



San Luis Obispo Local Agency Formation Commission

TO: MEMBERS OF THE COMMISSION

**FROM: ROB FITZROY, EXECUTIVE OFFICER
IMELDA MARQUEZ-VAWTER, ANALYST**

DATE: APRIL 20, 2023

**SUBJECT: LAFCO FILE 1-R-22: ANNEXATION #12 TO COUNTY SERVICE AREA
18 (WINDMILL WAY) | ONE-YEAR TIME EXTENTION REQUEST TO
ALLOW ADDITIONAL TIME FOR CONDITION COMPLIANCE**

RECOMMENDATION

Action 1: Approve, by motion, a one-year time extension for LAFCO File No. 1-R-22 to comply with required Conditions of Approval as established by LAFCO Resolution 2022-08.

DISCUSSION

On May 19, 2022, the Commission approved the Windmill Way Annexation to County Service Area 18 (LAFCO File No. 1-R-22). The action included a Condition of Approval that required impacts related to prime soils to be offset at a 1:1 ratio per LAFCO's preservation policy (Policy 12). The applicant team has been working diligently to satisfy the condition in consultation with LAFCO and County staff; however, additional time is needed to complete the necessary mitigation and comply with the Condition of Approval.

The subject territory will be formally annexed into the CSA 18 upon filing of the Certificate of Completion (Section 57202). However, per Section 57200, the Certificate of Completion cannot be filed until all Conditions of Approval are satisfied. Per Section 57001, if a Certificate of Completion has not been filed within one year of approval, the proceeding shall be deemed terminated unless prior to the expiration of that year the Commission authorizes an extension of time for completion (expiration date is May 19, 2022). The Commission can extend for any reasonable period of time. Staff is recommending a one-year time extension.

Attachment A: Request for Time Extension from the Applicant

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IMELDA MARQUEZ-VAWTER
Analyst

MORGAN BING
Clerk Analyst

BRIAN A. PIERIK
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Attachment A

Request for Time Extension
from the Applicant

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www.ogdenfricks.com

March 28, 2023

Via Email

Rob Fitzroy, Executive Officer
San Luis Obispo Local Agency Formation
Commission
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

**Re: Request for Extension – Annexation No. 12 to Community Service Area 18
(Windmill way), LAFCO No. 1-R-22**

Dear Mr. Fitzroy:

Please accept this letter as the formal request to extend the term for completion of the conditions of approval for Annexation No. 12 to Community Service Area 18 (Windmill Way). Specifically, LAFCO condition 2 requires that, prior to filing the Certificate of Completion with the State Board of Equalization, the project applicant shall submit to LAFCO documentation that demonstrates compliance with the intent of LAFCO's 1:1 preservation policy (Policy 12).

As you are aware, the Applicant and County have been working diligently to prepare the required documentation in coordination with your office. At the present time it appears that the parties are largely in agreement as to the method for complying with LAFCO Policy 12, although work remains to ensure acceptance of the final documentation.

In consideration of the foregoing, we respectfully request the accommodation of an extension of the term for completion of this condition of approval for Annexation No. 12 to Community Service Area 18 (Windmill Way). Thank you for your thoughtful consideration of our request.

Sincerely yours,

Ogden & Fricks LLP



Roy E. Ogden

Cc: Laura Holder, County of San Luis Obispo, Utilities Division Program Manager