79, 80, 81, 83, 84, 85, 86, 93, 94, 95, 96

Biological Resources

Project Impact: Approximately .07 acres of Pismo clarkia are located within the grading areas and will be removed or otherwise impacted as a result of the project. Any loss of the Pismo Clarkia is considered significant and unavoidable.

Finding: The impact has been identified as significant and unavoidable and cannot be mitigated to

a level of insignificance. Mitigation and conditions to reduce impacts to extent possible have been adopted by the lead agency. The project will preserve 38.6 acres of open space for an Oak Woodland and Pismo Clarkia preserve. This City adopted a Statement of Overriding Consideration for this impact.

Mitigation: BIO-6, BIO-7

Conditions: 1, 2, 3, 4, 5, 14, 15, 16, 79, 80, 81, 83, 84, 85, 86, 93, 94, 95, 96

VI. GROWTH INDUCING IMPACTS

CEQA requires a discussion of how a project would induce growth within the area. A project is considered growth inducing if it directly or indirectly causes economic or population growth, or the construction or additional housing. The proposed project would add a total of 312 units to the City at build out. Of these 312 units, 60 will be designated as high density affordable senior housing. The balance of the units will be low density residential with lot sizes ranging from 5,000 square feet to one acre. The plan also calls for 32 acres to be designated as open space with trails. An additional 39 acres shall be designated as and Oak Woodland and Pismo Clarkia Preserve.

The Environmental Documentation for the project did not identify any significant impacts with regard to population and housing. The project is consistent with the City's Growth Management Element and its policies and regulations. The City's General Plan anticipates the project being added to the City as does the Sphere of Influence determined by LAFCO. Because the LRDM and Coastal Christian School are already provided for in the City's General Plan, it will not result in substantial or unplanned population or housing growth. Also, the project will not induce growth in nearby areas because the public services, utilities and infrastructure serving the site would not be extended beyond this site.

VII. EVALUATION OF ALTERNATIVES

The City completed an evaluation of alternatives as required by CEQA. The EIRs analyzed three alternatives, in addition to the No Project alternative. LAFCO does not have the authority to choose which alternative is approved by the City.

Alternative #1 provided for a 17-acre Pismo clarkia preserve in the northwestern portion of the site, with 303 smaller residential lots. The EIR biologist concluded that significant and unavoidable impacts would still result to the Oak Woodland/Pismo clarkia resources on site. Unavoidable long-term air quality impacts would still occur with implementation of this alternative. Other impacts would remain almost the same for this alternative as for the original project.

Alternative #2 would have provided for a 24-acre Pismo clarkia preserve area, with the rural lots being reduced in size and relocated to the borders of the site. The EIR biologist indicated that this alternative would reduce impacts to the Pismo Clarkia to Class II (significant but mitigable). However, this alternative would not serve to reduce the unavoidable air quality impacts. Other impact areas would not be altered or shifted to other significance levels for this alternative compared to the original project.

Alternative #3 would have eliminated all residential development in the northern portion (63 acres) of the site, thereby preserving much of the Oak Woodland/Pismo clarkia habitat area. This alternative would have resulted in the elimination of 52 residential lots. Implementation of this alternative would have reduced the Class I unavoidable impact to the Pismo clarkia habitat to a less than significant level and reduce the Class II impacts to the Oak Woodland area. In addition, the reduction of overall density by 52 units would reduce impacts in all areas with the exception of air quality, which

would remain unavoidable and significant.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A Statement of Overriding Considerations is only required if a significant unavoidable impact comes under the purview of the Responsible Agency. A Responsible Agency considers only the effects of those activities involved in a project over which the Responsible Agency has jurisdiction. As a Responsible Agency, LAFCO is responsible for considering the impacts associated with the annexation action of this project. Many of the project impacts are associated with the project as approved by the City, not with the annexation action taken by LAFCO. The following Significant Unavoidable Project Impacts are not under LAFCO's purview for this project:

- Air Quality. Long-term emissions associated with buildout (operation) of the Proposed Project will exceed thresholds for ROG, Co, and NOx.
- Biological Resources. Approximately .07 acres of Pismo clarkia are located within the grading areas and will be removed or otherwise impacted as a result of the project. Any loss of the Pismo Clarkia is considered significant and unavoidable.

CEQA calls for San Luis Obispo LAFCO to adopt a Statement of Overriding Considerations only "if necessary". LAFCO is not required to adopt a Statement of Overriding Considerations in this case because the significant unavoidable impacts do not come under LAFCO's approval authority. The City has already adopted a Statement of Overriding Considerations in regard to these impacts. That Statement, as previously cited, is incorporated into this document by reference.

Mitigation Monitoring/Reporting Program.

LAFCO recognizes that the City Council has adopted a Mitigation Monitoring/Reporting program in conformance with CEQA. The program is to 1) verify compliance with the mitigation measures, 2) document implementation of the mitigation, 3) provide a record of the monitoring program, 4) identify monitoring responsibility 5) establish procedures for compliance with mitigation measures, and 6) establish monitoring processes. LAFCO will receive mitigation monitoring reports which relate to any LAFCO issues or concerns.

IX. ADDITIONAL FINDINGS

The Commission has reviewed and considered the environmental effects of the project as reflected in the Environmental Documentation for the Los Robles Del Mar Annexation.

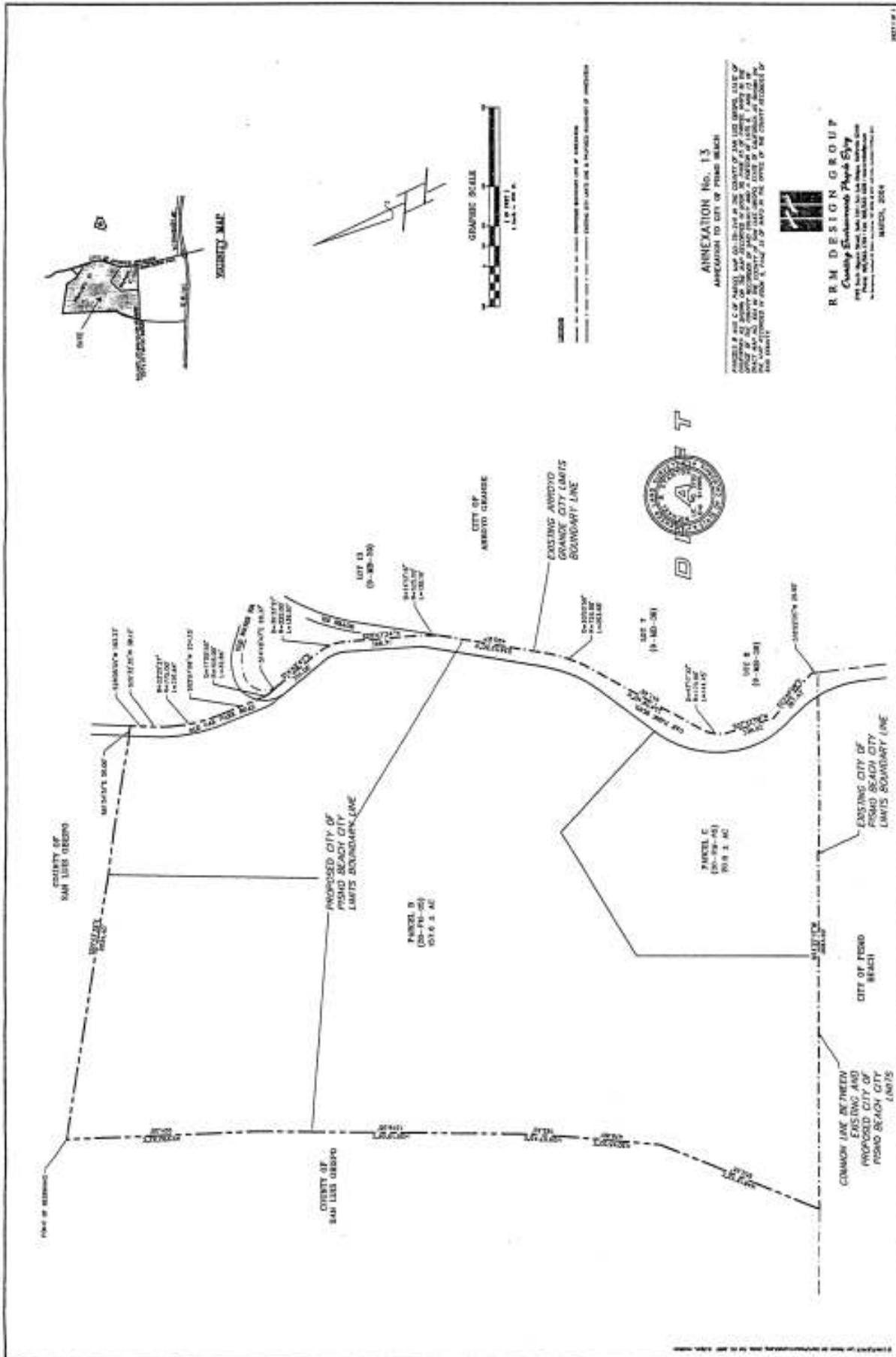
The Commission finds that the Environmental Documentation is adequate for use by the Commission in its role as a Responsible Agency.

The Commission further finds that there are no feasible alternatives or mitigation measures within its authority to impose that would substantially lessen or avoid any potential environmental effect of the project.

Exhibit B

Map and Legal Description

DRAFT



DATE: 10/15/12. SHEET NO. 15 OF 15. THE INFORMATION ON THIS SHEET IS UNRECORDED.

Exhibit C

Conditions of Approval

1. Prior to filing the Certificate of Completion with the County Clerk, the proponent shall submit to LAFCO documentation that a perpetual open space/conservation easement is recorded on all the areas zoned by the City as Open Space in the Los Robles Del Mar Specific Plan. The easement shall be reviewed and approved by the Executive Officer and LAFCO Counsel prior to it being recorded on the property by the City.
2. Prior to filing the Certificate of Completion with the County Clerk, the City and property owner shall record a Covenant and Agreement on the property prohibiting the use of the groundwater aquifer (upper or deeper aquifer) by any person or entity for any purpose on the 182-acre Los Robles Del Mar annexation site (except as allowed and conditioned by the County in the permit for the Coastal Christian School). The Covenant and Agreement shall be reviewed and approved by the Executive Officer and LAFCO Counsel prior to it being recorded on the property.
3. Prior to filing the Certificate of Completion with the County Clerk, the existing on-site wells shall be permanently and properly abandoned pursuant to California Well Standards Bulletin 74-81. The City shall submit documentation to the LAFCO Executive Officer for approval certifying that the wells have been permanently abandoned as documented and attested to by a licensed engineer.