

CHAPTER VI

GENERAL INSTRUCTIONS FOR APPLICANTS

VI. GENERAL INSTRUCTIONS FOR APPLICANTS

The procedures provide general instructions for all applicants, including a detailed description of required proposal contents. This Chapter also contains an easy reference checklist of the components required for a complete application.

A. APPLICANT RESPONSIBILITY SUMMARY

1. Pre-Filing Conference

Prior to filing an application, it is suggested that the applicants schedule a pre-filing conference with the LAFCo staff to determine the level of detail needed in the application, and to help ensure that the application will comply with the LAFCo's standards and policies.

2. Actions Required by Applicant

Before an application is accepted, the applicant must do the following:

- a. Complete the LAFCo Application Information Form;
- b. File a Petition or a legislative resolution which meets the legal criteria described below in the Instructions for Applicants section;
- c. Include a statement of the nature of the proposal;
- d. Provide maps and, where required by the Executive Officer, a metes and bounds legal boundary description;
- e. Submit environmental documents if the LAFCo is not the Lead Agency under CEQA, or if the LAFCo is the Lead Agency, submit information as required under the LAFCo's environmental guidelines to facilitate the completion of the appropriate environmental review per the requirements of CEQA;
- f. Make specific responses to each applicable LAFCo standard and submit date and information necessary to support those responses. The minimum required data and information is described in the General and Specific Instructions section of this manual;
- g. Provide names and addresses of three contact persons (officers of the local agency applicant, or chief petitioners); and
- h. Pay the applicable processing and petition checking fees.

An application will only be accepted as complete if it contains all the information described above,

and is presented in the format specified in the General and Specific Instructions. The LAFCo evaluation and hearing process will not begin until all required components of the application have been submitted and all fees, including environmental review costs, have been paid.

B. GENERAL INSTRUCTIONS FOR ALL APPLICANTS

1. Initiation: Petition or Resolution

- a. A proposal can only be initiated through a Petition or through legislative Resolution. An application initiated through a Petition must contain the required number of signatures specified in the Cortese-Knox Act. An application by Resolution can only be initiated by the legislative body of any affected local agency.
- b. The Petition which is signed; or the Resolution which is adopted, must:
 - (1) State that the proposal is made pursuant to Part 3 of the Cortese-Knox Local Government Reorganization Act of 1985, commencing with Section 56650 of the Government Code;
 - (2) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries. When required by the Executive Officer, the boundary description must be a metes and bounds description done by a registered surveyor. A sample description is provided in Appendix B. The map shall be prepared using the format, symbols, and features of the sample maps provided in Appendix C.
 - (3) Set forth any proposed terms and conditions;
 - (4) If the application is a petition, state whether the petition is signed by registered voters or owners of land.
 - (5) Designate contact persons, setting forth their names and mailing addresses. In the case of application by Petition, these persons will be identified as the Chief Petitioners. In the case of application by Resolution, these persons should be officers of the agency which adopted the resolution.

2. A Map and a Description of the Boundaries of the Subject Territory

The LAFCo will verify the legal description provided in the petition or the resolution. The legal description and any maps will be examined for consistency. Any inconsistencies shall be corrected by the applicant prior to any hearing on the request.

3. Data and Information Required by the LAFCo

In accordance with Section 56652 of the Cortese-Knox Act, the LAFCo requires that the following information be submitted:

- a. Comprehensive Sphere of Influence Plans, including Master Services Elements for the subject agency, if required, and for the subject territory, if these have not already been filed with the LAFCo.
- b. A feasibility study, which specifies and analyzes any changes to service plans which would result from the proposed change of organization or reorganization. The LAFCo Executive Officer may waive this requirement.
- c. Reference to the subject territory's inclusion, if any, in the General and/or any Specific Plans of the subject agency.
- d. Reference to the subject territory's inclusion, if any, in the General and/or any Specific Plans of the County.
- e. If extension of infrastructure or services to currently undeveloped areas will occur, the applicant must provide specific evidence of need for services, such as land use entitlements, building permits, articles of formation of an assessment district, or other indication of impending urbanization.
- f. Terms or conditions of the proposal, including proposed mitigation of any expected adverse effects resulting from the proposal.
- g. If the LAFCo is not the Lead Agency, the applicant must submit any environmental documents prepared by the Lead Agency. If the LAFCo is the Lead Agency, the applicant must present:
 - (1) A description of environmental conditions in the project area including topography, agricultural land, classification, vegetation, wildlife, land uses, traffic circulation patterns and major water courses and water bodies, and
 - (2) A description of how environmental conditions might change as a result of the project.
- h. Data or information to support responses to the requirements of the applicable LAFCo adopted standards.
- i. A Fair Political Practices Commission Party Disclosure form will be required. Disclosures should be made for partners or other parties who hold partial interest in the property.

The LAFCo's Clerk will provide instructions regarding the completion of this form. The form is included in Appendix F.

4. Additional Data and Information Required by the Executive Officer

- a. The Executive Officer may require specific additional data or information of the application based upon pre-filing conferences, or based upon his or her review of the application after it is received but before a certificate of filing is issued.
- b. An application may be determined incomplete, and may not be accepted for filing if it lacks the information specified by the Executive Officer.
- c. After the application is accepted for filing, the Executive Officer may require additional data and the LAFCo may not complete consideration of the application without data and information requested.

5. Processing and Petition Checking Fees

The LAFCo will not accept an application as complete, and will not begin evaluation of an application until the applicable processing and petition checking fees have been deposited with the Executive Officer. The schedule of applicable fees is attached as Appendix D.

C. CHECKLIST FOR APPLICANTS

To help the applicant ensure that their application is complete and that the LAFCo will have sufficient data and information to make its determination, a summary checklist is provided on the following page.

APPLICATION CHECKLIST

Change of Organization or Reorganization

Applicants should arrange to meet with LAFCo staff prior to submitting an application. To make the application process easier for the applicant, it is recommended that the meeting be scheduled before the applicant begins application preparation. **Not all of these requirements are necessary for each application.** Each application is unique. For this reason, it is extremely important that applicants meet with staff prior to submitting the application package.

The following checklist is intended to assist the applicant with submission of a complete LAFCo application package¹. The checklist should be submitted with the application.

Item or Task	Done	Needed
1. Pre-application Meeting with staff to discuss application requirements (required step).		
2. Complete and sign the application.		
3. Certified resolution of application <u>OR</u> petition of land owners/registered voters with required signatures (originals).		
4. A project vicinity map @ 8 1/2" x 11".		
5. A copy of the legal description of the project site in metes and bounds.		
6. A preliminary proposal map based on attached legal description		
7. 2 larger (e.g. 24" x 36"), easily readable display maps of the proposal area.		
8. A copy of the Assessor's Parcel Map showing the proposal area cross-hatched.		
9. 2 legible copies of any deeds cited on project maps.		
10. For city annexations, provide a certified copy of the adopted City Council Resolution rezoning the property pursuant to §56375.		
11. For city or special district annexations involving property tax revenues exchanges, a certified copy of Resolutions from affected cities, districts and Sacramento County indicating that affected jurisdictions have reached agreement on an exchange of property tax revenues pursuant to Revenue and Taxation Code §99.		
12. For Out of Area Service Agreements, a copy of agreement or contract, and a copy of documentation of public health or safety emergency, if applicable.		
13a. A copy of all CEQA documents approved for any portion of the proposal;		
b. If an Environmental Impact Report (EIR) was prepared, provide 15 copies of the certified EIR and the Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring		

Plan, if applicable;		
c. EIR appendix is required unless the FEIR contains the appendix.		
14. Non-refundable LAFCo application processing fees.		
15. Refundable State Board of Equalization Filing and Processing Fees (not due until after project approval).		
16. Refundable State Fish & Game Department CEQA review fees if necessary (not due until after project approval).		
17. Plan to provide municipal services.		
18. Statements from proposed service agency indicating:		
a. Any capital improvements, or other conditions, which the local agency would impose or require within the affected territory if the requested action is approved;		
b. The affected agency's disposition regarding responsibility to reserve capacity for unserved property within agency boundaries and current estimates of unserved property within its current boundaries;		
c. Conditions that applicant must meet in order to receive services from annexing agency, and explanation of who is responsible for funding required items;		
d. Letter of intent to provide services, including description of applicant's requirements to fund infrastructure so that areas within the district can be served, or will continue to be served, at the same or higher level of service, and proposed service areas will be accommodated at the same or a higher level of service. If annexing agency cannot provide the latter guarantees, then applicant or annexing agency shall provide a written justification for project approval despite anticipated negative impacts.		
19. Signed Property Owner Consent to Annexation Form.		
20. Verification of Filing of Williamson Act non-renewal actions, if applicable.		
21. Any additional items required by the Executive Officer.		
22. A map showing the subject parcel and all parcels within a radius of 300' of the proposal area where all parcels and parcel numbers are indicated.		
23. A mailing label for each property owner shown on the 300' radius map if less than 1001 owners are included.		
24. Any other maps or files requested by staff during or after the pre-application meeting.		