

# CHAPTER 6

## APPLICATION REQUIREMENTS

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### 6.010 Background

A petition or resolution of application is only one part of the application materials necessary to initiate a change of organization proposal. Although the petition or resolution of application includes substantial amounts of information as required by the Reorganization Act, the Commission needs additional information and materials in order to fully understand the proposal and make an informed decision. The applicant or proponent is responsible for preparing and submitting all application materials required for the proposal.

Section 56652 of the Reorganization Act establishes minimum requirements for submittal of an application and also authorizes the Commission to require from the proponent all information deemed necessary by the Commission to address Commission policies and the factors which must be considered by the Commission. This includes information necessary to analyze the environmental impacts of the proposal in accordance with the California Environmental Quality Act. Maps and legal descriptions of the area involved in the change of organization are required by the State Board of Equalization which keeps track of the boundaries of all cities and special districts in the State. The application requirements for submitting a change of organization proposal are set forth in this chapter, however the application form obtained from LAFCo provides a checklist to assist the public and special districts in submitting an application.

The Commission is authorized by Sections 56654 and 56655 of the Reorganization Act to establish fees for the processing of applications and other miscellaneous functions of the

Commission. These fees cannot exceed the estimated reasonable cost of providing the services which may include such things as staff salaries, supplies, equipment, and office space. The application fees for LAFCo do not cover all Commission expenses and consequently all applications are partially subsidized by funds provided by the County for the general operation of the Commission.

### **6.020 Application Requirements**

Before an application shall be accepted for filing by the Executive Officer, the following items shall be submitted. It is the applicant's responsibility to ensure these items are completed and all information is true and correct. An application shall not be accepted for filing if any item is incomplete or any information is inaccurate.

- A. LAFCo application form which includes the names and addresses of officers or persons, not to exceed three, who are to be furnished with copies of the Executive Officer report and given mailed notice of the hearing.
- B. Certified affected property owners list and map.
- C. Petition or certified copy of legislative resolution of application which complies with the criteria set forth in Sections 6.040 and 6.050.
- D. Maps and legal descriptions of the affected territory for each proposed change of organization which complies with criteria set forth in Section 6.060.
- E. If the Commission is not the lead agency, a copy of the Notice of Exemption, Initial Study/Negative Declaration, or certified Final Environmental Impact Report for the project. If the Commission is the lead agency, an environmental assessment form, included with the application form provided by LAFCo, must be submitted.
- F. A service area plan for proposals initiated by resolutions which meets the requirements of Section 56653 of the Reorganization Act and Chapter 14 of these policies, procedures, and standards OR a service feasibility information form for proposals initiated by petitions. This requirement may be waived by the Executive Officer for minor proposals which will not affect the existing or future provision of services to the subject territory or to properties in the district.
- G. If extension of infrastructure or services to currently undeveloped areas will occur, specific evidence of the need for services. Such evidence may include, but is not limited to, land use entitlements, building permits, articles of formation of an assessment district, or other indication of impending development requiring such services.
- H. Application processing and petition checking fees unless such fees are waived or reduced by the Commission pursuant to Section 6.070(C).

[REFERENCE: Secs. 56652, 56653 CGC]

### **6.030 Additional Data and Information**

The Executive Officer may require specific additional data or information from the applicant including, but not limited to, data or information which pertains to any applicable LAFCo adopted policy or standards or any of the matters or factors which may be considered by the Commission. The Executive Officer may also require from the applicant additional data or information necessary to comply with the provisions of the California Environmental Quality Act.

[REFERENCE: Section 56652(e) CGC, Section 15063(e) CAC]

### **6.040 Petition Requirements**

- A. A petition for initiation of a proposal shall be made on forms approved by the Commission or which are determined by the Executive Officer to be substantially similar and include the following:
1. State that the proposal is made pursuant to Part 3 of the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56650 of the California Government Code, and that proceedings for the proposal are requested pursuant thereto.
  2. State the nature of and the reason(s) for the proposal.
  3. List all changes of organization involved in the proposal.
  4. Include a map or description of the boundaries of the affected territory which is sufficient to identify the territory affected by the proposal.
  5. Set forth any proposed terms and conditions of the proposal or any changes of organization.
  6. State whether the proposal is consistent with the sphere of influence of any affected district.
  7. State whether the petition is signed by registered voters or owners of land.
  8. Designate up to three people as chief petitioners, providing their names and mailing addresses. These people will receive all correspondence, reports, etc. associated with the processing of the proposal.
  9. State that the signatory has read all information in the petition.

[REFERENCE: Sec. 56700 CGC]

**B.** The petition shall include the following information, if applicable:

1. For incorporations of new cities or formations of new districts, a name for the city or district.
2. For incorporations of new cities, provisions for appointment of a city manager and appointments of elective city officials, except city council members.

**[REFERENCE: Secs. 56701, 56702 CGC]**

**C.** A petition may consist of a single instrument or separate counterparts, a counterpart being a copy of the original petition document. All petitions, including counterparts and supplemental petitions, shall be filed with the Executive Officer and shall be filed at the same time. **[REFERENCE: Sec. 56703 CGC]**

**D.** All signatures on a petition shall comply with the following:

1. The name of the person signing the petition shall be typed or legibly printed.
2. The person signing the petition shall place the date of signature after his or her signature.
3. If the petition is signed by registered voters, each person signing the petition shall indicate the location of his or her residence, giving the street address, assessors parcel number, or other designation sufficient to enable the place of residence to be readily ascertained.
4. If the petition is signed by landowners, each person signing the petition shall indicate the location of his or her land, giving the assessors parcel number or other written legal description sufficient to identify the location of the land.

**[REFERENCE: Sec. 56704 CGC]**

**E.** The signatures on a petition and submittal of a petition to the Executive Officer shall comply with the following time frames:

1. All signatures on the petition shall be secured within six (6) months of the date on which the first signature was affixed. If the elapsed time between the affixed dates of the first and last signatures exceeds six (6) months, the petition shall not be accepted for filing by the Executive Officer.
2. The petition shall be submitted to the Executive Officer for filing within 60 calendar days after the last signature is affixed. If the elapsed time between the affixed date of the last signature and the date on which the petition is submitted

for filing exceeds 60 calendar days, the Executive Officer shall accept the petition and shall certify that the petition is insufficient, without prejudice to the filing of a new petition.

[REFERENCE: Secs. 56705, 56709 CGC]

### **6.050 Resolution of Application Requirements**

A. A resolution of application shall:

1. State that the proposal is made pursuant to Part 3 of the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56650 of the California Government Code, and that proceedings for the proposal are requested pursuant thereto.
2. State the nature of and the reason(s) for the proposal.
3. List all changes of organization involved in the proposal.
4. Include a map and description of the boundaries of the affected territory which are sufficient to identify the territory affected by the proposal.
5. Set forth any proposed terms and conditions of the proposal or any changes of organization.
6. State whether the proposal is consistent with the sphere of influence of any affected district.
7. Include a service area plan which complies with the requirements of Section 56653 of the Reorganization Act and Sections 14.020 and 14.030 of these policies, procedures, and standards.

[REFERENCE: Sec. 56653, 56654, 56700 CGC]

### **6.060 Maps and Legal Descriptions**

Ten (10) maps and three (3) original legal descriptions of the affected territory of the proposal shall be submitted with the application.

A. **Map Requirements:**

Maps submitted as part of the application for a jurisdictional boundary change filing shall conform to the following specifications:

1. All maps shall be professionally and accurately drawn or copied. Rough sketches or pictorial drawings will not be accepted. Assessor's parcel maps will not be accepted as a substitute for the project map.
2. The map shall have a minimum size of 11x17" and a maximum size of 24"x36". If the original map provided is larger than 11x17", three (3) reduced copies of the map shall be provided that are 11x17".
3. The scale shall be as large as possible. .
4. The map shall show the following: .
  - (a) The north arrow, scale, and a legend explaining use of various lines or symbols on the map.
  - (b) The existing boundaries and service area of special districts in the area.
  - (c) The existing general plan land use(s) and zoning district(s) for the affected territory and adjacent properties.
  - (d) All streets, highways, streams, 100 year floodplains, and other important physical features.
  - (e) All major structures (e.g. residence) located on the affected territory and adjacent properties.
  - (f) Existing drainage, utility, road, and other easements.
  - (g) The exterior boundaries of any and all proposed changes of organization, clearly shown and delineated on the map to distinguish the proposed boundary line from the existing boundary line of districts.
5. A vicinity map shall be included. The vicinity map shall show the location of the project area in relationship to a larger geographic area that includes major streets and highways or other physical features.
6. Any portion of an existing district boundary in close proximity to the project area shall be shown and identified.
7. Every map must clearly show all existing streets, roads and highways with their current names that are within and adjacent to the project area. Additionally, every map shall indicate each township and range, section lines and numbers, or ranchos that are in proximity of the project area.
8. Every map shall bear a scale and a north arrow. The **point of beginning** shall be clearly shown and match the written geographic (legal) description.
9. The boundaries of the project area shall be distinctively delineated on each map without masking any essential geographic or political features. The boundaries of the project area must be the most predominant line on the map. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
12. If the project area has an interior island(s) of exclusion or the boundary has a peninsula of exclusion (or inclusion), that area(s) should be shown in an enlarged drawing.
13. When it is necessary to use more than one map sheet to show the boundaries of the project area, the sheet size should be uniform. A small key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets must be used. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines.

The applicant for a change of boundary shall also be responsible for complying with the current map and legal description requirements of the State Board of Equalization for submittal of the Certificate of Completion. It is strongly recommended that all maps submitted to the State Board of Equalization be filed in electronic/digital form. Digital information will not be shared without the permission of the applicant.

**B. Legal Description Requirements:**

1. The legal description shall be prepared by a licensed surveyor or other qualified and licensed individual.
2. Each legal description shall be stamped, signed, and dated by the individual preparing the description.
3. Every written geographic description (a document separate from the maps) must stand on its own without the necessity of reference to any extraneous document; a description that relies solely on the use of secondary references will not be accepted. The TASS cartographic staff must be able to plot the boundaries from the written description alone.
4. The written description shall be of the project area only. If a complete description of the special district is filed, the project area shall be clearly identified in a separate document.
5. The geographic description shall: a). State the township and range, section number(s) or rancho(s); b). Have a **point of beginning** (POB) referenced to a known major geographic position (e.g., section corners, intersection of street centerlines, or the intersection of street centerline and an existing district boundary at the time of filing). A description will be rejected if the POB refers only to a tract map, a subdivision map or a recorded survey map. It is preferable that the POB be the point of departure from an existing district boundary (when applicable); c). Be expressed as a specific parcel description in sectionalized land (e.g., “The SW 1/4 of Section 22, T1N, R1W”) or by bearings and distances. When the description is by bearings and distances, **all courses shall be numbered and listed individually** in a consistent clockwise direction. The description shall not be written in a narrative format. All courses required to close the traverse of the project area must be stated. All curves must be described by direction of concavity. Delta, arc length, chord, and radius shall be listed, including radial bearings for all points of non-tangency.
6. The written description shall state the acreage for each separate single area (see Definitions and Special Fee Provisions for the definition of a single area) and a combined total acreage of the project area. Example: “*Area A containing 2.50 acres, Area B containing 1.75 acres: Total computed acreage containing 4.25 acres more or less.*”
7. All information stated on the description must match with the map(s), such as the name of the short title, the point of beginning, the course numbers, all the bearings and distances, and the acreage(s).

[REFERENCE: Sec. 56652(c) CGC]

### 6.070 Fees

- A. Fee Schedule:** The adopted fees of the Mariposa Local Agency Formation Commission shall be as set forth in Appendix 1. All fees shall apply to local agencies except as provided for in Section 6.070(F).
- B. Multiple Applications:** The fees for multiple applications shall be 100% of the fees for the application with the highest fee and 50% of the fee for all other applications processed concurrently if the Executive Officer determines that savings of staff time will result from the processing of the applications concurrently.
- C. Fee Waivers or Reductions:** The Commission may consider waivers or reductions of fees upon filing of a written request by the proponent and an application meeting the requirements of Section 6.020. The Commission may grant a waiver or reduction to the fees if the Commission finds that the waiver or reduction is equitable and in the general public interest.
- D. Cost-Accounting Procedures:** For major proposals, the Commission wishes to recover the full Commission costs of processing the proposal. The initial deposit for cost accounting applications shall be submitted before the application proposal will be accepted for filing and processing of the proposal will begin. Costs will be based on the amount of staff analyst time necessary to process the application proposal excepting that work covered by other application fees (e.g. public hearing fee, environmental review fee for Negative Declaration). It should be noted that the hourly rate of the staff analyst includes the staff salary necessary to support the work of the staff analyst which includes the administrative aide and Executive Officer and any necessary mapping. Any fees due and owing at the public hearing of the proposal shall be made a condition of approval and shall be submitted to the Commission before the proposal may be considered by the conducting authority.
- E. Refunds:** A refund of any portion of fees for withdrawn, closed, or partially completed proposals shall be determined by the Executive Officer based on his or her appraisal of the cost of staff work and other work completed. In addition, refunds will be made on all cost-accounting application proposals if the cost of processing is less than the initial or any subsequent deposit.
- F. Public Agency Exception:** No fees shall be charged for materials (one copy each) provided to public agencies where said public agencies are conducting studies, programs, etc., which benefit County residents. The public agency shall complete an order/billing form with a brief description as to what purpose said materials are needed.
- G. County Department Fees:** Fees collected for preprinted documents, photocopying, mileage fee, map and legal description check, and property owner notification shall be

deposited directly into the account of the Mariposa County Planning Department who provides such services and equipment. Fees collected for the recordation of documents shall be deposited directly into the account of the Mariposa County Assessor/Recorder Office which records such documents.

- H. Legal Counsel:** In those cases where the County Counsel is subject to a conflict of interest and the Commission appoints legal counsel to advise it, the proponent shall be responsible for all costs of legal counsel unless such costs are waived or reduced by the Commission in accordance with Section 6.070.

### **6.080 Waiver of Application Requirements**

The Executive Officer may consider waivers of certain application requirements upon filing of a written request by the proponent. The Executive Officer may grant a waiver of application requirements only in those cases in which the Executive Officer determines the information or data is not required by the Reorganization Act or other State laws and will not be necessary for the Commission to make a decision on the proposal.

### **6.090 Written Protests**

- A.** A written protest objecting to a proposal shall be made on forms approved by the Commission or which are determined by the Executive Officer to be substantially similar and include the following:
1. State the application number and short-term designation of the proposal being protested.
  2. State whether the protest is signed by registered voters or owners of land.
- B.** Signatures on the protest shall comply with the signature requirements of Section 6.040(D).
- C.** All signatures on the protest shall be secured on or after the date of the filing of the Certificate of Filing.
- D.** For the purposes of determining the number of registered voters, the date on which the number of registered voters is determined is the date of the adoption of the resolution of application if notice has been provided by the legislative body in accordance with Section 56046 of the Reorganization Act or the date a petition or other resolution of application is accepted for filing and a certificate of filing is issued by the Executive Officer.

### **6.100 Indemnification Requirements**

- A. Authority:** As a condition for all LAFCo applications, an applicant shall provide an indemnity agreement that defends, indemnifies, and holds harmless Mariposa LAFCo

and its agents, officers, and employees from any claim, action, or proceeding against Mariposa LAFCo or its agents, officers, or employees to attack, set aside, void, or annul an approval, or any proceedings, or acts.

- B. **Notification:** In the event of any claim, action, or proceeding against Mariposa LAFCo as described in section 6.100.A, Mariposa LAFCo shall promptly notify the applicant or permit holder of such claim, action, or proceeding and Mariposa LAFCo shall fully cooperate with the applicant in the defense of the action.
- C. **LAFCo participation:** Nothing contained in this section shall prohibit Mariposa LAFCo from participating in the defense of any claim, action, or proceeding if Mariposa LAFCo bears its own attorney's fees and costs and Mariposa LAFCo defends the action in good faith.