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CHANGE OF ORGANIZATION OR REGORGANIZATION PROPOSALS PROCEDURAL REQUIREMENTS

INITIATION OF PROCEEDINGS

Proceedings for annexation to or detachment from a city may be initiated by petition of landowners or registered voters *or* by resolution of the governing body of any affected county, city or district (56650).

1. Initiation by Petition

A. A petition of application shall do all of the following (56700):

- (1) State that the proposal is made pursuant to this part;
- (2) State that the nature of the proposal and list all proposed changes of organization;
- (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries (per step 2B in Section II of these Procedures);
- (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 not to exceed three persons as chief petitioners, setting forth their names and mailing addresses;
- (8) Request that proceedings be taken for the proposal pursuant to this part; and
- (9) State whether the proposal is consistent with the spheres of influence of any affected city or district.

Upon receipt of a proposed change of organization not filed by a city that includes the detachment of territory from the city, the Executive Officer shall place the proposal on the agenda for the next Commission meeting for information purposes only, and shall transmit a copy of the proposal and agenda to the affected city. If the affected city did not adopt a resolution supporting the change of organization and transmits a resolution to the Commission requesting termination of proceedings, the Commission shall terminate the proceedings: (56751).

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 role.

- (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 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 role.

2. *Initiation by Resolution*

An adopted resolution of application by the legislative body of any affected county, city or district shall identify a contact person by address and phone number and contain all the matters required in the petition, per the previous section, except for signers and signatures (56654).

Whenever a city submits a resolution of application for a change of organization or reorganization, the city shall submit with the resolution a plan for providing services. The plan for providing services shall include all of the following information and any additional information required by the Commission or the Executive Officer (56653):

- An enumeration and description of the services to be extended to the affected territory.
- The level and range of those services; and
- An indication of when those services can feasibly be extended to the affected territory.

LAFCO PROCEEDINGS

Humboldt LAFCO may approve, modify, or deny the proposal. If it is approved, the Commission may also adopt terms and conditions for the annexation or detachment. The Commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the Commission that the existing development entitlements on the territory are vested or are already at buildout, and are consistent with the city's general plan (56375a).

The Commission shall order an annexation without an election, or waive the protest hearing, if the annexation is not part of a gated community where services are provided by a community services district and meets all of the following requirements (56375.3):

- Is an island that does not exceed 75 acres and is not a part of an unincorporated area that is more than 100 acres;
- Constitutes an entire unincorporated island within the limits of a city;
- Is surrounded, or substantially surrounded by the city, the city and a county boundary, the city and adjacent cities, or the Pacific Ocean;
- Is substantially developed or developing.

A city may annex additional territory to the island if the total acreage of the first-annexed and the subsequently annexed territory together does not exceed 300 acres in area (56741d).

PROTEST HEARING PROCEEDINGS

AB 2838 establishes LAFCO as the conducting authority for all proposals requiring protest proceedings. Under AB 2838, following LAFCO approval of a proposal, LAFCO is required to notice and set the proposal for a protest hearing within 35 days following the adoption of LAFCO's resolution of approval. Following summarization of LAFCO's resolution at the protest hearing, the Commission hears and receives and oral or written protests, objections, or evidence. The percentage thresholds for LAFCO to terminate or order the change of organization with or without an election is consistent with existing law. Unless the requirements for hearing are waived pursuant to Section 56375.3, LAFCO shall conduct a hearing to receive oral or written protests (57050).

1. Inhabited territory

- (A) LAFCO 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).
- (B) LAFCO 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). The city may call an election on the question of an inhabited detachment or disapprove the detachment by resolution regardless of the protest provision (57079).
- (C) 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).

2. Uninhabited territory

- (A) LAFCO must approve uninhabited annexations if written protests have been filed and not withdrawn by owners of land who own less than 50% of the total assessed value of land within the affected territory (57075).
- (B) Proceedings are terminated when proposed uninhabited annexations or detachments are protested by property owners owning 50% or more of the total assessed value of land within the affected territory (57075).

Protest hearings may vary from the procedures described in Section II. The applicable sections of law for the protest hearing should be consulted. Where conflicts exist, LAFCO procedures shall prevail (56100). The Commission resolution ordering the change of organization shall comply with all requirements in Sections 57100 - 57120 of the Government Code.