

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:
OCTOBER 22, 2018

TITLE:

**PUBLIC HEARING – GENERAL PLAN AMENDMENT
NO. 2018-04 AND AMENDMENT APPLICATION NO.
2018-07 FOR THE ANNEXATION OF A 25-ACRE
COUNTY ISLAND AT THE NORTHEAST CORNER OF
SEVENTEENTH STREET AND TUSTIN AVENUE
{STRATEGIC PLAN NO. 3,2}**

Prepared by Vince Fregoso

A blue ink signature of the Executive Director.

Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

A blue ink signature of the Planning Manager.

Planning Manager

RECOMMENDED ACTION

Recommend to the City Council:

1. Adoption of a resolution approving General Plan Amendment No. 2018-04 to predesignate properties on the General Plan Land Use Map
2. Adoption of an ordinance approving Amendment Application No. 2018-07 to prezone properties to be consistent with the City's zoning designations.

DISCUSSION

Proposed Action

In June 2018, the City Council directed staff to initiate the process to annex a 24.78-acre County island generally located at the northeast corner of Seventeenth Street and Tustin Avenue and to continue discussions with the County and LAFCO regarding the proposed annexation. As part of the legal proceedings and process, it is first necessary for the City to take formal actions to predesignate the General Plan land use designation and prezone properties within the proposed annexation area. Therefore, staff is recommending that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2018-04 and Amendment Application No. 2018-07 to establish future General Plan land use and zoning designations for the properties to be annexed (Exhibits 1 and 2).

Prior Hearing

This matter was previously heard by the Planning Commission on October 8, 2018. The Planning Commission conducted the public hearing for the project and voted 3 to 2 (Mendoza and Nguyen absent) to forward the recommendation to the City Council. While this vote reflected the decision of

the majority of the Planning Commission in attendance (McLoughlin, Contreras-Leo, Alderete, Verino and Reyna present), pursuant to Government Section 65354, the recommendation regarding the general plan amendment requires a majority of the total membership of the Commission. This item is being brought back for the Commission's consideration because the significance of this information and because this requirement was not discussed with the five members present at the meeting.

Property Description

The proposed annexation area is generally bounded by Seventeenth Street to the south, Tustin Avenue to the west and the Newport Freeway to the east. The existing land uses within the annexation area include 49 single-family homes, 32 multi-family units, commercial along Ponderosa and Seventeenth Streets and a 3.3-acre vacant parcel fronting Tustin Avenue (Exhibit 3).

Project Background

The Local Agency Formation Commission (LAFCO) for Orange County is a regulatory agency with countywide jurisdiction, established by state law to discourage urban sprawl, promote orderly growth, and encourage efficient extension of government services. While the County's main function is to provide regional services such as public health and welfare, the County court system and regional parks, one of the City's main functions is to provide municipal services such as public safety, land planning and code enforcement. As the City can improve the delivery of services and can allow for more local representation through a council member, LAFCO and the County have encouraged cities to annex unincorporated islands into their boundaries. In fact, LAFCO has worked collaboratively with the County of Orange to transfer several County islands to city jurisdiction.

Previous Annexation Request

In 2000, the LAFCO began discussions with the City to incorporate the 24.78-acre Seventeenth/Tustin County Island into the City's boundaries. Based on these discussions, in 2003, staff began the annexation process and presented the proposed annexation, a general plan amendment and an amendment application (rezoning) to the Planning Commission and City Council for consideration. Prior to these public hearings, City staff, LAFCO and the County of Orange hosted several Community Workshops and neighborhood meetings. At these meetings, the majority was opposed to the annexation due to a negative perception of Santa Ana, a fear of lower property values, the costs associated with converting from existing septic tanks to the City sewer system, potential reduction in street maintenance by the City, and the inconvenience of changing their address from the County's five-digit numbering system to the City's four-digit numbering system. Based on the neighborhood feedback, the City Council tabled the proposed annexation indefinitely.

Current Annexation Request

Approximately two years ago, the County received a proposal to construct two new restaurants on the vacant parcel of land at the northeast corner of Seventeenth Street and Tustin Avenue. Since that time, the representatives for In-N-Out and Chic-Fil-A have been working with County staff on the project entitlements. However, due to complications with the parcel being a County island, and the inability of the project to obtain City services, the project has remained in limbo. The County and Developer approached the City to consider the annexation proposal to facilitate public utility services for the development of the vacant site and to take over providing public services to the area.

Recent changes to State law have streamlined and encouraged the annexation of County islands into local jurisdictions. Under current annexation law, annexations of unincorporated islands less than 150 acres in size that are initiated by a County and City are no longer subject to resident protest and shall be approved by LAFCO. As the elimination of County islands is good public policy, and based on the change in State law, the City and County are moving forward with the annexation proposal (Exhibit 4).

Analysis of the Issues

Annexation procedures require the City to designate the properties within the annexation area on the City's General Plan Land Use Map, update text within the General Plan document, and prezone properties to be consistent with the zoning designation of the City. The sections below discuss these actions.

Table 1: Property Information/County and City Zoning Designations

Existing Land Use	Acreage	Number of Units	Existing County Designations		Proposed City Designations	
			General Plan	Zoning	General Plan	Zoning
Single-Family	19.79	53	Suburban Residential	R1	LR-7	R1
Multi-Family	1.0	20	Suburban Residential	R2	MR-15	R2
Commercial	3.99	30	Suburban Residential	C1	GC	C1

General Plan Amendment

The City of Santa Ana is proposing General Plan land use designations for the annexation area that will be consistent with the County's land use designations. For example, the proposed General Commercial (GC-50 FAR), Medium Density Residential (MR-15), and Low Density Residential (LR-7) designations are in keeping with the existing County land use designation of Suburban Residential (Exhibit 4) as the County's Suburban Residential designation allows both residential and commercial uses.

The proposed general plan amendment will include the revision of a number of City maps to adjust the City boundary within the City's General Plan to maintain internal consistency (Exhibit 3). Further, numerous land use tables will also be amended to recognize the additional acreage dedicated to single-family, multi-family and commercial uses. The updated General Plan documents will be incorporated into the approval package that will be presented to the City Council at a later date.

Amendment Application (Prezoning)

The City of Santa Ana is also proposing to prezone the properties within the annexation boundaries. Section 41-189 of the Santa Ana Municipal Code states that any property not prezoned shall be classified as General Agriculture (A-1) until such time it is reclassified. Staff is proposing to minimize impacts to the annexation properties by proposing to prezone the properties to be consistent with the County's land use designations. The existing County zoning designations include Single-Family Residence (R1), Multi-Family Dwellings (R2) and Local Business (C1 and 100-C1-1000) which reflects the existing commercial and residential land uses in the area (Exhibit 4). The proposed prezone for properties within the annexation area are Single-Family Residence (R1), Two-Family Residence (R2), Community Commercial (C1) and Arterial Commercial (C5), which are consistent with the existing land use pattern.

Community Outreach

On September 14, 2018 staff from the City, LAFCO and the County held a Community Meeting on the annexation proposal. The community meeting allowed an opportunity for those affected by the annexation to ask questions or voice concerns. An overview of the annexation process, possible impacts to the properties, and the steps in the process were discussed. In addition, an in-depth question and answer session was held. At the meeting, questions related to how will the change in zoning codes affect properties, how will the change in fees impact property owners, the timing to connect to the City sewer system, and the City's tax structure were raised. Comments pertaining to County response times, a satisfaction with County services and a preference to be located in Tustin were also raised. Overall, there was no support for the annexation proposal at this meeting.

In response, staff's indicated that the proposal to the City Council is to allow all septic tank users the ability to delay transitioning from existing septic tanks to City sewer lines and not change property

Zoning code. Finally, staff has determined that the property owners within annexation area will be allowed to maintain their existing five-digit address

CEQA Compliance

In accordance with the California Environmental Quality Act, a categorical exemption will be filed for this project per Section 15319. This Class 19 exemption applies to projects involving annexation of existing facilities and lots for exempt facilities. The proposed annexation area is developed to the density allowed by the current zoning, with the extension of utility services having the capacity to only serve the existing facilities. As a result, Environmental Review No. 2018-89 will be filed for this project.

Economic Analysis

A presentation of the economic analysis will be provided orally to the Commission at the October 22 meeting. The preliminary conclusions of the report estimate annual revenue as between \$44,000 and \$58,000. Projected annual expenditures are estimated as \$92,000.

Conclusion

The proposed action items are required for the City of Santa Ana to pursue annexing the 24.78-acre County Island. Based upon the analysis within this report and the City's support of the Orange County Annexation Island Program, it is recommended that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2018-04 and Amendment Application No. 2018-07.



Vince Fregoso, AICP
Principal Planner

VF:

s/Planning Commission/VANX 2018-01

- Exhibits
1. Draft City Council General Plan Amendment Resolution
 2. Draft City Council Amendment Application Ordinance
 3. Vicinity Map of Annexation Area
 4. Sample LAFCO Project Application
 5. Draft General Plan Amendment Map
 6. Draft Sectional District Map

RESOLUTION NO. 2018-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING GENERAL PLAN AMENDMENT NO. 2018-04 FOR THE PROPOSED ANNEXATION OF A COUNTY ISLAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF SEVENTEENTH STREET AND TUSTIN AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. The City of Santa Ana (City) is requesting approval of General Plan Amendment No. 2018-04 to incorporate into the City's various General Plan elements a 24.78-acre unincorporated area of land that is currently located within the County of Orange.
- B. Over the past several months, the County has been working with the developer of a proposed project at the northeast corner of Seventeenth Street and Tustin Avenue. This development has been unable to move forward due to the inability to connect to the City's sewer system as they are currently located outside the City boundaries.
- C. On June 5, 2018, the City Council of the City of Santa Ana held a duly noticed public hearing to consider the annexation of the 24.78-acre County island generally located at the northeast corner of Seventeenth Street and Tustin Avenue. At this hearing, the Council directed staff to initiate the process to annex the County island and continue discussions with the County and the Orange County Local Agency Formation Commission (LAFCO) regarding the annexation.
- D. On September 14, 2018, the City, County of Orange, and the Orange County Local Agency Formation Commission held a duly noticed community workshop regarding the proposed annexation to obtain community input.
- E. On October 22, 2018, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt a resolution

EXHIBIT 1

approving General Plan Amendment No. 2018-04.

- F. On November 20, 2018, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to General Plan Amendment No. 2018-04 for the Seventeenth and Tustin annexation project, at which time all persons wishing to testify were heard, the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.
- G. Pursuant to the California Environmental Quality Act (Pub. Res. Code sec. 21000 et seq.; "CEQA"), and the State CEQA Guidelines, the City has determined that a Categorical Exemption will be filed for the proposed project.
- H. General Plan Amendment No. 2018-04 has been filed to amend the General Plan to change the land use designation of certain parcels located in the Seventeenth and Tustin County island boundaries. The proposed land use designations will be consistent with the current land uses and proposed pre-zoning designations of the annexation project area. The amendments will pre-designate properties located in the annexation area as Low-Density Residential (LR-7), Medium-Density Residential (MR-15), or General Commercial (GC) as shown on Exhibit A, attached hereto and incorporated herein by reference.
- I. The City Council has weighed and balanced the General Plan's policies, both old and new, and has determined that based upon this balancing that General Plan Amendment No. 2018-04 is consistent with the purpose of the General Plan.

Section 2. CEQA Compliance. In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a categorical exemption will be filed for this project pursuant to section 15319. This Class 19 exemption applies to projects involving annexation of existing facilities and lots for exempt facilities. The proposed annexation area is developed to the density allowed by the current zoning or pre-zoning, with the extension of utility services having the capacity to serve only the existing facilities. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to CEQA, a categorical exemption adequately addresses the expected environmental impacts of this project. On the basis of this review, the City Council finds that there is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment therefore, it is categorically exempt from the requirement for the preparation of environmental documents. As a result, Environmental Review No. 2018-89 will be filed for this project.

Section 3. Approvals. The City Council of the City of Santa Ana after conducting the public hearing hereby approves General Plan Amendment No. 2018-04. The amendments to the Land Use Element are attached hereto as Exhibit B and incorporated herein by this reference as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Council Action dated November 20, 2018 and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. This Resolution shall not be effective unless and until Ordinance No. NS-_____ (AA No. 2018-07) become effective. If said ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this resolution shall be null and void and have no further force and effect.

Section 5. This Resolution shall not be effective unless and until the Orange County Local Agency Formation Commission (LAFCO) passes a resolution adopting the annexation of the County island. If the resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this Resolution shall be null and void and have no further force and effect.

ADOPTED this ____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2018-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2018.

Date: _____

Clerk of the Council
City of Santa Ana

Exhibit A: General Plan Amendments

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2018-07 PRE-ZONING THE PROPERTIES LOCATED WITHIN AN UNINCORPORATED COUNTY ISLAND PROPOSED FOR ANNEXATION GENERALLY LOCATED AT THE NORTHEAST CORNER OF SEVENTEENTH STREET AND TUSTIN AVENUE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. The City of Santa Ana (City) is requesting approval of Amendment Application No. 2018-07 to amend the zoning designation of a 24.78-acre unincorporated area of land that is currently located within the County of Orange.
- B. General Plan Amendment No. 2018-04 was filed concurrently with the Amendment Application for consistency with the General Plan to incorporate into the City's various General Plan elements.
- C. On October 22, 2018, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2018-07 which is consistent with the General Plan, as amended by General Plan Amendment No. 2018-04.
- D. The City Council has reviewed applicable general plan policies and has determined that this proposed pre-zoning is consistent with the purpose of the general plan.
- F. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on November 20, 2018.
- G. The City Council also adopts as findings all facts presented in the Request for Council Action dated November 20, 2018 accompanying this matter.
- H. For these reasons, and each of them, Amendment Application No. 2018-07 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code, thus changing of the zoning districts has been found to be consistent with the General Plan

EXHIBIT 2

of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The Planning Commission of the City of Santa Ana recommends that the City Council adopt an ordinance pre-zoning the real properties generally located at the northeast corner of Seventeenth Street and Tustin Avenue and Amended Sectional District Map number 4-5-9 showing the above described change in use district designation (AA No. 2018-07). This recommendation is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: The Request for Planning Commission and Council Action dated October 8, 2018 and November 20, 2018, respectively and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

Section 3. In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a categorical exemption will be filed for this project pursuant to section 15319. This Class 19 exemption applies to projects involving annexation of existing facilities and lots for exempt facilities. The proposed annexation area is developed to the density allowed by the current zoning or pre-zoning, with the extension of utility services having the capacity to serve only the existing facilities. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, determined that, as required pursuant to CEQA, a categorical exemption adequately addresses the expected environmental impacts of this project. On the basis of this review, the City Council finds that there is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment therefore, it is categorically exempt from the requirement for the preparation of environmental documents. As a result, Environmental Review No. 2018-89 will be filed for this project

Section 4. The zoning designation of the real properties generally located within the 24.78-acre County island at the northeast corner of Seventeenth Street and Tustin Avenue shall be reclassified from the County's Local Business (C-1) and Single-Family Dwellings (R-1) designations to Community Commercial (C1), Single-Family Residence (R-1) and Two-Family Residence (R-2). An amended Sectional District Map, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.

Section 5. This ordinance shall not be effective unless and until Resolution No. 2018-_____ (Environmental Review No. 2018-89 and General Plan Amendment No. 2018-04) is adopted and becomes effective. If either resolution and/or ordinance are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 6. This ordinance shall not be effective unless and until the Orange County Local Agency Formation Commission (LAFCO) passes a resolution adopting the

annexation of the County island. If the resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise does not go into effect for any reason, then this ordinance shall be null and void and have no further force and effect.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

ADOPTED this ____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: _____
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2018 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana



City of Santa Ana 17th Street Island - Vicinity Map

0 0.025 0.05 0.1 Miles

PROJECT APPLICATION FORM OF THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Orange County Local Agency Formation Commission
2677 North Main Street, Suite 1050
Santa Ana, CA 92705
(714) 640-5100
(714) 640-5139 (FAX)

APPLICATION INSTRUCTIONS

This application form is used to initiate the application process to the Orange County Local Agency Formation Commission (LAFCO) for a city or district annexation, reorganization, detachment, or a sphere of influence amendment. LAFCO staff looks forward to assisting you with your project.

In addition to the information that you will provide us on this form, LAFCO staff is required to analyze additional data regarding your proposal from our Geographic Information System (GIS) and in-house data base, including, but not limited to: affected agencies, interested agencies, spheres of influence, school districts, land use/zoning, acres of prime agricultural land, and number of dwelling units. A Plan of Services may also be required demonstrating how municipal services will be provided to the affected territory.

To assist staff in this effort, a mandatory pre-filing meeting is required of all applicants so we can fully understand your project. It is the applicant's responsibility to set up the pre-filing meeting by contacting the LAFCO offices at (714) 640-5100 and requesting an appointment. This application form must be completed prior to the pre-filing meeting.

Please fill out this application as completely as possible. If you need assistance, please do not hesitate to contact a LAFCO staff member for guidance. If a question does not apply to your proposal, indicate "N/A". Orange County LAFCO is a "paperless" office. It is important that you list all email addresses where indicated on the application. Correspondence, staff reports, resolutions and other LAFCO forms and mailings, whenever possible, will be distributed electronically.

APPLICATION FOR: (check all that apply)

- ☐ Annexation to: _____
- ☐ Detachment from: _____
- ☐ Reorganization (2 or more changes of organization) of: _____
- ☐ Other (explain): _____
- ☐ *Sphere of Influence Amendment for: _____

**If requesting a sphere of influence amendment "only", please answer the following two questions:*

1. Why is a sphere of influence amendment needed?

2. How would a sphere of influence affect the present and future need for services in the project area?

GENERAL DESCRIPTION AND JUSTIFICATION OF PROPOSAL:

1. What changes of organization are included? What agencies are involved?

2. Explain the purpose of each request of change of organization.

3. Explain how the proposal provides more logical boundaries and/or improves the provision of service.

4. Does this proposal have 100% consent of all property owners? (If so, please complete Attachment 1.)

WHO INITIATED THIS PROPOSAL? Generally, LAFCO proposals may be initiated by a resolution of an affected agency, a city council, special district or by the Board of Supervisors. In addition, a proposal may be initiated by a petition of the affected area's registered voters or landowners. **Attach one of the following to this application form:**

- ☐ Agency Resolution
☐ Landowner Petition
☐ Registered Voter Petition

LOCATION AND ADDRESS OF PROPERTY:

MAP AND LEGAL DESCRIPTION:

A map and legal description of the proposal, even if prepared by a private engineering firm, must be submitted directly to the Orange County Surveyor for review and final approval. An application can be filed with LAFCO without a map and legal, but a proposal cannot be scheduled for LAFCO hearing prior to receipt of a County Surveyor-approved map and legal description. You may contact the County Surveyor at the Resources and Development Management Department, Geomatics/Land Information Systems Division, at (714) 834-4378.

Additionally, the map and legal description must meet the State Board of Equalization's requirements. The BOE's "Change of Jurisdictional Boundary" requirements are available for download at <http://www.boe.ca.gov/proptaxes/sprdcnt.htm>. Please note, the BOE requires an additional vicinity map that shows the project area in relation to a larger geographic area.

A map and legal description has been:

- ☐ Certified by the County Surveyor and is attached to this application.
☐ Submitted for review to the County Surveyor.
☐ Other (please explain)

DISCLOSURE OF POLITICAL EXPENDITURES:

Orange County LAFCO requires applicants to report all expenditures for political purposes related to an application and proceedings to be reported to the Commission's Executive Officer in compliance with Government Code Sections 56700.1 and 57009. The following is attached to this application form:

(The information contained in this application may be subject to disclosure under the California Public Records Act Government Code Section 6250 et seq.)

- ☐ LAFCO Disclosure Form (please complete *LAFCO Disclosure of Political Expenditures, Attachment 3*); copy of Financial reports and disclosures submitted to FPPC (*please attach*)
- ☐ Please check here if you have no related financial reports or disclosures.

INDEMNIFICATION AGREEMENT:

LAFCO policy requires that all applicants sign an indemnification agreement (*see Attachment 2*) which indemnifies LAFCO employees, agents and attorneys in the event of litigation is filed concerning the approval of an application.

The following is included with this application form:

- ☐ Signed Indemnification Agreement

FILING FEES:

Applicants are required to pay fees in accordance with OC LAFCO's adopted fee schedule (see Attachment 4) to cover the administrative and staff costs required to evaluate proposals for hearing. Checks must be made payable to: "Orange County LAFCO".

The following is included with this application form:

- ☐ Check for Filing Fees
- ☐ Other (explain why Filing Fees not included):

CERTIFICATION

I certify, under penalty of perjury by the laws of the State of California, that the information contained in this application is true and correct. I acknowledge and agree that the Orange County Local Agency Formation Commission is relying on the accuracy of the information provided and my representations in order to process this application proposal.

Signature: _____

Name: _____

Title: _____

Date: _____

ATTACHMENT 1

Property Owner Consent Form

(All legal owners must sign a consent form or submit a letter of signed consent.)

I, _____, consent to the annexation/reorganization of my property
located at _____ (or Assessor Parcel
Numbers _____) to the _____[agency(ies)].

Signature: _____ Date: _____

Address: _____

City, State, Zip: _____

ATTACHMENT 2***Indemnification Agreement***

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and lease the Orange County Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Orange County Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at _____, California on the _____ day of _____, 2____.

APPLICANT

By: _____

Title: _____

Mailing Address: _____

REAL PARTY IN INTEREST
(if different from Applicant)

By: _____

Title: _____

Mailing Address: _____

ATTACHMENT 3
LAFCO Disclosure of Political Expenditures

Effective January 1, 2008, political expenditures related to a proposal for a change of organization or reorganization that will be or has been submitted to LAFCO are subject to the reporting and disclosure requirements of the Political Reform Act of 1974 and the Cortese-Knox-Hertzberg Act of 2000.

Please carefully read the following information to determine if reporting and disclosure provisions apply to you.

- Any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report the contribution to the Commission pursuant to the requirements of the Political Reform Act of 1974 (Government Code Section 81000 *et seq.*) as provided for local initiative measures, and Section 56700.1 of the Cortese-Knox-Hertzberg Act of 2000.
- Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or more in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 *et seq.*). Applicable reports must be filed with the Secretary of the State and the appropriate city or county clerk. Copies of the report must also be filed with the Orange County Executive Officer.

Evaluation Checklist for Disclosure of Political Expenditures

The following checklist is provided to assist you in determining if the requirements of Government Code Sections 81000 *et seq.* apply to you. For further assistance, contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

1. Have you directly or indirectly made a contribution or expenditure of \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

☐ Yes
☐ No

Date of contribution _____ Amount \$ _____ Name/ Ref. No of LAFCO Proposal _____

Date proposal was submitted to LAFCO _____

2. Have you, in combination with other person(s), directly or indirectly contributed or expended \$1,000 or more related to the support or opposition of a proposal that has been or will be submitted to LAFCO?

☐ Yes
☐ No

Date of contribution _____ Amount \$ _____ Name/ Ref. No of LAFCO Proposal _____

Date proposal was submitted to LAFCO _____

3. If you filed a report in accordance with FPPC requirements, has a copy of the report been filed with Orange County LAFCO?

☐ Yes
☐ No

(The information contained in this application may be subject to disclosure under the California Public Records Act Government Code Section 6250 et seq.)

ATTACHMENT 4**ORANGE COUNTY LOCAL AGENCY FORMATION
COMMISSION SCHEDULE OF FILING AND PROCESSING FEES**

Effective 7/1/2017

FEE SCHEDULE OVERVIEW

In accordance with Government Code Section 56383, the Commission may establish a schedule of fees and a schedule of service charges for Local Agency Formation Commission (LAFCO) proceedings. The submission of an application to the Orange County (LAFCO) is not officially accepted for processing until the filing fee deposits have been received by the agency. The fees associated with an application or petition are calculated on a time and materials schedule as detailed in the Fee Schedule.

PROVISIONS**1. Additional Deposits:**

- a. The Executive Officer may require an additional deposit from applicants to cover actual costs for review and processing of any application if the Executive Officer determines the project is extraordinary in scope. For example, the Executive Officer may determine that the processing of the proposal will require advice and counsel from LAFCO's General Counsel beyond routine review of the Executive Officer's report, Commission resolutions, and agenda materials. Further, LAFCO reserves the right to require reimbursement for additional expenses not listed in the fee schedule but incurred as a result of processing an application.
- b. If the actual charges exceed the amount of the deposit, the applicant or petitioner shall be notified and shall pay the excess within 15 days of receipt of a statement from LAFCO. Failure to pay may be cause for delay and/or denial of the application/petition, and no proceeding or application shall be completed until all fees due have been paid in full.

2. Indemnification Agreement Requirement

As a condition of approval of any change of organization or reorganization, out-of-agency service agreement, sphere of influence or municipal service review by LAFCO, the applicant(s) and real party(ies) in interest are required to defend, indemnify, hold harmless, and release LAFCO and its agents, officers, attorneys, and employees from any claim, action, or proceeding against LAFCO, and its agents, officers, attorneys, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval. In accordance with the Commission's Policy for Indemnification of LAFCO by Applicants (adopted March 8, 2000), the applicant(s) and real party (ies)

in interest are required to submit a signed indemnification agreement as part of the application.

ORANGE COUNTY LAFCO FEE SCHEDULE

LAFCO PROCESSING FEES

TYPE OF ACTION	COST SCHEDULE	INITIAL DEPOSIT
One Change of Organization (e.g. annexation or detachment)	Time and Materials	\$4,600
One Change of Organization with Sphere of Influence Change	Time and Materials	\$5,600
Reorganizations (request for 2 or more changes of organization)	Time and Materials	\$7,900
District Formations or Consolidations	Time and Materials	\$10,000
District Dissolutions, Mergers, or Establishment of a Subsidiary District	Time and Materials	\$7,900
City Incorporations/Dis-incorporations (See additional project completion deposits below.)	Time and Materials	\$10,000
Activation of Latent Powers	Time and Materials	\$7,900
Request for Municipal Service Review and/or Sphere of Influence Review/Update	Time and Materials	\$7,900
Out-of-Agency Service Agreement	Time and Materials	\$4,600
Request for Reconsideration	Time and Materials	\$3,200
Request for Extension of Time to Complete Proceedings	Time and Materials	\$1,000

LAFCO STAFF/LEGAL COUNSEL BILLING RATES

LAFCO Staff Rate	Fully Burdened Hourly Rate *
LAFCO Legal Counsel	Actual Costs*

*See Attachment A for current rates.

PROJECT COMPLETION FEES AND CHARGES

Public Noticing and Publication Costs	Actual Costs <i>(Based on noticing required by Government Code Section 56661)</i>
State Board of Equalization Fees	Actual Costs <i>(Payable to the State Board of Equalization and based on their latest fee schedule)</i>
Compliance with California Environmental Quality Act (CEQA)	Actual Costs <i>(May include LAFCO staff time to prepare environmental documentation, actual consultant costs, and appropriate filing fees. Department of Fish and Wildlife filing fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board. The fees listed below include the county's \$50 filing fee and are current as of January 1, 2017)</i> <div style="margin-left: 40px;"> a. Negative Declaration \$2,266.25 b. Environmental Impact Report \$3,128.25 </div>
Comprehensive Fiscal Analysis for Incorporation or Disincorporation Proposals	Actual Costs <i>(A \$50,000 deposit is required at the time the application is submitted. All excess costs will be the responsibility of the project proponent; any balance will be refunded at the conclusion of the project.)</i>
State Controller's Fiscal Review for Incorporations	Actual Costs <i>(A \$25,000 deposit is required at the time a Request for State Controller Review is submitted. All excess costs will be the responsibility of the project proponent, any balance will be refunded at the conclusion of the project.)</i>
Registrar of Voters – Verification of Signatures	Actual Costs
Special Legal Counsel Costs	Actual Costs
Consultants	Actual Costs

MATERIALS CHARGES

Reproduction and Faxing Costs	Actual Costs*
Postage or Overnight Service	Actual Costs
Agenda Packet (Specific Meeting)	Actual cost of reproductions *

(The information contained in this application may be subject to disclosure under the California Public Records Act Government Code Section 6250 et seq.)

Agenda Packet (subscription)	\$250/year (hard copy)
---------------------------------	------------------------

**See Attachment A for current rates.*

ATTACHMENT A**ORANGE COUNTY LAFCO FEE SCHEDULE****ACTUAL COST RATES**

Updated 7/1/2017

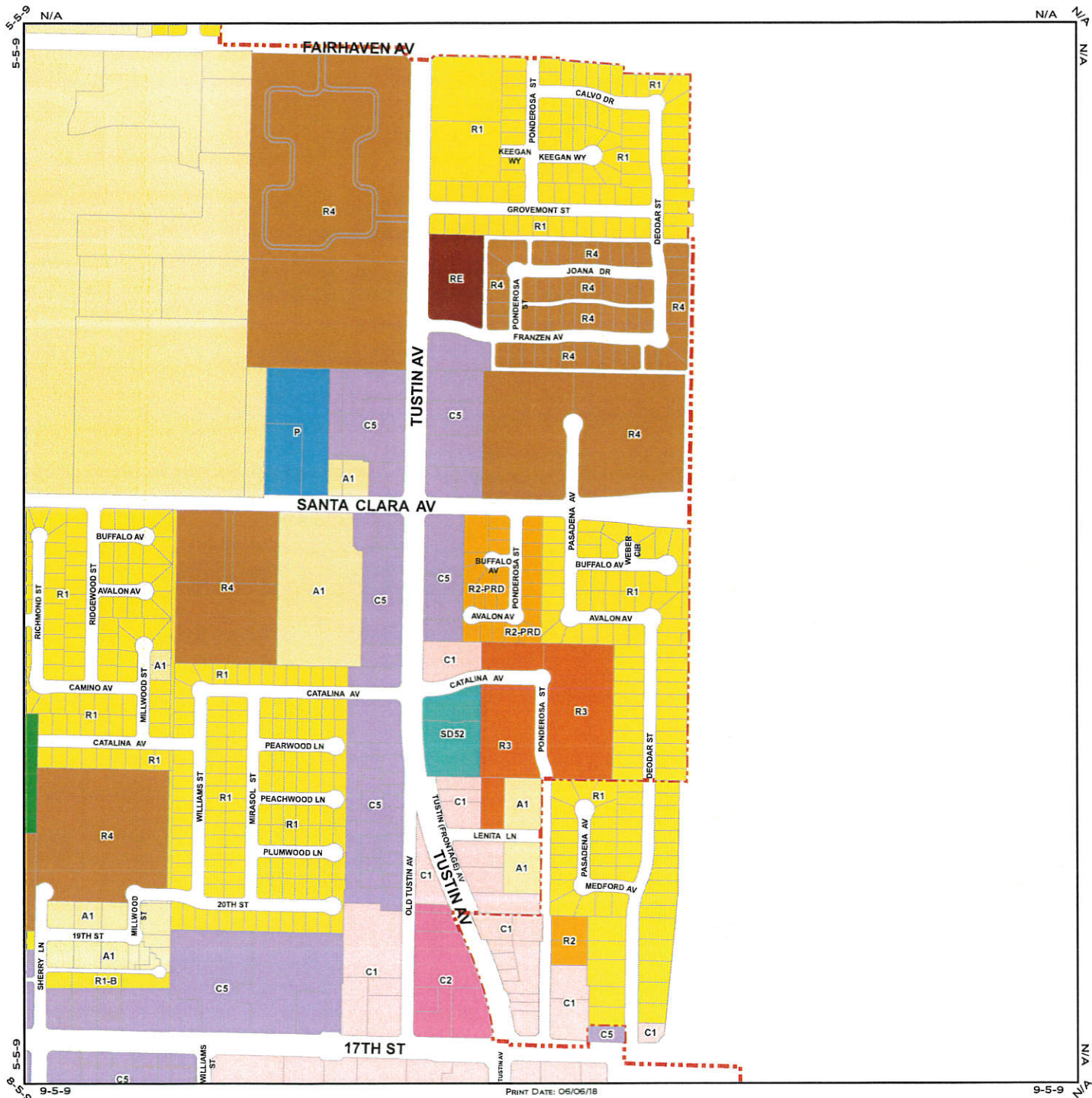
1. Fully burdened staff hourly rates:

Position	Hourly Rate
Executive Officer	\$ 116
Assistant Executive Officer	\$ 77
Policy Analyst*	\$ 34 - 41
Commission Clerk	\$ 42

*Depends on analyst's level on range

*Depends on analyst's level on range

2. Legal Counsel Hourly Rates - \$250 for LAFCO-initiated services
\$495 for project applicant-initiated services
3. Reproduction Cost - 0.25 per page
4. Audio Tape Reproduction Cost - \$15.00



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE				



SECTIONAL DISTRICT MAP: 4-5-9

CITY OF SANTA ANA, CALIFORNIA



Exhibit:

EXHIBIT 6