

A Citizen's Guide to Annexations

Why does the City want to annex territory?

There are four reasons the City pursues annexations:

- 1) To promote economic development and job growth
- 2) To improve and/or diversify housing stock
- 3) To increase population
- 4) To respond to property owner, resident, and/or business owner requests

These reasons are briefly described below:

1) Economic Development and Job Growth

Economists state that quality of life is directly related to job availability. Many other factors are also important when addressing quality of life, but unless residents have jobs to pay the bills, it is difficult for them to achieve their goals. Many of the reasons for annexation have to do with acquiring land to promote economic growth because a community without jobs cannot offer its citizens the quality of life that they deserve.

Business owners, who make decisions on where to locate their industrial (manufacturing) and commercial (sales) facilities, often require a certain population before they will do business in an area. Industry considers population because it is an indication of the availability of the tools, raw materials, and labor force needed to produce their product. Commercial businesses need a certain number of people in an area to buy their product. Those cities that are considered isolated and small are at a disadvantage in attracting more industrial or commercial businesses.

If the City annexes commercial areas or areas where commercial enterprises are expected to locate, the City will receive 1¢ of the 7.75% sales tax collected by the State. (The State and the County split the remaining 6.75%.) If the commercial enterprises remain in the County, then the City receives no portion of the sales tax. More commercial development in the City means more sales tax revenue.

In a manufacturing operation, the City does not receive any sales tax unless the sale of the product occurs here. Manufacturing operations bring prosperity to the City due the jobs and payroll located in our community.

2) Housing Stock Improvement and Diversity

Some of Barstow's newer housing stock is in the outlying areas, such as Silver Spurs and Barstow Heights. The City needs additional attractive, high quality, large lot housing within its boundaries. If new developments to meet the City's needs does not occur in the existing city limits, then the City can annex territory where new developments are occurring or will occur.

3) Population Increase

The State and Federal Government allocates money to cities (called “per capita revenues”) based on the number of people that live within each city. The money is based on the number of people who live in the city limits. These include gas tax, motor vehicle license fees, and a special transportation tax (Measure I). Also, if a city does not show growth, then the image is one of a poor local economy. Barstow is one of two San Bernardino County cities that lost population between 1990 and 2000.

4) Requests to Annex

Area residents or business owners ask the City to annex their property. Some residents wish to have the City provide services to them that are not available or are more costly to them as county residents, such as water, sewer, garbage, and police protection. Additionally, if someone wants to build homes or buildings, the permitting process is faster and less expensive if the property is located in the City.

Finally, political representation is viewed as more accessible in the City than in the unincorporated areas of the county. One county supervisor represents the entire High Desert, while Barstow city residents are represented by five councilmembers. Residents in the city are allowed to vote, and run, for council membership. Residents in the unincorporated areas of the county cannot vote or run for mayor or city council positions.

Will my property taxes go up if my property is annexed into the City?

No, the City cannot raise your property taxes without a vote; this applies to the county as well. Proposition 13, the Jarvis-Gann Amendment of 1978, prevents this from happening. Property taxes are generally 1% of your home’s assessed value. Additional fees may be added to property taxes, and they typically include assessments for special districts, Mojave Water Agency, Barstow Fire Protection District, etc. All of these are applicable whether you live in the County or the City.

What is LAFCO (Local Agency Formation Commission)?

It is a public agency created by State law to resolve boundary issues between governments within a county. Every county in California has a LAFCO. LAFCO deals with annexations and the creation and dissolution of cities and special districts within the County of San Bernardino. LAFCO must approve any annexation applications.

LAFCO staff analyzes boundary issues between governments within the County, and proposes recommendations to resolve the issues. Barstow residents are given an opportunity to appear before LAFCO meetings in San Bernardino, and to appear at Barstow City Council meetings to express their opinions before a final decision is made.

What will happen to the Community Service Districts (CSD) if I am in an area where one or more CSDs exist, such as Barstow Heights?

If an entire CSD area is annexed by the City, then it will no longer exist. Those residing in the CSD will continue to pay their special assessments until the debt is completely paid off.

What is the process for annexing an area?

After it is initiated, whether by the City or by request, Staff will prepare a public meeting agenda item for a Council meeting that explains why the annexation is being proposed. If accepted, the property is “pre-zoned” through a subsequent hearing by the Planning Commission and the City Council. Then, a resolution authorizing the filing of the application, a map, and legal description of the area is adopted. The Council, at a public meeting that is covered by the media, may accept the annexation, modify the annexation in area or type, or it may reject the annexation.

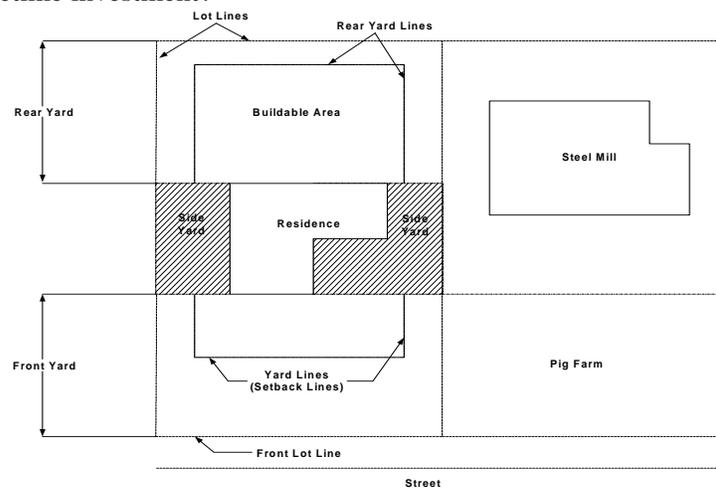
After the filing of the application is authorized, the City Staff completes a LAFCO application and files it with LAFCO.

The next steps are those handled by LAFCO as follows:

- 1) Review the application.
- 2) Distribute the application to County Departments and all affected local and State agencies for review.
- 3) Conduct a meeting between City and County Staffs to review, and if necessary, modify the application. Also, the approval of the distribution of current property taxes is established between the City and the County in the event that the annexation is approved.
- 4) Set a public hearing and send out notices to the affected agencies.
- 5) Conduct a public hearing in San Bernardino that will approve, deny, or conditionally approve the annexation request. (City Staff attends the hearing in a supportive role and to answer questions. The general public can also attend these meetings.)
- 6) If approved by LAFCO, a protest hearing is held. Depending on the annexation details, the hearing is held by either LAFCO or the City. This is the final opportunity for residents or landowners being annexed to support or oppose the action. The requirements for a protest hearing are as follows:
 - a) All protests must be written, dated, and filed with LAFCO or the Barstow City Clerk by a deadline set by LAFCO. (Citizens may contact the City Clerk for details.)
 - b) The annexation is validated and approved unless protests are received from either:
 - 25% of the registered voters within the area, if it is considered uninhabited with 12 or more registered voters
 - 25% of the landowners owning not less than 25% of the assessed valuation within the area, if it is uninhabited
 - c) All written protests must be written after the date the public notice is published but before the close of the public hearing.
 - d) If protests are received from 25% to 50% of the voters or landowners within the area, then the City must hold an election.
 - e) If protests are received from over 50% of the registered voters or landowners within the area, the City must then drop the proposal.
- 7) If the City approves the proposal, the City will send all of the required documentation to clear the approval to LAFCO. When LAFCO determines that all procedures were properly conducted, it and the State will issue a certificate of completion, and the area will then be considered annexed.

Why do we need zoning?

Zoning is simply good land use management. Residential, commercial, industrial, and agricultural land uses do not necessarily blend with each other. Would you want a pig farm or a steel mill built next to your home, a major lifetime investment?



WITHOUT ZONING, THIS COULD HAPPEN TO YOU!

How does City zoning compare to County zoning?

Zoning is the dividing of a city into districts, and the establishment of regulations governing land use, placement, spacing, and the size of land and buildings.

Each city and county in California has its own set of zoning designations. In most cases, these zone designations are not standardized. For example, one jurisdiction may identify its residential areas with an “RS,” another may identify its residential areas with an “R.” These designations are commonly referred to as acronyms. Even though the acronyms are different, they both identify that the property is zoned residential.

LAFCO requires a city to zone proposed areas of annexation with existing zoning designations. The designations can be and usually are different, however the land use requirements and regulations are similar if not the same. For example, the County zoning designation for the Barstow Heights area is RS-1.25 (Single Family Residential—1.25 acres.) The comparable City zoning designation would be DR/1.25 (Desert Ranchette—1.25 acres).

Will I have to give up my horses and livestock?

If you live in an area of the County that currently permits livestock, the City will provide zoning that will permit you to keep your livestock. If you are a property owner, you will receive notification of any pending zoning hearing, and you will be encouraged to provide input at these hearings.

Will I be in the Barstow Fire Protection District (BFPD)? Will funding change? Will this affect service?

Yes, you will be within the BFPD boundaries. Any time a City boundary is extended, the fire district is extended to coincide.

No, the funding will not change. The BFPD is a Special District whose funding is administered through the State and County.

The City has no authority over the BFPD. The fire district responds to both City and County areas.

Will I have to get a business license?

Unlike the County, the City requires a business license. All existing businesses allowed by the county would be allowed to remain in operation. However, business owners would have to obtain business licenses. The average annual amount for a business license in Barstow is approximately \$100.

Note: The City requires a Home Occupation Permit, a type of business license, if a property owner uses a residence as an office.

How do tortoise regulations affect development in the City?

The Federal and State governments have designated the desert tortoise as a threatened species. There is a substantial desert tortoise population in our area. There is no difference in tortoise procedures for development of properties within the City or the County.

Can I keep or build a second unit for my relatives?

Accessory dwelling units (AKA Granny flats) are permitted in any single-family residential zone with an approved Conditional Use Permit. Similarly, businesses may also have caretaker quarters on-site, and they also require Conditional Use Permits.

Property owners may continue to use any site containing “granny flats” or caretaker quarters at the time of annexation provided that they do not expand those facilities.

What are the differences in trash rates between the County and the City?

COMPARISON OF CURRENT TRASH RATES PER MONTH

FROM PROPERTY TAX BILL	County	City
Land Use (Environmental Health Services)	\$ 7.73	0.00
Land Use/Dump Fee (Solid Waste)	\$13.18	0.00
Desert Disposal	\$20.91	\$11.00
ACTUAL MONTHLY TOTAL	\$21.91	\$11.00

In summary, County residents who have trash pickup or haul their trash to the landfill will pay \$9.91 less per month, if they are annexed to the City. (Be aware that trash rates are subject to periodic change.)

How will my law enforcement protection change?

The San Bernardino County Sheriff’s Department serves county residents; while City residents receive coverage from the Barstow Police Department (BPD).

The BPD has more officers available per capita served, and these officers have fewer square miles to cover than the Sheriff’s deputies. This generally results in quicker response times by the Police Department.

Decisions regarding the BPD are made locally in Barstow. This differs from the Sheriff’s Office. Even though there is a sheriff substation in Barstow, the ultimate decision-making authority for sheriff department operations is in their San Bernardino Office.

Will the school district change?

No. All properties annexed into the City from the County will remain part of the Barstow Unified School District (BUSD).

Will my street address number change?

Yes, your 5-digit County street address number will change to a 3 to 4 digit City street address number.

If I want to build on my property, what are the differences between the County and the City?

LOT SPLIT (Parcel Map)

	<u>COUNTY</u>	<u>CITY</u>
Application Fee	\$6,328	\$295
Average time to process and record final map	12 months	2-3 months

Plan check and building permit fees are comparable between the County and the City. If you are building a house or room addition, or developing commercial or industrial property, you must pay a one-time school fee of \$1.53 per square foot to the school district, whether you are in the County or in the City. The school fees for commercial property construction is 34¢ per square foot in 2004. (Both fees are set by the BUSD Board of Education and are subject to change every year.)

BARSTOW PERMIT OFFICES

	<u>COUNTY</u>	<u>CITY</u>
Office Hours	8 am to 9 am Mon-Fri	7:30 am to 5:30 pm Mon-Thurs 7:30 am to 4:30, Fri <u>Closed every other Fri</u>

Who will maintain my streets?

The City's Street Department sweeps and maintains all dedicated street within the City. This applies to whether or not your street has curbs and gutters. Private streets would continue to be maintained by the property owner.

Will the City make me put in sidewalks and streetlights?

Not all City streets contain curbs, gutters, sidewalks, or streetlights. The west side of "P" Street, which is in the City, is an example of this rural standard.

Conversely, homeowners may initiate the process to form an assessment district, if they believe that their area is in need of public improvements like sidewalks and streetlights. This, however, cannot happen in areas that are designated for rural living, like Barstow Heights, without the consent of the property owners. (See the following page for the information formation of an assessment district.)

Will I have to connect to the City sewer system?

Section 13.08.040 of the Barstow Municipal Code requires all properties within the City that are within 100 feet of a City sewer line to connect to the system. If your property is more than 100 feet from a sewer line, then private disposal systems (septic tanks) are acceptable. Furthermore, if you are within 100 feet of a sewer line, you can continue to use a private system until it fails, then connection to the City sewer system is required.

The City has no plans to construct sewer lines to either North Barstow or Barstow Heights. The City cannot arbitrarily construct sewer lines. It would require approval of the property owners to agree to such construction through an assessment district. For further information, see the Formation of Assessment Districts section of this guidebook. Property owners do not pay sewer fees unless they are connected to the City sewer system.

How about neighborhood standards? How does the City compare with the County?

The City and County ordinances on outside storage, inoperative vehicles, water conservation, etc. are not that different. These ordinances have been adopted to maintain property values.

City ordinances allow the storage of operating equipment and construction materials normally found in connection with a residence. City ordinances do not allow the storage of inoperative vehicles in residential areas.

The City also has a nuisance ordinance that is intended to prevent the accumulation of trash, debris, broken windows, etc.

The City arranges for a free vehicle abatement. Also, the City participates in "free dump day" twice a year, and has coupons at City Hall for residents to use (while supplies last) that waive tipping fees at the landfill for qualifying materials.

If my property is annexed into the City and I want more improvements in my area, what is the general procedure involved in the formation of a public improvement district, also known as an assessment district (i.e., landscape, sidewalks, sewers, etc.)

- 1) At least 60% of the property owners in the affected area must agree to the public improvements. If only 50% of the property owners agree, then formation of such a district will require 4/5 (80%) of the vote of the City Council.
- 2) The City Engineer prepares the report justifying the improvements.
- 3) Costs must be estimated and assessments estimated for each parcel that would be affected.
- 4) A public workshop must be held to discuss the assessments.
- 5) Assessments sent to property owners with a questionnaire.
- 6) The City reevaluates assessments and determines whether 60% of the property owners concur.
- 7) Secure authorization from the City Council to proceed with the establishment of the Public Improvement District.
- 8) Engineer prepares the feasibility and assessment report.
- 9) Secure authorization from the City Council to proceed with the final design.
- 10) Engineer prepares construction documents.
- 11) Bid package distributed to contractors.
- 12) Final cost determined by successful best value bid.
- 13) Protest hearing conducted. Bid is awarded if public improvement district is established.
- 14) Improvements are made. This process takes at least 8 to 10 months. Billing for assessments then appears on the property tax bill.

If my property is annexed into the City, how will it affect my property tax and fee payments?

Property tax billing statements reflect a variety of taxes and fees. Tax bills vary by location, county, or city. The following are explanations of items that may appear on you tax bill:

- 1) General Tax Levy: This amount is paid to the County and is equal to 1% of your property's assessed value. For example, if your property were assessed at \$100,000, then your General Tax Levy would be \$1,000, or 1% of \$100,000.
- 2) County Land Use—Environmental Health Services (CO. LAND USE-EHS): This tax is collected from County residents for enforcement action or permitted and illegal land fills, investigations of illegally dumped waste, abatements of abandoned vehicles, and to support household hazardous waste recycling centers and round ups within the County.
- 3) County Vector Control (CO. VECTOR CONTROL): Vectors are disease-carrying pests, such as cockroaches, mosquitoes, and mice. These fees are used to pay inspectors to investigate reported problem areas or structures within the County and to assist property owners in eliminating these pests.
- 4) County Land Use—Solid Waste Management District (CO. LAND USE SWMD): A tax of \$85.14 is charged to all desert county property owners (outside the City limits) to pay for the maintenance, operation, and use of County landfills (dumps).
- 5) School Bonds: School districts can sell bonds to pay for new facilities. These bonds must be approved by the voters and are paid through the tax bill. The current rate is \$60 per \$100,000 assessed value.
- 6) School State Repayment: This category allows for the collection of school bond repayment if the State becomes involved.
- 7) Barstow Heights Community Service District (BARSTOW HTS CSD AD 87-1): This fee is only collected from Barstow Heights residents/property owners. In 1987, Barstow Heights residents voted to create a special assessment district in order to pave the streets. The assessment will last for 20 years. The rate is based on the amount of property footage along a street. (A street corner lot would be assessed more than a lot adjoining a single street.)
- 8) Mojave Water Agency #1 Debt and #2 Debt (MOJAVE WTR AGY): These are fees collected to pay a 75-year bond that was enacted in 1960. The bond funded the construction of the California Aqueduct and is paid off by all High Desert residents regardless of their service. The #1 Debt is \$.1125 per \$100 of the land value only. The #2 Debt is \$.035 per \$100 of the total assessed value, including land improvements. Both debts will be paid off in 2035.

The following table compares a hypothetical property tax billing statement for a residential property annexed into the City from the County with a total appraised value of \$100,000. (Property only appraised value of \$15,000.)

Tax/Fee	County \$ Amount	City \$ Amount
GENERAL TAX LEVY	1,000.00	1,000.00
*CO LAND USE—EHS	5.30	0.00
*CO VECTOR CONTROL	2.30	0.00
*CO LAND USE—SWMD	85.14	0.00
BARSTOW UNIFIED BOND	60.00	60.00
*BARSTOW HEIGHTS CSD AD 87-1	771.92	771.92
**MOJAVE WTR AGY #2 DEBT	35.00	35.00
*MOJAVE WTR AGY #1 DEBT	16.88	16.88
TOTAL	\$1,976.54	\$1,883.80

The total amount due would be \$1,883.80 as a City residential property. If the property remained in the County, the tax would be \$1976.54. A City resident would have a \$92.74 property tax reduction.

If you have any further questions regarding annexations, please contact the City of Barstow at 760-256-3531, or the Local Agency Formation Commission at 909-387-5866.

Prepared by the Department of Community Development
City of Barstow

Revised: June 2004