



VENTURA LOCAL AGENCY FORMATION COMMISSION

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Unincorporated Island Annexations

Frequently Asked Questions

The City of Simi Valley is processing a residential development project known as North Canyons Ranch located on approximately 160 acres north of the Simi Valley Town Center and outside the City's boundaries. The City must obtain approval from the Ventura LAFCo to annex the project site in order for it to be developed. The Ventura LAFCo has adopted a policy* that applies to cities with unincorporated islands that requires large annexation proposals to be followed by a second proposal to annex the unincorporated islands.

Below are some frequently asked questions and their answers regarding LAFCo and unincorporated island annexations.

1. What is LAFCo?

LAFCo stands for Local Agency Formation Commission. There is a LAFCo in each county in the state. LAFCos were created by the State Legislature in 1963. LAFCos are independent state agencies that have been granted sole authority over changes to the jurisdictional boundaries of cities and most special districts.

2. What is an unincorporated island?

For LAFCo purposes, an unincorporated island is generally considered to be an area of unincorporated territory (i.e., land outside of a city) that is surrounded or substantially surrounded by one or more cities, is developed or developing, and is not prime agricultural land.

3. What is the process for a city to annex an unincorporated island?

Unlike for most annexations, if a city files an application to LAFCo to annex an unincorporated island or islands, LAFCo is required under the law to approve it. However, if the island or islands meet specified criteria, there is an expedited annexation process under which LAFCo must both approve the annexation and waive protest proceedings. In other words, following LAFCo's approval, registered voters and landowners within the islands will not have the opportunity to file written protests to influence the outcome of the annexation request (Government Code Section 56375.3). LAFCo has no discretion to deny such an annexation request or conduct protest proceedings.

4. Is a city required to request annexation of unincorporated islands?

LAFCo law does not require a city to request the annexation of unincorporated islands, though a city is free to make such a request to LAFCo at any time. For instance, in 2015 the City of Thousand Oaks chose to submit an application to LAFCo to annex two unincorporated islands using the expedited island annexation process. However, the Ventura LAFCo has adopted a policy prescribing that if it approves an annexation to a city of 40 or more acres, it will require as part of that approval that the city submit a subsequent application requesting to annex all unincorporated islands using the expedited island annexation process ([Ventura LAFCo Commissioner's Handbook](#) Section 3.2.3).

5. When did Ventura LAFCo adopt this policy?

Ventura LAFCo adopted this policy in 2003.

6. Why did Ventura LAFCo adopt the policy?

When it adopted the policy, Ventura LAFCo determined that “the State Legislature has adopted the objective for LAFCos to promote orderly boundaries and the efficient delivery of services” and that “the continuation of unincorporated island areas is inconsistent with the Commission’s legislative mandate, State and local policies that discourage the formation of unincorporated island areas surrounded by cities, and the [Guidelines for Orderly Development](#) adopted by the County of Ventura, each of the ten cities in Ventura County, and the Ventura LAFCo.” (Resolution of the Ventura Local Agency Formation Commission Adding a New Section 3.2.3 to Division 3 Changes of Organization and Reorganization, Chapter 2 – Specific Policies Relating to Annexation of Unincorporated Islands by Cities. Adopted April 16, 2003.)

7. Has Ventura LAFCo applied this policy in the past?

Yes. In 2011 Ventura LAFCo approved an annexation to the City of Ventura that triggered implementation of this policy. Following LAFCo’s approval of that annexation request, the City filed an application requesting the annexation of nine unincorporated islands, and the request was approved by LAFCo in 2012. In 2005, the City of Santa Paula met the intent of the policy when it proactively applied to LAFCo to annex 32 unincorporated islands under the island annexation provisions. The cities of Thousand Oaks and Camarillo surround unincorporated islands that would be subject to this policy, as well.

8. Can LAFCo approve the island annexation but also give the voters and landowners in the unincorporated islands an opportunity to protest, vote, or stop the annexation somehow?

No. If the unincorporated islands annexation request is submitted to LAFCo pursuant to Government Code Section 56375.3, then LAFCo is required by law to approve the annexation and to waive any opportunity for the voters or landowners to protest, vote, or otherwise stop the annexation from occurring. If a city applies to LAFCo under the expedited island annexation provisions, neither LAFCo nor the voters/landowners can prevent the annexation.

9. Can a city council choose not to request annexation of unincorporated islands?

Yes. The LAFCo policy applies only if preceded by the following actions: (1) a city chooses to submit to LAFCo an application for the annexation of 40 or more acres, and (2) LAFCo approves that annexation request. A city council can choose not to submit the subsequent application to LAFCo to annex the city’s unincorporated islands, as required by the LAFCo policy; however, a city’s decision not to submit the subsequent application to LAFCo would prevent finalization of the annexation that triggered the policy.

10. Can LAFCo choose not to apply its island annexation policy if it approves a triggering annexation request (i.e., an annexation of 40 or more acres)?

Many LAFCo policies are intended to implement state law, and all are to be given great weight in the Commission’s consideration of proposals. However, the Commission may waive any of its policies if it determines that waiving the policy will not conflict with state law and justifies its reasons for the waiver. When the Commission adopted this policy, it determined that prolonging the existence of unincorporated island areas is inconsistent with the Commission’s legislative mandate.

If you have additional questions about the LAFCo process, please contact Kai Luoma, LAFCo Executive Officer, at kai.luoma@ventura.org or (805) 654-2575. You may also visit the Ventura LAFCo website at www.ventura.lafco.ca.gov.

*** SECTION 3.2.3 ANNEXATION OF UNINCORPORATED ISLAND AREAS BY CITIES**

Any approval of a proposal for a change of organization or reorganization will be conditioned to provide that proceedings will not be completed until and unless a subsequent proposal is filed with LAFCo initiating proceedings for the change of organization or reorganization of all unincorporated island areas that meet the provisions of Government Code Section 56375.3, provided all of the following criteria are applicable:

- a. The approved proposal was initiated by resolution of a city that surrounds or substantially surrounds one or more unincorporated island areas that meet the requirements of Section 56375.3.
- b. The territory in the approved proposal consists of one or more areas that are each 40 acres or more in area.
- c. The territory in the approved proposal will not be used exclusively for agriculture or open space purposes after the completion of proceedings.
- d. The territory in the approved proposal is not owned by a public agency or used for public purposes.