

# CONTRA COSTA LAFCO

## 3.4 City Annexations and Detachments

### Initiation of Proceedings

Proceedings for annexation to or detachment from a city may be initiated by petition or by resolution of the governing body of any affected county, city, district or school district (56650). In addition, a LAFCO application is required.

#### 1. Initiation by Petition

##### A. A petition initiating proceedings shall do all of the following (56700):

- (1) State that the proposal is made pursuant to this part;
- (2) State the nature of the proposal and list all proposed annexations and/or detachments;
- (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
- (4) Set forth any proposed terms and conditions;
- (5) State the reason or reasons for the proposal;
- (6) State whether the petition is signed by registered voters or owners of land;
- (7) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses;
- (8) Request that LAFCO consider this proposal pursuant to the Cortese-Knox-Hertzberg Act; and
- (9) State whether the proposal is consistent with the spheres of influence of any affected city or district.

##### B. Signature Requirements

- (1) A petition for annexation to a city shall be signed by either of the following (56767):
  - (a) not less than 5% of the number of registered voters residing within the territory proposed to be annexed; or
  - (b) not less than 5% of the number of owners of land within the territory proposed to be annexed who also own 5% of the assessed value of

land within the territory as shown on the last equalized assessment roll.

- (2) A petition for detachment of territory from a city shall be signed by either of the following (56768):
  - (a) not less than 25% of the number of registered voters residing within the territory proposed to be detached; or
  - (b) not less than 25% of the number of owners of land within the territory proposed to be detached who also own 25% of the assessed value of land within the territory, as shown on the last equalized assessment roll.

## 2. Initiation by Resolution

An adopted resolution of application by the legislative body of any affected county, city, special district or school district shall contain all the matters required in the petition except for signers and signatures (56653, 56654).

## 3. Pre-zoning

Cities are required to pre-zone territory prior to LAFCO consideration of a city annexation. The zoning designation assigned must remain in effect for two years following the completion of the annexation, unless the city council makes a finding that a substantial change has occurred in circumstances that require a change from the pre-zoning set forth in the application to LAFCO (56375). An application will not be considered complete unless the city has pre-zoned the area proposed for annexation, or LAFCO can make findings in accordance with 56375(a)(7).

## 4. Noncontiguous Territory

In general, cities may not annex territory unless the territory is located in the same county and is contiguous with the annexing city (56741). However, if approved by the Commission, cities may annex noncontiguous territory not exceeding 300 acres in area, which is located in the same county, owned by the city, and is being used for municipal purposes at the time Commission proceedings are initiated (56742). Cities may also annex noncontiguous territory that constitutes a state correctional facility or a state correctional training facility (56742.5).

## Commission Proceedings

1. Contra Costa LAFCO may approve, modify, or deny the proposal. If approved, the Commission may also adopt terms and conditions for the annexation or detachment. Unless protest proceedings are waived, the proposal is scheduled for a conducting authority protest hearing where no further modifications may be made. The Commission serves as the conducting authority for city annexations and detachments (56029).
2. If a proposal is submitted that includes a city detachment, it shall be placed on the next Commission agenda for information purposes and a copy of the proposal shall be

forwarded to the detaching city. Within 60 days after the proposal is included in the Commission agenda, the affected city may adopt and transmit to the Commission a resolution requesting termination of proceedings. If such a resolution is adopted and transmitted within the prescribed timeframe, proceedings shall be terminated (56751).

### **Conducting Authority (Protest) Proceedings**

The Commission is the conducting authority for an annexation or detachment.

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission sets the proposal for a protest hearing and gives notice of the hearing. The hearing shall not be less than 21 or more than 60 days after the notice is given (57002). If authorized pursuant to 56662, the proposal may be approved by resolution without notice, hearing and election (57002).
2. Unless the requirements for hearing are waived pursuant to section 56662, the Commission or, if delegated to the Executive Officer, the Executive Officer shall conduct a hearing to receive any oral or written protests and take one of the following actions (57000, 57050):
  - A. Inhabited territory
    - (1) The conducting authority must order the territory annexed without an election when protests are less than 25% of registered voters in the territory, and less than 25% of the landowners owning less than 25% of the assessed value of land in the territory (57075).
    - (2) The conducting authority must call an election on the question of an inhabited annexation when 25% or more (but less than 50%) of the voters or landowners protest (57075).
    - (3) When 50% or more of the registered voters of an inhabited area proposed for annexation or detachment protest in writing, the proceedings are terminated (57078).
  - B. Uninhabited territory
    - (1) The conducting authority must approve uninhabited annexations with less than 50% assessed land value landowner protest (57075).
    - (2) When landowners owning 50% or more of the total assessed value of land within the affected territory protest in writing, proceedings are terminated (57078).

### **Special Provisions**

1. Elections Requirements

In the case of an inhabited annexation to a city, the Commission shall require that an election be held in both the annexation area and the city when (56737):

- A. The assessed value of land within the annexation area equals one-half, or more, of that within the city prior to the annexation; or
- B. The number of registered voters within the annexation area equals one-half or more of that within the city prior to the annexation.

## 2. Distinct Communities

If a proposed annexation consists of two or more distinct communities and any one community has more than 250 registered voters, any protest filed shall be accounted separately for that community (57078.5). This provision does not apply if the proposal is an island annexation initiated in accordance with 56375.3.

## 3. Island Annexations

The Commission shall approve an annexation to a city and order the annexation without an election, and waive the conducting authority proceedings if the annexation is proposed by resolution of the affected city and the Commission finds that territory contained in the annexation meets all of the following requirements (56375.3).

- A. The territory does not exceed 150 acres in area, and the area constitutes the entire island.
- B. The territory constitutes an unincorporated island as defined by statute and local LAFCO policy.
- C. The territory is surrounded in either of the following ways:
  - (1) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and the county boundary or the Pacific Ocean; or
  - (2) Surrounded by the city to which annexation is proposed and adjacent cities.
- D. The territory is substantially developed, or developing. This finding shall be based on one or more factors, including, but not limited to:
  - (1) The availability of public utility services.
  - (2) The presence of public improvements.
  - (3) The presence of physical improvements upon the parcel or parcels within the area.
  - (4) It is not prime agricultural land as defined by Government Code §56064.

- (5) It will benefit from the annexation or is receiving benefits from the annexing city.

At the option of either the city or the county, a separate property tax transfer agreement covering an island annexation may be agreed to by the city and the county without affecting any existing master tax sharing agreement between the city and the county.

These provisions do not apply to any unincorporated island within a city that is a gated community where services are currently provided by a community services district.

These special provisions are scheduled to expire on January 1, 2014, unless eliminated or extended by a superseding statute.

#### 4. Special Provisions for Williamson Act Territory (51233, 51243.5, 56738, 56752).

The Williamson Act provides that a property owner may enter into a contract with a county or city whereby the assessed property taxes are reduced in return for keeping the property in an agricultural preserve for a minimum of 10 years. Except as provided in Government Code section 51243.5, on and after the effective date of an annexation by a city of any land under contract with the county, the city shall succeed to all rights, duties, and powers of the county under the contract.

A city may refuse to succeed to a Williamson Act contract if either of the following conditions exist:

- A. Prior to December 8, 1971 the land being annexed was within one mile of the city boundary when the contract was executed and the city filed a resolution protesting the contract with the board of supervisors; or
- B. Prior to January 1, 1991: (a) the land being annexed was within one mile of the city boundary; (b) the city had filed a resolution protesting the contract with LAFCO; (c) LAFCO held a hearing to consider the protest; (d) LAFCO made a finding of inconsistency with future land use; and (e) LAFCO approved the protest.

Please refer to the applicable code sections for specific procedures regarding the annexation of Williamson Act territory.