

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

Thursday, October 21, 2021

PRESENT:

ABSENT:

RESOLUTION NO. 2021-XX

**RESOLUTION APPROVING ANNEXATION NO. 81 TO THE CITY OF SAN LUIS OBISPO
(FROOM RANCH SPECIFIC PLAN AREA)**

The following resolution is now offered and read:

WHEREAS, on October 4, 2021, the Executive Officer filed a Certificate of Filing regarding a request to consider a proposal for Annexation No. 81 to the City of San Luis Obispo (Froom Ranch Specific Plan Area); 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 October 21, 2021, and the public hearing was duly conducted and determined and a decision was made on October 21, 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 2017071033, certified by the City of San Luis Obispo 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 San Luis Obispo 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 factors required to be considered by Government Code Sections 56668 et seq. and adopts as its written statements of determinations therein, the determinations set in the Executive Officer's Staff report dated October 21, 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 annex territory to the City of San Luis Obispo 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 map and legal description approved by this Commission is attached hereto, marked as Exhibits B and incorporated by reference herein as though set forth in full.
3. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
4. That Annexation No. 81 to the City of San Luis Obispo is hereby approved with the following conditions:
 1. The County and City enter into an agreement to allow the County to complete all necessary requirements of the State's Surface Mining and Reclamation Act to reclaim the existing mine operation on the annexation site prior to construction of the project.
 2. Prior to filing the Certificate of Completion with the State Board of Equalization, the proponent shall submit to LAFCO documentation of a recorded perpetual conservation easement meeting or exceeding the intent LAFCO's 1:1 preservation policy.
 3. 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

