LOCAL AGENCY FORMATION COMMISSION

INSTRUCTIONS FOR APPLICANTS

The Local Agency Formation Commission (LAFCO) is empowered to act on proposals involving formation of, annexation to, and detachment from local service districts, including incorporated cities. To make this determination, LAFCO and staff must have available all pertinent information regarding the proposal. Procedures are guided by the requirements of California Government Code, Section 56000 et seq.

To enable LAFCO staff to determine the application process, a pre-application review application (no fee required) must be completed and submitted to LAFCO staff a minimum of 10 working days prior to attending a required pre-application conference with LAFCO staff. During this conference, the applicant will discuss the proposal and will be given an overview of the applicable LAFCO review process.

CEQA Review

A project submitted to the Local Agency Formation Commission usually requires an environmental evaluation under the California Environmental Quality Act (CEQA). The LAFCO Staff and ultimately the Commission will determine if the analysis submitted by the applicant is adequate for the proposed project. If Staff determines that the environmental document is not adequate, the applicant shall hire a consultant approved by the Staff to provide an adequate environmental document. If the Staff determines that the project is exempt from CEQA, no environmental document is required.

Basic Application Review Process

The specific process is based upon the actual project proposal and will be specified during the pre-application conference.

Application must be made to the Local Agency Formation Commission at the Community Development Department. The LAFCO is responsible for coordinating the processing of the application. Reorganizations involving service districts should first be approved by the affected districts.

The review process entails a notice of filing being submitted to interested and subject agencies, the Superintendent of Schools and each school superintendent, whose school district overlies the subject area, concerning the proposed project and evaluating potential environmental impacts associated with the project. Throughout this process, the applicant will be informed by the LAFCO Staff of any issues that are raised by advisory agencies and the Staff will assist the applicant in formulating measures to address those issues. Once the consultation and evaluation process is complete, Staff will notify the applicant if there is a need to amend the project and/or environmental documents.

The Tuolumne County Assessor's and Auditors Offices will also be notified to start the property tax transfer process, where appropriate. The application will be deemed complete by the LAFCO staff

once the environmental document is deemed adequate, the tax transfer process is completed or 30 days have passed, whichever is later. Then a Certificate of Filing will be issued with Staff setting the Commission hearing date to be held within 90 days. Staff will forward a copy of the Certificate of Filing to the applicant as to when the LAFCO hearing will be held.

LAFCO staff will prepare an Executive Officer's Report with a recommendation to the Commission. The applicant will be sent a copy of the Staff recommendation before the LAFCO hearing. Notice of the hearing will be published, posted, and mailed to various agencies, registered voters and land owners (depending on the actual project) 21 days prior to the LAFCO hearing.

The LAFCO hears the proposal on the noticed date and time. The hearing may be continued for up to 70 days. Following the hearing, the LAFCO adopts a resolution making determinations, and a 30 day Reconsideration period starts. If a request for reconsideration is submitted, a Reconsideration hearing shall be held by LAFCO following the 21 day notice requirements. After the reconsideration period ends a LAFCO protest hearing may be required following a 21 day notice.

After the final LAFCO hearing, the applicant shall comply with the conditions of the adopted resolution. If approved, the applicant will be responsible to create a map with a written geographic description of the boundary of the project site consistent with the criteria of the State Board of Equalization (SBOE) and submitting a check payable to the SBOE for the SBOE application fee. The map, written geographic description and check will be submitted to LAFCO Staff to forward to the SBOE. After the SBOE notifies LAFCO Staff that the map and written geographic description are acceptable, LAFCO Staff will record a Certificate of Completion with the Tuolumne County Recorder's Office and forward copies to the applicants, districts if applicable and County Assessor's and County Auditor's Offices.

If LAFCO denies the proposal, or at the end of the protest hearing or election process the proposal is defeated, the decision is final, with no further LAFCO process.

Required Submittals and Information

(Following the Pre-application Conference)

A. Required Information

An application will not be considered complete unless it contains all of the following:

1. LAFCO Application form – One (1) original and ten (10) copies completely filled out and including the signature of the applicant, or, if initiated by petition, the signature of the chief petitioner and the landowners/residents joining in the filing. If initiated by an adopted District resolution, one (1) original resolution and ten (10) copies, and one (1) original application with the Chair or Vice Chair's signature on it along with ten (10) copies of the application shall be submitted.

2. Maps – Ten (10) copies of the exterior boundaries of the subject area. Submit one legible 8-1/2" x 11" copy of the map. The map shall have a north arrow, a vicinity map that shows the nearest intersection and other features as deemed appropriate for the proposal. The vicinity map may be drawn at a small scale on the larger map.

3. Ten (10) copies of California Environmental Quality Act (CEQA) review. The Commission staff and the Commission will determine if the analysis is adequate for the proposed project. If Staff determines that the environmental document is not adequate, the applicant shall hire a consultant to be first approved by the Staff to provide an adequate environmental document. If the Staff determines that the project is exempt from CEQA, no environmental document is required.

4. Plan for proving Services – Ten (10) copies. The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

    a. An enumeration and description of the services to be extended to the affected territory.

    b. The level and range of those services.

    c. An indication of when those services can feasibly be extended to the affected territory.

    d. An indication of any improvement or upgrading to structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

    e. Information with respect to how those services will be financed.

5. Application fee (see fee schedule)

6. Other pertinent information and material, as required the LAFCO Executive Officer.