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January 13, 2016
 Agenda Item 10

January 13, 2016 (Agenda)

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

LAFCO Agricultural & Open Space Preservation Policy

Dear Commissioners:

This is a report from LAFCO’s Policies & Procedures Committee (“Committee”) relating to the Commission’s ongoing discussion regarding a LAFCO Agricultural & Open Space Preservation Policy (AOSPP). The LAFCO Executive Officer has worked closely with the Committee on the issues discussed below and concurs with the Committee’s recommendations.

BACKGROUND/CHRONOLOGY

Development of a LAFCO AOSPP was identified years ago as part of the Commission’s ongoing efforts to update its Policies & Procedures. The discussion was elevated in March 2015, at which time the Committee presented a summary of LAFCO law relating to preserving agricultural and open space lands, along with a collection of LAFCO policies and procedures representing 18 different LAFCOs from around the State.

Following the discussion, LAFCO hosted an Agricultural & Open Space Preservation Workshop (July 2015) to engage stakeholders and begin a conversation as to whether or not LAFCO should develop a local AOSPP, like other LAFCOs around the State; and if so, what the Contra Costa LAFCO policy should address.

The discussion continued throughout the summer. In August, the Commission reviewed a series of maps prepared by County GIS staff. The maps showed prime agricultural soil, important farmland, land covered under Williamson Act land contracts, parks and protected open space areas, areas with and without urban services, urban growth boundaries, and related features. The maps were intended to show important agricultural and open space areas that could potentially be at risk.

Subsequently, the Commission directed the Committee to reach out to various groups to inquire as to their interest in a LAFCO AOSPP and how they might like to work with LAFCO on such a policy. In October and November, the Committee reported on its meetings with these groups, including the Planning Committee of the Contra Costa Transportation Authority (CCTA), Contra Costa Public Managers Association, County/City Planning Directors, Contra Costa Special Districts Association; and the CCTA Board. Through these meetings, we learned that the groups are generally interested in a LAFCO AOSPP and wish to be kept apprised of LAFCO’s progress.

DISCUSSION

Throughout the process, LAFCO has received input from agriculture, building, environmental, farming, local government and other interest groups, along with members of the general public, as highlighted below.

- The County and seven cities provided a summary of their local agricultural & open space policies.
- The Brentwood Agricultural Land Trust provided a paper on the cumulative impacts of the loss of Contra Costa's farm and ranchland, current tools for protecting agriculture in the County, reasons why a LAFCO policy is important, and ideas for a successful LAFCO agricultural policy.
- County Planning staff shared the County's interest and efforts in reforming school siting policies and practices, and collaboration with the California Farm Bureau Federation to address conversion of agricultural land, and more specifically, conversion to school sites. In 2014, the County prepared its *School Siting and Safety Initiative* which outlines some of the challenges, concerns and potential remedies relating to school siting.
- Greenbelt Alliance shared its maps depicting "at risk" areas and "opportunity" areas (i.e., infill development of vacant land).

In November, the Commission continued its discussion on a local LAFCO AOSPP. The Commission directed the Committee to first draft guidelines relating to agriculture and open space preservation that focus on the LAFCO application requirements and procedures.

Attached for the Commission's consideration are the following:

1. Proposed revisions to the Questionnaire for Amending a Sphere of Influence (SOI) which add questions relating to land use and whether the proposal area includes agricultural land, open space land, and/or land covered under a Williamson Act land contract, and an Agricultural and Open Space Impact Assessment component (Attachment 1);
2. Proposed revisions to the Questionnaire for Annexations, Detachments and Reorganizations which add/clarify questions relating to the impact the proposal will have on agricultural and open space lands, any proposed mitigation measures, and Agricultural and Open Space Impact Assessment component (Attachment 2); and
3. Proposed revisions to the Procedures for Processing Boundary Changes noting that SOI and Proposal questionnaires involving agricultural land, open space land, and/or land covered under a Williamson Act land contract will require an impact analysis (Attachment 3).

RECOMMENDATIONS:

Receive report; approve proposed changes to the Questionnaire for Amending an SOI, Questionnaire for Annexations, Detachments and Reorganizations, and Procedures for Processing Boundary Changes; and provide further direction regarding a LAFCO AOSPP.

Respectfully submitted,

Sharon Burke and Don Tatzin

c: Distribution

Attachments

1. Proposed revisions to the Questionnaire for Amending a Sphere of Influence
2. Proposed revisions to the Questionnaire for Annexations, Detachments and Reorganizations
3. Proposed revision to the Procedures for Processing Boundary Changes

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Questionnaire for Amending a Sphere of Influence,

(Attach additional sheets as necessary)

1. Name of Proposal (Sphere of Influence of the _____).

2. Purpose of the proposal

A. Why is this proposal being filed?

B. List any related actions for LAFCO approval (e.g., annexation, detachment, etc.).

C. Identify other parts of the overall project, (i.e., a tract map, ~~or~~ development permit, etc.).

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3. Consultation with the County (City sphere changes only)

A. Provide documentation regarding consultation that has occurred between the City and County with regard to agreement on boundaries, development standards and zoning requirements for land in the proposed sphere as required by Government Code §56425.

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4. Description of area to be included in the sphere

A. What area is proposed to be added to/detached from the sphere? Attach a map showing the current sphere and proposed addition. What is the acreage?

A-B. Why was it decided to use these particular boundaries?

B-C. What are the existing land uses in the proposal area? Be specific. Does the proposal area include agricultural land, open space land, and/or land covered under a Williamson Act contract?

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C-D. What are the proposed land uses for the proposal area? Be specific.

5. Relationship to Existing Plans

A. Describe current County general plan and zoning designations for the sphere expansion area.

B. Describe City general plan and rezoning designations for the area.

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~~Proposal Justification~~ **Questionnaire for Annexations,
Detachments and Reorganizations**

(Attach additional sheets as necessary)

1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)

2. Describe the acreage and general location; include street addresses if known:

3. List the Assessor's Parcels within the proposal area:

4. Reasons for the proposal: (Why is this proposal being filed? Identify other actions that are part of the overall project, i.e., a tract map or development permit.)

5. Land Use and Zoning - Present and Future
 - A. Describe the existing land uses within the proposal area. Be specific.

 - B. Describe any changes in land uses that would result from or be facilitated by this proposed boundary change.

 - C. Describe the existing zoning designations within the proposal area.

 - D. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform to this zoning?

 - E. (For City Annexations) Describe the rezoning that will apply to the proposal area upon annexation. Do the proposed uses conform to this rezoning?

 - F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).

6. Describe the area surrounding the proposal

In Table A at the end of this questionnaire, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.

7. Conformity with Spheres of influence

A. Is the proposal area within the sphere of influence (SOI) of the annexing agency?

B. If not, include a proposal to revise the SOI sphere of influence. Per Commission policy, SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization.

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8. Conformity with ~~an the County~~ Urban Limit Line/Urban Growth Boundary

Is the proposal area entirely within ~~an the County~~ Urban Limit Line or Urban Growth Boundary? If not, please explain.

9. Conformity with County and City General Plans

A. Describe the existing County General Plan designation(s) for the proposal area.

B. (For City Annexations) Describe the City general plan designation for the area.

C. Do the proposed uses conform to these plans? If not, please explain.

10. Topography and Natural Features

A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.

B. Describe the general topography of the area surrounding the proposal.

11. ~~Impact on~~ Agricultural Lande

A. Does the proposal area include any agricultural land as defined in Gov. Code §56016, or prime agricultural land as defined in Gov. Code §56064 ~~property currently produce a commercial agricultural commodity?~~ If so, please describe.

B. Will the proposal result in the conversion of agricultural land to non-agricultural uses (i.e., immediately, over time, etc.)? ~~Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?~~

C. Is there any local agency (i.e., county, city, district) adopted agricultural preservation policy relating to this area? If so, please describe.

D. Does the proposal area include any agricultural preserve areas? If so, please describe.

E. Describe any agricultural lands adjacent to the proposal area. ~~Is the affected property Prime Agricultural Land as defined in Government Code §56064?~~

DF. Is any portion of the proposal area within a Land Conservation (Williamson) Act contract?

- 1) If "yes," provide the contract number and date the contract was executed.
- 2) If "yes", has a notice of non-renewal been filed? If so, when? If applicable, provide date of Williamson Act contract expiration/cancellation.
- 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.

G. Please describe mitigation measures applicable to the loss of agricultural lands resulting from approval of this proposal (e.g., agricultural easements, agricultural buffers, exchange of land to be preserved for land that may be urbanized, etc.).

12. Impact on Open Space Land

A. Does the proposal area include ~~Is the affected property~~ Open Space land as defined in Government Code Section 65560? If so, please describe.

B. Does the proposal area have an open space easement? If so, please describe.

C. Is the proposal area within or adjacent to an approved greenbelt? If so, please describe.

13. Agricultural and Open Space Impact Assessment

This section applies to applications that include, or are contiguous to, open space and/or agricultural land as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").

State law includes policies and priorities that guide development away from agricultural land and encourage development of land in existing boundaries and SOIs before annexing open

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space/agricultural land. Accordingly, Contra Costa LAFCO requires all proposals that include, or are contiguous to, agricultural and/or open space lands to include an Impact Assessment which shall address the following:

- A. How does the proposal balance the State's interest in preserving open space and agricultural lands against the need for orderly development?
- B. What is the effect of the proposal on maintaining the physical and economic integrity of agricultural lands?
- C. Can the proposal reasonably be expected to induce, facilitate, or lead to the conversion of existing agricultural and/or open space land to other uses?
- D. How does the proposal guide development away from agricultural and/or open space lands?
- E. How does the proposal facilitate development of existing vacant or non agricultural and/or non open space lands for urban uses within the existing boundary or SOI of a local agency?
- F. What measures does the proposal contain that will protect the physical and economic integrity of adjacent agricultural and/or open space land uses?

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14. Relationship to Regional Housing Goals and Policies (City annexations only)

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs as determined by ABAG.

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145. Population

- A. Describe the number and type of existing dwelling units within the proposal area.
- B. How many new dwelling units could result from or be facilitated by the proposal?
Single-family _____ Multi-family _____
- C. What is the projected population growth due to the proposal?

146. Plan for Providing Services - Government Services and Controls (per §56653)

- A. Describe the services to be extended to the affected territory by this proposal.
- B. Describe the level and range of the proposed services.
- C. Indicate when the services can feasibly be provided to the proposal area.

- D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
- F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.

| 167. Ability of the annexing agency to provide services

Attach a statement from each annexing agency describing its ability to provide services that are the subject of the application, including the sufficiency of revenues (56668j).

| 178. Dependability of Water Supply for Projected Needs (56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

| 189. Bonded indebtedness and zones – These questions pertain to long term debt that applies or will be applied to the affected property.

- A. Do agencies whose boundaries are being changed have existing bonded debt?
_____ If so, please describe.
- B. Will the proposal area be liable for payment of its share of this existing debt?
_____ If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.)
- C. Should the proposal area be included within any Division or Zone for debt repayment? _____ If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? _____. If yes, please describe.

| 4209. Environmental Impact of the Proposal

- A. Who is the "lead agency" for this proposal? _____
- B. What type of environmental document has been prepared?

Categorically Exempt -- Class ____ EIR ____ Negative Declaration ____
Mitigated ND _____ Subsequent Use of Previous EIR _____ Identify the
prior EIR. _____

- C. If an EIR has been prepared, provide 6 disks and 10 hard copies of the Final EIR and one copy of the lead agency's resolution listing significant impacts, mitigation measures and, if adopted, a statement of overriding considerations.

| 201. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in and/or excluded #from the proposal?
- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.

| 242. Final Comments

- A. List any conditions LAFCO should include in its resolution of approval.
- B. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.
- C. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

| 223. Notices and Staff Reports - List up to three persons with email addresses to receive copies of the LAFCO notice of hearing and staff report.

Who should be contacted if there are questions about this application?

Name Email Address Phone

Signature _____ Date _____

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East			
West			
North			
South			

Other comments or notations:

CONTRA COSTA LAFCO

3.1 Procedures for Processing Boundary Changes

A – Prior to Submitting a Proposal to LAFCO

1. Land use entitlements or requests for public services

Prior to submitting a proposal to LAFCO, a city or the County completes a land use planning process. This process typically involves approval of a specific plan, parcel map, development permit or other land use entitlement. Cities are required to prezone areas proposed for annexation to a city. [§56375(a)(3)]

Some city or County land use actions cannot be implemented without changes to special district boundaries. If a city or the County intends to submit an application to LAFCO, which includes proposed changes to a special district boundary, these proposals need to be included in the application.

Special districts can also initiate boundary change applications. These are typically in response to landowner requests for service, or to implement master service plans. Prior to extending service, the district must submit an application to LAFCO and obtain approval.

2. Compliance with CEQA

It is the policy of the Contra Costa LAFCO that a city, the County or special district serves as Lead Agency for boundary changes. As Lead Agency, the public agency typically renders an environmental determination and conducts the appropriate review for the underlying land use entitlement, development project, LAFCO proposal, or service extension. The city must serve as Lead Agency for prezoned annexations. [CEQA Guidelines, §15051] In these cases, LAFCO assumes the Responsible Agency role. The Lead Agency is required to gather input from and interact with LAFCO throughout the CEQA process to ensure that LAFCO issues are adequately reviewed. If LAFCO issues and proposed actions are not described or addressed in a CEQA document, LAFCO may need to assume the Lead Agency role and prepare the appropriate environmental document at the applicant's expense.

3. Resolution of application or petition

An application initiating a boundary change can come to LAFCO either by resolution of an affected local agency (i.e., City Council, Board of Supervisors, Special District Board of Directors), [§56654] or by a petition of registered voters or landowners execute a petition [§56700].

4. If the affected local agency(ies) received a portion of the property tax, a tax exchange agreement with all affected agencies may be completed prior to application to LAFCO and must be completed before LAFCO staff can issue a certificate of filing – *Revenue & Taxation Code, Sections 99 and 99.01*

B - Application Components [§56652]

1. A complete application includes:

- Cover letter including statement of landowner consent if applicable

- Resolution of application or petition
- [SOI and Proposal Questionnaires \(proposals involving agricultural land, open space land, and/or land covered under a Williamson Act land contract shall include an impact analysis\)](#)
- CEQA Documentation – Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration, Notice of Determination, Finding of Fact and Statement of Overriding Considerations, Mitigation Monitoring and reporting Program, Notice of Exemption, proof of payment of Fish & Game and court fees, if applicable.
(Or, if LAFCO is going to be the Lead Agency, an environmental questionnaire.)
- Map and description of boundary change area
- Other relevant supporting documents
- LAFCO processing fee
- Deposit for County Surveyor to check map and description (if one is involved)
- For annexation proposals with a land area of 100 acres or more, a fiscal analysis is required as part of the application

C - LAFCO Processing Procedures

1. As soon as an application is received [§56658(a)] LAFCO staff shall:
 - Access the County Assessor database for Assessor’s Parcel Number and Tax rate Area printouts to determine the “affected agencies”, identify all agencies that receive a share of the 1% property tax, and verify that all needed changes of organization are included in the project description.
 - Prepare a notice that application materials have been received and mail it to Commissioners, County Administrator, affected local and State agencies, school districts, application’s proponents, and the County Supervisor in whose District the proposal is located.
 - Send out “Request for Reportback” to various County Departments (County Administrator, Assessor, Auditor, Elections, County Community Development Department and Surveyor). If a significant increase in housing will occur, request a “Reportback” from affected school districts regarding their capacity to serve the project.
 - Examine the application materials for accuracy and completeness and write to the proponent or others if additional information is needed.

2. Issuing the Certificate of Filing
 - LAFCO staff must wait at least 20-days before issuing the Certificate of Filing.
 - Within 30 days of receipt of the application, the LAFCO Executive Officer must either deem the application incomplete and notify the applicant as to the missing application components, or deem the application complete and issue the Certificate of Filing. [§56658(g)(h)]
 - A Certificate of Filing cannot be issued until there is an approved property tax exchange agreement. [R&T §99 and 99.01]
 - A LAFCO hearing is to be held within 90 days of issuing the Certificate of Filing

3. If a proposal is to detach territory from a city [*§56751*]
 - Transmit a copy of the proposal to the *city from which a 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 because the affected city may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that LAFCO terminate the proceedings and LAFCO shall do so.

4. 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 because the affected district may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that LAFCO terminate the proceedings and LAFCO shall do so.

5. Property Tax Exchange Agreement [*Revenue & Taxation Code, §99 and 99.01*]
 - If necessary, confer with the County Administrator’s Office to determine if a “master” tax exchange agreement applies to this project or if a separate property tax agreement is needed for this proposal.
 - If a tax exchange agreement is needed, as part of the “Request for Reportback” request the Assessor and Auditor to prepare the data for the parties to negotiate

6. Determine if LAFCO can proceed without a NOTICED public hearing [*§56662 & 56663*]

All boundary changes must be considered at a NOTICED public hearing – meaning a 21-day notice that is published, posted and mailed to a specific mailing list -- UNLESS it meets the following criteria:

- Consists only of annexations and detachments (and formations of CSAs) and
- All owners of land have given their written consent to the boundary change.

All applications must be placed on a LAFCO meeting agenda by staff (except for emergency out-of-agency service agreements, which the Chair can approve and place on the next Commission agenda).

7. When a noticed hearing is required, obtain mailing labels [*§56157*]

Mailing labels shall be provided by the County Assessor and/or the County Registrar of Voters. The applicant is required to pay the cost associated with obtaining the mailing labels. Mailing labels are needed for:

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

- All registered voters and all property owners within 500 feet of the exterior boundary of the proposed change (separate set of labels from above).

Note: Labels must be current and include a complete street address.

8. Select a date for LAFCO to consider the proposal; include the proposal in the Notice of Hearing.
9. At least 21 days prior to each LAFCO meeting, prepare and distribute a Notice of Hearing and list all of the items to be considered at that meeting [§56661]

- Post the Notice of Hearing on County bulletin board.
- Post the Notice of Hearing on the Contra Costa LAFCO website.
- Mail the Notice of Hearing to the “standard mailing list” that includes:
 - Each member of the Commission and the LAFCO legal counsel
 - Other members of the Board of Supervisors
 - All cities and special districts in the County
 - County departments listed on the mailing list
 - Affected school district and County Superintendent of Schools
 - Everyone who has requested a notice of that LAFCO meeting
 - The distribution list for each proposal to be heard, taken from each 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
- State Lands Commission if tidelands or submerged lands are included

10. Additional notice for agenda items that require a NOTICED public hearing [§56661]

- At least 21 days before the hearing, publish a notice of the specific items to be heard that require published notice; not every item on the Notice of Hearing for a meeting requires publication.
- At least 21 days before the hearing, mail the Notice of Hearing to an EXTENDED MAILING LIST that consists of:
 - All registered voters and property owners within the proposal area, and
 - All registered voters and property owners within 500 feet of the exterior boundary of the proposed change with cover letter.

11. LAFCO Staff will provide copies of certified EIRs or lengthy Negative Declarations and supporting reports or material for the proposal to each member of the Commission for their *early* review.

Copies of pertinent environmental documents will be available for review in the LAFCO office. LAFCO staff reports and attachments will be posted on the LAFCO website.

12. Prepare the Executive Officer report [§56665])

Use available information from reportbacks in preparing the Executive Officer report:

- Assessor provides tax rate and assessed value information
- Elections confirms whether the proposal is inhabited or uninhabited
- Community Development verifies plans, zoning, agricultural land information
- Community Development provides maps for staff reports
- Surveyor checks map and legal description for adequacy
- School districts indicate if school facilities are adequate or require additional mitigation

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

Send copies of the meeting packet to:

- Each member of the Commission
- Executive Officer, legal counsel, Commission Clerk, other LAFCO staff
- County Administrator
- County Director of Community Development
- Others who have requested and paid for meeting packets

Post a copy of each agenda item and attachments to the LAFCO Website.

14. At least five days prior to the LAFCO meeting mail specific staff reports and an agenda to the parties listed on the Case Processing Form and to affected County Supervisors [§56665]

D - Commission Hearing

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

For each item on the agenda:

- Receive the Executive Officer Report
- If appropriate, open the hearing and accept any public testimony
- If appropriate, close the hearing
- Discussion by Commissioners
- Take action on each proposal or item of business - approve, deny, receive or continue

2. 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, and
- All local agencies that will gain or lose territory have not submitted written opposition to a waiver of protest proceedings.

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 not submitted written opposition to a waiver of protest proceedings., and
- The LAFCO staff sends written notice to all affected landowners and registered voters and no written opposition is received regarding the proposal or the intention to waive the conducting authority proceedings.

E - Post Commission Hearing Activities

1. If Conducting Authority proceedings have been waived:

- Immediately file Notices of Exemption or Notices of Determination with the County Clerk-Recorder.
- Complete Commission resolutions of approval or denial by recording the votes cast; obtain the Chair's signature, and attach the Surveyor-approved map and legal description to the resolution.
- Prepare a Certificate of Completion.
- Send request to the County Auditor for the new Tax Rate Code for the proposal area.
- Wait the mandatory 30-day reconsideration period.
- Ensure the conditions of approval have been met.
- After the 30-day waiting period record the Certificate of Completion, LAFCO resolution of approval and approved map.
- When the recordation numbers and TRA data are received, file the proposal with the State Board of Equalization and County Assessor.
- When the SBE confirmation is received, send Notice of Completion to standard mailing list.

2. If Conducting Authority Proceedings are required

- Immediately after the LAFCO meeting file the Notice of Exemption or Notice of Determination with the County Clerk-Recorder.
- Send request to the County Auditor for the new Tax Rate Code for the proposal area.
- Schedule and notice a protest hearing to be held following the 30-day reconsideration period.
- At least 21 days prior to the protest hearing prepare a Notice of Hearing and
 - Post the notice on County bulletin boards. [57025(a)]
 - Post the notice on the LAFCO Website.
 - Publish the notice. [57025(a)]
 - Mail notices pursuant to statute [57025]

Note: For LAFCO-initiated proposals to consolidate, dissolve or merge special districts or establish a subsidiary district, a protest hearing must be held "in the affected territory." [57008]

3. The LAFCO Executive Officer conducts the protest hearing as delegated by the Commission.

For these proceedings, an Executive Officer Order and Determination is used in lieu of a Commission resolution.

- 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.

4. Completion of Proceedings following protest hearing

- Place the matter on the next Commission agenda to report on the outcome of any protest hearings that are conducted.
- Prepare a Certificate of Completion.
- If the proposal is approved WITHOUT AN ELECTION
 - Attach the County Surveyor-approved map and legal description to the resolution of approval.
 - Ensure the conditions of approval have been met.
 - Record the Certificate of Completion, LAFCO resolution of approval and 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 proposal is approved SUBJECT TO VOTER CONFIRMATION, notify the Board of Supervisors or the City Council to conduct the election.
- If proposal is TERMINATED, adopt and file a resolution of termination.