



San Luis Obispo LAFCO

Change of Organization or Reorganization

Through Petition of Application

1042 Pacific Street · Suite A · San Luis Obispo, CA 93401

805-781-5795 · www.slo.lafco.ca.gov · Adopted 4/20/2023

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INSTRUCTIONS & INFORMATION ON THE LAFCO APPLICATION

The following information is designed to help you understand and move your project through the various stages of the LAFCO process.

Understanding Terms

1. Understanding whether your application is a **“Change of organization”**.

a. “Change of organization” means any of the following under gov code section 56021:

- *A city incorporation.*
- *A district formation.*
- *An annexation to a city.*
- *An annexation to a district.*
- *A detachment from a city.*
- *A detachment from a district.*
- *A disincorporation of a city.*
- *A district dissolution.*
- *A consolidation of cities.*
- *A consolidation of special districts.*
- *A merger of a city and a district.*
- *Establishment of a subsidiary district.*
- *The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district as provided in Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of this division).*

2. Understanding whether your application is a **“Reorganization”**. “Reorganization” means two or more changes of organization contained in a single proposal per gov code section 56073.

3. Difference between a **Resolution of Application** and a landowner or registered voter **Petition of Application**.

a. “Resolution of Application” (gov code section 56654), is an application initiated by the affected agency. A certified resolution from the local agency requesting LAFCO action would be required through this method; or

- b. "Petition of Application" is an application initiated by a landowner or landowners, or registered voters. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese -Knox -Hertzberg.

It is important to note that while a change of organization, such as a an annexation, may be initiated by a landowner, ultimately, the affected agency must consent to the change and all parties including the landowner and affected agency may be required to provide information, conduct studies and may be subject to conditions of approval.

General Step by Step Process – Petition of Application Route

1. When applicable, before circulating any petition for change of organization, the Applicant shall file a notice of intention with the Executive Officer.
2. Applicant Gathers Application Materials and Meets with Staff for a Pre-Application Meeting
3. Applicant Submits Their Application to LAFCO Through Petition of Application
4. LAFCO Review Period Begins
5. Notice To Commission at Next Available Commission Meeting for Applications Not Filed by Agency
6. Property Tax Negotiations between the County & Affected Agency (*not applicable Activation/ Divestiture of Power*)
7. 30-Day Review – Information Hold Letter or Deemed Sufficient for Filing
8. Certificate of Filing stating when the item will be taken to the Commission
9. LAFCO Hearing. LAFCO has the authority to approve, conditionally approve or deny a proposal.
10. 30-Day Reconsideration Period
11. If Conducting Authority (Protest) Proceedings are not waived then LAFCO will conduct the protest pursuant to Part 3, Section 57000 et seq. of the Cortese-Knox-Hertzberg Act
12. Notification of Commission Action Form

13. After Condition Compliance a Certificate of Completion shall be filed with the Clerk Recorder
14. Filing With the State Board of Equalization (*not applicable Activation/ Divestiture of Power*)
15. Final Notice of Completion with Affected Agencies / Interested Parties
16. LAFCO GIS Boundary Updates

Important Tips

- When there is more than one Landowner or Voter petitions must designate the “chief petitioner” and submit “Intent to File Petition”
- Landowners may designate an agent, but the agent may not sign the petition on behalf of landowners.
- All signatures must be collected within 6 months from the date of the first signature.
- All petitions must be filed with LAFCO at the same time, within 60 days of date of the last signature.
- If more than one owner owns a parcel, all owners must sign on a landowner petition.
- Landowner petitions are verified by the Assessor’s Office and Registered voter petitions are checked by the Elections department. There may be additional fees for this verification.
- Signature requirements vary. Most petitions require 25% of the voters or landowners in the project area.
- If your proposal area contains Williamson Act lands, special provisions apply.
- Your map and legal description must meet the requirements of the State Board of Equalization, but you may file a preliminary map to start your project.
- Government Code section 56662 allows the Commission to make determinations and waive protest proceedings entirely if the proposal meets the criteria specified below:
 - 1) *The territory is uninhabited.*
 - 2) *An affected local agency has not submitted a written demand for notice and hearing during the 10-day period as described in subdivision (c).*
 - 3) *The proposal meets either of the following criteria:*

- a. The petition accompanying the proposal is signed by all of the owners of land within the affected territory.*
- b. The proposal is accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to the proposal.*

PETITION OF APPLICATION CHECKLIST

The following information must be submitted when filing a change of organization or reorganization proposal with the San Luis Obispo Local Agency Formation Commission (LAFCO); additional information may be requested during review of the proposal. Please contact LAFCO Staff with any questions.

1. Completed **CHANGE OF ORGANIZATION OR REORGANIZATION APPLICATION CHECKLIST** with applicable materials (*everything listed in the checklist*).
2. **NOTICE OF INTENTION TO CIRCULATE A PETITION** submitted to LAFCO Executive Officer.
3. A landowner or registered voter **PETITION FOR PROPOSAL** making application to San Luis Obispo LAFCO.
4. **LAFCO QUESTIONNAIRE**.
5. A **MAP AND LEGAL DESCRIPTION** of the proposal territory perimeter for the proposed boundary change(s), and a reproducible parcel map (*Not applicable to activations/ divestiture of powers*).
6. **PLAN FOR SERVICES** prepared by affected agency, in compliance with §56653.
7. **ENVIRONMENTAL DOCUMENTATION** to comply with the California Environmental Quality Act (CEQA); submit documents for applicable category only. For an ND, MND, or EIR, a copy of the Notice of Determination and the Environmental Filing Cash Receipt for the fee paid to the California Department of Fish and Game must be submitted.
 - (a) CATEGORICAL EXEMPTION (CE): Submit document if an agency has determined is exempt
 - (b) NEGATIVE DECLARATION (ND) or MITIGATED NEGATIVE DECLARATION (MND): Submit document from agency making said determination*;
 - (c) **ENVIRONMENTAL IMPACT REPORT (EIR):** Submit a copy of the certified Final EIR.
 - (d) NO CEQA DOCUMENTATION: If the proposed action has not been analyzed pursuant to the requirements of CEQA, please indicate this and CEQA will be performed by LAFCO and the appropriate level of documentation will be determined, i.e., CE, ND, MND or EIR.
8. If annexation to a city is proposed, submit one copy of the **city resolution approving rezoning and general plan land-use designations** for the proposal territory.
9. **LAND-OWNER CONSENT FORM** for inclusion property.
10. **APPLICANT FINANCIAL DISCLOSURE FORM**.
11. **LAFCO PROCESSING FEES & COST ACCOUNTING AGREEMENT**.
12. **PRE-APPLICATION MEETING**. A pre-application meeting with staff is strongly encouraged due to the complexity of submittal requirements and applicable laws. (Limited to 3 hours of staff time at no cost.)

NOTICE OF INTENTION TO CIRCULATE A PETITION

Before circulating any petition for change of organization, the Applicant shall file a notice of intention with the Executive Officer that shall include the name and mailing address of the Applicant and a written statement pursuant to subdivision (a) of Section 56700.4, not to exceed 500 words in length, setting forth the reasons for the proposal. Please provide this information below.

Please print your name, address, and phone number.

Nick Tompkins, Manager - Dana Reserve, LLC/NKT Development, LLC / 684 Higuera St, San Luis Obispo, CA 93401 / 805-541-9004

Notice is hereby given of the intention to circulate a petition proposing to

Annexation of the 2024 Dana Reserve Specific Plan to the Nipomo Community Services District Service Area (adjacent to the current boundary). The project is currently within the NCSP Sphere of Influence.

Please provide reasons for the proposal:

The San Luis Obispo County Board of Supervisors has approved the 2024 Dana Reserve Specific Plan. This project is within the Sphere of Influence of the NCSD and can serve this approved project.

Signature / Applicant


Manager Dana Reserve, LLC
Manager NKT Development LLC

05/15/2024

Date



PETITION FOR PROPOSAL

Name of Proposal:

2024 Dana Reserve NCSD Annexation No. 30 to the NCSD

The undersigned by their signature hereon DO HEREBY REPRESENT REQUEST AND PETITION as follows:

1. The proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The nature of the proposed change of organization (i.e., annexation, detachment, Reorganization, etc.) is/are:

Annexation

3. The name or names of all districts and/or cities for which any such change or organization is proposed is as follows:

This project being annexed to the Nipomo Community Services District will include a number of water and wastewater improvements that will benefit the existing and future customers of the District.

4. The names of all other affected counties, cities and districts are:

County of San Luis Obispo

5. The territory(ies) is/are:

uninhabited [less than 12 people] or **inhabited** (12 or more people)

6. This proposal (**is** / **is not**) within the sphere of influence of the affected city and/or district.

7. Complete description of the exterior boundaries of the territory proposed for annexation.
(Please attach legal description to this petition.)

See attached legal description and map exhibit.

8. Do the boundaries of the districts or cities listed above overlap or conflict with the boundaries of the proposed annexation? No Yes

If yes, justify the need for overlapping or conflicting boundaries:

N/A

9. List any of the districts or cities, as above listed, which possess authority to perform the same or similar function as requested herein.

N/A

10. Do the boundaries of the territory proposed split lines of assessment?

No Yes

11. Do the boundaries of the territory proposed create an island or corridor of unincorporated territory or a strip? No Yes

If yes, justify the necessity for the island corridor or strip:

12. If the proposed boundary follows a street or highway, does it follow the center of the street or highway? No Yes

13. It is desired that this proposal provides for and be made subject to the following terms and conditions:

14. The reasons for this proposal are:

The San Luis Obispo County Board of Supervisors has approved the 2024 Dana Reserve Specific Plan. This project is within the Sphere of Influence of the NCSD and can serve this approved project.

15. The persons signing this petition have signed as: Registered Voters Landowners

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

a. The principal act(s) under which said district(s) is/are proposed to be formed is/are:

N/A

b. The proposed name(s) of the new district(s) is/are:

N/A

c. The boundaries of the proposed new district(s) are as described in Exhibit(s) heretofore incorporated herein. No Yes

N/A

17. If an incorporation or formation of a district is in the proposal:

a. The proposed name of the new city/district is:

N/A

b. Provisions are requested for appointment of:

N/A

c. Number of members proposed for initial Board of Directors/City Council, pursuant to Chapter Three commencing with §61120. 3/Three 5/Five

N/A


18. If the proposal includes the consolidation of special districts, the proposed name of the consolidated district(s) is/are:

N/A

19. How will the new district be financed?

N/A

20. Proponents of this proposal: (Names of Chief Petitioners, not to exceed three (3), who hereby request that proceedings be taken in accordance with the provisions of Section 56000, et. seq. of the Government Code and herewith affix signatures) as follows:

Name	Mailing Address / Email
1. Nick Tompkins, Manager - Dana Reserve, LLC/NKT Development, LLC	684 S. Higuera St., Suite B, SLO, CA 93401
(Print)	nick@nktcommercial.com
	
(Sign)	
2.	
(Print)	
(Sign)	
3.	
(Print)	
(Sign)	

When a form is completed and the requisite number of qualified signatures has been obtained (after circulation), the petition is to be filed with the Executive Officer. The petition and signature sheets must be left intact. Removal of the signature sheets from one counterpart to another counterpart will invalidate the entire petition.

NOTE: THIS PAGE MUST BE COMPLETED AND ATTACHED TO EACH PETITION.

N/A

According to Election Code, Section 104, whenever any petition is submitted to the elections official, each section of the petition shall have attached to it a declaration signed by the Circulator of the petition, setting forth, in the Circulator's own hand, the following:

1. PRINTED NAME OF CIRCULATOR (including given name, middle name, or initial and last name):

2. RESIDENCE ADDRESS OF CIRCULATOR:

3. DATES ON WHICH ALL SIGNATURES TO THE PETITION WERE OBTAINED:

The Circulator, by affixing his/her signature below, hereby certifies:

- a. That the Circulator circulated the attached petition and witnessed the appended signatures being written.
- b. That, according to the best information and belief of the Circulator, each signature is the genuine signature of the person whose name it purports to be.
- c. That the Circulator shall certify to the content of the declaration as to its truth and correctness, under penalty or perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name, or initial, and last name.

Name (as required above)

Date

As a signer of this Petition, I hereby certify that I have read the content of the Petition and request that proceedings be taken for the proposal as provided by said Petition.

PLEASE SIGN NAME ON THE TOP LINE PRINT NAME ON THE SECOND LINE

N/A

<u>Date Signed</u>	<u>Signature & Printed Name of Petitioners</u>	<u>Residential Address of Petitioner</u>
	Print	
	Sign	
	Print	
	Sign	
	Print	
	Sign	
	Print	
	Sign	
	Print	
	Sign	

QUESTIONNAIRE

The information provided in this application will be used to evaluate this proposal. Please complete this form to facilitate our review. Please respond to all items in this form, indicating "NA" when an item does not apply. It is important to note that while a change of organization, such as an annexation, may be initiated by a landowner, ultimately, the affected agency must consent to the change and all parties including the landowner and affected agency may be required to provide information, conduct studies and may be subject to conditions of approval.

Subject Agency(ies)

(City or Special District): Nipomo Community Services District

Proposed Change of Organization/Action:

Annexation of the 2024 Dana Reserve Specific Plan to the Nipomo Community Services District

(adjacent to the current boundary). The project is within the NCSP Sphere of Influence.

Applicant/ Agents

Name	Email	Telephone	Mailing
1. Nick Tompkins, Manager (Applicant)	nick@nktcommercial.com	805-541-9004/ 805-478-9009	684 Higuera St, San Luis Obispo, CA 93401
2. RRM Design Group, c/o Matt Ottoson (Applicant)	mbottoson@rrmdesign.com	805-543-1794	3765 S. Higuera St, Suite 102, San Luis Obispo, CA 93401
3.			
4.			
5.			

Interested Parties

Name	Email	Telephone	Mailing
1. Ray Dienzo, PE NCSO General Manager	rdienzo@ncsd.ca.gov	805-929-1133	148 S. Wilson St Nipomo, CA 93444
2.			
3.			
4.			
5.			

A. General Information

1. This application was initiated by: Petition Resolution of Application
2. Does the application include 100% written consent of each property owner in the affected territory?
 No Yes *If yes, please fill out the **PROPERTY-OWNER CONSENT FORM** found on the website under the Applications & Fees tab*
3. State reason(s) for requesting the proposed action **at this time** (e.g., condition of an approved tentative map, an existing structure requires new services, etc.):

The San Luis Obispo County Board of Supervisors has approved the 2024 Dana Reserve Specific Plan. This project is within the Sphere of Influence of the NCSO and can serve this approved project. Annexation of the Specific Plan area into the NCSO service area is a condition of approval for the Dana Reserve Specific Plan and related approvals.

4. Describe the use of developed property within the proposal territory, including details about existing structures, if applicable. Describe anticipated development of vacant property, including types of buildings, number of units, supporting facilities, etc., and when development is scheduled to occur, if applicable.

The 2024 Dana Reserve Specific Plan consists of 1,370 residential units and 100 accessory dwelling units, and 203,000 square feet of non-residential development, including commercial, hotel, and education facilities. This project is planned to be build over the next 7-9 years.

5. State the location of the property and its general location in relation to communities, major freeways/highways, roads, etc.:

The 288 acre property is located adjacent to the NCSD service boundary. The east side of the project abuts Highway 101 and the site is south of Willow Road.

6. How many residents live within the proposal territory? 0
7. How many of these residents are registered voters? N/A
8. Do the boundaries of the district or city overlap or conflict with the boundaries of the proposed annexation? No Yes

If yes, justify the need for overlapping or conflicting boundaries:

N/A

9. Do the boundaries of the territory split lines of assessment? No Yes
10. Do the boundaries of the territory proposed create an island or corridor of unincorporated territory or a strip? No Yes

If yes, justify the necessity for the boundaries as proposed:

11. If the proposed boundary follows a street or highway, does it include the entire street or highway? No Yes
12. List the cities or district(s) that will be affected by this proposal:

Nipomo Community Services District

B. Land Use Information

1. Total acreage: 288 acres
2. Assessor Parcel Number: 091-301-073, -031, -029

3. Indicate the current zoning:
- a. County: 2024 Dana Reserve Specific Plan (approved 4/24/2024)
 - b. City: N/A

4. What community plan or General Plan is the territory in:
South County Planning Area, Nipomo Area Plan

5. The County/City General Plan land use designation:
2024 Dana Reserve Specific Plan

6. Describe any special land use concerns found in General Plans:
The approved 2024 Dana Reserve Specific Plan and the EIR detail mitigation measures for this project.

7. What is the proposed land use?
2024 Dana Reserve Specific Plan (approved 4/24/2024)

8. Has the affected territory been rezoned? No Yes

If yes, what is the rezoning use and densities (if applicable) permitted?

2024 Dana Reserve Specific Plan includes zoning for 1,370 residential units, 100 accessory dwelling units and 203,000 square feet of non-residential development, including commercial, hotel, and education facilities.

9. Indicate below all permits or approvals that will be needed/ or have been granted by the County or any city to complete the project.

Type of Approval	File No.	Approval Date	Resolution attached?
Tract			
Tentative Parcel Map	3159	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A
Use Permit	SUB2020-00047	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A
City/ County General Plan Amendment	LRP 2020-00007	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A
City Rezoning	2024 Dana Reserve Specific Plan	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A

County Rezone	LRP 2020-00007	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A
Other EIR SOC/ Findings	SCH No. 2021060558	4/24/2024	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> N/A

10. Have any of the above-mentioned approvals been appealed? No Yes

If yes, please state when the project was appealed and when it would get reconsidered.

No appeals but legal action may occur.

11. Is the property within Williamson Act Contract? No Yes

If yes, please attach the following (if applicable)

- Copy of contract
- Board of Supervisor’s resolution upholding contract
- City resolution protesting contract
- City resolution succeeding to contract

12. How will the proposal assist city or county to achieve its fair share of regional housing needs as determined by its current General Plan Housing Element?

The 2024 Dana Reserve Specific Plan includes 156 affordable units to be built by PSHH at very-low and low income levels. In the multi-family land use category, a minimum of 192 units will be targeted at the moderate income level and a minimum of 191 units will be targeted at the workforce level if for rent. The project is also required to build 100 ADUs. A first time home buyers loan program is also a part of the project.

C. Environmental Information

1. Has an environmental determination (Negative Declaration-Environmental Impact Report) been certified by a legislative body? No Yes (If yes, please attach a copy)

a. Is the certified environmental documentation currently being challenged? No Yes

2. Is the site presently zoned for or engaged in agricultural use?

If yes, please explain:

No, site is not zoned for agriculture. The site is seasonally grazed.

- 3. Does the site contain prime agricultural land as defined in gov code sec 56064? No Yes
- 4. Will extension of services requested for this proposal induce growth on affected property? No Yes
 - a. On adjacent properties? No Yes
 - b. Unincorporated? No Yes
- 5. Please describe the environmental setting of the site:

The 2024 Dana Reserve Specific Plan is located on 288 acres. The site is relatively flat on the east side with rolling terrain on the west side. The site has grasslands on the east side with oak woodland scattered throughout the middle and west portions. An oak forest in the center of the property will be retained on the site.

- 6. Terrain:
 - Level to gently rolling (0-10%)
 - Slopes (10-30%)
 - Steep slopes (over 30%)
- 7. Hydrology (streams, lakes, or marshes on site)? No Yes
If yes, please explain: _____

- 8. Has the natural vegetation already removed or altered? No Yes
- 9. Are there any endangered plant species on site? No Yes
- 10. Have any endangered or threatened species been identified? No Yes
If yes, please explain: See the Biological Resource section of the Final EIR.

D. Public Service Information

SEWER SERVICE

1. Is the proposal territory within a district or city that provides public sewer service? No Yes
If yes, which agency? Within Sphere of Influence of the NCSD.
2. Is a developed parcel in need of annexation due to failed septic system? No Yes
 - a. If yes, include a copy of any letters from the San Luis Obispo County Department of Environmental Health or private septic-system company.
 - b. If no, is annexation for sewer service part of this application? No Yes
3. If annexation for sewer service is proposed, which district or city would serve the territory if this jurisdictional change is approved? NCSD
4. Has the agency that will be providing service issued a letter of sewer availability? No Yes
 - a. If yes, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)
5. Will the agency be prepared to furnish sewer service upon annexation? No Yes
If no, please explain:

N/A

NCSD has produced a number of studies to determine necessary improvements to serve the project and benefit the community.

WATER SERVICE

1. Is the proposal territory within a district or city that provides public water service? No Yes
If yes, which agency? Within Sphere of Influence of the NCSD.
2. Is a well or other on-site water system currently used on the property? No Yes
3. Is an on-site system proposed to be used when the property is developed? No Yes
4. Is an annexation for water service part of this application? No Yes
 - a. If yes, which district or city would serve the territory if this jurisdictional change is approved?
NCSD
 - b. Will the agency that will be providing service be prepared to furnish water service upon annexation? No Yes
5. Has the agency that will be providing service issued a letter of water availability? No Yes

NCSD studies and reports have determined water is available to serve the project.

- a. If yes, please provide a copy of the letter with this application. (This documentation should be completed by the agency no longer than 6 months prior to submittal to LAFCO.)

FIRE PROTECTION SERVICES

1. Is the proposal territory currently within an agency that provides fire protection? No Yes

- a. If yes, provide name and address/location of current fire service provider:

CalFire/County of SLO Fire Department Station 20 at 450 Pioneer Avenue, Nipomo CA 93444

- b. Provide estimated response times to the proposal territory: Station 22 at 2391 Willow Road, Arroyo Grande, CA 93420
Priority 7 minutes; non-priority 10 minutes

2. Is annexation for fire protection service part of this application? No Yes

3. Which city or district would serve the proposal territory if this jurisdictional change is approved?

No change.

A new Fire Station site is included in the 2024 Dana Reserve Specific Plan.

- a. Location/address of the proposed fire service provider:

Same as above.

- b. Estimated response times to the proposal territory:

Priority 7 minutes; non-priority 10 minutes

POLICE PROTECTION SERVICES

1. Which police agency currently serves the proposal territory?

County of San Luis Obispo Sheriff Substation Oceano

- a. Location/address of nearest police station: 1681 Front St, Oceano, CA 93445

- b. Estimated response times to the proposal territory:

Priority 10 minutes; non-priority 15 minutes

2. Which police agency would serve the proposal territory if this jurisdictional change is approved?

No change.

- a. Location/address of nearest police station: A new substation is ongoing in Old Town

- b. Estimated response times to the proposal territory:

Priority 3 minutes; non-priority 10 minutes


OTHER SERVICES

	Existing	Proposed Change
Solid Waste Collection	<u>County of San Luis Obispo / South County Sanitary Services</u>	<u>No change</u>
Street Lighting	<u>County of San Luis Obispo</u>	<u>No change</u>
Parks & Recreation	<u>County of San Luis Obispo</u>	<u>No change</u>
Storm Drainage	<u>County of San Luis Obispo</u>	<u>No change</u>

I hereby certify that the statements made in this entire Change of Organization or Reorganization Application are to the best of my knowledge accurate.

Nick Tompkins, Manager - Dana Reserve, LLC/NKT Development, LLC

PRINT name of person completing this application


Signature

684 Higuera St, San Luis Obispo, CA 93401
Address

05/15/2024

Date

nick@nktcommercial.com
email

805-541-9004/ 805-478-9009
Phone Number

MAP & LEGAL DESCRIPTION REQUIREMENTS

Note: A map & legal description are not necessary for activations / divesture of powers.

Map and legal descriptions should meet LAFCO and State Board of Equalization (BOE) requirements; listed below:

1. The map & legal description shall be prepared by a Registered Civil Engineer or a Licensed Land Surveyor.
2. First submittal shall be digital. Once the map and legal description have been reviewed and determined to be definite and certain you may submit four (4) copies. Map size shall be a maximum of 24" x 36" and a minimum of 18" x 26" with a minimum ½" border.
3. Applicable fees shall be paid by the applicant for County Surveyor Review and BOE filing on or after LAFCO Approval in accordance with their fee schedules.
4. Map and Legal Description examples are available on our website at <https://slo.lafco.ca.gov/applications-and-fees>.

Written Geographic Description(s) of the Project Area(s):

5. 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.
6. 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.
7. 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.
8. The written description shall state the acreage for each separate single area (Special Fee Provisions for each single area as defined but the BOE) 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.”
9. 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).

Map(s)

10. 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.
11. Original or copies of the same size project map must be submitted. Reduced maps are not acceptable and will be rejected.
12. 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.
13. Any portion of an existing district boundary in close proximity to the project area shall be shown and identified.
14. 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.

15. Every map shall bear a scale and a north arrow. The point of beginning shall be clearly shown and match the written geographic description.
16. 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. Boundary lines that are delineated by a line that exceeds 1.5 millimeter in width will be rejected by the BOE. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
17. All dimensions needed to plot the boundaries must be given on the map of the project area. Each map shall have numbered courses matching the written geographic description. Index tables may be utilized.
18. All parcels within the project area that touch the new boundary shall be clearly labeled with the assessor's parcel number. Interior parcels that do not touch the boundary need not be identified on the map.
19. 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.
20. 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.

PLAN FOR SERVICES REQUIREMENTS

It is important to note, a Plan for Services must be provided by the affected agency to which the change would occur. It is not necessary to provide a Plan for Services upon application submittal; however, doing so will expedite processing. If a Plan for Services is not provided upon submittal of application, the proposed change of organization will be referred to the affected agency and a Plan for Services will be prepared at a later date. The plan for providing services must be prepared in compliance with California Government Code §56653 and contain the following information:

1. An enumeration and description of how services will be provided and who will provide the services to the affected territory (including but not limited to water, sewer, storm drainage, solid waste collection/ disposal, fire, police, lighting, library services, roads and schools)
2. The level and range of those services including detailed information on the extent, size, location and capacity of existing infrastructure. Capacity analysis should include:
 - The total capacity / service units of the system
 - Number of service units already allocated
 - Number of service units within current boundaries anticipating future service
 - Number of service units within the system available after providing service to areas within current boundaries that anticipate future service
 - Number of service units required to serve the proposed project
 - Number of service units proposed to be added to meet the demand

In the event there are not enough service units available to serve the proposed project, the applicant shall provide a plan for obtaining the capacity necessary to provide service which must include the following information:

- A description of any required facility or infrastructure expansions or other necessary capital improvements
- The likely schedule for completion of the expanded capacity project, the viability of the needed project, and the relation of the subject project to the overall project and project time line

- A list of required administrative and legislated processes, such as CEQA review or State Water Resources Board allocation permits, including assessment of likelihood of approval of any permits and existence of pending or threatened legal or administrative challenges if known
 - The planned total additional capacity
 - The size and location of needed capital improvements
 - The proposed project cost, financing plan and financing mechanisms including a description of the persons or properties who will be expected to bear project costs
 - Any proposed alternative projects if the preferred project cannot be completed.
3. The estimated time frame for service delivery
 4. A statement indicating any capital improvements, or upgrading of structures, roads, sewer or water facilities or other conditions the agency would impose or require within the affected territory prior to providing service if proposal is approved
 5. A description of how the services will be financed
 6. Agency's general statement of intent to provide services to the affected territory, indicating the agency's capability of providing the necessary services in a timely manner to the affected territory while being able to serve all areas within its current boundaries and without lowering the level of service provided to areas currently being served by the agency.

LANDOWNER CONSENT FORM

If applicable, please include a consent letter that states that 100% of property owners consent to the proposed project. If 100% of the property are in favor of the proposal, the protest process can be waived pursuant to government code section 56663. All the property owners must sign the consent letter.

Name of Proposal: 2024 Dana Reserve Specific Plan
Description of Proposal: Annexation to NCSD
Annex to NCSD
Detach from N/A

Each of the undersigned represents that they are the owner of the property described opposite their name and located within the territory described in the attached legal description, and hereby consents to the change of organization or reorganization described above of said property to the above named city and or district.

Date: 05/15/2024
Address: n/a
Property Assessor
Parcel Number: 091-301-073, -031, -029

Nick Tompkins, Manager - Dana Reserve, LLC/NKT Development, LLC
Landowner / Print Name


Landowner Signature

APPLICANT FINANCIAL DISCLOSURE FORM

LAFCOs are subject to the campaign disclosure provisions detailed in Government Code Section 84308, and the Regulations of the Fair Political Practices Commission (FPPC), Section 18438.

Please carefully read the following information to determine if the provisions apply to you. If you determine that the provisions are applicable, the Campaign Disclosure Form must be completed and returned to San Luis Obispo LAFCO with your application.

1. No LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party or agent while a change of organization proceeding is pending, and for three months subsequent to the date a final decision is rendered by LAFCO. This prohibition commences when your application has been filed, or the proceeding is otherwise initiated.
2. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 made to any commissioner by the party, or agent, during the preceding 12 months. No party to a LAFCO proceeding, or agent, shall make a contribution to a commissioner during the proceeding and for three months following the date a final decision is rendered by LAFCO.
3. Prior to rendering a decision on a LAFCO proceeding, any commissioner who received contribution of more than \$250 within the preceding 12 months from any party, or agent, to a proceeding shall disclose that fact on the record of the proceeding, and shall be disqualified from participating in the proceeding. However, if any commissioner receives a contribution that otherwise would require disqualification, and returns the contribution within 30 days of knowing about the contribution and the relevant proceeding, that commissioner shall be permitted to participate in the proceeding.

To determine whether a campaign contribution of more than \$250 has been made by you or your agent to a commissioner within the preceding 12 months, all contributions made by you or your agent during that period must be aggregated. Names of current LAFCO commissioners are available at <https://slo.lafco.ca.gov/the-commission>. If you have questions about Government Code Section 84308, FPPC regulations, or the Campaign Disclosure Form, please contact San Luis Obispo LAFCO at 1042 Pacific Street Suite A, San Luis Obispo CA 93401, (805) 781-5795.

FINANCIAL DISCLOSURE FORM

N/A - None

Proposed change(s) of organization:

Name and address of any party, or agent, who has contributed more than \$250 to any commissioner within the preceding 12 months:

1.

2.

3.

Date and amount of contribution:

Date:

Amount \$

Date:

Amount \$

Name of commissioner to whom contribution was made:

1.

2.

I certify that the above information is provided to the best of my knowledge.

Printed Name:

Signature:

Date:

Phone:

FEE SCHEDULE

All fees shall be paid prior to the acceptance of an application for processing. All fees should be submitted to LAFCO as a separate check to each of the agencies listed below:

1. LAFCO Processing Fee & Environmental Fee
2. Public Works Department Fee
3. Board of Equalization Filing Fee

Where indicated below, the fees are an initial deposit toward the actual cost of processing a proposal.

The applicant shall enter into an agreement to provide for reimbursement to LAFCO for the actual costs of processing an application. A refund shall be issued for any portion of the fee not used for processing. Where fees exceed the required amount indicated below, the applicant shall be notified by the Executive Officer to pay an additional amount equal to the initial deposit. The proposal shall be suspended until such additional funds are deposited with the LAFCO Clerk. Below are the charge out rates for each LAFCO Staff member:

LAFCO Charge-out Rates:

Executive Officer	\$110/hour
Analyst	\$85/hour
Commission Clerk	\$50/hour
Legal Counsel	\$150/hour

Other Charges

In addition to the fees specified herein, the Executive Officer may charge an applicant/appellant for the actual costs that are incurred as a result of processing a proposal that are not covered in the Commission's fee schedule. An applicant/appellant may appeal the decision of the Executive Officer in writing. Such appeal will be presented to the Commission at its next meeting.

Refunds for withdrawn proposals shall be based on an estimate by the Executive Officer of the total costs incurred in processing the proposal up to the date of the withdrawal request.

Fee Waiver

The Commission, as per government code section 56382, may waive fees partially or in total upon finding that payment of fees would be detrimental to the public interest. Requests for fee waiver must be submitted in writing to the Commission and there is a \$500 fee. The waiver will be considered at a public meeting of the Commission.

ANNEXATION / DETACHMENT PROCESSING FEES

Acreage	Amount
0.01 – 4.99	\$1,500
5.00 – 9.99	\$2,500
10.00 – 14.99	\$3,500
15.00 – 19.99	\$4,500
20.00 +	\$5,000 plus \$10 per acre
Any size Annexation to a California Water District	\$2,000

SPHERE OF INFLUENCE AMENDMENT FEES

Acreage	Amount
0.01 – 4.99	\$1,500
5.00 – 9.99	\$2,500
10.00 +	\$3,500
Agency Request for Comprehensive Sphere of Influence Update or Municipal Service Review	\$5,000
Any size SOI Amendment to a California Water District	\$1,000

OTHER PROCESSING FEES

Action	Deposit Amount
Activation or Divestiture of Latent District Powers	\$2,500
Incorporation of a City	\$15,000
Formation of a Special District	\$5,000
Dissolution of one or more Districts	\$2,500

Disincorporation of a City	\$5,000
Consolidation of Districts/ Cities	\$3,000
Merger of Districts/ Cities	\$3,000
Establishment of Subsidiary Districts	\$3,000
Reorganization of City or District (Two or more of the above changes of organization, excluding the 1 st three actions.)	\$7,500

OTHER FEES

Item	Amount
Request for Reconsideration	\$1,500
Fee Waiver Request	\$500
Request for Time Extension	\$500
Study Session Request	\$2,500
Request for Fiscal Analysis or Other Studies	\$2,500
Pre-application Review	Limited to 3 hours of staff time, then actual cost
Petition Verification Fee	Minimum filing fee of \$10 + \$1.00 per signature
Processing request for the State Controller's review of an incorporation fiscal analysis	\$1,500
Postage, Mail Supplies, Photocopies, etc.	At cost

ENVIRONMENTAL FEES | LAFCO AS A RESPONSIBLE AGENCY

Review of ND, MND or EIR	\$1,000
Review of Categorical Exemption	\$500
County Clerk Recorder Filing Fee	\$50

ENVIRONMENTAL FEES | LAFCO AS A LEAD AGENCY

Initial Study, ND, MND	\$1,000 deposit, outside consultant to be hired, applicant pays full cost of environmental review
Categorical Exemption	\$500

Environmental Impact Report	\$5,000 deposit, outside consultant to be hired, applicant pays full cost of environmental review
County Clerk Recorder Filing Fee	\$50

CALIFORNIA DEPARTMENT OF FISH AND GAME FILING FEE | LAFCO AS A LEAD AGENCY

Filing for a Negative Declaration	\$2,548
Filing for a Mitigated Negative Declaration	\$2,548
Filing for an Environmental Impact Report	\$3,539.25

SLO COUNTY PUBLIC WORKS DEPARTMENT FEE

Map & Legal Description Review	\$721
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STATE BOARD OF EQUALIZATION FEES

The Tax-Rate Area System is administered by the State Board of Equalization (Board) and used by counties for the proper allocation of property tax revenues between counties, cities, and special tax districts. LAFCO works with the County Assessor, County Auditor, and the State Board of Equalization to ensure that boundary changes are filed with the state after LAFCO approval to update the database of the new Tax-Rate Area designations. These fees are collected after proposal approval. The fees can be found on the LAFCO website under the "Application & Fees" tab or on the State Board of Equalization website at: <https://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>

FEE SCHEDULE WORKSHEET

If you need help in determining your fees, please contact LAFCO staff for assistance at (805) 781-5795.

1. Check made payable to the *San Luis Obispo Local Agency Formation Commission*:

Processing Fee (depends upon proposal type):	\$	_____
Sphere of Influence Fee:	\$	_____
Environmental Fees	\$	_____
County Clerk Recorder Filing Fee	\$	50.00
Other Fees:	\$	_____
TOTAL	\$	_____

2. Check made payable to the *SLO County Public Works Department*:

Public Works Department Fee:	\$	721.00

3. Check made payable to the *Board of Equalization*:

BOE Processing Fee:	\$	_____
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The Applicant already has paid fees to facilitate LAFCO processing of the Dana Reserve Project.

COST ACCOUNTING AGREEMENT

Applicant: _____
Mailing Address: _____
Telephone: _____
Fax: _____
E-mail Address: _____

The cost of processing an application may exceed the initial deposit required. In order to recover any additional costs associated with processing your application, the Local Agency Formation Commission, LAFCO, has found it necessary to implement a provision of the Fee Schedule that provides full cost recovery for processing an application.

I, _____, the landowner and/or responsible Applicant, agree to pay the actual costs pursuant to the Fee Schedule attached hereto, plus copying charges and related expenses incurred in the processing of this application. I also understand that if payment on any billings prior to final action is not paid within thirty (30) days, I agree that processing of my application will be suspended until payment is received.

In order to implement the cost accounting provisions, please sign and date this statement indicating your agreement to the cost accounting procedure agreement. This signed agreement is required for your application to be accepted for processing. Checks may be made payable to LAFCO and delivered or mailed to the LAFCO Office at 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401. If you have questions regarding your application, please contact the LAFCO Office at (805) 781-5795.

_____ Applicant Signature	_____ Date
_____ Applicant Signature	_____ Date
_____ Applicant Signature	_____ Date

The Applicant already has a cost accounting agreement in place to facilitate LAFCO processing of the Dana Reserve Project.