

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

Thursday, November 18, 2021

PRESENT:

ABSENT:

RESOLUTION NO. 2021-XX

RESOLUTION APPROVING SPHERE OF INFLUENCE AMENDMENT TO THE CITY OF MORRO BAY (PANORAMA LOTS)

The following resolution is now offered and read:

WHEREAS, on _____, 2021, the Executive Officer filed a Certificate of Filing regarding a request to consider a proposal for the Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots); 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 November 18, 2021, and the public hearing was duly conducted and determined and a decision was made on November 18, 2021; 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 the proposal and report; and

WHEREAS, the Commission determined that the environmental review documentation, including the Environmental Impact Report (State Clearinghouse Number 2017111026), certified by the City of Morro Bay, meets the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission determined that the environmental mitigations and statement of overriding consideration adopted by the City of Morro Bay are appropriate and acting as a Responsible Agency LAFCO adopts its own Findings of Fact and statement of overriding

consideration that meets the requirements of the California Environmental Quality Act as contained in Exhibit A hereto; and

WHEREAS, the Commission has considered all Sphere of Influence factors required to be considered by Government Code Section 56425 (e) and adopts as its written statements of determinations therein, the determination set in the Executive Officer's Staff Report dated November 18, 2021, 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 amend the Sphere of Influence for the City of Morro Bay should be approved.

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 Certified Environmental Impact Report (EIR) (SCH # 2017111026) adopted by the City of Morro Bay was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment.
3. That the Executive Officer of this Commission is authorized and directed to send copies of this resolution in the manner provided by law.
4. That the Sphere of Influence Update for the City of Morro Bay pursuant to the map and legal description in Exhibit B of this Resolution is hereby approved with the following conditions:
 1. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in

connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

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

- AYES:
- NAYS:
- ABSTAINING:

The foregoing resolution is hereby adopted.

Robert Enns, Chair Date
Local Agency Formation Commission

ATTEST:

Rob Fitzroy Date
LAFCO Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

Brian Pierik Date
LAFCO Legal Counsel