

Annexation Application



6000 Heritage Trail, Clayton, CA 94517
 Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Below: Office Use Only

File No: _____ Deposit: _____
 Received By: _____
 Date: _____ Receipt No: _____

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: _____

Applicant Name: _____ Applicant Email: _____

Property Owner Name: _____ Property Owner Email: _____

2. Prerequisites: Mark all that apply. See City Staff for clarification.

1. The subject parcel(s) share at least one common boundary line with the existing limits for the City of Clayton.
2. The subject parcel(s) are located within the City of Clayton's Sphere of Influence created by LAFCO.
3. The subject parcel(s) are located within the City of Clayton's Urban Service Area.

3. General Instructions:

Filing an application for annexation is a multi-step process. It is important that before filling out this application that you schedule a pre-application meeting with the City of Clayton's Community Development Director and/or Community Development staff member. It is also advised that you schedule a pre-application meeting with LAFCO (Local Agency Formation Commission) as this regulatory agency has their own set of submittal requirements, as well as the final approval of the annexation request. Read all of Part 5 of this application, as it will provide a complete overview of the approval process for the City, as well as more detailed instructions for compiling information requested in Part 4, Submittal Requirements, of this application.

4. Submittal Requirements:

Community Development General Application

Rezoning/Rezoning Application

General Plan Amendment Application

Annexation Application

Environmental Information Form

[Staff Use Only] Type of environmental document to be prepared:

Categorically Exempt--Class EIR Negative Declaration Mitigated Negative Declaration

Subsequent Use of Previous EIR; Identify the prior EIR: _____

Processing Deposit \$ _____ (Make check payable to the City of Clayton)

Copy of the title report(s) or copy of a preliminary title report(s) for all property subject to this application, dated within 90 days

Legal description for each parcel(s) to be annexed, including the metes and bounds (lengths and bearings of boundary lines)

Maps: The number of copies of each of the items below will be determined by the Community Development Director

1. A map showing the area proposed for annexation in proximity to the City boundary and sphere of influence
2. A map showing the area proposed for annexation in proximity to the City boundary and urban service area
3. A map showing the area proposed for annexation and the surrounding areas zoning classifications and general plan designations
4. Create a map exhibit showing the area proposed for annexation in proximity to the City boundary and the proposed zoning classification for the area to be annexed
5. Create a map exhibit showing the area proposed for annexation in proximity to the City boundary and the proposed general plan designation for the area to be annexed

Fiscal Impact Analysis: Type responses to the questions below and attach for submittal:

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application.
2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.
3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.
4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? If "Yes", please indicate person's name(s).
5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months? If Yes, please indicate person(s) or agent(s) making contribution, and name(s) of Commissioner(s)/Alternate(s) receiving contribution.

Letter of Explanation

1. Why is this proposal being filed?
2. Why are these particular boundaries being used?
3. Ideally, what other properties should be included in the proposal?
4. Describe any proposed changes in land uses that would result from or be facilitated by this proposed boundary change.
5. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.
6. List any conditions the City of Clayton should include in its resolution of approval.
7. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.

Mailing Envelopes and addresses

1. List of names and addresses of all legal owners of property within a 300' radius of the subject parcel(s).
2. Envelopes: prepare a complete set of addressed and stamped legal size envelopes for all listed property owners. Do not place return address on envelopes.
3. Ownership Map: County Assessors map showing subject parcel(s) highlighted or outlined and a boundary line indicating all properties located within a 300' radius of the subject parcel(s). (Will be provided by City Staff if applicant is not using a Title Company.)

5. Important Implementing Information and Instructions:

Processing Procedures

Step 1: Pre-Application Meetings:

- Schedule a pre-application meeting with the City of Clayton's Community Development Director or a Community Development staff member.
- Schedule a pre-application meeting with the Contra Costa Local Agency Formation Commission's (LAFCO) Executive Director or staff to understand their process and submittal requirements.
- Note: These meetings will help staff to determine the necessity for the inclusion of any "residual" parcels in the application. The provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000-Section 56757(c) and the policies of the Local Agency Formation Commission (LAFCO) require the annexation of residual parcels when the proposed annexation would create an "island" of unincorporated territory.

Step 2: Community Development Staff:

- Reviews application for completeness
- Prepares Staff Report and makes a recommendation for approval, approval with conditions or denial to the Planning Commission.

Step 3: Planning Commission Review/Meeting:

- Reviews submittal packet for the proposed annexation.
- Makes recommendation for approval, approval with conditions or denial to the City Council.
- If the Planning Commission denies the annexation request, an appeal can be filed within ten (10) calendar days of the Planning Commissions Notice of Decision.

Step 4: City Council Review/Meetings:

- Meeting Number One: The City Council will introduce the ordinance amendment and establish the prezoning.
- Meeting Number Two: The City Council will hold a reading and then take action either through approval, approval with conditions or denial.
- A denial of the annexation request shall cease further consideration of the request for a period of one (1) year following such denial.

Step 5: LAFCO Approval

- Submit LAFCO required documents as well as City of Clayton's approval and submittal packet.
- LAFCO staff will review the annexation request and prepare a recommendation to LAFCO. If approved, they will prepare a Certification of Completion and record reorganization with the County Recorder. They then transmit the certificate to the City Clerk. The effective date is the date of recordation.

Step 6: The property is now removed from the County's jurisdiction to the City of Clayton's jurisdiction.

Annexation and Ultimate Boundary, City of Clayton General Plan Section II, Land Use Element

The City of Clayton will never rival Concord or Walnut Creek in size; however, as does any city, Clayton wishes to have control over those areas that demand services, that make up its urban form, that affect its livelihood and that help create an efficient unit of government services. It is therefore the policy of the City of Clayton to annex all land within its Sphere of Influence and to promote development of land in the City of Clayton. Cities across America have consistently demanded control over development that directly affects their limits. Most of the country recognizes the need for cities to be the predominant location of residential development, the standard-setter and the urban service provider. Many counties in California have accepted this concept.

Support for the concept of City development is included in the scale of community responsiveness to needs, efficiency and consistency of standards. It is no coincidence that so many unincorporated communities have recently chosen to incorporate.

The Sphere of Influence and Planning Area boundary should be reviewed at least at five (5) year increments to determine whether expansion is warranted. (Amended by Resolution 43-95, dated 6/28/95)

If development is proposed in the un-sphered area north or east of Clayton, Clayton will request expansion of its Sphere at the time to the limits of its Planning Area.

The City of Clayton will be interested in any development along Marsh Creek Road between Clayton and Byron, due to the direct effect on traffic through the City. The effect on Clayton circulation should be considered in any County proposal.

City of Clayton Municipal Code Title 16, Chapter 16.02.039 Effect of Annexation

- A. When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and filed for record pursuant to the Subdivision Map Act is thereafter annexed to the city, the final map and any agreements relating to such subdivision shall continue to govern such subdivisions.
- B. When any area in a subdivision or proposed subdivision as to which a tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by local ordinance but which has not been recorded, is annexed to the city, all procedures and regulations required by this ordinance shall be deemed to commence as of the effective date of the annexation and the map shall comply with the requirements of any applicable ordinance of the city. (Ord. 235, 1987)

Prezoning:

A city may prezone unincorporated territory outside its limits for the purpose of determining zoning that will apply to such property in the event of subsequent annexation to the city. Government code § 65859. Prezoning becomes effective at the same time the annexation becomes effective. Prezoning must be consistent with the general plan.

LAFCO:

LAFCO is a regulatory agency charged by the State legislature with "discouraging urban sprawl and encouraging the orderly formation and development of local agencies" based on "local circumstances and conditions." To meet its responsibilities, LAFCO reviews and approves or denies proposals to:

- Annex land to cities or special districts,
- Detach land from cities or special districts,
- Consolidate two or more cities or two or more special districts,
- Form new special districts and incorporate new cities,
- Dissolve special districts and dis-incorporate cities,
- Merge cities and special districts,
- Allow cities or special districts to provide services outside of their boundaries.

LAFCO is charged by the State Legislature to determine and update at least every five years the "sphere of influence" of each city and special district. A sphere of influence is a plan for the probable physical boundaries and service area of a local agency. Factors that LAFCO must consider in determining spheres of influence are:

- The present and planned land uses, including agricultural and open space lands,
- The present and probable needs for public facilities and services in the area,
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide,
- The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

6. Certification:

General Certification:

I (We):

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.

Applicant's Signature: _____

Date: _____

Property Owner's Signature: _____

Date: _____