

Board of Supervisors



**COUNTY OF SAN MATEO**

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063

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RECEIVED

OCT 25 1979

LAFCO

October 24, 1979

Mr. John P. Lindley  
Chairman  
Local Agency Formation Commission  
County Government Center  
Redwood City, California 94063

Dear Mr. Lindley:

The Board of Supervisors received the letter dated October 2, 1979, which indicated that the Local Agency Formation Commission (LAFCO) had determined that an Environmental Impact Report is required with regard to the Board's application to LAFCO for the detachment of territory from the City of Menlo Park and annexation of the same to County Service Area No. 5.

This letter constitutes an appeal which shall be amended at a later date to provide more information. Said appeal is based on the following:

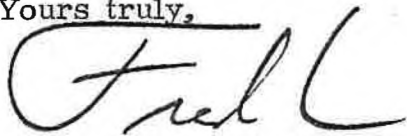
1. The purposes of the reorganization are: a) to provide more efficient and rational police protection, and b) to allow the community to consider the possibility of a Municipal Marina and park at the site. These purposes are explicitly stated in the application. It is premature to say this is part of the planning and development of a marina.
2. The State EIR Guidelines include discretionary elements and mandatory elements. The discretionary elements call for careful judgment. It is an error in judgment to determine that an EIR is required for the reorganization.

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3. The State EIR Guidelines can be applied to the reorganization from a literal sense or from a judgmental sense. From the literal perspective, the letter of the law, taken in context, does not require an EIR. From the judgmental perspective, the 'probable' effects need to be weighed against the 'possible' effects. It would be impossible and frivolous to evaluate all the 'possible' effects of any reorganization. Concentrating on the 'probable' effects of the reorganization, the planning and development of a marina cannot be considered a probable outcome.
4. The Bozung case is not applicable to the reorganization. Unlike the Bozung case, no changes in land use are anticipated in the foreseeable future. The only event that could possibly alter that view would be the preparation of a site specific feasibility study and a positive finding for a marina.

In addition, we request that LAFCO grant extension of time to study whether or not the appeal will actually be pursued.

Yours truly,



FRED LYON, Chairman  
Board of Supervisors  
San Mateo County

FL:lf

cc: EPA Municipal Council