



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

MERCED LAFCO APPLICATION PROCESSING PROCEDURES OUTLINE

STEP A. EARLY CONSULTATION:

Applicants are encouraged to discuss proposals with LAFCO Staff prior to formally preparing an application and initiating proceedings.

STEP B. INITIATION OF PROCEEDINGS:

Proceedings may be initiated by a variety of methods. These methods are identified in the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000. It is the policy of the Merced Local Agency Formation Commission to accept proposals that are initiated by resolution of the affected agency, such as a city initiating an annexation or an irrigation district initiating a detachment. It is encouraged that a petition in support of the application also be submitted which is signed by all affected property owners who support the application

STEP C. SUBMITTAL OF APPLICATION PACKAGE:

The minimum application package necessary to initiate proceedings consist of the following:

1. Notice of Intention (LAFCO FORM L1.)
2. Complete Justification of Proposal (LAFCO Form L3.)
3. Professionally drawn Map and Legal Description of the subject territory (1 copy) (following the form outlined in the Notice of Intention) (Ensure that they are wet-stamped)
4. Environmental Questionnaire (LAFCO Form L31) or environmental documentation (20 copies) used by Lead Agency if EIR or Negative Declaration prepared.
5. Applicable Agency Resolution of Application with Supporting Documentation, and/or property owner Petition (LAFCO Form L2.)
6. Ordinance pre-zoning territory for City Annexations.
7. Signed Indemnity Agreement on form provided by LAFCO.
8. Application Fees (Fee Schedule is Attached.)
9. Receipt of Payment for Fish and Game Fees if LAFCO is the lead agency.

STEP D. PROCESSING OF APPLICATION:

(A minimum of 8 weeks is necessary for processing once the application package has been accepted.)

LAFCO Staff will evaluate the appropriateness of the proposal under the provisions of the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000. The factors set forth in Section 56668 of the Cortese/Knox/Hertzberg Act are the primary basis of this evaluation. The proposal will also be reviewed against the locally adopted policies which are concerned with protection of open space and agricultural resources, the creation of logical and orderly boundaries, and the efficient delivery of services. This evaluation will also involve consultation with various affected agencies, and their comments will be included as part of the “Executive Officer’s Report.”

STEP E. THE LAFCO MEETING:

Most proposals require a public hearing prior to LAFCO action. Approximately one week before the hearing, an “Executive Officer’s Report” containing an evaluation and recommendation will be mailed to the affected agency and property owner.

The Merced LAFCO normally meets on the fourth Thursday of each month at 10:00 a.m. in the Merced County Board of Supervisors Chambers. Occasionally a special meeting or continued hearing is conducted on another date and time.

At the meeting, LAFCO Staff will give an account of the proposal with a recommendation. The public hearing will be conducted and anyone may address the Commission concerning the application. Following the close of the public hearing, the Commission will take one of the following actions:

1. Approve the proposal, as submitted.
2. Approve the proposal subject to modification.
3. Approve the proposal, subject to a protest hearing.
4. Continue consideration of the proposal to a specific date and time.
5. Deny the proposal.

If the proposal is denied, proceedings are terminated and there is no appeal process.

STEP F. AFTER LAFCO APPROVES THE PROPOSAL:

Requests for reconsideration may be submitted in writing to the Executive Officer within (30) days of the Commission’s decision. Such requests will be granted only when the petitioner can submit new facts or information indicating that significant factors relevant to the proposal were overlooked or have changed.

Once LAFCO has completed its required hearing(s) and taken final action to approve the proposal, a resolution of approval containing the determinations made by the Commission will be prepared for signature by the Executive Officer.

If the original petition was not signed by all landowners in support of the application, a protest hearing may be required. Per Section 57000 of the Cortese/Knox/Hertzberg Act, LAFCO is required to conduct “protest proceedings” to determine whether the proposal can be approved without an election, whether an election should be held, or whether the proposal must be terminated due to majority protest. If the protest is not successful, then the Commission adopts a second resolution completing the proposal.

STEP G. FINAL FILING:

LAFCO staff will prepare a Certificate of Completion and Statement of Boundary Change. The Certificate of Completion is recorded with the County Recorder, and the Statement of Boundary Change and other materials are sent to the State Board of Equalization. A separate processing fee is required by the State for changing the tax rolls, which must be paid prior to LAFCO recording the Certificate of Completion.

The various City and County agencies are then notified of the filing and the boundary changes, and the change in organization is final once recorded at the County Recorder's Office unless otherwise stated during the approval process.

More detailed information is available from LAFCO staff concerning these procedures.



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NOTICE OF INTENTION

As required by law, Notice of Intention is hereby given for the action indicated below: (Check and provide appropriate information)

To annex the herein described territory to the following agency:

Name of City or Special District

To detach the herein described territory from the following agency:

Name of City or Special District

To file a petition for the incorporation of a new City, to be known as the City of

To form a new Special District, described as follows:

Name of District:

Type of District

Law under which District will be formed

Other:

Specify nature of change and statutory provision under which the proposal is made.

Name, address, and telephone number of the person who is designated by the applicant(s) to: 1) receive mailed notice of any LAFCO hearing, 2) receive a copy of the Executive Officer's Report on the proposal, 3) if approved, receive the LAFCO Resolution on the proposal, and 4) be contacted if any questions arise concerning the proposal:

Five horizontal lines for providing contact information.

Each notice of Intention shall be accompanied by:

- A. A petition in the form and containing the information required Government Code Section 56700 (LAFCO Form No. L2) including signatures and addresses (if resident-voter) or signatures and Assessor's Parcel Numbers (If land owner-voter) of all proponents, AND/OR

City or Special District Resolution requesting the action indicated on Page of this Notice.
- B. LAFCO Form No. L3, Justification of Proposal, explaining the background and purpose of the proposal.
- C. Ten copies of professionally drawn blackline map conforming to the following map requirements:
 - 1. Map size 8-1/2" x 11" minimum, 11" x 17" maximum
 - 2. Indicate scale and show north direction
 - 3. Show point of beginning of legal description.
 - 4. Boundaries of subject territory must be clearly shown.
 - 5. Show area of subject territory in acres.
 - 6. Show all roads and current road names.
 - 7. Show all bearings, distances, lot numbers, and references used in the description.
 - 8. Show Assessor's Parcel Numbers.
 - 9. If it is an annexation or detachment, show existing city limits, or district boundaries adjacent to the subject territory and name and date of the contiguous annexation, if any.
 - 10. Indicate the name of proposed action, the date the map was prepared and include the official seal of the person preparing the map.
- D. Ten copies of a metes and bounds description to correspond to the map on 8-1/2" x 11" paper and must be reproducible.
- E. LAFCO Form No. L-31, Applicant's Environmental Information, OR City of Special District resolution adopting environmental action and one copy of the Negative Declaration and Initial Study or 17 copies of the Environmental Impact Report, as appropriate.
- F. City annexation proposals are to include the city ordinance rezoning the subject property and a plan for providing services to the property.

Respectfully submitted by: _____

Address: _____

Date: _____



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PETITION FOR PROCEEDINGS
PURSUANT TO THE CORTESE-KNOX-HERTZBERG
GOVERNMENT REORGANIZATION ACT OF 2000

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

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.)

2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc.) is/are:

3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached her to and by this reference incorporated herein.

4. The territory(ies) included in the proposal is/are:
_____ inhabited (12 or more registered voters)
_____ uninhabited (11 or less registered voters)

5. This proposal is/is not consistent with the sphere of influence of the affected city and/or district(s).

6. The reason(s) for the proposed _____ (annexation, detachment, reorganization, etc.) is/are:

7. The proposed _____ is requested to be made subject to the following terms and conditions:

8. The persons signing this petition have signed as _____ registered voters or _____ owners of land (check one.)

9. If the formation of a new district is included in the proposal:

(a) The principal act(s) under which said 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 as described in Exhibit(s) _____, _____, heretofore incorporated herein.

10. If an incorporation is included in the proposal:

(a) The name proposed for the new city is: _____

(b) Provisions are requested for appointment of:

(1) City Manager _____ Yes _____ No

(2) City Clerk & City Treasurer _____ Yes _____ No

11. If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is:

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et. Seq. of the Government Code and herewith affix signature(s) and date signed as follows:

Chief Petitioners (not to exceed three):

DATE PRINTED NAME SIGNATURE RESIDENCE ADDRESS

1. _____

2. _____

3. _____

Additional Petitioners (Attach additional sheets as necessary):

4. _____

5. _____

6. _____

7. _____

JUSTIFICATION OF PROPOSAL

LOCAL AGENCY FORMATION COMMISSION County of Merced

Name of the Proposed Reorganization:

Commission File No. _____
(For Staff Use Only)

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) charges the Local Agency Formation Commission with responsibility for the review and evaluation of proposals for the formation or changes in organization of local agencies. This Justification of Proposal questionnaire includes information to determine compliance with the Act and locally adopted LAFCO policies.

In order to facilitate the Commission's review of this proposal, complete the following questionnaire and file the same together with the appropriate Notice of Intention relating to the proposal. All of the questions must be answered; if the question is not applicable to the type of action proposed, so state. Pursuant to the rules of the Commission, no Notice of Intention will be accepted for filing unless accompanied by this completed questionnaire.

PROPOSAL QUESTIONNAIRE

(Answer each question completely. Use additional pages as necessary.)

A. GENERAL INFORMATION

1. Type and designation of proposal (annexation, detachment, sphere of influence amendment, formation, etc., affecting a city or special district):

2. List name(s) and address of applicant (chief petitioner/contact person):

3. Describe the location of the subject territory, including Assessor Parcel Number(s).

4. Why has the proposed action been requested?

B. PHYSICAL FEATURES

1. Land area: Square miles _____ or acres _____.
 2. State general description of topography:
 3. Describe any physical or natural features being used to define a boundary of the proposal: (Rivers, mountains, freeways, etc.)
 4. Describe drainage basin, rivers, flood control channels, etc. which traverse through the subject territory.
 5. Describe major highway access to the area:
- (For City and Special District Annexations and Reorganizations)
6. How is the proposed boundary appropriate in relation to the existing City or Special District boundary?

C. POPULATION AND RELATED MATTERS

1. Population in subject area:
2. Population density (i.e. per square mile, per acre):
3. Number of registered voters:
4. Number of dwelling units:
5. Assessed Valuation (List by Assessor's Parcel Number):

6. Is the subject territory in proximity to the existing developed or developing areas within the City or Special District? Please describe.

If the proposal involves an annexation to an agency providing facilities or services for development, answer questions 7, 8 and 9.

7. What is the adopted growth rate for your jurisdiction over a 10-20 year horizon? (Please include the source, i.e., General Plan or Merced County Association of Government's projection).
8. Is there enough land within the current City/District limits to accommodate this growth? If not, approximately how much is available?
9. Explain how the proposal will assist the City or County in achieving their fair share of the regional housing needs as determined by the City, County, or Merced County Association of Governments. (See Govt. Code Section 56668)

D. LAND USE

1. Describe the existing land use in the area which is the subject of this proposal:
 - a. Indicate existing county general plan designation:
 - b. Indicate existing City general plan designation involving City jurisdictions:
2. Amount of publicly owned land in area:

If the proposal involves an annexation to a city or special district providing urban services, answer question 3.

3. Is the proposal consistent with the City General Plan policy, including planned land use designations, densities and other land use and development policy?
 - a. What pre-zoning has the City adopted for the affected area? (If the proposal involves annexation to a City)
 - b. What is the present zoning in the County?

E. AGRICULTURAL AND OPEN SPACE RESOURCES

(For City or Urban Service District Annexations or Reorganizations)

- 1. Would the proposal affect prime agricultural land as defined under Section 56064 of the Cortese-Knox-Hertzberg Act?**

NOTE: The applicant or property owner may submit a soil analysis which demonstrates how soil has been degraded to a less than "Prime" classification. The soil analysis should focus on the actual soil rather than the specific crops that may be planted. As an option, the analysis could address the soil and its ability to support crops typically grown in the area on similar soils. The cost of the soil analysis shall be borne by the applicant or property owner.

- 2. Is the proposal consistent with the adopted open space and conservation policies of the City's General Plan or County General Plan and any applicable Community Specific Plan? Explain.**
- 3. If the proposal involves the conversion of "prime" agricultural land or identified valuable open space land, has the City or County considered alternatives to the annexation which would avoid or reduce such impacts?**
- 4. If the proposal will result in urban development adjacent to existing agricultural lands, has the City or County considered measures to minimize potential conflicts, such as land use *transitions*, buffers or "right-to-farm" notification for future residents?**
- 5. Is the proposal within a Williamson Act Agricultural Reserve? Yes/No If yes, is the territory under contract? If yes, has non-renewal been requested? If yes, what was the date of request and when does the contract terminate?**

F. GOVERNMENTAL SERVICES AND CONTROLS

(Plan for Services)

(For City or Urban Special District Annexations or Reorganizations)

The following matrix and questions are to determine if City services are adequate for both existing and proposed land uses within the subject territory, including for example: police protection, fire protection; sewer service, water service, and storm drainage.

1. Police

- a. Submit a map showing the location of the nearest existing and proposed police station.

- b. What are the response times to the proposal area?

- c. Would additional stations, facilities, and staffing be needed to service the affected area? If yes, what mechanisms are in place to fund capital facilities and ongoing service levels?

2. Fire

- a. Submit a map showing the location of the nearest existing and proposed fire station.

- b. What are the response times to the proposed area?

- c. What is the existing Insurance Service Office rating for the proposal area?

- d. Would additional stations, facilities, and staffing be needed to service the affected area? If yes, what mechanisms are in place to fund capital facilities and ongoing service levels?

Water/Sewer/Storm Drainage

	Proposed Service Provider	Current Capacity	Promised Capacity (Other projects)	Remaining Capacity	Project Demand
Water					
Sewer					
Storm Drainage					

3. Water

- a. What improvements are required to serve this annexation?

- b. Describe any factors that could limit the delivery capacity (i.e. storage capacity, transmission lines, etc.)
- c. What funding mechanisms does the City utilize to acquire capacity and when is it implemented?
- d. If additional capacity is required, when will it be available to the annexation area?
- e. Provide a map that depicts the water system in this area.

4. Sewer

- a. What improvements are required to serve this annexation?
- b. Describe any factors that could limit the delivery capacity (i.e. storage capacity, transmission lines, etc.)
- c. What funding mechanisms does the City utilize to acquire capacity, and when is it implemented?
- d. If additional capacity is required, when will it be available to the annexation area?
- e. Provide a map that depicts the affected agency's sewer system in the immediate area.

5. Storm Drainage

- a. What improvements are required to serve this annexation?
- b. Identify the area where storm drainage will be conveyed.

6. Transportation

- a. Designate the names and types of roads which the project will use for primary and secondary access.

- b. Is construction of new access streets necessary? If yes, identify those streets.
- c. What road impacts will occur and what major circulation improvements are needed to serve the proposal?
- d. What is the estimated cost of these improvements (if any) and how will these improvements be financed?
- e. Is public transportation available? _____ How distant? _____ miles.

7. Parks and Recreation

- a. Does the proposed land use plans include parklands?

8. What is the estimated effect of the proposal on the City's ability to provide governmental services and controls to existing incorporated territory?

9. Please check one of the following:

_____ The affected territory *will be taxed* for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.

_____ The affected territory *will not be taxed* for existing bonded indebtedness or contractual obligations.

10. (For Urban Service District Annexations or Reorganizations)

- a. Are District services adequate for both existing and proposed land uses within the subject territory?
- b. What is the estimated effect of the proposal on the District's ability to provide services and controls to existing district territory?

G. OTHER SERVICES

Schools (Only to be completed for proposals that would result in new residential development).

- a. Provide the name of the District(s), and the current enrollment.

b. Provide the student generation rate from the proposed development.

c. Is classroom space is available for the anticipated development?

If not, indicate the method of financing to provide the necessary classroom space.

H. PHASING

(For City Annexations or Reorganizations)

- 1. Does the City's General Plan contain a phasing plan? If so, is this proposal consistent with the Plan and why?**
- 2. How does the phasing plan address the City's ability to provide necessary urban services in an orderly and efficient manner?**
- 3. Have other alternatives been considered which would be more consistent with orderly growth, open space protection and public service efficiency?**

(For Urban Service District Annexations or Reorganizations)

- 1. Is the proposal consistent with planned phasing of growth and improvements as defined in the County General Plan and any applicable Community Specific Plan?**
- 2. How does the County's Phasing Plan address the District's ability to provide necessary urban services in an orderly and efficient manner?**
- 3. Have other alternatives been considered which would be more consistent with orderly growth, open space protection and public service efficiency?**

I. MUTUAL SOCIAL AND ECONOMIC INTEREST

- 1. Do any social or economic communities of interest exist within the subject territory including the relationship between any adjacent nearby Cities or special districts, which provide services that may affect the territory?**

- 2. Are there any special districts (including County Service Areas) that will no longer be serving the proposed area following the annexation or reorganization?**

- 3. Is the proposal contiguous with the existing boundaries of the annexing or detaching City or Special District?**

- 4. Does the proposal create islands, corridors, peninsulas or other undesirable boundary characteristics which lead to service inefficiencies and potential land use conflicts?**

J. ANY OTHER COMMENTS WHICH MAY BE RELEVANT TO THE PROPOSAL.



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APPLICANT'S ENVIRONMENTAL QUESTIONNAIRE

1. Applicant's Name: _____
2. Applicant's Address: _____

3. Project Name: _____
4. Project Location: _____

5. Name, address, and telephone number of person to be contacted concerning this project:

6. List and describe any other public agency approvals required for this project, including those required by city, county, regional, state, and federal agencies:

7. Describe the project, (e.g., an annexation of 20 acres to the Countryside Water District to supply domestic sewer and water service for a proposed 80 unit residential subdivision.)

Are the following items applicable to the project or its effects? Discuss all items checked yes.
(Attach additional sheets as necessary.)

YES NO

- | | | |
|-------|-------|---|
| _____ | _____ | 10. Change in existing features of any water way or hills, or substantial alteration of ground contours. |
| _____ | _____ | 11. Change in scenic views or vistas from existing residential areas or public lands or roads. |
| _____ | _____ | 12. Change pattern, scale, or character of general area of project. |
| _____ | _____ | 13. Generation of significant amounts of solid waste or litter. |
| _____ | _____ | 14. Change in dust, ash, smoke, fumes, or odors in vicinity. |
| _____ | _____ | 15. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns. |
| _____ | _____ | 16. Substantial change in existing noise or vibration levels in the vicinity. |
| _____ | _____ | 17. Site of filled land or on slope of 10 percent or more. |
| _____ | _____ | 18. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. |
| _____ | _____ | 19. Substantial change in demand for municipal services (police, fire, water, sewage, etc.) |
| _____ | _____ | 20. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.) |
| _____ | _____ | 21. Relationship to a larger project or series of projects. |
| _____ | _____ | 22. Potential for inducing further population or economic growth in the area. |
| _____ | _____ | 23. Reduction in acreage of any agricultural crop. |
| _____ | _____ | 24. Loss of open space resources or potential impact on adjacent resources. |

CERTIFICATION:

I hereby certify that the statements furnished above present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

SIGNED: _____ DATE: _____

NAME (Print or Type): _____

TITLE: _____

FIRM/AGENCY: _____

LAFCo Fees

CURRENT FEES—EFFECTIVE JULY 24, 2007

Annexations	\$ 2,700
Detachments	\$ 2,700
Reorganizations	\$ 2,700
Dissolutions	\$ 1,593
Consolidations	\$ 1,832
Formations	\$ 4,370
Sphere of Influence	\$ 2,700
Out of Boundary Service Reviews	\$ 778
Incorporation of a City	\$3,000 Deposit + Cost
Service Review	\$2,000 + Cost
Sphere of Influence Studies	\$2,000 + Cost
Environmental Review (Negative Declaration)	\$778 ^C
Environmental Review (Notice of Determination)	\$50 ^C
Executive Officer's Report Mailing	Cost = \$100/year
Agenda Mailing	Cost = \$20/year
Copies	\$.25/page

NOTE:

- A. The fees set forth above shall be paid at the time the application is filed with the Executive Officer.
- B. The only exceptions to this fee schedule will be on proposals initiated according to law by the Local Agency Formation Commission.
- C. The Environmental Review (Negative Declaration) fee is based on the cost to prepare a Negative Declaration when LAFCo is acting as the lead agency. The \$50.00 Notice of Determination Fee is a filing fee for the County Clerk and is required of all applications whether LAFCO is the lead agency or a responsible agency (when LAFCO relies on an environmental document prepared by the City or Special District).