

## Application Filing & Processing<sup>1</sup>

1. OC LAFCO requires a mandatory pre-filing meeting of all applicants so we can fully understand the proposal. It is the responsibility of the applicant to set up the pre-filing meeting by contacting the LAFCO offices at 714-640-5100 and requesting an appointment. The LAFCO application form (described below) must be completed prior to the pre-filing meeting.
  
2. Application submitted to LAFCO by:
  - a. Registered voter petition with signatures of not less than 5 percent of the registered voters within the territory proposed to be annexed **or** landowner petition with signatures of not less than 5 percent of the number of owners of land within the territory proposed to be annexed who also own 5 percent of the assessed value of land within the territory.  
  
OR
  - b. Resolution of application by affected agency

### CONTENTS OF APPLICATION<sup>2</sup>

- LAFCO application form
- Property owner consent form(s), if applicable
- Indemnification agreement signed by applicant(s) and/or real parties in interest
- Disclosure of Political Expenditures
- LAFCO processing fees (*may be waived for small island annexations-Contact LAFCO staff*)
- Plan for services
- Map and legal (metes and bounds) description approved by the County Surveyor's Office (*not required for small island annexations*)
- CEQA documents
- Resolutions by affected agencies agreeing to a transfer/split of the ad valorem property tax revenues generated in the affected territory
- Pre-zoning (for city annexations, city reorganizations, and city detachments only)

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<sup>1</sup> This document generally describes the process for standard city and district changes of organization, proposals involving certain actions have specific procedural requirements that LAFCO staff will describe during the required pre-filing meeting.

<sup>2</sup> Application materials are generally submitted during and throughout the application review process. However, all required application materials and contents must be received prior to LAFCO issuance of a Certificate of Filing and scheduling a project for hearing. The Executive Officer may request additional information or supporting documentation.

3. Within 30 days of submission of the application:
  - a. For registered voter and landowner petitions, LAFCO issues either a Certificate of Sufficiency or a Notice of Insufficiency for the petition.
  - b. LAFCO sends the applicant a status letter notifying the applicant that the application is either complete or incomplete.
4. Approximately 30 days after submission of the application, and after submission of a map and legal description approved by the County Surveyor's Office:
  - a. LAFCO issues notice to the County Assessor of the proposal.
  - b. The Assessor determines which Tax Rate Areas (TRAs) are involved in the proposal and calculates the total assessed valuation (AV) of the affected territory.
  - c. The Assessor issues a report with the TRAs and AV for the proposal to the County Auditor.
  - d. The Auditor determines the total ad valorem property tax revenues that are subject to negotiation as part of the proposal.
  - e. The Auditor issues a report to the affected agencies (e.g., city, county) identifying the total dollars that are subject to negotiation and notifying the agencies that they have 60 days from the date they receive the report to reach agreement on the transfer of property tax revenues from the county to the city.
5. Upon determination by the Executive Officer that the application is complete, the Executive Officer issues, and sets a hearing date for the proposal within, a Certificate of Filing.
6. Proposals involving a city detachment or district annexation that are not initiated by the affected city or special district will be placed on the next regular LAFCO meeting for informational purposes in advance of the public hearing for LAFCO consideration of the proposal. The affected city or special district can adopt a resolution in opposition to the action and effectively veto the proposal, terminating LAFCO proceedings.

### LAFCO Review & Consideration

7. LAFCO notices and holds a public hearing on the proposal and takes one of the following actions at the hearing:
  - a. Approves the application subject to terms and conditions
  - b. Approves the application with modifications and subject to terms and conditions
  - c. Denies the application

8. If LAFCO approves the application, within 35 days of the hearing, LAFCO adopts the resolution making determinations and approving the application and sends a copy of the resolution to the applicant.
9. Within 30 days of the adoption of the resolution, any person or affected agency may file a written request for amendment or reconsideration of the resolution, if new or different facts warrant the reconsideration. If a request is filed, LAFCO notices and holds a public hearing on the request and may approve the request with or without amendment, wholly, partially, or conditionally, or disapprove the request.

### Protest Proceedings

10. If LAFCO approves the application, within 35 days of the hearing, LAFCO notices and sets a date for a protest hearing, unless waived pursuant to Government Code Section 56663. From the date that the legal notice of the protest hearing is published in a newspaper, registered voters and landowners within the affected territory may file written protests with LAFCO until the close of the protest hearing. LAFCO determines the window of time protests may be submitted (21 to 60 days) at the time it approves the application.

*If the proposal involves a small island annexation (150 acres or less) to a city, pursuant to Government Code Section 56375.3, the Commission shall approve and waive protest proceedings.*

11. LAFCO holds the protest hearing and makes a determination on the value of written protests filed and not withdrawn. LAFCO may continue the hearing to a future date to allow time to review protests. Upon making a determination on the value of written protests, LAFCO takes one of the following actions, depending on whether the territory is inhabited or uninhabited:

#### Uninhabited (<12 registered voters)

- a. If a majority protest exists, terminate the proceedings. For uninhabited territory, a majority protest exists if landowners owning at least 50% of the assessed valuation file protests.
- b. If a majority protest does not exist, order the change of organization.

#### Inhabited (≥12 registered voters)

- a. If a majority protest exists, terminate the proceedings. For inhabited territory, a majority protest exists if protests are filed by at least 50% of the registered voters.

- c. Order an election if protests are filed by: (a) at least 25%, but less than 50%, of the registered voters; or (b) at least 25% of the number of landowners owning at least 25% of the assessed valuation.
  - d. Order the change of organization if protests are filed by: (a) less than 25% of the registered voters; or (b) less than 25% of the number of landowners owning less than 25% of the assessed valuation.
9. If the change of organization is ordered, LAFCO records a Certificate of Completion with the County Recorder's Office upon satisfaction of all terms and conditions in the resolution ordering the annexation.
10. Upon recordation, LAFCO sends documents and fees (paid by the applicant) to the State Board of Equalization (BOE) for purposes of altering the BOE's TRAs to reflect the change of organization. The BOE fees are acreage based and can be reviewed on the BOE website (<http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>).