



San Luis Obispo Local Agency Formation Commission

TO: MEMBERS OF THE COMMISSION

FROM: MORGAN BING, CLERK ANALYST

VIA: ROB FITZROY, EXECUTIVE OFFICER

DATE: AUGUST 15, 2024

SUBJECT: LAFCO FILE NO. 1-R-23 | SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION NO. 4 TO COUNTY SERVICE AREA 12 (WELDON) TIME EXTENSION REQUEST

RECOMMENDATION

It is recommended that the Commission consider taking the following action:

Action: Approve a one-year time extension for LAFCO File No. 1-R-23 to comply with required Conditions of Approval as established by LAFCO Resolution 2023-03.

DISCUSSION

Overview

On August 17, 2023, the Commission approved the Sphere of Influence Amendment and Annexation No. 4 to County Service Area 12 (Weldon) (LAFCO File No. 1-R-23). The action included Conditions of Approval that required the applicant to comply with all terms and conditions stated in the County of San Luis Obispo's Public Works Department Conditional Intent to Serve Letter (Attachment A) dated March 21, 2020, prior to CSA 12 providing water service to the property. The applicant has been working to satisfy the condition; however, additional time is needed to comply with the Condition of Approval and the applicant is proposing a one-year time extension.

Process

The subject territory will be formally annexed into CSA 12 upon filing of the Certificate of Completion (Government Code Section 57202). However, per Government Code Section 57200, the Certificate of Completion cannot be filed until all Conditions of Approval are satisfied. Per Government Code Section 57001, if a Certificate of Completion has not been filed within one year of approval, the

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IMELDA MARQUEZ-VAWTER
Analyst

MORGAN BING
Clerk Analyst

BRIAN A. PIERIK
Legal Counsel

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 August 17, 2024). The Commission can extend for any reasonable period of time. Staff is recommending a one year time extension.

ATTACHMENTS

Attachment A: County Service Area No. 12 Conditional Intent to Provide Water Service to APN 076-114-052 & APN 076-241-016 for a Proposed Subdivision

Attachment B: Request for Time Extension from Landowner

Attachment A

County Service Area No. 12
Conditional Intent to Provide Water
Service to APN 076-114-052 & APN
076-241-016 for a Proposed
Subdivision



COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, Interim Director

March 21, 2020

Art Weldon
PO Box 369
Arroyo Grande, CA 93421

Subject: County Service Area No. 12; Conditional Intent to Provide Water Service to Assessor Parcel Number (APN) 076-114-052 (Legal Description: PM 8-89 PTN PAR 2 & RHO SAN MIG PTN LT 39) and APN 076-241-016 (Legal Description RHO SAN MIG PM 8/89 PTN PAR 2) for a Proposed Subdivision

Dear Mr. Weldon:

The original Conditional Intent to Provide a Water Service Letter dated January 27, 2017, expired on December 31, 2019. Accordingly, it is now necessary to issue this new Conditional Intent to Serve letter to support the subdivision identified by APN 076-114-052 and 076-241-016 (PM 8-89 PTN PAR 2 & RHO SAN MIG PTN LT 39 and RHO SAN MIG PM 8/89 PTN PAR 2) to extend the existing water service assigned to APN 076-241-016 to the larger overall parcel described above. County Service Area 12 (CSA 12) is ready and willing to provide water service to the above described project site provided the following conditions are met:

1. All work performed by the County Department of Public Works Utilities Division staff for the subject project shall be billed to and reimbursed by the Applicant through and in accordance with the previously issued Engineering Reimbursement Agreement (ERA) dated November 1, 2015, for this project.
2. The Applicant shall formally request, from the County of San Luis Obispo Board of Supervisors, and gain approval from the Local Agency Formation Commission, annexation of the entire project site into CSA 12.
3. If annexation to CSA 12 is authorized by the Board of Supervisors and approved by the Local Agency Formation Commission, the Applicant shall formally request, from the San Luis Obispo County Flood Control and Water Conservation District Board of Supervisors, either: 1) a modification to the boundaries of Flood Control Zone 3 to include the project site, or alternately 2) consent to serve water outside the boundaries of Zone 3.

County of San Luis Obispo Department of Public Works

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229

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B-1-4

4. The Applicant has a contractual allocation of 6 acre-feet per year of CSA 12 water as specified in a Water Delivery Contract with CSA 12 dated November 1, 2016.
5. The Applicant is aware that the Water Delivery Contract is for a specific, annual, amount of water. Delivery of such water may be subject to curtailment due to system maintenance needs, shortages, or regulatory actions as described in the August 2000 *Contract Between the San Luis Obispo County Flood Control and Water Conservation District and San Luis Obispo County Service Area #12 for a Water Supply*.
6. Per the terms of the ERA, the Applicant shall be responsible for designing, constructing, and installing water line service lateral(s) necessary to provide water service (including all necessary system improvements) to the proposed project. Said water service laterals shall include, at a minimum, service lines for domestic water use and service lines for fire protection which shall include double detector check backflow preventer assemblies and all necessary related appurtenances as determined by the Department of Public Works Utilities Division Manager (UDM). The number of necessary domestic and fire protection lines shall be as determined by Applicant's Fire Sprinkler Contractor and as approved by the UDM at such time as the Applicant submits plans and specifications for the Project.
7. The Applicant shall employ a Registered Civil Engineer (RCE) to design the water service lines and associated appurtenances, and provide inspection during the course of construction to certify to the County Department of Public Works that the improvements were installed in accordance with the improvement plans, and to submit as-built plans to the Department. If the Engineer of Work is other than the designing engineer, or is replaced during the course of construction, the UDM shall be notified in writing; and each such Engineer of Work shall certify as to their respective involvement. The UDM, or his designated representative, may make such additional inspection as is deemed necessary (and shall be available to review field conditions and/or proposed changes with the Engineer of Work).
8. The proposed project will require connection to the existing CSA 12 water system. Construction of the water services connections for the proposed project will be at the Applicant's responsibility and expense. Construction of all facilities shall be in accordance with the San Luis Obispo County Public Improvement Standards and Specifications. The Applicant shall employ a licensed contractor, and must submit evidence that the contractor is licensed prior to issuance of a final Will Serve Letter.

9. All work within the public right of way will require an Encroachment Permit from the Department, as described in the attached "General Conditions for Additions to CSA 12 Facilities".
10. The Applicant shall comply with all other conditions described in a previously issued Engineering Reimbursement Agreement and/or as detailed in the attached "General Conditions for Additions to CSA 12 Facilities".
11. Prior to issuance of a final water Will Serve Letter, and prior to provision of water service to the project described above, Applicant shall: 1) pay to CSA 12 all remaining applicable CSA 12 connection fees, meter charges, other new service related fees and/or related expenses established by ordinance and/or as described in the attached ERA; and 2) shall comply with any and all conditions of approval established by the County Department of Planning and Building as well as any and all conditions of approval established by the County Planning Commission.

The above CSA 12 conditions shall be effective until December 31, 2022, or until an unforeseen event occurs, making this presently intended service, unusually difficult or impossible to provide.

If you have any questions regarding this letter, please feel free to call me at (805) 781-5135.

Sincerely,



LAURA HOLDER
Utilities Division Program Manager

Attachment: General Conditions for Additions to CSA 12 Facilities

File: CF 320.490.01

c: Mark Chiamonte, Utilities Division Manager
Jill Ogren, Utilities Senior Engineer
David Grim, Development Services Division
Kate Shea, County Planning and Building Department
Young Choi, County Planning and Building Department
County Environmental Health Department
Art Weldon, art.weldon@att.net

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Attachment B

Request for Time Extension
from Landowner

June 28, 2024

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 – Notice of Commission Action for SOI & Anx #4 to CSA 12

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. 4 to Art and Karen Weldon.
Thank you for your thoughtful consideration of our request.

Sincerely yours,
Art and Karen Weldon
Property Owners
6226 Ontario Rd.
San Luis Obispo, Ca. 93405