

BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for Detachment

July 2005

Butte Local Agency Formation Commission

1453 Downer Street, Suite C

Oroville, CA 95965-4950

Phone: 530-538-7784

Fax: 530-538-2847

<http://www.buttelafco.org>

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Pursuant to LAFCO Policy 6.3, an application to LAFCO requires the submittal of the attached application form, supporting documentation as required in the application and all requisite fees established at the time of application. This application is available in electronic format on the LAFCO website or by e-mail. Please contact the LAFCO office for assistance.

Application Packet Checklist

(Provided for the use of applicants)

- 1. Two (2) completed copies of the Butte Local Agency Formation Commission Application.
 - 2. (a) A certified resolution of application from the affected agency; or
(b) A landowner or registered voter petition making application to LAFCO.
 - 3. A certified resolution of consent from applicable city if project is an annexation of incorporated parcels to a County Service Area.
 - 4. Five (5) extra copies of legal description of the subject area complying with State Board of Equalization standards.
 - 5. Ten (10) extra copies of the map depicting the subject area with vicinity map complying with State Board of Equalization standards.
 - 6. Two (2) copies of environmental documentation complying with the California Environmental Quality Act (CEQA) including documentation (Notice of Intent/Notice of Preparation) that the documents were circulated to LAFCO for review and comment.
 - Categorical Exemption including Notice of Exemption
 - Negative Declaration including Initial Study and Notice of Determination
 - Environmental Impact Report (EIR) including Draft and Final EIR
 - 7. Appropriate fees obtained from LAFCO Fee Schedule attached:
 - Deposit (*payable to Butte LAFCO*) \$ _____
 - Sphere of Influence (*payable to Butte LAFCO*) \$ _____
 - State Board of Equalization (*payable to SBE*) \$ _____
 - 8. All necessary signatures:
 - Agent Authorization (*if applicable*)
 - Agreement to Pay
 - Disclosure requirements
 - Certification of application
 - Indemnification
- (NOTE: If application is initiated by resolution of the affected agency, all signatures need to be of the initiating agency representative.)*
- 9. All required "LAFCO Exhibits 1-7."

SIGNATURE PAGE

Agent Authorization

(not applicable if annexation does not have 100% landowner support)

Authorized Agent: _____ Telephone: _____

Mailing Address: _____

is hereby authorized to process this application on my property identified as Butte County Assessor's Parcel Number(s) _____

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document(s) relating to record title interest. Owner(s) of Record:

_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title

Disclosure Requirements

Pursuant to Government Code Sections 56700.1 and 81000 et seq., and Butte Local Agency Formation Commission policies, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to the commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974 and the Butte Local Agency Formation Commission. These disclosure requirements mandate disclosures be made at specified intervals. Additional information may be obtained by contacting the LAFCo office at (530) 538-7784. Disclosure requirements have been read and acknowledged.

_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title

Certification

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code Section 56000 et seq. and herewith affix their signatures. **Note:** Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign, 2) Chief Petitioners, and/or 3) Chair of the Legislative Body submitting a Resolution of Application.

_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title

Agreement to Pay for Time and Materials

Charges and Deposits

LAFCo charges are based upon actual staff time and other expenses attributable to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The amount of staff time necessary to process any individual application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (unexpended deposits will be refunded.)

PLEASE UNDERSTAND THAT THE CHARGES MUST BE PAID WHETHER OR NOT THE PROPOSAL IS APPROVED.

Staff Assignments

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

Billing Procedure

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

This form must be signed by the person responsible for payment or the employee or officer duly authorized to bind the applicant and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted.

Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 538-7784.

Agreement

On behalf of Applicant, I certify and agree to the following: Applicant has reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule all of which are part of this agreement. Applicant agrees to pay Butte LAFCo for all staff services, materials, and other charges attributable to its application or request for services. Applicant understands that services may be required before LAFCo receives a formal application, and agrees to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. Applicant also understands and agrees that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion. Applicant understands that if the cost of services exceeds the deposit on file, staff work on the project will cease, and the project will not be scheduled for hearing until additional funds are provided. Applicant agrees to remit the applicable State Board of Equalization filing fee when required. Applicant agrees to pay all charges within 30 days of receipt of invoice or if no invoice has been sent, in any case prior to the filing of the Certificate of Completion for the project.

In the event of failure to pay charges when due, the unpaid balance will be subject to a monthly FINANCE CHARGE of 0.833% of the amount of the unpaid balance with a minimum charge of \$1.00. This is an ANNUAL PERCENTAGE RATE of 10%. Any payments made on the account will be credited first to any accrued interest. Should legal action be necessary to collect the charges due, the prevailing party shall be entitled to collect their attorney's fees, staff time and other expenses incurred in the action, in addition to any other relief.

_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title

Indemnity

Applicant agrees to indemnify, save harmless, and reimburse LAFCo for all reasonable expenses and attorney fees in connection with the defense of LAFCo and for any damages, penalties, fines or other costs imposed upon or incurred by LAFCo should LAFCo be named as a party in any litigation or administrative proceeding in connection with his/her/its application. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that LAFCo's taking such actions shall not limit Applicant's obligations to indemnify and reimburse defense costs or relieve Applicant of such obligations.

Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.

_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title
_____ Date	_____ Signature	_____ Printed Name	_____ Title

LAFCO Office Use Only

LAFCO File No: _____
LAFCO Fees: _____
SBE Fees: _____
Sphere Fees: _____

Application Submitted: _____
Application Incomplete: _____
Application Complete: _____
Certificate of Filing Issued: _____

**Butte Local Agency Formation Commission
Standard Application Form**

1. Applicant(s): *(LAFCO will send copies of the staff report to a maximum of three applicants.)*

Primary Contact of Initiating Agency

Name: _____
Address: _____
Phone No.: _____

Proponents of Proposal

Name: _____
Address: _____
Phone No.: _____

Name: _____
Address: _____
Phone No.: _____

2. Change of Organization or other Action Requested *(Please check all applicable actions related to proposal.)*

- | | | |
|---|---|--|
| <input type="checkbox"/> Annexation to a city | <input type="checkbox"/> Formation of a district | <input type="checkbox"/> City Incorporation |
| <input type="checkbox"/> Annexation to a district | <input type="checkbox"/> Formation of a County Service Area | <input type="checkbox"/> City Disincorporation |
| <input type="checkbox"/> Detachment from a city | <input type="checkbox"/> Consolidation of cities | <input type="checkbox"/> District Dissolution |
| <input type="checkbox"/> Detachment from a district | <input type="checkbox"/> Consolidation of districts | <input type="checkbox"/> District Merger |
| <input type="checkbox"/> Service Agreement | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> Establishment of Subsidiary Districts |

3. Authority to File Application

- Resolution of Application of Affected Agency. Certified copies of the Resolution of Application shall be included as **"LAFCO Exhibit 1"**; or
- Petition of landowners or registered voters shall be included as **"LAFCO Exhibit 1."** Complete the Petition for Change of Organization. *(Note: A petition is provided as LAFCO Form L-1.)*

4. Proposal Boundaries

- Provide a map of the subject territory meeting the specifications of the State Board of Equalization as listed in the Application Instructions. The boundary map shall be included as **"LAFCO Exhibit 2."**
- A legal description of the boundaries of the subject territory meeting the specifications of the State Board of Equalization. The legal description shall be included as **"LAFCO Exhibit 3."**
- Provide a Boundary Statement describing how the boundaries of this proposal were determined. *(Note: One of LAFCO's major responsibilities is to insure that public agencies have logical boundaries. If your proposal would create an "island," peninsula, or other illogical boundary, you may be requested to revise the boundaries.)*

DETACHMENT SUPPLEMENT

A. Justification

1. What is the purpose of the detachment? _____

2. Why or how will the proposal provide greater efficiency in the delivery of governmental services?

3. Will the detachment of the affected parcels enhance or reduce the services provided by the affected agency?

4. What terms or conditions, if any, are proposed for this project? _____

B. Land Use

1. How many acres are proposed for detachment? _____
2. What is the current General Plan _____ and zoning _____ designations on the affected parcels?
3. What is the current General Plan _____ and zoning _____ designations on adjoining parcels?
4. Describe the existing land use on the subject parcels. _____
5. What is the estimated population number and density of the proposed detachment area? _____

6. Describe any significant land use issues that may result from the detachment of the proposed area. _____

7. Describe the topography of the subject area. _____
8. Describe any concurrent land use applications to a local agency. _____

C. Infrastructure and Public Services

1. Are there any infrastructure improvements (water, sewer, drainage, irrigation, etc.) located within the proposed detachment area that will be abandoned or otherwise become unavailable to other recipients of the affected agency's services? _____

2. How is public access provided to the area proposed for detachment? _____

3. How will the proposal impact regional circulation/transportation plans? _____

4. If the detachment is from a city, discuss how the detachment will affect the impacted agency in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element.

5. How will the detachment improve or hinder organized community services? _____

6. Please complete the following table of service providers:

<i>Service</i>	<i>Presently Provided By</i>	<i>Proposed Provider</i>
<i>Fire Protection</i>		
<i>Police Protection</i>		
<i>Domestic Water Service</i>		
<i>Agricultural Water Service</i>		
<i>Sewer Service</i>		
<i>Solid Waste</i>		
<i>Road/Street Maintenance</i>		
<i>Power</i>		
<i>Street Lighting</i>		
<i>Planning & Zoning</i>		
<i>Schools</i>		

D. Significant Issues

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed detachment area. _____

2. Describe any unique or special communities of interest such as day care providers or neighborhood associations that characterize the proposed detachment area. _____

E. Intergovernmental Coordination

1. Identify governmental agencies that overlay the proposed detachment area, such as special districts, County supervisorial districts, county service areas, maintenance districts, others.

2. Has the proposal been circulated to all affected local agencies? Yes _____ No _____

3. Attach any responses/comments that have been received from the affected agencies listed.

4. What functions of identified agencies will be affected as a result of the detachment?

5. Are there any conditions requested by affected government agencies that will substantially affect or impact the detachment area? Yes _____ No _____ (*please describe*)

6. Are there any existing Contractual Agreements between the landowners and the city or district for the provision of services such as sewer or water service? Yes _____ No _____ (*please describe*)

F. Environmental Determination

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA).
 _____ Categorical Exemption _____ Negative Declaration (*with mitigations*)
 _____ Environmental Impact Report _____ Other, *please specify* _____
- Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as **“LAFCO Exhibit 4.”**
2. Was the environmental documentation (Notice of Intent/Notice of Preparation) circulated to the Butte Local Agency Formation Commission prior to adoption by the Lead Agency? Yes _____ No _____ (*If no, please explain why.*)

3. Attach comments received from LAFCO, if any.

G. Fiscal Issues

1. Does the Resolution of Application from the lead agency include documentation that the agency is in agreement with a standing Master Tax Exchange Agreement, has negotiated a tax exchange agreement, or has made a determination that the proposal is revenue neutral? Yes _____ No _____ (*please describe*)

2. If this application is by petition, provide documentation of applicants’ request that the affected agencies initiate tax exchange agreements, included as **“LAFCO Exhibit 5.”**
3. To what extent will residents or landowners within the detached area remain liable for any existing indebtedness of the city or district?

4. Upon detachment, will the territory be included within any assessment district and be subject to assessment for the new or extended services? Yes _____ No _____ (*please describe*)

H. Support or Protest

1. Provide a list or table labeled “**LAFCO Exhibit 6**” of all affected property owners within the proposed detachment area that includes (*Note: A sample table is provided as LAFCO Form L-2*):

For an uninhabited detachment proposal (less than 12 registered voters):

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of detachment, opposed to detachment or no response; and
- ❖ Assessed land value as determined by the County Assessor.

For an inhabited detachment proposal (more than 12 registered voters) also include:

- ❖ Assessor’s Parcel Number (APN);
- ❖ Situs Address of parcel;
- ❖ Property owner(s) name and mailing address(es);
- ❖ Size of property in acres;
- ❖ Responses in favor of detachment, opposed to detachment or no response;
- ❖ Assessed land value as determined by the County Assessor; and
- ❖ Number and names of Registered Voters at each site address.

I. Public Notice Requirements

1. Provide a mailing list of all property owners AND/OR registered voters (depending on type of detachment) located within the area to be detached AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be detached. These mailing lists must be extracted from the most recent assessment rolls and registered voter rolls prepared by the County at the time the local agency adopts a resolution of application. Mailing lists shall be submitted with the application as “**LAFCO Exhibit 7.**” The mailing list shall also be submitted in electronic format compatible with WordPerfect or Microsoft Word. The mailing list shall include:

- ❖ The property owners and/or registered voters name residing at address;
- ❖ Mailing address and situs address;
- ❖ The Assessor’s Parcel Number; and
- ❖ Mailing labels.

The LAFCO Application is intended to provide the Commission with all relevant data in order to make an informed decision. LAFCO staff will review each application for completeness within 30 days of submittal and inform the applicant in writing of any deficiencies or additional information required.

REQUIRED LAFCO EXHIBITS

- LAFCO Exhibit 1:** Certified copies of the Resolution of Application or Petition for Change of Organization.
- LAFCO Exhibit 2:** Boundary map of detachment area.
- LAFCO Exhibit 3:** Legal description of proposed detachment area.
- LAFCO Exhibit 4:** Copies of the complete environmental documentation.
- LAFCO Exhibit 5:** Tax Exchange Agreement.
- LAFCO Exhibit 6:** List of all affected property owners and/or registered voters.
- LAFCO Exhibit 7:** Public Notice requirements mailing list.

L:\FORMS\Application-Petitions\Detachment Application\Detachment Application 03-05.doc

LAFCO Form "L-1"
**Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000**

The undersigned hereby petition(s) the Local Agency Formation Commission of Butte County for approval of a proposed change of organization or reorganization, and stipulate as follows:

- 1) This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
- 2) The specific change(s) of organization proposed (i.e., annexation to, detachment from, reorganization, etc.) is (are):
- 3) The boundaries of the territory included in the proposal are as described in Exhibit _____ attached hereto and by this reference incorporated herein.
- 4) This proposal is/is not (circle one) consistent with the sphere(s) of influence of the affected city and/or district(s). If the proposal is not consistent, a Sphere of Influence Amendment must be requested.
- 5) The reasons for the proposal (annexation, detachment, etc.) are:
- 6) The proposed change of organization or reorganization is requested to be made subject to the following terms and conditions:
- 7) The persons signing this petition have signed as: _____ registered voters _____ owners of land.
- 8) Do the petitioners include all landowners within the territory included within the proposal? ___yes ___no
- 9) If the formation of a new district is included in the proposal:
 - a) The principal act under which the district is proposed to be formed is: _____.
 - b) The proposed name of the new district is: _____.
 - c) The boundaries of the proposed new district are described in Exhibit _____ heretofore incorporated herein.
- 10) If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is _____.
11. Butte LAFCO policies allow an application by petition only when the applicant provides satisfactory evidence that a diligent effort has been made to obtain a Resolution of Application from the affected public agency. Please indicate what effort was made to obtain such consent and the reasons why the public agency did not act on the applicant's request?

Wherefore, petitioners request that proceedings be taken in accordance with the provisions of '56000 et seq., of the California Government Code, and herewith affix signatures of the Chief petitioners (not to exceed three) as follows:

Date	Signature	Printed Name	Residence Address	Assessor's Parcel #
1. _____				
2. _____				
3. _____				

LAFCO Form "L-2"

<p align="center">Exhibit "B" Uninhabited Proposal Ownership List Project Name</p>								
APN	NAME (mailing)	ADDRESS (situs)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals			\$29,799.00	0.28	2			

<p align="center">Exhibit "B" Inhabited Proposal Ownership List Project Name</p>									
APN	NAME (mailing)	ADDRESS (situs)	REGISTERED VOTER NAME(S) (If other than owner)	ALV	Acres	RV	TRA	ZONE	Y/N
000-111-222	Doe, John (see situs)	353 JD Street Chico, CA 95928	John Voter 1 Jonna Voter 2	\$29,799.00	.28	2	062011	R1/CM	Yes
Totals				\$29,799.00	0.28	2			

KEY:

- APN: Assessor's Parcel Number. Can be obtained from the Butte County Assessor's Office.
- NAME: The legal landowner and mailing address. This may differ from Situs Address if parcel is not owner occupied.
- ADDRESS: The actual physical site address of an individual parcel. May differ from Mailing Address if not owner occupied.
- REGISTERED VOTER NAME(S): The name or names of all registered voters registered at the situs address.
- ALV: Assessed Land Value. This is the official land value assessment established by the Butte County Assessor's Office.
- Acres: The actual size of the affected parcel.
- RV: Registered Voters. This is the number of registered voters associated with the situs address. Can be obtained from the Butte County Registrar of Voters. NOTE: Registered voter information will ONLY be released to representatives of the affected agency, not the general public.
- TRA: Tax Rate Area. This is a number assigned to each parcel by the State Board of Equalization for taxation purposes. Can be obtained from LAFCO or the Butte County Assessor's Office.
- ZONE: The land use designation (zoning) established by the governing agency.
- Y/N: Yes/No. This reflects the landowners' position on the application. May be left blank if no indication from landowner is available.