

**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
FEBRUARY 21, 2008**

Call to Order:

The San Luis Obispo Local Agency Formation Commission was called to order at 9:01 a.m. on February 21, 2008 in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Vice Chairman David Brooks.

Commissioners Present: Vice Chairman David Brooks, Bruce Gibson, Barbara Mann, Duane Picanco, Katcho Achadjian and Alternate Commissioners Ed Eby, Tom Murray

Commissioners Absent: Chairman Richard Roberts, Commissioner Allen Settle, and Alternate Commissioners Gary Nemeth and James R. Patterson

Staff:

Paul L. Hood, Executive Officer, David Church, Deputy Executive Officer, Raymond A. Biering, LAFCO Legal Counsel, Donna J. Bloyd, Commission Clerk.

Pledge of Allegiance - led by Vice Chairman Brooks

Approval of Minutes: Motion was made and seconded to approve the draft minutes of January 17, 2008 with one correction.

Non-Agenda Public Comments:

Amanda Rice, 2220 Ardath Drive, Cambria, CA 93428, spoke about the importance of a Municipal Service Review ("MSR") for the Cambria Community Services District and asked when LAFCO would be updating the Cambria Community Services District's MSR.

Commissioner Gibson asked LAFCO Executive Officer Paul Hood when the update was expected to begin.

Mr. Hood stated that a letter requesting information for the update had been sent to four districts and that the updates would begin when the information was received at LAFCO. Each district has 30-45 days to respond to the request for information. Mr. Hood stated that all the updates should be completed within six months.

Consent Agenda:

Item A-1 LAFCO File 3-R-07: Consideration of Annexation No. 8 to the Cayucos Sanitary District (Michie).

There was no discussion of this issue by Commissioners and no public comment.

Motion was made by Commissioner Achadjian to approve the Consent Agenda. Commissioner Gibson seconded the motion.

The motion carried with a unanimous voice vote.

Regular Matters:

Item B-1 LAFCO File 2-R-05: Continued from the January 17, 2008 Meeting – Denial of Annexation No. 14 to the City of Pismo Beach (Los Robles del Mar)

LAFCO Executive Officer Paul Hood introduced this item stating that at the January 17, 2008 meeting, the Commission had directed LAFCO staff to prepare Findings for Denial. The Findings of Denial were presented to the Commission in the Staff Report.

Mr. Hood stated that the evidence found in the administrative record supported the decision to deny the annexation.

Mr. Hood asked Mr. Raymond A. Biering, LAFCO Legal Counsel, to summarize the item for the Commission.

Mr. Biering stated that at today's meeting the Commission had before it the issues of considering the Findings for Denial; Certifying or not certifying the SEIR, and Adopting the Findings for Denial without Prejudice.

Mr. Biering further stated that at the January 17, 2008 meeting, the Commission had open and closed the public hearing on the proposed annexation and received a large amount of public input. Prior to that meeting Commissioners had received studies, reports, and environmental documentation, the Final Supplemental Environmental Report, and letters from the public and other entities regarding the issue.

Mr. Biering stated that one outstanding issue that arose in the past couple of days was considering the Request for Continuance from Larry Persons, Pacific Harbor Homes, the property owner.

Mr. Biering stated that the Commission might consider its position since a continuance would make today's hearing moot.

Mr. Biering reminded the Commission that the public hearing regarding this issue was closed, but the Commission had the discretion to reopen it. He stated that the Commission's decision today would be the final decision on the project and that the property owner (Larry Persons, Pacific Harbor Homes) is not the project applicant. The City of Pismo Beach is the project applicant.

Bob Fowler, 6180 Pozo Road, Santa Margarita, CA 93453 spoke on behalf of Larry Persons stating that there were sufficient online water sources in the City of Pismo Beach for the project with a buffer as well. He stated that Kevin Rice, City of Pismo Beach Manager was in error when he stated that there was not sufficient water.

Mr. Fowler further stated that the reports regarding the project were contradictory and erroneous. He asked the Commission to approve the annexation or continue the matter.

There was discussion among the Commissioners regarding continuance and what that would mean for the property owner.

Commissioner Achadjian asked if the City of Pismo Beach agreed with the Request for a Continuance.

Mr. Hood stated that the City had not requested a continuance and that there were no proposals from the City of Pismo Beach to provide water to this project.

Mr. Hood further stated that by approving a denial without prejudice, the Commission was leaving the option open for the property owner to reapply for an annexation at any time rather than wait for one year as provided in the Government Code.

There was discussion among the Commissioners and LAFCO staff regarding the denial without prejudice.

Vice Chairman Brooks opened the meeting to the public for comments regarding the Request for Continuance only.

Christine Harvey, 285 East Ormonde Road, Arroyo Grande, CA 93420, spoke asking the Commission to deny the annexation.

Harry Goodnight, 170 Vista Circle, Arroyo Grande, CA 93420, stated that the Oak Park Homeowners' Association voted to present a resolution asking LAFCO to formalize the denial of the project and not to certify the SEIR.

Motion was made by Commissioner Gibson to deny the annexation, adopt the Findings for Denial without Prejudice and to not certify the SEIR.

Vice Chairman Brooks asked LAFCO Legal Counsel Ray Biering to summarize and clarify the motion before the Commission.

Mr. Biering stated that the issues in the motion were to deny the annexation, adopt the Findings for Denial without Prejudice and to not certify the SEIR.

Commissioner Picanco stated that he hoped there was a middle ground. Not seeing one, he was in favor of denial without prejudice.

Vice Chairman Brooks called for the question.

Commissioner Mann seconded the motion.

AYES: Commissioners Gibson, Mann, Achadjian, Murray, Picanco, and Vice Chairman Brooks

NOES: None

ABSTAIN: None

The motion carried with a unanimous roll call vote.

Commissioner Comments: None

Legal Counsel Comments: Mr. Biering reminded the Commissioners that Mr. Hood's evaluation would be presented within the next few months and that evaluation forms would be

mailed shortly. He asked that the Commissioners complete and return the evaluation forms to his office.

Executive Officer Comments: Mr. Hood stated that he had distributed the CALAFCO calendar and asked the Commissioners to make a note of the 2008 Annual Staff Conference scheduled for September 2-5 in Universal City.

Adjournment: With no further business before the Commission, the meeting adjourned at 9:35 a.m. until the next meeting scheduled for March 20, 2008 at 9:00 a.m. in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo.

THESE MINUTES ARE NOT OFFICIAL NOR ARE THEY A PERMANENT PART OF THE RECORD UNTIL THEY ARE APPROVED BY LAFCO COMMISSIONERS AT THE NEXT REGULAR MEETING.

Respectfully submitted,

Donna J. Bloyd, Commission Clerk.