



San Luis Obispo Local Agency Formation Commission

SENT VIA E-MAIL ONLY

DATE: NOVEMBER 8, 2022

TO: NICK TOMPKINS | NICK@NKTCOMMERCIAL.COM

FROM: ROB FITZROY, EXECUTIVE OFFICER *RF*

SUBJECT: APPLICATION FOR ANNEXATION #30 (DANA RESERVE) TO NIPOMO COMMUNITY SERVICES DISTRICT | LAFCO FILE NO. 4-R-22

Dear Mr. Tompkins,

This letter is to confirm that the application for Annexation #30 to Nipomo Community Services District was officially received on October 13, 2022, and was referred to other agencies involved in the process. LAFCO staff have completed an initial 30-day review of the application of the project materials submitted to date as required by law. Because the project associated with the annexation, the Dana Reserve Specific Plan, has yet to be approved by the local land use authority (County of San Luis Obispo) and the Environmental Impact Report has yet to be certified, the annexation application will remain on 'information hold' until those and other associated items are completed and approved. As discussed at our application in-take meeting, LAFCO can only process an annexation request to a certain extent without the project being finalized by the local land use authority. Nonetheless, LAFCO staff will work diligently to process the application and complete tasks that are not dependent upon local land use authority approval. Key items that must be finalized prior to being able to fully process the annexation application include but are not limited to:

- County of San Luis Obispo approval of the Dana Reserve Specific Plan, including associated entitlements such as tentative tract map, general plan amendment(s), Conditional Use Permit, Developer Agreement
- County of San Luis Obispo certification of the Final Environmental Impact Report
- Approval of a tax exchange agreement between the Nipomo Community Services District and the County of San Luis Obispo
- Completion of a Plan for Services prepared by the Nipomo Community Services District
- Any other documents, studies or information that LAFCO has deemed to be required from the applicant or Nipomo Community Services District upon review of the final project and entitlements noted above, and upon further processing of the annexation application request

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As with all petition-initiated annexations, there are specific processes that must be followed and notification to the applicable agency is required. At the next LAFCO public meeting on November 17, 2022, a notice per government code section 56857 (b) will be provided to the Commission as an informational item only.

LAFCO expects to hold at least one additional study session for the Commission's benefit, before and/or after County approval. The study session would likely include further information about the project itself, but also other critical aspects of annexations that LAFCO must consider with regard to impacts to the Nipomo Community Services District, such as rates, infrastructure, resource capacity, operations capabilities, etc. LAFCO staff may include any question or concerns raised by the Commission in a second application review letter to the applicant. The second review letter may have more in-depth questions pertaining to the County approved project.

We understand that you have also submitted an annexation request to Nipomo Community Services District, and the District is actively evaluating the request and has prepared various reports and information independent of the LAFCO process. We request that you provide any studies/reports that have been prepared to date that will assist LAFCO in processing the annexation application. Please provide a comprehensive file of all documents that will help LAFCO understand the impact the project will have on District operations beyond the information contained in the draft EIR.

This is not a comprehensive list of what may be necessary to process this application. Other information needs or questions may arise as our review of the application continues. If you have any questions, please contact us at 805.781.5795 or email rfitzroy@slo.lafco.ca.gov.

CC. Brian Pierik, LAFCO Legal Counsel

Laurie Tamura, Urban Planning Concepts