

Modoc Local Agency Formation Commission

Application Instructions

(August 2014)

Requirements for the processing and approval of applications to LAFCO are established by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the California Environmental Quality Act (CEQA). **Additional** procedures and standards are set forth in Modoc LAFCO's Policies & Procedures and CEQA Guidelines.

Applicants should be aware that the information LAFCO will require in an application **varies** depending upon the type of action requested. Staff recommends that project proponents **request** a pre-application conference **prior to completing and submitting a formal application** assure a **clear** understanding of the LAFCO process.

I Application Contents

Applicants must provide LAFCO 2 copies of the completed formal application, 15 copies of all environmental documents as well as 5 copies of all supporting documents (except the title report-1 copy required) and initial map/boundary description submittals. One copy of LAFCO's Agreement to Pay and Indemnification Form is also required (See Attachment 3). Also one electronic copy of the all application materials including, entitlements, map and geographic descriptions, signed application forms and all attachments. All questions shall be answered in detail and submitted to LAFCO at one time. The application must include the following:

- A Resolution or a petition. The LAFCO process may be initiated by an affected agency (Application by Resolution) or by property owners or registered voters (Application by Petition).
 - 1. Application by Resolution - a certified copy of an adopted resolution of application by the legislative body of any affected agency. A sample resolution of application is included in these instructions as Attachment 1 (note: content requirements may vary depending upon the principal act used).
 - 2. Application by Petition - a petition by property owners or registered voters that meets the requirements set forth in Section 56650-56653 of the Government Code. A sample petition is included in these instructions as Attachment 2.
- B Completed Environmental Compliance Section.
 - 1. LAFCO generally requires the **applicant agency** to act as Lead Agency for CEQA purposes. In this case, applicants should submit copies of the Lead Agency Notice of Exemption or Notice of Determination, Initial Study, and all related reports including the Negative Declaration and/or Environmental Impact Report.
 - 2. If applicants want LAFCO to act as Lead Agency, a supplemental letter must be written to LAFCO. This letter is for requesting LAFCO to Act as Lead Agency for the purposes of CEQA. If another agency is the lead agency then no letter is required.
- C. LAFCO's definition of "Prime Agricultural Land" is contained in Government Code Section 56064. An analysis of the Agricultural Production history (in light of Section 56064) shall be required. This analysis shall cover the previous 5 years on lands subject to the proposed change of organization and shall be required.
- D. **Any** additional information as requested by LAFCO staff.

II Processing Fees

In addition to LAFCo's application fee deposit (See Attachment 4) Applicants are **also** responsible for payment of all applicable State Board of Equalization (S.B.O.E.) fees, as listed in the S.B.O.E. fee schedule included as Attachment #5 application packet). Applicants are required to pay applicable map and geographic description fees payable to the County Surveyor. The County Surveyor will require this fee prior to checking the legal description and map.

III Attachment List

Included in the application form is an Attachment List. Please list all supplemental documents and attachments and the corresponding questions on this form, and attach it to the completed application.

IV Maps

- A. Applications must be accompanied by a map of the subject territory (see Attachment #6, sample map and geographic description).
- B. **Initially, five blueprint copies of the project map (18 x 26 minimum) and two 8 1/2 x 11 reductions are required** as well as one electronic copy of both map and geographic description. **Following initial review, the maps needed for final processing will be:**
1. One original reproducible copy and one electronic copy of the approved map and boundary description
 2. Five blueprint or black line copies of the large maps
 3. Two original stamped original geographic descriptions
 4. Two 8 ½ by 11 Stamped maps meeting the County Recorder's office standards for clarity.
- C. **To satisfy requirements of the State Board of Equalization as well as LAFCO, maps must:**
1. Be drawn to engineering scale
 2. Show the exterior lines of subject property
 3. Show the net and the gross acreage
 4. Show all streets, highways, railroads, streams, drainage canals, or other important physical features
 5. Show site dimensions, north arrow, and visual scale
 6. Show the point of beginning of the legal description
 7. Show all Assessor's Parcel Numbers
 8. Show all Tax Area Codes
 9. Display a small location or vicinity map
 10. Be professionally drawn or copied. Rough sketches cannot be accepted.
 11. Be signed by the licensed Land Surveyor (See LAFCO Mapping Requirements)
 12. Meet the requirements of the State Board of Equalization (Attachment #5).

(Refer to Sample Map and Boundary Description (Attachment #6)

V Boundary (Geographic) Description

The description must be a metes and bounds description prepared by a Licensed Land Surveyor. It must be sufficient within itself, **without requiring** reference to any other document, recorded or not.

VI Public Notice List

1. The applicant must supply a public notice list and two sets of mailing labels including all the secured parcel numbers of the subject property and of all properties within **300 feet of the exterior boundary of the subject property** and the names and addresses of the owners thereof, as shown on the **most recent assessment roll being prepared by the county assessor at the time the Resolution/Petition of Application is adopted** prior to the submittal of the application package to LAFCo.

2. The applicant shall obtain mailing labels for Registered Voters. Applicants shall provide one set of mailing labels containing registered voters not residing within the territory, but within 300 feet of the exterior boundary of the subject territory and two sets of mailing labels containing registered voter's addresses of those who reside within the annexation territory.

Applicants may request that LAFCO staff compile the public notice list at actual cost. This requirement may be waived if the requirements of 56662 are met.

VII Preliminary Title Report (optional)

If a proposal has 100% landowner consent, the LAFCO, LAFCo may waive notice and hearing for a proposal. If you would like to utilize this expedited process, please supply staff with a title report so that ownership of the subject territory may be verified. LAFCo retains the right to order notice an hearing for any proposal submitted.

VIII Property Tax Exchange Negotiations

Before processing an application for a change of organization, LAFCO must have documentation that the property tax sharing agreement required by law has been established.

A. Public agencies filing applications accompanied by Resolutions of Application may include language in their initiating resolutions indicating that **an** existing master tax exchange formula **applies** (if operative and applicable). Another option is to provide LAFCO with a subsequent resolution documenting the agency's **acceptance** of the existing formula.

B. Applicants using the petition process may wish to request that all affected agencies begin the tax negotiation process and submit documentation to LAFCO when negotiations are complete.

IX Filing of applications

Within 30 days after the application is filed, staff will notify the applicant as to the need for additional information or will **certify** the application's **completeness** by issuing a Certificate of Filing. The required staff review will then begin.

X General Information and Background:

A. History and Authority

Local Agency Formation Commissions (LAFCOs) were established in 1963 to oversee the boundary changes of local governmental agencies within each county. LAFCO operates under the authority of Title 5, Division 3, Part 2, of the California Government Code (Section 56000 et seq.), also known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended. LAFCO has authority over city incorporations and disincorporations; special district formations and dissolutions; annexations; granting of new services; detachments; and consolidations.–LAFCO must adopt a Sphere of Influence and conducts Municipal Service Reviews for agencies and services subject to its Jurisdiction.

B. Commission Organization

Each LAFCO is composed of elected officials from the county, local cities, and a member of the general public. **Many** LAFCOs **include** independent special district. In Modoc County, there are two county members, two city members (City of Alturas), and one Public Member and three alternates representing LAFCO on behalf of the three categories.

C. California Environmental Quality Act

LAFCO is subject to the California Environmental Quality Act, as are most public agencies. This statute requires that each project is **subjected to** environmental review and **that** the public **is afforded an opportunity to participate** in the decision-making process.

Attachments:

1. Resolution of Application sample
2. Sample Petition template
3. Agreement to Pay and Indemnification form
4. LAFCO Fee Deposit **Schedule**
5. **State Board of Equalization** Requirements and **Fee Schedule**
6. Sample Map and Description Guide