

BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for District Formation

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. Five (5) extra copies of legal description of the subject area complying with State Board of Equalization standards.
- 4. Two (2) copies of the Plan for Services.
- 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 1-8."

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:

_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>

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.

_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>

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.

_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Printed Name</i>	_____ <i>Title</i>

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.

_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

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.

_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>
_____	_____	_____	_____
<i>Date</i>	<i>Signature</i>	<i>Printed Name</i>	<i>Title</i>

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.)*

DISTRICT FORMATION SUPPLEMENT

A. Justification

1. Is the proposed district a registered voter district or a landowner voter district? Yes _____ No _____
2. Under what principal act will the new district be formed? *(Note: Pursuant to §56100, proceedings for the formation of a district shall be conducted as authorized by the principal act of the district proposed to be formed, except that the commission shall serve as the conducting authority and the procedural requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 shall apply and shall prevail in the event of a conflict with the procedural requirements of the principal act of the district.)* _____

3. Explain why the formation of a new district is being proposed. _____

4. List all of the services to be provided by the proposed district and discuss why the services are necessary at this time. _____

5. Explain why a new district should be formed instead of annexing territory to an existing district. *(Note: Pursuant to §56886.5, if a proposal includes the formation of a district, the commission shall determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose local agency is deemed necessary, the commission shall consider reorganization with other single-purpose local agencies that provide related services.)* _____

6. Describe how the district's board of directors would be established (elected, appointed by the County Board of Supervisors, or the County Board of Supervisors themselves). _____

7. What is the potential for the proposed district to be expanded in the future or provide similar services to a larger area? _____

8. Why or how will the formation provide greater efficiency in the delivery of governmental services? _____

B. Boundaries and Sphere of Influence Information *(Note: A "sphere of influence" is defined as a plan for the probable physical boundaries and service area of a district, as determined by LAFCO [§56076]).*

1. Describe the rationale and methods used to establish the boundaries of the proposed district. _____

2. Will the district boundaries and sphere of influence boundary, be coterminous? _____
3. If a sphere of influence is proposed to exceed the proposed district boundaries, explain the rationale used to support the larger sphere of influence. Please show the sphere boundaries on the map of the district boundaries.

4. Does the proposed district or its proposed sphere of influence overlap with any other local agency boundaries or sphere of influence boundaries? If yes, please list the affected local agencies. _____

C. Plan for Services / Municipal Service Review

Please prepare a Plan for Services and Feasibility Study labeled “**LAFCO Exhibit 8,**” that provides the following information that specifically describes how the proposed district will provide the identified services. *(Note: Pursuant to Government Code Section 56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall submit with the resolution of application a plan for providing services within the affected territory. The Plan for Services will provide the baseline of information to LAFCO in order to prepare a Municipal Service Review (MSR) pursuant to Government Code Section 56430 and to establish the sphere of influence for the new district.)*

1. Provide a thorough description of the level and range of each service to be provided to the territory within the proposed district. _____

2. When can the identified services be feasibly extended to the affected territory? _____

3. Identify any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the new district needs to impose upon the affected territory. _____

4. Provide the estimated cost of extending the service, a description of how the service or required improvements will be financed, anticipated structure of the governing body and a projected five year budget for revenues and expenditures. _____

5. If retail water service is to be provided through the new district, provide a description of the timely availability of water supplies for the projected needs within the new district boundaries based upon the factors found in §65352.5 as required by §56668(k). _____

6. Will the new district share property tax revenue generated within the boundaries of the district? If yes, please provide an approved tax sharing agreement between the affected local government agencies labeled “**LAFCO Exhibit 5.**” *(Note: Any new taxes proposed for the new district must be voter approved pursuant to the requirements of Proposition 218.)* _____
7. Please complete the following table of service providers:

Service	Presently Provided By	Proposed Provider
Fire Protection		
Police Protection		
Domestic Water Service		
Agricultural Water Service		
Sewer Service		
Solid Waste		

Road/Street Maintenance		
Power		
Street Lighting		
Planning & Zoning		
Schools		

D. Land Use

1. How many acres will the proposed district encompass? _____
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. Describe any significant land use issues that will result from the proposed district formation. _____

6. Describe the topography of the subject area. _____
7. Describe any concurrent land use applications. _____

E. 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 area proposed for a new district. _____

F. Intergovernmental Coordination

1. Has the proposal been circulated to all affected local agencies? Yes _____ No _____
2. Attach any responses/comments that have been received from the affected agencies listed.
3. What functions of identified agencies will be duplicated as a result of the district formation?

4. Are there any conditions requested by affected government agencies that will substantially affect or impact the formation of the new district? Yes _____ No _____ (*please describe*)

G. 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.

H. Support or Protest

1. How many residents are presently in the proposed district? _____ If the proposal is for a registered voter district, how many registered voters are within the district boundaries? _____
2. If the district formation facilitates development of parcels, how many residents are anticipated to be in the district following formation? _____
3. What is the source of your calculations? _____
4. Provide a list or table labeled **“LAFCO Exhibit 6”** of all affected property owners within the proposed district area that includes (*Note: A sample table for both a registered voter district and a landowner voter district is provided as LAFCO Form L-2.*):

If it is a landowner voter district:

- ❖ 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 formation, opposed to formation or no response; and
- ❖ Assessed land value as determined by the County Assessor.

If it is a registered voter district:

- ❖ 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 formation, opposed to formation 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 district) located within the area to be formed AND a separate mailing list for those properties located within 300 feet of the exterior boundaries of the area to be formed. 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 proposed formation area.
- LAFCO Exhibit 3:** Legal description of proposed formation 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.
- LAFCO Exhibit 8:** Plan for Services – Feasibility Study.

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" Landowner Voter 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" Registered Voter 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.