

CITY OF PETALUMA, CALIFORNIA

MEMORANDUM

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DATE: January 23, 2024
TO: Planning Commission
FROM: Mike Janusek, AICP, Senior Planner
SUBJECT: Annexation Process Memo

The purpose of the following memo is to provide Planning Commission with background as to the role and functions of Local Agency Formation Commissions (LAFCOs) and the roles cities, LAFCOs, and private annexation proponents play in annexation proceedings. This information has been compiled from the Governor's Office of Planning and Research (OPR) document, *LAFCOs, General Plan, and City Annexations*, published February 7, 2012.

PURPOSE OF LAFCOS

Local Agency Formation Commissions (LAFCOs) were established in each California county in 1963. In 2000, Assembly Bill (AB) 2838 expanded the role of LAFCOs in the oversight of local government boundaries and guiding the efficient, cost-effective, and reliable delivery of municipal services. The law empowered LAFCOs to review, approve, or deny proposals for boundary changes and incorporations/formations for cities, counties, and special districts.

LAFCOs are composed of elected officials from the county and local cities, and a member of the general public. The State delegates each LAFCO the power to review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposed annexations, reorganizations, and incorporations, consistent with written policies, procedures, and guidelines adopted by the commission. LAFCOs are expected to act within a set of State-mandated principles encouraging "planned, well-ordered, efficient urban development patterns," the preservation of open-space lands, and the discouragement of urban sprawl.

ROLE OF PRIVATE ANNEXATION PROPONENTS AND CITIES IN ANNEXATION PROCEEDINGS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Govt C §§56000-57550) provides that LAFCO proceedings for annexation of territory, as with other reorganizations, may be initiated either by:

- Resolution of the affected local agency (Govt C §56654(a)); or

- Petition with the required signatures of landowners or registered voters (Govt C §56767).

Prior to filing an application for annexation to LAFCO, annexation proponents should meet with the LAFCO executive officer to review LAFCO application requirements. A city must pre-zone unincorporated territory that the city expects to annex in the future, or present evidence satisfactory to LAFCO that the existing development entitlements on the territory are vested or are already at buildout and are consistent with the city's general plan. The proposed zoning must be consistent with the city general plan and a public hearing must be held. LAFCO may not, however, dictate the specific zoning to be applied by the city. A LAFCO may approve annexation of unincorporated territory to a city consistent with the planned and probable use of the property on the basis of its review of the general plan and pre-zoning designations. Govt C §56375(e). Prior to LAFCO application filing and processing, as shown in Exhibit 1, the city should adopt a resolution of application initiating annexation proceedings pursuant to Government Code Section 56654.

On and after the effective date of the annexation, the territory, inhabitants, and voters of the area annexed are subject to the jurisdiction of the city or district and have rights and duties as if the area had been a part of the city or district at incorporation or formation. Govt C §57325.

EXHIBITS:

Exhibit 1: Annexation Process Flowchart, prepared by OPR, February 7, 2012