

# LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY

## Application Instructions

### *Introduction and General Information*

California established Local Agency Formation Commissions (LAFCo) in 1963 to oversee the boundary changes of local governmental agencies within each county. Each LAFCo operates under the authority of Title 5, Division 3, Part 2, of the California Government Code (Section 56000 *et seq.*), known as the *Cortese-Knox-Hertzberg Government Reorganization Act of 2000* ("CKH") or "LAFCo law." LAFCos have authority over city incorporations and disincorporations; special district formations and dissolutions; annexations; detachments; and consolidations. LAFCos also adopt a Sphere of Influence for each local agency in their counties.

Every LAFCo is composed of elected officials from the county and local cities and members of the general public. Many LAFCos (including Nevada LAFCo) include independent special district representatives. Included in the application packet is a list of the current Nevada County LAFCo Members and Staff.

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

### *Instructions*

Requirements for the processing and approval of applications to LAFCo are established by the CKH and CEQA. Additional procedures and standards are set forth in Nevada LAFCo's *Policies, CEQA Guidelines, and Application Processing Procedures*.

The information needed for processing a LAFCo application varies with the type of action requested. Proponents are encouraged to meet with LAFCo staff before submitting an application to assure clear understanding of the LAFCo process. LAFCo staff may request additional information after receiving an application in order to provide supporting documentation for the Commission's consideration.

Applications should be accompanied by the following materials:

- Application Form.**
- Resolution or Petition.** The LAFCo process is typically initiated by a Resolution of Application adopted by the affected agency's legislative body. A sample is included in these instructions as *Attachment 1*.

Although CKH allows property owners or registered voters to initiate LAFCo action by submitting a petition meeting the requirements set forth in Sections 56650-56653 of the Government Code, the **support of the affected agency is required** in any case.

Consequently, prospective proponents are strongly encouraged to work with the affected agency to obtain its consent to the proposed action and secure adoption of a Resolution of Application. (A petition template is included in these instructions as *Attachment 2*.)

- ❑ **Environmental Compliance Documents.** Generally the affected agency will act as Lead Agency for CEQA purposes. In such cases, the application should be accompanied by copies of the Lead Agency's *Notice of Exemption* or *Notice of Determination, Initial Study*, and all related reports, including the *Negative Declaration* and/or *Environmental Impact Report*.

If applicants want LAFCo to act as Lead Agency, a supplemental form (available from LAFCo staff) must be completed.

- ❑ **Deposit toward Fees and Agreement to Pay.** LAFCo will not process applications without required deposits and a signed copy of the *Agreement to Pay for Time and Materials*. (See the LAFCo Fee Schedule, included as *Attachment 6*, for applicable amounts.) If the initial deposit does not cover all processing costs, additional charges may apply as indicated in the fee schedule.

Applicants are also responsible for payment of applicable State Board of Equalization fees, as listed in the SBOE fee schedule (*Attachment 7*).

- ❑ **Map(s).** Three large scale paper copies of the project map (18" x 26" maximum) and an 8½ x 11 reduction must be provided with the application. For final processing after Commission approval, three mylar copies, three paper copies and one 8½ x 11 reduction are required. (A fourth mylar copy may be submitted if the surveyor/engineer who prepared the map wishes to retain a copy.)

Maps must comply with LAFCo requirements, in addition to those of the State Board of Equalization and the Nevada County Recorder's Office, including **but not limited to** the following:

1. Be professionally drawn to engineering scale. Rough sketches cannot be accepted.
2. Display a small location or vicinity map showing the subject property's placement relative to city/town boundaries, major streets/roads, or significant features such as rivers.
3. Show all streets, highways, railroads, streams, drainage canals, or other important physical features adjacent to the subject property, with their current names.
4. Show the exterior lines of the subject property; this line must be the most prominent line on the map, but not more than 1.5 mm in width.
5. Show the net and the gross acreage.
6. Show site dimensions, north arrow, and visual scale.
7. Show the point of beginning of the legal description.
8. Show assessor's parcel numbers for all parcels that touch the new boundary.

9. Show all tax area codes.

10. Be signed by the surveyor/engineer.

- ❑ **Legal Description.** The description must be a metes and bounds description that complies with the State Board of Equalization requirements.
- ❑ **Attachment List.** List all supporting documents and attachments with reference to corresponding questions on the application form and attach the list to the completed application.
- ❑ **Tax Exchange Agreement.** LAFCo cannot process an application until the affected agencies have established a tax exchange agreement. An existing Master Tax Exchange Agreement usually fulfills this requirement, and public agencies submitting applications can include language in their initiating resolutions referring to the appropriate Master Tax Exchange Agreement.

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

- ❑ **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. The LAFCo process is outlined in the *Application Processing Procedures*.

Attachments:

1. Resolution of Application template
2. Petition template
3. Mapping requirements from State Board of Equalization and Nevada County Recorder's Office
4. LAFCo Commissioner and Staff List
5. Agreement to Pay for Time and Materials
6. LAFCo Fee Schedule
7. State Board of Equalization Fee Schedule
8. LAFCo Application Form