

Sacramento Local Agency Formation Commission (LAFCo)
1112 I Street, Suite #100, Sacramento, CA 95814
916.874.6458
www.saclafco.org

APPLICATION FORM

Change of Organization or Reorganization

1. Project Information

A. Name of Project:

Sacramento Municipal Utility District Activation of Latent Power
For Thermal Energy Service

B. Address or Description of Location of Project:

SMUD seeks approval to activate its latent power for thermal energy
service within its existing service boundaries.

C. Major Streets and Highways around the project:

Not applicable. The Application is not site specific. See also,
Attachment A, § I.B.

D. Assessor Parcel Information (within the proposal territory):

Assessor Parcel Numbers (APN):	Area (in acres):
<u>Not applicable. The Application is not site specific. See also,</u>	
<u>Attachment A, § I.B.</u>	
TOTAL AREA:	

Affected Agencies
(Cities or Districts)

Related Jurisdictional Changes
(annexation, detachment, sphere of influence amendment)

- 1. The County of Sacramento
- 2. The City of Sacramento
- 3. The County of Placer
- 4. The County of Yolo

- 1. None
- 2. None
- 3. None
- 4. None

E. Proposal Initiated By (check one):

Resolution (indicate #: ***Pending***)

Landowner or Voter Petition

2. Applicant Information: Contacts for Resolution of Application:

~~A. Chief Petitioners (maximum of three) or Legal Owner(s):~~

1. Name: John DiStasio, General Manager and CEO, SMUD
 Address: 6201 S Street City: Sacramento ZIP: 95852
 Phone Number: 916-732-6201 Email: jdistas@smud.org

2. Name: Arlen Orchard, General Counsel, SMUD
 Address: 6201 S Street City: Sacramento ZIP: 95852
 Phone Number: 916-732-5830 Email: aorchar@smud.org

3. Name: _____
 Address: _____ City: _____ ZIP: _____
 Phone Number: _____ Email: _____@_____

B. Applicant's Representative or Agent (this will be the primary contact for LAFCo staff):

Name: Leslie A. Dunsworth

Address: P.O. Box 15830 MSB406 City: Sacramento ZIP: 95852-1830

Phone Number: 916-732-6126 Email: ldunsw @ smud.org

Ann L. Trowbridge, Day Carter & Murphy LLP

3620 American River Drive, Suite 205

Sacramento, CA 95864

Phone: 916-570-2500; Email: atrowbridge@

C. Authority to File (check one and attach authorization):

___ Ownership ___ Power of Attorney ___ Contract to Purchase
___ Petition x Resolution

3. General Description of the Project Territory

A. Proposal Area:

Give a detailed description of the proposal area and what it consists of (e.g. Existing commercial corridors, residential communities, existing redevelopment area, public utility right-of-way, relevant structures, etc.)

The affected territory consists of SMUD's entire existing service boundaries, which includes all of Sacramento County (except for the extreme south-west portion of the County), a portion of Placer County, and a single industrial customer in Yolo County. No boundary change is proposed.

B. Topography:

Describe the topography, physical features (rivers, creeks, drainage basins, etc.) and natural boundaries of the subject territory.

Not applicable.

4. Population and Housing Information

A. What is the current population of the subject territory? Approx. 1.4 million

B. If the proposal territory includes a proposed development, what is the estimated population of the proposed area at buildout? N/A

C. Number of Registered Voters (give source and date of information):

Sacramento County: 677,480 registered voters (see www.elections.saccounty.net/coswcms/groups/public/@wcm/@pub/@vre/documents/webcontent/sac_016075.pdf; February 11, 2009);

Portion of Placer County: 2,261 registered voters (via Telephone to Placer County, Elections Division, April 13, 2009).

D. What is the proximity of the subject territory to other populated areas?

Not applicable.

E. What is the projected/estimated growth in the area and in adjacent incorporated and unincorporated areas, within the next five years?

Not applicable.

F. Number and type of existing dwelling units existing/proposed on-site:

Not applicable.

G. Give a summary of regional housing needs and to what extent the proposal will assist the annexing city in achieving its fair share of regional housing needs as determined by SACOG. (City annexations only.)

Not applicable.

5. Land Use and Zoning Status

If the proposal territory is not within a city, County General Plan and zoning information may be obtained by calling the County Planning Department (874-6141) with the Assessor Parcel Number(s) of the subject property. If the territory is within a city, please call the appropriate city's planning department. Not Applicable.

A. County:

1. The territory is within the _____ N/A _____ community plan.

2. The County General Plan or community plan designation is:

Not applicable.

3. Current County zoning is:

Not applicable.

B. City:

1. The territory is within the General Plan planning area for the City of:

Not applicable.

2. The land use designations is/are:

Not applicable.

3. Current city zoning is:

Not applicable.

4. Current city rezoning is:

Not applicable.

C. Indicate below **all** permits or approvals that will be needed or have been granted by the County or any city to complete the project. If already granted, please note the date of approval and attach a copy of each resolution of approval. If approval is pending, please note the anticipated approval date:
No permits or approvals are required other than LAFCo approval.

Type of Approval of Permit	File Number	Approval Date	Is Resolution Attached?
Tentative Subdivision Map			Y / N
Tentative Parcel Map			Y / N
Conditional Use Permit			Y / N
City/County General Plan Amendment			Y / N
City Rezoning			Y / N
County Rezone			Y / N
Development Agreement			Y / N
Other:			Y / N

D. Describe the predominate uses of adjacent land (vacant, residential, commercial, etc.) Not applicable.

North: _____ South: _____

East: _____ West: _____

E. Indicate if any portion of the territory contains the following: **Not Applicable;**

- Agricultural land uses
- Open Space
- Easement
- Designated Infill Area
- Unusual features such as: _____
- Agricultural Preserve **see Attachment A,**
- Approved Habitat Conservation **§ I.B.**
- Plan
- Wetlands

If **YES** for **agriculture or open-space**, what is the effect of this proposal on these lands?

Not applicable.

F. What are the present land uses of the proposal territory? Please be specific.

Not applicable.

G. What is/are the proposed planned land use(s) of the subject area? Is there any change in land use and zoning being proposed as part of this proposal (including, if applicable, pre-zoning by an affected city)? Please be specific.

There will be no change in land use or zoning required in conjunction with the activation of SMUD's latent power within its service boundaries.

H. Is the proposal consistent with city or county general plans, specific plans, and other adopted land use policies? If not, please state why?

The proposal is consistent with the local agencies' plans and land use policies. The activation of SMUD's latent power for thermal energy will further statewide and local environmental and energy polices.

I. Will this proposal result in development of property now or in the near future? Describe the type of development proposed (type of business or industry, single-family or multi-family residential, etc., and number of units or facilities):

SMUD's activation of its latent power for thermal energy service will not result in development of property now or in the near future. SMUD's potential exercise of its latent power, if approved by LAFCo, will require developer or customer participation and will, therefore, follow development rather than cause development. SMUD has not yet determined whether to exercise this latent power at any particular location.

J. What effect, if any, would denial of the proposed change of organization have on the related development?

Not applicable.

K. Is the subject territory currently within a redevelopment area or proposed to be included within a redevelopment project area upon completion of this proposal?

Not applicable.

L. Is the proposal area within the sphere of influence of the annexing agency or any other agency?

The proposal area is within SMUD's existing service boundaries.

6. Sphere of Influence

Pursuant to Government Code Section 56425, provide the following information **IF** the proposal requires a **Sphere of Influence (SOI) amendment**.

A. Describe any social or economic interests, current or future, within the proposal area that create a logical identification of the proposal area with the proposed change of organization:

Not applicable.

B. Describe the present and probable need for public facilities and services in the proposal area:

Not applicable.

C. Describe in detail the present capacity of public facilities and adequacy of public services the affected agency provides or is authorized to provide:

Not applicable.

D. Attach to this application all documentation regarding consultation that has occurred between the City and the County, with regards to an agreement on boundaries, development standards, and zoning requirements within the proposed sphere (56425(b)).

Not applicable.

D. If the service level(s) to be provided exceeds the existing service capacity, describe the service provider's ability to increase its capacity (i.e., new facilities, additional personnel, etc.):

Not applicable. See Attachment A, § IV.B.4.

E. List any assessments, fees or other charges to be levied as a part of this proposal:

Activation of SMUD's latent power for thermal energy service will not require or cause the levy of any assessments, fees, or other charges.

F. If applicable, list the division, acquisition, improvement, disposition, sale or transfer of any property, real or personal, belonging to a city or district that is included within the proposal territory of this proposal:

Not applicable.

G. If applicable, list the disposition, transfer or division of any money or funds and any other obligations of a city or district involved as part of this proposal:

Not applicable.

H. To what extent will residents or landowners within the proposal area be liable, or remain liable, for any existing indebtedness of the affected agency as a result of this change of organization.

Not applicable.

I. List any terms or conditions requested for inclusion in LAFCo Resolution of Approval as part of this proposal:

See Attachment A, § II.C.

8. Bonded Indebtness

A. Do the agencies whose boundaries are to be changed have existing bonded debt? If so, describe:

Not applicable.

B. Will the proposal area be liable for payment of its fair share of this existing debt?

Not applicable.

C. In the case of detachments, does the detaching agency intend that the proposal territory continue to be liable for existing bonded debt? If so, please explain why.

Not applicable.

9. Municipal Services

A. Is there a need for centralized community services in the proposal area?

Not applicable.

B. Describe the present and probable need for public facilities and services in the proposal area:

Not applicable.

C. Provide a detailed description of the present capacity of public facilities and the adequacy of public services in the proposal area:

Not applicable.

D. What is the present cost and adequacy of current governmental services in the proposal area? What are the probable future needs for those services?

Not applicable.

E. What will be the effect of approval or denial of the proposal, and of alternative courses of action on the cost and adequacy of services of affected service providers?

There are no affected service providers associated with this Application. Accordingly, neither the activation of SMUD's latent power for thermal energy service within its existing service boundaries nor the alternative courses of action will have an effect on the cost and adequacy of services of affected service providers. See, response to Question 7.B., above; see also Attachment A, § IV.B.8.

F. What services and/or costs to residents or landowners in the proposal area would be increased, reduced, or eliminated as a result of this proposal?

See Attachment A, § IV.B.7.

G. Describe the adequacy and availability of water supply to the proposal area. Include information on the source of service and when it will be available:

See Attachment A, § IV.B.4.

SMUD's Plan for Services is set**H. Plan for Providing Services: forth in Attachment A, at section IV.**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted with this application. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

Some Helpful Definitions:

"Affected city" means any city that either:

- (a) contains, or its sphere of influence contains, the proposal territory *and/or*
- (b) would contain the proposal territory if the project is approved

"Affected county" means each county that contains, or would contain, the proposal territory

"Affected district" means a special district that contains, or whose sphere of influence contains, or would contain, the proposal territory

"Affected local agency" means any agency that contains, or would contain, or whose sphere of influence contains, the project territory

"Affected territory" means the project territory

1. A description of the level and range of each service to be provided to the proposal territory.
2. An indication of when the service can be feasibly extended to the proposal territory.
3. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the proposal territory.
4. The estimated cost of extending the service and a description of how the service or required improvements will be financed. A discussion of the sufficiency of revenues for anticipated service extensions and operations is also required.
5. An indication of whether the proposal territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
6. If retail water service is to be provided through this change of organization, provide a description of the timely availability of water for projected needs within the proposal area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

I. Indicate which agencies currently provide affected public services within the proposal territory and which agencies would provide services after the proposed change of organization:

<u>Service</u>	<u>Current Agency</u>	<u>Proposed Agency</u>
Police	<u>Various</u>	<u>No change.</u>
Fire	<u>Various</u>	<u>No change.</u>
Water	<u>Various</u>	<u>No change.</u>
Sewer	<u>Various</u>	<u>No change.</u>
Garbage	<u>Various</u>	<u>No change.</u>
Street Lighting	<u>Various</u>	<u>No change.</u>
Road Maintenance	<u>Various</u>	<u>No change.</u>
Flood Control	<u>Various</u>	<u>No change.</u>
Parks and Recreation	<u>Various</u>	<u>No change.</u>
Library Services	<u>Various</u>	<u>No change.</u>
Electricity	<u>SMUD</u>	<u>No change.</u>
Transit	<u>Various</u>	<u>No change.</u>
Other: <u>N/A</u>	_____	_____

J. If a change in service provider is proposed, has each service provider provided a statement indicating the desire and capability to furnish services?

Not Applicable.

_____ Yes

_____ No

H. If **YES**, a *Letter of Agreement* from each agency assuming service responsibilities **must be included with this application**. The letter must identify each agency's role and responsibility as the new service provider and the method for funding additional services. Not Applicable.

I. If **NO**, please explain:

Not Applicable.

J. If a change in service provider is proposed, are alternative providers available for any of the proposed services?

Not Applicable.

_____ Yes

_____ No

K. If **YES**, list providers and explain why they are not proposed to provide service:

Not Applicable. _____

10. Other Information

A. List names and addresses of any persons, organization or agencies known to you who may be opposed to this proposal: None known.

Name	Address	Telephone

B. ANY OTHER COMMENTS YOU MAY WISH TO MAKE (may be attached if necessary):

SMUD's comments and a complete description of its application to activate its latent power for thermal energy service is attached hereto. See Attachment A.

C. Names and addresses of up to three persons who are to receive notice of hearing and staff report:

Name	Address	Interest

D. Complete and attach FPPC Party Disclosure Form (Not required for public agencies.) N/A.

E. Complete and attach Indemnity Agreement Form.

11. Certification

I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge and agree to pay any fees and expenses required to prepare necessary environmental documentation and planning studies and fees to process this application. In addition, I hereby petition the Sacramento Local Agency Formation Commission (LAFCo) for approval of a proposed change of organization or reorganization, as described herein.

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

- 1. ~~The boundaries of the territory(ies) included in the proposal are as described in Exhibits A (metes and bounds legal description) and Exhibit B (map) attached hereto and by this reference incorporated herein.~~ A map of SMUD's service boundaries is attached as Ex. "B" to Attachment A.
- 2. The territory(ies) included in the proposed change of organization:
 - X is/are inhabited (12 or more registered voters).
 - _____ is/are uninhabited.

3. This proposal X is / _____ is not consistent with the Sphere of Influence of the affected city/ and or districts.

4. The persons signing this petition have signed as: _____ Registered Voters _____ Owners of Land. **Not applicable.** The

application is submitted pursuant to a SMUD Resolution. See Gov. Code § 56824.12(a).
5. A) If the formation of a new district(s) is included in the proposal, please state the principal act(s) under which said district(s) is/are proposed to be _____ formed:
Not applicable.

B) The proposed name of the new district(s) is/are: _____ and the boundaries of the proposed new district(s) area as described in the exhibits attached and made a part hereof.

6. If the proposal is an incorporation, the name of the proposed new city is: **Not applicable.**

Wherefore, petitioner(s) or owner(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) as follows:

Landowner/ Chief Petitioner(s) as listed above:

1. _____
2. _____
3. _____

Applicants Representative or Agent as listed above:

Date: _____

NOTE: Applications will not be accepted without signature of legal owners or official agents with Power of Attorney or Chief Petitioners, or without acceptable legal description and map. An incomplete application cannot be processed. Adopted LAFCo policies and procedures require that specific material be submitted in conjunction with the application. The required items are indicated on the attached checklist.

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