



Solano Local Agency Formation Commission

675 Texas St. Ste. 6800 • Fairfield, California 94533

(707) 439-3897

www.solanolafco.com

STAFF REPORT

DATE: October 20, 2025

TO: Local Agency Formation Commission

FROM: Rich Seithel, Executive Officer

SUBJECT: LAFCO Project No. 2025-06 — Solano LAFCO Checklists Update

Recommendation:

CONSIDER and APPROVE the repeal of all existing Solano LAFCO checklists and replace them with the proposed application checklists.

Executive Summary:

Senate Bill 489 (SB 489) was passed by the California Legislature and signed into law by Governor Gavin Newsom on October 10, 2025. This bill updates several provisions of the Permit Streamlining Act (PSA) with the goal of improving the review and approval process for housing development projects. SB 489 requires Local Agency Formation Commissions (LAFCOs) to establish and publish written policies and procedures for reviewing such applications, including all necessary forms required for a complete application.

Discussion:

SB 489 is intended to improve the processing of housing development applications and enhance transparency throughout the process. The bill mandates “that the written policies and procedures include any forms necessary for a complete application to the commission concerning a proposed change of organization or reorganization [...] and to provide access to [them] through its internet website.”

In response to these new mandates, staff reviewed and updated the current application checklists to provide clearer instructions and more detailed information. Following the Commission’s approval, the revised checklists will be posted on the Solano LAFCO website and will be made available to the public in compliance with SB 489.

This action repeals the following checklists that are currently posted on the Solano LAFCO website: “City Annexation Proposal Only,” “District Annexation Proposals Only,” “District Detachment Proposal Only,” “District Formation Application,” and “For All Maps & Written Geographic Descriptions.”

This action replaces the repealed checklists with the following: “City Change of Organization or Reorganization Checklist,” “District Change of Organization or Reorganization Checklist,” “District Formation Application Checklist,” “City Incorporation Checklist,” “District Dissolution Checklist,” “Legal and Platt Checklist.”

Commissioners

John Vasquez, Chair • Nancy Shopay, Vice Chair • Mitch Mashburn • Steve Bird • John Carli

Alternate Commissioners

Alma Hernandez • Wanda Williams • Jack Batchelor

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Tyra Hasdovic, Project Specialist • Jeffrey Lum, Project Specialist • Sam Bass, Office Administrator/Clerk • Mala Subramanian, Lead Legal Counsel

Attachments:

- A – Application Checklists for Repeal
- B – Proposed Application Checklists
- C – SB 489 Bill Text

ATTACHMENT A

CITY ANNEXATION PROPOSALS ONLY

The following is required for a complete LAFCO application:

1. ☐ One (1) original of the Notice of Intent to Circulate a Petition (for Non-Agency Proposals only). Submit prior to circulating a petition.
2. ☐ Check for appropriate LAFCO application fee made payable to Solano LAFCO.
3. ☐ One (1) original of the Application (and Petition for Non-Agency Proposals) including a signed Fee Agreement and Indemnification Agreement.
4. ☐ One (1) copy of the geographic description.
5. ☐ One (1) copy of the map and if applicable one (1) copy of map reduced to 8 ½ x 11 for recording with County Recorder
6. ☐ Two (2) sets of mailing labels for landowners within 300 feet of project area.
7. ☐ Response to LAFCO Standards.
8. ☐ Copy of the Fish and Wildlife Receipt filed with the County Administrator's Office.
9. ☐ One copy of the Environmental Impact Report or one copy of the Negative Declaration including the Initial Study, along with one CD containing all environmental documents in either Word or PDF format.
10. ☐ One copy of the City Council's action Certifying the Environmental Impact Report or adopting the Negative Declaration, and Notice of Determination.
11. ☐ One copy of the City Council's finding that the proposed annexation is consistent with the City's General Plan.
12. ☐ One copy of the Rezoning Ordinance or Resolution approving an Area-wide Plan or Specific Plan for the Project or Resolution approving a Development Agreement for the project.
13. ☐ One copy of a market study for residential projects over 100 acres in size and commercial and industrial projects over 40 acres in size.
14. ☐ One copy of a "will serve" letter from the city (If applicable).
15. ☐ One copy of the city staff report on the project.
16. ☐ One copy of the Fair Political Practice Statement of contributions (If applicable).

DISTRICT ANNEXATION PROPOSALS ONLY

The following is required for a complete LAFCO application:

1. ☐ One (1) original of the Notice of Intent to Circulate a Petition (for Non-Agency Proposals only). Submit prior to circulating a petition.
2. ☐ Check for appropriate LAFCO application fee made payable to Solano LAFCO.
3. ☐ One (1) original of the Application (and Petition for Non-Agency Proposals), signed Fee Agreement, and Indemnification Agreement.
4. ☐ One (1) copy of the geographic description.
5. ☐ One (1) copy of the map and if applicable, one copy reduced to 8 ½ x 11 for recording with the County Recorder.
6. ☐ Two (2) sets of mailing labels for landowners within 300 feet of project area.
7. ☐ Response to LAFCO Standards.
8. ☐ Copy of the Fish and Wildlife Receipt filed with the County Administrator's Office.
9. ☐ One copy of the Environmental Impact Report or one copy of the Negative Declaration including the initial Study, along with one CD containing all environmental documents in either Word or PDF Format.
10. ☐ One copy of the Agency's action Certifying the Environmental Impact Report or adopting the Negative Declaration, and Notice of Determination.
11. ☐ One Copy of a "will serve" letter from the District.
12. ☐ One Copy of the Fair Political Practice Statement of contributions (If applicable).

CHECK LIST

DISTRICT DETACHMENT PROPOSALS ONLY

The following is required for a complete LAFCO application:

1. ☐ One (1) original of the Notice of Intent to Circulate a Petition (for Non-Agency Proposals only). Submit prior to circulating a petition.
2. ☐ Check for appropriate LAFCO application fee made payable to Solano LAFCO.
3. ☐ One (1) original of the Application (and Petition for Non-Agency Proposals), signed Fee Agreement, and Indemnification Agreement.
4. ☐ One (1) copy of the geographic description
5. ☐ One (1) copy of the map and, if applicable, one (1) copy of map reduced to 8 ½ x 11 for recording with the County Recorder.
6. ☐ Copy of the Fish and Wildlife receipt filled with the County Administrator's Office.
7. ☐ Response to LAFCO Standards.
8. ☐ Two (2) sets of mailing labels for landowners within 300 feet of project area.
9. ☐ One copy of the Environmental Impact Report or one copy of the Negative Declaration including the Initial Study, along with one CD containing all environmental documents in either Word or PDF format.
10. ☐ One copy of the Agency's action Certifying the Environmental Impact Report or adopting the Negative Declaration, and Notice of Determination.
11. ☐ One Copy of the Fair Political Practice Statement of contributions (If applicable).

District Formation Application Checklist

Agenda Item 9.B - Solano LAFCO Checklist Update

The following is required for a complete LAFCO application:

1. ☐ A Certified Resolution of Application **OR** Original Notice of Intent to Circulate a Petition (for Non-Agency Proposals only). Submit prior to circulating a petition
2. ☐ Check for appropriate LAFCO application fee made payable to Solano LAFCO.
3. ☐ LAFCO Application to Initiate Proceedings, District Formation Application, signed Fee Agreement, and Indemnification Agreement.
4. ☐ One (1) copy of the geographic description.
5. ☐ One (1) copy of the map and one (1) copy of map reduced to 8 ½ x 11 for recording with the County Recorder.
6. ☐ Copy of the Fish and Wildlife receipt filled with the County Administrator's Office.
7. ☐ One copy of the Environmental Impact Report or one copy of the Negative Declaration including the Initial Study, along with one CD containing all environmental documents in either Word or PDF format.
8. ☐ Response to LAFCO Standards.
9. ☐ Two (2) sets of mailing labels for landowners within 300 feet of project area.
10. ☐ A three-year proposed operating budget containing details concerning staffing, benefits, services and supplies, fixed assets, contingency reserves, etc.
11. ☐ A Capital Improvement Program budget for proposed capital projects
12. ☐ A copy of the proposed By-laws of the District
13. ☐ A list of the names and contact of the proposed Board Members

ATTACHMENT B



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CITY CHANGE OF ORGANIZATION OR REORGANIZATION CHECKLIST

1. ☐ One (1) original signed Solano LAFCO application
2. ☐ Solano LAFCO application fee, determined by LAFCO staff, made payable to Solano LAFCO.
3. ☐ One (1) original, signed Solano LAFCO Indemnification Agreement.
4. ☐ One (1) original of the Notice of Intent to Circulate a Petition. Must be submitted prior to circulating a petition. (Non-agency initiated proposals only)
5. ☐ One (1) original, signed city resolution initiating the action. (Agency initiated proposal)
6. ☐ Response to Solano LAFCO's eleven (11) standards.
7. ☐ Response to Government Code Section 56668(a-q).
8. ☐ One (1) copy of the map, 8 ½ x 11 (prepared by a CA Licensed Land Surveyor or a civil engineer)
9. ☐ One (1) copy of the geographic description. (prepared by a CA Licensed Land Surveyor or a civil engineer)
10. ☐ One (1) copy of a "will serve" letter from the all agencies requested to provide services (could be city and/or special district).
11. ☐ Signed letter of landowner consent.
12. ☐ One (1) copy of the final city staff reports for public hearings held to approve the project.
13. ☐ Verification that the project site was considered and analyzed in the Sphere of Influence (SOI) determinations with the supportive Comprehensive Municipal Service Review (MSR) analysis within the last five (5) years, and that no more than three (3) General Plan Amendments have been approved since the last comprehensive SOI and MSR update.
14. ☐ All signed final action Resolutions/Ordinances with related attachments/documents (if applicable, not limited to):

☐ CEQA certification/adoption	☐ Pre-zoning
☐ General Plan Amendment/Update	☐ Planned Use Development/Design Review
☐ Specific Plan	☐ Tentative Map
☐ Development Agreement	☐ Williamson Act Cancellation
☐ Property Tax Sharing Agreement with County, Cal. Rev. and tax. Code §99(b)(5-6)	



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15. ☐ One (1) hard copy of the CEQA Notice of Determination and receipt for payment of fees.
16. ☐ One (1) copy of a market study for residential projects over 100 acres, and commercial or industrial projects over 40 acres.
17. ☐ One (1) completed Plan for Service, consistent with GovCode §56653.
18. ☐ One (1) copy of the Fair Political Practices Commission (FPPC) Statement of Contributions disclosing any donations made to elected officials responsible for approving the project, if applicable.
19. ☐ One (1) copy of Regional Fiscal Impact Analysis
20. ☐ Two (2) sets of mailing labels for landowners within 300 ft. of the exterior project boundary with map
21. ☐ Electronic copies or transmission of all checklist items



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DISTRICT CHANGE OF ORGANIZATION OR REORGANIZATION CHECKLIST

1. ☐ One (1) original signed Solano LAFCO application
2. ☐ Solano LAFCO application fee, determined by LAFCO staff, made payable to Solano LAFCO.
3. ☐ One (1) original, signed Solano LAFCO Indemnification Agreement.
4. ☐ One original of the Notice of Intent to Circulate a Petition. Must be submitted prior to circulating a petition. (Non-agency proposals only)
5. ☐ One (1) original, signed special district resolution initiating the action. (Agency initiated proposal)
6. ☐ Response to Solano LAFCO's eleven (11) standards.
7. ☐ One (1) copy of the map, 8 ½ x 11 (prepared by a CA Licensed Land Surveyor or a civil engineer)
8. ☐ One (1) copy of the geographic description. (prepared by a CA Licensed Land Surveyor or a civil engineer)
9. ☐ One (1) copy of a “will serve” letter from the city and/or special district (as applicable).
10. ☐ Signed letter of landowner consent.
11. ☐ One (1) copy of the final city and/or special district staff reports for public hearings held to approve the project.
12. ☐ Verification that the project site was considered and analyzed in the Sphere of Influence (SOI) determinations with the supportive Comprehensive Municipal Service Review (MSR) analysis within the last five (5) years.
13. ☐ All signed final action Resolutions/Ordinances with related attachments/documents (if applicable, not limited to):

☐ CEQA certification/adoption	☐ Pre-zoning
☐ General Plan Amendment/Update	☐ Planned Use Development/Design Review
☐ Specific Plan	☐ Tentative Map
☐ Development Agreement	☐ Williamson Act Cancellation
☐ Property Tax Sharing Agreement with County, Cal. Rev. and tax. Code §99(b)(5-6)	
14. ☐ One (1) hard copy of the CEQA Notice of Determination and receipt for payment of fees.



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15. ☐ Plan for Services pursuant to Government Code Sections 56653 and 56653.1 with all related documents, lists, and other supporting evidence
16. ☐ One (1) copy of a market study for residential projects over 100 acres, and commercial or industrial projects over 40 acres.
17. ☐ One (1) completed Plan for Service, consistent with GovCode §56653.
18. ☐ One (1) copy of the Fair Political Practices Commission (FPPC) Statement of Contributions disclosing any donations made to elected officials responsible for approving the project, if applicable.
19. ☐ Adopted and signed Resolutions from both the affected "new" district and Solano County confirming the Property Tax Sharing Agreement, as required by GovCode, beginning §56000.
20. ☐ Two (2) sets of mailing labels for landowners within 300 ft. of the exterior project boundary with map
21. ☐ Electronic copies or transmission of all checklist items



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DISTRICT FORMATION APPLICATION CHECKLIST

1. ☐ One (1) original signed Solano LAFCO application
2. ☐ Solano LAFCO application fee, determined by LAFCO staff, made payable to Solano LAFCO.
3. ☐ One (1) original, signed Solano LAFCO Indemnification Agreement.

One (1) copy of signed Resolution of Dissolution Application for the affected agency

~ or ~

4. ☐ One original of the Notice of Intent to Circulate a Petition. Must be submitted prior to circulating a petition. (Gov. Code §56700.4)
Original landowner or registered voter petition making application to LAFCO
(Non-agency proposals only)
5. ☐ Response to LAFCO's eleven (11) Standards
6. ☐ Response to California Government Code Section 56668(a-q).
7. ☐ Plan for Services pursuant to Government Code Sections 56653 and 56653.1 with all related documents, lists, and other supporting evidence
8. ☐ A three (3) year proposed operating budget containing details concerning staffing, benefits, services and supplies, fixed assets, contingency reserves, etc.
9. ☐ A Capital Improvement Program budget for proposed capital projects.
10. ☐ A copy of the proposed By-Laws of the District
11. ☐ One (1) copy of the geographic description. (prepared by a CA Licensed Land Surveyor or a civil engineer)
12. ☐ One (1) copy of the district boundary map and, if applicable, 8 ½ x 11 (prepared by a CA Licensed Land Surveyor or a civil engineer)
13. ☐ One (1) hard copy and one (1) electronic copy of the certified/adopted and recorded document, completed under the California Environmental Quality Act (CEQA).
14. ☐ Copy of the Fish and Wildlife Receipt filed with the County Administrator's Office for all applicable CEQA actions.



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- One (1) copy of the Fair Political Practices Commission (FPPC) Statement of Contributions
15. ☐ disclosing any donations made to elected officials responsible for approving the project, if applicable.
 16. ☐ A list of names and contact information of the proposed board members.
 17. ☐ Two (2) sets of mailing labels for landowners within 300 feet of exterior project area boundary line.
 18. ☐ Adopted and signed Resolutions from both the affected "new" district and Solano County confirming the Property Tax Sharing Agreement, as required by GovCode, beginning §56000.
 19. ☐ Electronic copies or transmission of all checklist items

Proposed



CITY INCORPORATION CHECKLIST

1. ☐ Preliminary Fiscal Study (must be completed prior to filing a Notice of Intent to Circulate a Petition or adopting a Resolution of Application to LAFCO).
2. ☐ One (1) original LAFCO application and a resolution or petition for non-agency proposals.
3. ☐ One (1) original, signed Solano LAFCO Fee Agreement.
4. ☐ One (1) original, signed Solano LAFCO Indemnification Agreement.
5. ☐ Solano LAFCO application fee, determined by LAFCO staff, made payable to Solano LAFCO.
6. ☐ One original of the Notice of Intent to Circulate a Petition (for non-agency proposals only). Must be submitted prior to circulating a petition. (Gov. Code §56700.4)
7. ☐ Response to Solano LAFCO's eleven (11) standards.
8. ☐ Response to California Government Code Section 56668(a-q).
9. ☐ One (1) copy of the geographic description.
10. ☐ One (1) copy of the map and, if applicable, one (1) copy reduced to 8 ½ x 11 for recording with the County Recorder.
11. ☐ Plan for Services pursuant to Government Code Section 56653
12. ☐ Comprehensive Fiscal Analysis (Gov. Code §56800(a-c))
13. ☐ Copy of the Fish and Wildlife Receipt filed with the County Administrator's Office for all applicable CEQA actions.
14. ☐ One (1) hard copy and one (1) electronic copy of completed Initial Study, and all certified and recorded documents, completed under the California Environmental Quality Act (CEQA).
15. ☐ One (1) copy of the Fair Political Practices Commission (FPPC) Statement of Contributions disclosing any donations made to elected officials responsible for approving the project, if applicable.
16. ☐ Two (2) sets of mailing labels for landowners within 300 feet of the exterior project area boundary line.
17. ☐ Adopted and signed Resolutions from both the affected "new" city and Solano County confirming the Property Tax Sharing Agreement, as required by GovCode, beginning §56000.



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DISTRICT DISSOLUTION CHECKLIST

1. ☐ One (1) original signed Solano LAFCO application
2. ☐ Solano LAFCO application fee, determined by LAFCO staff, made payable to Solano LAFCO.
3. ☐ One (1) original, signed Solano LAFCO Indemnification Agreement.

One (1) copy of signed Resolution of Dissolution Application for the affected agency
~ or ~
4. ☐ One original of the Notice of Intent to Circulate a Petition. Must be submitted prior to circulating a petition. (Gov. Code §56700.4)
Original landowner or registered voter petition making application to LAFCO
(Non-agency proposals only)
5. ☐ Copy of Formation Documents
6. ☐ Summary, background, and reasoning of the dissolution of the district
7. ☐ Comprehensive financial audit and statements
8. ☐ Plan for Services pursuant to Government Code Sections 56653 and 56653.1 with all related documents, lists, and other supporting evidence
9. ☐ Written responses to factors under GovCode §56668.
10. ☐ One (1) copy of the map, 8 ½ x 11 (prepared by a CA Licensed Land Surveyor or a civil engineer)
11. ☐ One (1) copy of the district boundary map and, if applicable, 8 ½ x 11 (prepared by a CA Licensed Land Surveyor or a civil engineer)
12. ☐ One (1) copy of the State Notification of Inactive Special Districts in County

One (1) copy of the Fair Political Practices Commission (FPPC) Statement of Contributions
13. ☐ disclosing any donations made to elected officials responsible for approving the project, if applicable.
14. ☐ Two (2) sets of mailing labels for landowners within 300 feet of the exterior project area boundary line.
15. ☐ Electronic copies or transmission of all checklist items



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SOLANO LAFCO MAP & GEOGRAPHIC LEGAL DESCRIPTION REQUIREMENTS

This checklist has been created and approved by the Solano County Surveyor to ensure that all requirements are met.

GENERAL: LAFCO requires a Geographic Legal Description and Plat Map that is acceptable to the Solano County Surveyor and the California State Board of Equalization (BOE).

WHO CAN PREPARE: The Cover Sheet, Geographic Legal Descriptions and Plat Maps shall be prepared, signed and sealed by a Professional Land Surveyor or a Registered Civil Engineer authorized to practice Land Surveying in the State of California. Upon final approval of the requested action by LAFCO, a Wet Signature may be required on all documents.

REVIEW REQUIREMENT: Geographic Legal Descriptions and Plat Maps shall be reviewed for form, content, and accuracy. Prior to submittal, please contact LAFCO if the Land Surveyor has not previously prepared a Geographic Legal Description and Plat Map for LAFCO. All Geographic Legal Descriptions and Plat Maps shall be reviewed, signed and sealed by the Solano County Surveyor. Any deviations from these requirements shall be approved by the LAFCO Executive Officer or his/her designee.

GUIDELINES: All proposed city annexation boundaries should tie into existing city boundary. District proposals should tie into an existing district boundary whenever possible. LAFCO staff can provide information on existing boundaries. Every Geographic Legal Description and Plat Map must be self-sufficient within itself to convey the intended action(s) without the necessity of reference to any extraneous document.

COVER SHEET REQUIREMENTS:

- ☐ Title
- ☐ "Exhibit A"
- ☐ Project No. (as designated by LAFCO)
- ☐ Project Name (as named by LAFCO)
- ☐ Number of pages by exhibit identified
- ☐ Geographic Legal Description Preamble (General Area)
- ☐ Surveyors Statement:
 - ☐ "This description and exhibit of the (insert name of project) boundary, is not a legal boundary description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described. It is for assessment purposes only."
 - ☐ Signature, seal and date
- ☐ County Surveyor's Statement:
 - ☐ This description and exhibit meet the requirements of the State Board of Equalization, the Solano County Assessor/Recorder's Office and conforms to the line of assessment.
 - ☐ Area for County Surveyor's signature, seal and date.
- ☐ LAFCO Executive Officer signature and date approved line.

GEOGRAPHICAL LEGAL DESCRIPTION REQUIREMENTS:

- ☐ Title
- ☐ "Exhibit A"
- ☐ Project No. (as designated by LAFCO)
- ☐ Project Name (as named by LAFCO)
- ☐ Number of pages by exhibit identified.
- ☐ The Geographical Legal Description shall be expressed in either bearings and distances, or as a specific parcel description in sectionalized land (e.g., 'The Southwest $\frac{1}{4}$ of Section 22, Township 1 North, Range 1 West, Mount Diablo Base and Meridian').
 - ☐ Include Township and Range, Section number(s) or Rancho(s) projected to Township, Range and Section.
 - ☐ If by metes and bounds, all courses shall be numbered and listed individually in a consistent clockwise direction with corresponding references properly made on the Plats.
 - ☐ The Point of Beginning shown and referenced to a known major geographic position
- ☐ When possible, City annexations to an existing City boundary / District proposal to an existing district boundary or
 - ☐ to Section Corners or Street centerline intersections, when necessary.
- ☐ Do not write descriptions in one endless paragraph.
- ☐ Do not write descriptions in all capitals.
- ☐ Courses to be called from, along, and to the annexation boundary.
- ☐ State all courses required to close the traverse of the project area.
- ☐ All curves shall list the delta, arc length, chord, and radius
 - ☐ Include radial bearings for all points of non-tangency.
- ☐ The computed acreage shall be stated and described as 'containing xxx acres more or less.'
- ☐ Signature and Seal: The Cover Sheet, Geographic Legal Descriptions and Plat Maps shall be prepared, signed and sealed by a Professional Land Surveyor or a Registered Civil Engineer authorized to practice Land Surveying in the State of California. Upon final approval of the requested annexation by LAFCO, a Wet Signature may be required on all documents.

PLAT MAP REQUIREMENTS:

- ☐ Title
- ☐ "Exhibit A"
- ☐ Project No. (as designated by LAFCO)
- ☐ Project Name (as named by LAFCO)
- ☐ Number of pages by exhibit identified.
- ☐ Property description (A portion of the ¼ of Section, T. N., R. E., M.D.M., and/or rancho, and optional: Lot, Tract, Map Name and Recorded Book, and Page)
- ☐ City, County, and State
- ☐ Month and Year
- ☐ No un-necessary data shown on map.
- ☐ All data on 8½"x11" Exhibit readable (½" border all around)
- ☐ Include a vicinity map and show the location of the project area in relationship to a larger geographic area that includes major streets and highways and other physical features.
- ☐ Scale and north arrow.
- ☐ Show and identify any portion of an existing district boundary in close proximity to the project area
- ☐ Clearly label the point of beginning as described in the Geographic Legal Description.
- ☐ Line Types
 - o Subject boundary shall be solid, predominant, and not to exceed 1.5 millimeter in width.
 - o Roads, Adjoiners and relevant Easements shall be of accepted standards
 - o All lines shall be in black ink.
- ☐ Clearly show all existing streets, roads, and highways with their current names that are within and adjacent to the project area.
- ☐ Indicate relevant township and range, section lines and numbers, and/or ranchos that are in proximity of the project area.
- ☐ All dimensions needed to plot the boundaries must be given on the map of the project area. Each map shall have numbered courses, clockwise in direction matching the written Geographic Legal Description. Line/Curve tables may be utilized.
- ☐ All adjoining and interior parcels shall be clearly labeled with the Assessor's Parcel Number.
- ☐ If more than one map sheet is needed, provide a key map giving the relationship of all sheets. Match lines between adjoining sheets shall be used.
- ☐ Signature and Seal: The Cover Sheet, Geographic Legal Descriptions and Plat Maps shall be prepared, signed and sealed by a Professional Land Surveyor or a Registered Civil Engineer authorized to practice Land Surveying in the State of California. Upon final approval of the requested annexation by LAFCO, a Wet Signature may be required on all documents

AMENDED IN SENATE APRIL 21, 2025
AMENDED IN SENATE MARCH 25, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 489

Introduced by Senator Arreguín

February 19, 2025

An act to amend Sections ~~65940, 65950, and 65953~~ 56300, 65928, and 65940 of the Government Code, relating to ~~housing~~ local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 489, as amended, Arreguín. *Local agency formation commissions: written policies and procedures:* Permit Streamlining Act: housing development projects.

(1) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts and establishes a local agency formation commission in each county consisting of members appointed as provided. The act expresses the intent of the Legislature that each local agency formation commission, by January 1, 2002, establish written policies and procedures and exercise its powers in a way that encourages and provides planned, well-ordered, efficient urban development patterns, as specified. The act requires these written policies and procedures to include forms to be used for various submittals to the commission, as provided. The act requires each commission to provide access to notices and other information to the public on an internet website, as specified, including notice of all public hearings and commission meetings.

This bill would require that each local agency formation commission establish the written policies and procedures described above. The bill would require that the written policies and procedures include any forms necessary for a complete application to the commission concerning a proposed change of organization or reorganization. The bill would require each commission to provide access to its written policies and procedures to the public, including any forms necessary for a complete application for a change of organization or reorganization, through its internet website.

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(2) The Permit Streamlining Act requires a public agency to compile a list of the information required from an applicant for a development project, as provided, and, until January 1, 2030, specifies that a development project for purposes of this requirement includes a housing development project, as defined. The act defines various terms for its purposes, including, among others, a “development project,” which is generally defined as any project undertaken for the purpose of ~~development~~ development, excluding ministerial projects proposed to be carried out or approved by public agencies.

This bill would revise the definition of “development project” for purposes of the act to include a housing development project, as defined by specified other law that includes in that definition, notwithstanding the

above-described exclusion for ministerial projects, projects that involve no discretionary approvals and projects that involve both discretionary and nondiscretionary approvals. The bill would make a conforming change in the above-described requirement to compile the above-described list by deleting the specification that a development project includes a housing development project. The bill, until January 1, 2030, would also require a public agency, for each approval issued in connection with a housing development project, to publish online the above-described list, including the criteria that the public agency will apply in order to determine the completeness of the development application and the name of the approval, as provided. The bill would revise the definition of "housing development project" for these purposes to include (1) an approval in connection with a housing development project, other than a postentitlement phase permit, as defined, or specified applications from a housing development project described in certain provisions governing applications made to a special district and (2) a change of organization or reorganization, as those terms are defined for purposes of specified law governing the initiation, conduct, and completion of changes of organization and reorganization for cities and districts.

~~The Permit Streamlining Act requires a public agency that is a lead agency to approve or disapprove a project within specified time periods. Among these time periods, until January 1, 2030, the act requires a public agency to approve a development project, defined for these purposes as a housing development project, defined by cross-reference to specified law, within 90 days from the date of certification by the lead agency of the environmental impact report, or 60 days from the date of certification by the lead agency of the environmental impact report if certain conditions are met, as provided.~~

~~This bill, until January 1, 2030, would revise the definition of "housing development project" for purposes of these time periods to include an approval in connection with a housing development project, other than a postentitlement phase permit, as defined, or specified applications from a housing development project described in certain provisions governing applications made to a special district.~~

~~The Permit Streamlining Act specifies that the time limits specified under its provisions are maximum time limits for approving or disapproving development projects, and requires all public agencies, if possible, to approve or disapprove development projects in shorter periods of time.~~

~~This bill would define "development project" for purposes of these provisions to include a housing development project. The bill would define a "housing development project" for these purposes to mean a use consisting of residential units only; mixed-use developments consisting of residential and nonresidential uses that meet specified conditions; transitional housing or supportive housing; or farmworker housing, as defined.~~

By

(3) By increasing the duties of local agency formation commissions in establishing and publishing written policies and procedures and of local planning officials in reviewing permit applications for housing development projects, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 56300 of the Government Code is amended to read:

56300. (a) ~~It is the intent of the Legislature that each commission, not later than January 1, 2002,~~ *Each commission* shall establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.

(b) Each commission with a proposal pending on January 1, 2001, shall, by March 31, 2001, hold a public hearing to discuss the adoption of policies and procedures to require the disclosure of contributions, expenditures, and independent expenditures authorized by Section 56100.1. Reporting requirements adopted pursuant to this section shall be effective upon the date of adoption or a later date specified in the resolution. Any commission that does not have a proposal pending on January 1, 2001, shall hold a public hearing to discuss the adoption of those policies and procedures within 90 days of submission of a proposal or at any time prior to submission of a proposal. Once a hearing has taken place under this subdivision, no subsequent hearing shall be required except by petition of 100 or more registered voters residing in the county in which the commission is located.

(c) A commission may require, through the adoption of written policies and procedures, lobbying disclosure and reporting requirements for persons who attempt to influence pending decisions by commission members, staff, or consultants. Disclosure shall be made either to the commission's executive officer, in which case it shall be posted on the ~~commission Web site,~~ *commission's internet website,* if applicable, or to the recorder, registrar of voters, or clerk of the board of supervisors of the county in which the commission is located. Each commission that on January 1, 2001, has a pending proposal, as defined in Section 56069 shall, by March 31, 2001, hold a public hearing to discuss the adoption of policies and procedures governing lobbying disclosure authorized by this subdivision. Reporting requirements adopted pursuant to this section shall be effective upon the date of adoption or on a later date specified in the resolution. Any commission that does not have a proposal pending on January 1, 2001, shall hold a public hearing to discuss the adoption of those policies and procedures within 90 days of submission of a proposal, or at any time prior to submission of a proposal.

(d) Any public hearings required by this section may be held concurrently.

(e) The written policies and procedures adopted by the commission shall include forms to be used for various submittals to the commission including at a minimum a form for any protests to be filed with the commission *and any forms necessary for a complete application to the commission* concerning any proposed ~~organization change:~~ *change of organization or reorganization.*

(f) (1) ~~On or before January 1, 2002, the~~ *Each* commission shall establish and maintain, or otherwise provide access to ~~notices~~ *notices, written policies and procedures,* and other commission information for the public through an ~~Internet Web site:~~ *internet website.*

(2) The written policies and procedures adopted by the commission shall require ~~that, to the extent that the commission maintains an Internet Web site, that~~ notice of all ~~public hearings and commission meetings~~ *public hearings, commission meetings, and any forms necessary for a complete application for a change of organization or reorganization* shall be made available in electronic format on ~~that site:~~ *the commission's internet website.*

SEC. 2. Section 65928 of the Government Code is amended to read:

65928. (a) "Development project" means any project undertaken for the purpose of development. **Development**

(b) "**Development** project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. **"Development**

(c) *Except as provided in subdivision (d), "development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.*

(d) *"Development project" includes a housing development project, as that term is defined in paragraph (3) of subdivision (b) of Section 65905.5.*

SECTION 1. SEC. 3. Section 65940 of the Government Code, as amended by Section 3 of Chapter 754 of the Statutes of 2023, is amended to read:

65940. (a) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(2) An affected city or affected county, as defined in Section 66300, shall include the information necessary to determine compliance with the requirements of Article 2 (commencing with Section 66300.5) of Chapter 12 in the list compiled pursuant to paragraph (1).

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) For each approval issued by a public agency in connection with a housing development project, the list required to be compiled by this section, including the criteria which the public agency will apply in order to determine the completeness of an application described in Section 65941, and the name of the approval, shall be published online.

~~(e) For purposes of this section:~~

~~(1) "Development project" includes a housing development project as defined in paragraph (3) of subdivision (b) of Section 65905.5.~~

~~(2) "Housing development project" includes, but is not limited to, both of the following:~~

~~(A) An approval issued in connection with a housing development project, including any necessary permit, review, statement, action, authorization, determination, inspection, report, clearance, agreement that is required as a condition of approval, or similar provision, except an approval that is a postentitlement phase permit, as defined in Section 65913.3, or an application from a housing development project as described in subdivision (a) of Section 65913.3.1.~~

~~(B)~~

A “change of organization,” as defined in Section 56021, or a “reorganization,” as defined in Section 56073.

~~(f)~~
~~(e)~~ This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 2.~~Section 65950 of the Government Code, as amended by Section 9 of Chapter 161 of the Statutes of 2021, is amended to read:

~~65950.(a)~~A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

~~(1)One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.~~

~~(2)Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).~~

~~(3)Sixty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:~~

~~(A)At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.~~

~~(B)Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).~~

~~(C)There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.~~

~~(4)Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.~~

~~(5)Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.~~

~~(b)This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.~~

~~(c)For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as defined in paragraph (3) of subdivision (b) of Section 65905.5.~~

(d)For purposes of this section:

Agenda Item 9.B - Solano LAFCO Checklist Update

(1)“Housing development project” includes, but is not limited to, an approval issued in connection with a housing development project, including any necessary permit, review, statement, action, authorization, determination, inspection, report, clearance, agreement that is required as a condition of approval, or similar provision, except an approval that is a postentitlement phase permit, as defined in Section 65913.3, or an application from a housing development project as described in subdivision (a) of Section 65913.3.1.

(2)“Lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e)This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 3. Section 65953 of the Government Code is amended to read:~~

~~65953.(a) All time limits specified in this article are maximum time limits for approving or disapproving development projects. All public agencies shall, if possible, approve or disapprove development projects in shorter periods of time.~~

~~(b)For the purposes of this section:~~

~~(1)“Development project” includes, but is not limited to, a housing development project.~~

~~(2)“Housing development project” means a use consisting of any of the following:~~

~~(A)Residential units only.~~

~~(B)Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:~~

~~(i)At least two-thirds of the new or converted square footage is designated for residential use.~~

~~(ii)At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:~~

~~(I)The project includes at least 500 net new residential units.~~

~~(II)No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.~~

~~(iii)At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:~~

~~(I)The project includes at least 500 net new residential units.~~

~~(II)The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.~~

~~(III)The project demolishes at least 50 percent of the existing nonresidential uses on the site.~~

~~(IV)No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.~~

~~(C)Transitional housing or supportive housing.~~

(D)

~~Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.~~

~~(3) "Housing development project" includes, but is not limited to, all of the following:~~

~~(A) An approval issued in connection with a housing development project, including any necessary permit, review, statement, action, authorization, determination, inspection, report, clearance, agreement that is required as a condition of approval, or similar provision, except an approval that is a "postentitlement phase permit," as defined in Section 65913.3, or an application from a housing development project, as described in subdivision (a) of Section 65913.3.1.~~

~~(B) Projects that involve no discretionary approvals and projects that involve both discretionary and nondiscretionary approvals.~~

~~(C) A proposal to construct a single dwelling unit. This clause shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.~~

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.