



**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
MEETING MINUTES FOR
FEBRUARY 17, 2011**

Call to Order:

The San Luis Obispo Local Agency Formation Commission meeting was called to order at 9:00 a.m. on Thursday, February 17, 2011 in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Chairman Richard Roberts.

Roll Call:

Present: Chairman Richard Roberts, Vice Chairman Bruce Gibson, Commissioners Muril Clift, Ed Eby, James R. Patterson, Duane Picanco, Kris Vardas, and Alternate Commissioner Roberta Fonzi

Absent: Alternate Commissioners Frank Mecham and Tom Murray

Staff:

David Church, LAFCO Executive Officer, Raymond A. Biering, LAFCO Legal Counsel, Mike Prater, LAFCO Analyst, Donna J. Bloyd, LAFCO Commission Clerk.

Pledge of Allegiance: Led by Commissioner Patterson

Approval of Minutes: Motion was made, seconded and passed, to approve the minutes of January 20, 2011.

Non-Agenda Public Comments

Fred Collins, Tribal Administrator, Northern Chumash Tribal Council, 67 South Street, San Luis Obispo, CA 93401. Mr. Collins stated that the Tribal Council is opposed to development in Price Canyon because of water availability and added traffic development would cause in the canyon.

Eric Greening, 7365 Valle Avenue, Atascadero, CA 93422. Mr. Greening stated that he is opposed to development in Price Canyon and referred the Commission to the Water Resources Advisory Board.

Consent Agenda:

No Items

Special Matters:

Item A-1: LAFCO File No. 3-S-09, Status Report for the Municipal Service Review and Sphere of Influence Update for the City of Atascadero

David Church LAFCO Executive Officer introduced this item. A PowerPoint presentation was provided by LAFCO Analyst, Mike Prater.

Mr. Church stated that the Administrative Draft of the Sphere of Influence Update/ Municipal Service Review (SOI/MSR) had been sent to the City of Atascadero (City) for staff review.

The SOI/MSR for the City was prepared in 2003. It consisted of analyses of municipal services: water, sewer, roads, parks, fire protection, police protection, etc. The SOI/MSRs are required by the Cortese-Knox-Hertzberg Act (CKH Act).

Mr. Church noted several action items for the City's SOI/MSR Update. He added that the Public Review Draft of the SOI/MSR will be published in March or April 2011 and will come before the Commission in June or July 2011.

Mr. Church stated that the City is working on a Specific Plan for the Eagle Ranch area. It consists of 3,500 acres of 452 existing lots-of-record and that 85% is planned for the site is preservation as open space. The original colony lots would be reconfigured into clustered lots ranging from 8,000 square feet to one-acre lots. The site would include a village center including small-scale retail/offices. There would also be multi-family residential dwellings including affordable units/senior housing.

Commissioner Patterson stated that the project's representative, Victor Montgomery, was in the audience and that the City had authorized a contract with an Environmental Impact Report (EIR) consultant.

Commissioner Vardas asked about the areas that would be left in open space and build-out on the project site.

Vice Chairman Gibson stated that he would be interested in hearing comments about the project from Mr. Montgomery. He also asked if LAFCO would be doing a separate CEQA analysis of the project.

Mr. Church stated that LAFCO would be completing its own CEQA analysis for the SOI/MSR and that if there were no substantial changes, an exemption may be appropriate.

Mr. Victor Montgomery, RRM Design, San Luis Obispo, CA. Mr. Montgomery stated that there was not a reduction in the number of lots from the 452 shown. He stated that there would probably be more because the City has an affordable housing requirement that must be met and that there would probably be 90 units of affordable housing for this project.

Public Comments:

Fred Collins, Tribal Administrator, Northern Chumash Tribal Council, 67 South Street, San Luis Obispo, CA 93401. Mr. Collins stated that the Northern Chumash Tribal Council had worked with Rob Rossi on the Santa Margarita Ranch project, which was rich in tribal resources and that he anticipated a positive relationship with the City staff while working on the Eagle Ranch project, which is also rich in tribal resources. He stated that meetings had already been held with Warren Frace and the project applicant.

Eric Greening, 7365 Valle Avenue, Atascadero, CA 93422. Mr. Greening had questions about the timing of the City's EIR and the tribal resources in various areas within the project's boundaries as well as policies regarding placement of the highway/commercial area

Mr. Church responded to Mr. Greening's questions.

Ms. Roberta Fonzi, LAFCO Alternate City Member. Ms. Fonzi spoke as a member of the City of Atascadero's Council. Ms. Fonzi stated that there were many issues with the site and that the City was going forward with the EIR in order to address those issues.

Commissioner Picanco stated that there were already residences on the property and asked how many there were.

Ms. Fonzi estimated that there were most likely 5-10 residences that were currently located within the area.

Motion was made by Commissioner Picanco to receive and file Item A-1.

Commissioner Patterson seconded the motion.

The motion passed unanimously with a voice vote.

Item A-2: Status Report Regarding State Legislation Potentially Affecting LAFCO

Mr. Church introduced this item. Mr. Prater provided a PowerPoint presentation.

Mr. Church stated there are a number of bills that may affect LAFCO being considered by the State Legislature. CALAFCO's Legislative Committee monitors, reviews, and takes positions on the legislation. The Legislative Committee makes recommendations to the CALAFCO Board of Directors. Mr. Church gave a brief review of Draft 2011 Legislative Policies that will be considered by the CALAFCO Board of Directors.

Mr. Church reported on the Omnibus Bill. It is an annual bill sponsored by CALAFCO that makes non-substantive changes to the CKH Act.

Mr. Church gave brief reports on several bills that may affect LAFCO.

Commissioner Patterson asked about Outside User Agreement (OUA) potentially causing sprawl.

Mr. Church responded to Commissioner Patterson's questions.

Mr. Ray Biering, LAFCO Legal Counsel stated that the approved LAFCO OUA's were based on public health and safety and were not considered growth-inducing annexations.

Commissioner Picanco stated that at one time the TCSD purchased water from smaller acreages and used those wells to enlarge its SOI. Commissioner Picanco also had questions about other legislative items.

Mr. Church responded to Commissioner Picanco's questions.

Commissioner Eby stated that sometimes the OUA process is abused for the enrichment of the users who developed onsite water. He stated that the Nipomo Community Services District (NCSD) had examples of persons obtaining OUAs for this purpose.

Commissioner Eby asked which entity regulates mutual water companies.

Mr. Church responded that the California Department of Corporations was the entity in charge and that mutual water companies must comply with the Department's standards.

Mr. Biering stated that mutual water companies are corporations and the water users are shareholders in the corporation and the mutual water companies do not fall within LAFCO's jurisdiction.

Commissioner Clift noted the California Special District Association's (CSDA) position on SB 54.

There were additional Commissioner questions and comments about the legislative program.

Motion was made by Commissioner Picanco to receive and file Item A-2.

Commissioner Clift seconded the motion.

The motion passed unanimously with a voice vote.

Item A-3: Changes to the San Luis Obispo LAFCO's Policies and Procedures 2011

Mr. Church introduced this item. Mr. Prater provided a PowerPoint presentation.

Mr. Church stated that LAFCO is required by the state to have written policies to implement the CKH Act. LAFCO Staff has recently reviewed the local policies and procedures for the San Luis Obispo LAFCO. The changes that were made to the current policies and procedures are procedural changes that relate to the implementation of state law. Only minor changes were made and the proposed changes are shown in the Policies and Procedures document.

There were questions from Commissioners Picanco, Vardas and Vice Chairman Gibson regarding the minor changes.

Mr. Church responded to those questions.

Motion was made by Commissioner Picanco to receive and file Item A-3.

Commissioner Patterson seconded the motion.

The motion passed unanimously with a voice vote.

Item A-4: CAL POLY - City of San Luis Obispo History of Annexations Project

Mr. Prater gave the Commission information regarding storage of LAFCO documents stating that after five years they are moved to an off-site facility. He stated that because of this, looking up document can take extra time. When documents, in this case maps, are placed in a GIS format looking up maps of annexations is a quick and easy process.

Mr. Prater stated that CAL POLY Professor David Yun had a course that covers aspects of GIS. He had asked LAFCO to participate in a program with him and his students to input surveyed maps, legal descriptions, certificates of completion, and resolutions of approval into PDF format and create an index map that is linked to the San Luis Obispo City (SLO) website and the LAFCO website so that individuals can look up SLO annexations.

Mr. Prater also stated that eventually LAFCO and Mr. Yun will have the Atascadero and Paso Robles annexations on the site as well. There will not be another class until the Fall quarter, and at that time, links and GIS maps will be completed.

There were questions and comments from the Commissioners regarding the mapping and link to the maps.

Mr. Prater and Mr. Church responded to those questions.

Motion was made by Commissioner Picanco to receive and file Item A-4.

Commissioner Eby seconded the motion.

The motion passed unanimously with a voice vote.

Commissioner Comments: Commissioner Patterson stated that the County of San Luis Obispo Planning Department was holding a public workshop in the City-County Library regarding the Climate Action Plan on Thursday evening, February 17, 2011, from 6:30 p.m. to 8:30 p.m. and invited the Commissioners to attend.

Legal Counsel Comments: Mr. Biering stated that the Executive Officer's evaluation would be scheduled for the next LAFCO meeting and that packets would be sent to the regular members of the commission by the Commission Clerk. He asked that the evaluation form be returned to him no later than March 4, 2011.

Executive Officer Comments: Mr. Church commented that the LAFCO staff had met with staff members from the City of Pismo Beach and the County regarding the Memorandum of Agreement (MOA) between the City and County. He stated that the MOA would be before the Board of Supervisors at their April 5, 2011 meeting if it was approved at the Pismo Beach City

Council meeting on March 1, 2011.

Mr. Church reminded the Commissioners that LAFCO staff would be attending the CALAFCO Staff Workshop on April 6-8, 2011 in Ventura.

Adjournment: With no further business before the Commission, the meeting adjourned at 10:26 a.m. until the next meeting of the Commission 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, LAFCO Commission Clerk