

# SANTA BARBARA LAFCO

## Procedures for Processing Boundary Changes

### A - Prior to Submitting a Proposal to LAFCO

#### 1. Land use entitlements or requests for public services

Usually a City or the County complete a land use planning process and approve, for example, a general plan amendment, specific plan, zone change, parcel map, development permit or other land use entitlement, or landowners apply for public service. Rezoning of city annexations is required [56375(a)(3)]

#### 2. Compliance with CEQA

The City, County or Special District completes a CEQA process for the underlying land use entitlement, development project or service extension. The city is the “lead agency” for rezoned annexations [CEQA Guidelines, §15051]

#### 3. Resolution of application or petition

The City Council, Board of Supervisors or Board of Directors adopts a Resolution of Application initiating a boundary change [§56654] or voters or landowners execute a petition [§56700]

#### 4. Tax exchange agreement (optional at this stage) – Revenue & Taxation Code, §99 and 99.01

### B - Application is Filed with LAFCO (§56652)

A complete application includes:

- Cover letter
- Landowner consent if applicable
- Resolution of application
- Proposal Questionnaire
- CEQA Documentation – EIR, ND, Mitigated ND, Notice of exemption  
(Or if LAFCO is going to be the Lead Agency, an environmental questionnaire.)
- Map and legal description
- Other relevant supporting documents

## C - LAFCO Processing Procedures – The LAFCO staff shall

5. As soon as an application is received [§56658(a)]

Request the County Assessor for TRA printout to determine the “affected agencies”

Prepare and mail 20-day notice to affected agencies, school districts, proponents, affected County Supervisor, etc. that the application has been received

6. If a proposal is to detach territory from a city (§56751)

Transmit a copy of the proposal to the city from which the detachment is proposed

Place the proposal on the agenda of the next LAFCO meeting for “information purposes”

Wait 60 days before placing the detachment on the Commission’s agenda for action

The affected city may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that the proceeding be terminated and LAFCO shall terminate the detachment

7. If a proposal is to annex territory to a special district but is not filed by the district [§56857]

Transmit a copy of the proposal to the district for which annexation is proposed

Place the proposal on the agenda of the next LAFCO meeting for “information purposes”

Wait 60 days before placing the annexation on the Commission’s agenda for action

The affected district may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that the proceeding be terminated and LAFCO shall terminate the annexation

8. Property Tax Exchange Agreement [*Revenue & Taxation Code, §99 and 99.01*] Determine if a separate property tax agreement is needed for this proposal; if so, start of tax negotiation process

Determine if a “master” tax exchange agreement applies to this project; if so, no action is needed.

If a tax exchange agreement is needed, as part of the “request for reportback” request the Assessor and Auditor to prepare the data that will be used by the parties to negotiate

9. Within 30 days of receiving the application, determine if it is “complete”

Examine the application materials for accuracy and completeness

Correspond with proponent or others if additional information is needed

10. Distribute application materials, request “reportbacks”

Send application materials and request reportbacks from the County Assessor, Elections, Planning & Development and Surveyor

If an increase in housing will occur, request a “reportback” from the affected school district re capacity to serve

If an increase in housing or jobs will occur, request a “reportback” from city, County and SBCAG re effect on regional housing goals

11. Issue a Certificate of Filing to the applicant when application is complete [§56658(g)(h)]

Do not issue Certificate of Filing until there is an approved property tax exchange agreement (*R&T §99 and 99.01*)

Do not issue Certificate of Completion until the application materials are complete, needed information is received and the application is accepted

If application is not complete, immediately inform the applicant and indicate how the application can be made complete

Schedule the LAFCO hearing for not more than 90 days after issuing Certificate of Filing

12. Determine if LAFCO can proceed without a noticed public hearing [§56662 & 56663]

All applications must be considered by being placed on a LAFCO meeting agenda

Boundary changes must be considered at a noticed public hearing – this means a 21-day notice that is published, posted and mailed to a specific mailing list - unless they meet the following criteria:

- It consists solely of annexations and detachments (and formations of CSAs) and
- All owners of land have given their written consent to the boundary change

13. When a noticed hearing is required, order mailing labels from the Assessor

Request Assessor to provide mailing labels for:

All registered voters and property owners within the proposal area, and

All registered voters and property owners within 300 feet of the exterior boundary of the proposed change.

Note: If more than 1,000 notices would be mailed there is an alternative allowed by publishing an announcement

14. Select meeting date to consider the proposal; add the proposal to the agenda for that meeting

15. At least 21 days prior to the LAFCO meeting, prepare a Notice of Hearing with the Agenda listing all of the items to be considered at that meeting (§56661)

Post the Notice of Hearing on County bulletin boards in Santa Barbara and Santa Maria

Post the Notice of Hearing on the Santa Barbara LAFCO website

Mail the Notice of Hearing to the “standard mailing list” that includes

- Each member of the Commission and the LAFCO legal counsel
- The other two members of the Board of Supervisors
- All cities and special districts in the County
- County departments listed on the mailing list
- All school districts in the County and the County Superintendent of Schools
- Everyone who has requested notices of LAFCO meetings
- The distribution list for each proposal to be heard from the Case Processing Form
- State Director of Conservation for city annexations in a Williamson Act Preserve contract
- State Director Forestry and Fire Protection for annexations to fire protection districts of state responsibility areas

16. Additional notice for agenda items that require a notice of hearing (§56661)

Publish a notice of hearing for specific items to be heard; not every item on the Notice of Hearing for the meeting requires publication

Mail the Notice of Hearing to the “extended mailing list” that consists of

- All registered voters and property owners within the proposal area, and
- All registered voters and property owners within 300 feet of the exterior boundary of the proposed change with cover letter

17. As a courtesy mail the certified EIR or Negative Declaration and reports or material related to the proposal to each member of the Commission for their early review

18. Prepare the Executive Officer report (§56665)

Use information in the reportbacks:

- Assessor provides tax rate and assessed value information
- Elections indicates whether the proposal is inhabited or uninhabited
- Planning verifies plans, zoning, agricultural land information and any County concerns
- Surveyor provides “packet maps” for staff reports and checks map and legal for adequacy
- SBCAG on relationship of proposal to achieving fair share of regional housing needs
- School districts indicate if school facilities are adequate or require additional mitigation

19. At least seven days prior to the LAFCO meeting assemble and mail the “Agenda Packet”

Provide copies of the agenda packet to

Each member of the Commission

County Administrator and County Planning Director

Executive Officer, LAFCO legal counsel and Commission Clerk

Place a Public Review Copy at the County Administrator’s Office

Post a copy of each agenda item to the LAFCO Website

20. At least seven days prior to the LAFCO meeting mail an agenda and specific staff report to parties listed in the proposal folders and to affected County Supervisors [§56665]

## **D - Commission hearing**

21. Prepare for LAFCO hearing

Confirm with GATV office to videotape meeting and provide remote viewing and testimony

Prepare resolutions for adoption by the Commission for each agenda item requiring a resolution

Call each Commissioner two days prior to the meeting to confirm their attendance

22. At the LAFCO meeting the Commission considers the items on the Agenda

For each item on the agenda

Receive the Executive Officer Report

Open the hearing and accept any public testimony

Close the hearing

Discussion by Commissioners

Take action on each proposal or item of business - approve, deny, receive or continue

23. When can LAFCO waive the Conducting Authority proceedings? [§56663 (c) and (d)]

If it approves a proposal, LAFCO can waive the conducting authority proceedings only when

In the case of uninhabited territory (i.e., fewer than 12 registered voters):

- All affected landowners have given their written consent
- All local agencies that will gain or lose territory have given their written consent
- The LAFCO staff sends written notice to all affected property owners and registered voters and no opposition is received

In the case of inhabited annexations and detachments (i.e., 12 or more registered voters):

- All local agencies that will gain or lose territory have given their written consent
- The LAFCO staff sends written notice to all affected property owners and registered voters and no opposition is received

## **E - Post Commission Hearing Activities**

### **24. If Conducting Authority proceedings have been waived**

Immediately after the LAFCO meeting file Notice of Exemption or Notice of Determination with the Clerk of the Board of Supervisors

Complete the resolution of approval or denial with the record of votes cast; attach the County Surveyor-approved legal description to the resolution

Prepare a Certificate of Completion

Request the County Auditor for the new Tax Rate Code for the proposal area

Wait the mandatory 30-day reconsideration period

After the 30 day waiting period

Record the Certificate of Completion, LAFCO resolution of approval and approved map

When the recorded information and TRA data are received, file the proposal with the State Board of Equalization and County Assessor

When the SBE confirmation is received, distribute the Notice of Completion to the standard mailing list

### **25. If Conducting Authority Proceedings are required**

Immediately after the LAFCO meeting file Notice of Exemption or Notice of Determination with the Clerk of the Board of Supervisors

Prepare a Certificate of Completion

Request the County Auditor for new Tax Rate Code for the proposal area

Schedule a protest hearing to occur after the 30-day reconsideration waiting period and at least 21 days prior to the hearing date,

Prepare a Notice of Hearing

Post the Notice of Hearing on County bulletin boards [57025(a)]

Post the Notice of Hearing on the LAFCO Website

Publish the Notice of Hearing [57025(a)]

Mail the notice of hearing to the following [57025(b)]

The County, all affected cities and all affected special districts

The proponents

Anyone who has requested notice

Each affected landowner within an area proposed to be formed as or annexed to a city or district improvement district

Each affected landowner (for city annexations of 75 acres or less)

Each affected landowner for changes where previously authorized special taxes or assessments will be extended

Note: For LAFCO initiated proposals to consolidate, dissolve or merge special districts or establish a subsidiary district, the protest hearing is held “in the affected territory.” 57008

26. Conduct protest hearing – delegated by the Commission to the Executive Officer

Open the hearing

Call for any written or oral protests

Close the hearing

Determine the value of all written protests that have been filed and not withdrawn

For uninhabited annexations and detachments

Order the change of organization if written protests are filed by owners of less than 50% of the assessed value of land

Terminate the proceeding if protests are filed by 50% or more of the assessed value

For inhabited annexations and detachments

Order the change without election if written protests are filed by

Less than 25% of the registered voters and

Less than 25% of the landowners owning less than 25% of the assessed value of land

Order the change subject to confirmation by the voters if written protests are filed by

At least 25% but less than 50% of the registered voters or landowners

Terminate the proceeding if 50% or more of the registered voters file protests

27. Completion of Proceedings following protest hearing

Place the matter on the next Commission agenda to adopt a resolution confirming the action based on the protests received. Prepare a resolution of (a) approval without election, (b) approval subject to a confirmation election or (c) termination

If the proposal is approved without an election

Attach the County Surveyor-approved legal description to the resolution of approval

Record the Certificate of Completion, LAFCO resolution of approval and approved map

When the recorded information and TRA data are received, file the proposal with the

State Board of Equalization and County Assessor

When the SBE confirmation is received, distribute the Notice of Completion to the standard mailing list

If the proposed is approved subject to voter confirmation, notify the Board of Supervisors or the City Council to conduct the election.

If proposed is terminated, adopt and file a resolution of termination