

SANTA ROSA: April 19, 1970  
U. S. Geological Survey Aerial Photograph



CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

ANNEXATION: PROPONENTS, MOTIVES,  
" AND GENERAL PLAN CONFORMITY

A thesis submitted in partial satisfaction of the  
requirements for the degree of Master of Arts in

Geography

by

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ABSTRACT

ANNEXATION: PROPONENTS, MOTIVES,  
AND GENERAL PLAN CONFORMITY

by

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Master of Arts in Geography

A comprehensive review of annexation literature is presented in this study. The review deals specifically with annexation uses, legislation, and effects which create a background for a case study of local annexation processes in Santa Rosa, California. Prior to this study, there was only a single group of studies which approached the topic of annexation at the local level.

It has commonly been stated that more than ninety percent of the annexations to a city are proposed by developers for the purpose of immediate development-for-profit. This study refutes this statement since the findings show that

approximately sixty percent of the annexations to Santa Rosa, during the period 1966 through 1975, were proposed by developers for profit. The remaining forty percent of the annexations were proposed for other reasons.

Zoning designations given to new annexations are also investigated to determine their conformance with the general plan. It is hypothesized that such newly assigned zoning will conform to the general plan. In the Santa Rosa case it is shown that, in exercising options at annexation, zoning conformed in three cases out of four. This rate of conformity was slightly increased over time through subsequent general plan amendments. Since 1974, state law has required that all zoning designations reflect general plan tenets.

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ANNEXATION: PROPONENTS, MOTIVES,  
AND GENERAL PLAN CONFORMITY

Annexation is the process by which a municipal corporation may increase its areal extent. This study will review what literature is available relating to annexation and make an in-depth investigation into certain aspects of annexation over a ten year period for Santa Rosa, California.

An attempt was made to review all available annexation literature. A few obscure periodicals and many annexation studies undertaken by individual municipalities for their own uses are not commonly available, however, a major proportion of the published literature along with many city documents has been reviewed.

This study gives a great deal of attention to the literature review for two purposes. First, it is felt that the reader may wish to gain knowledge of what has been written regarding annexation. Secondly, it is desired to present a current bibliography of annexation related materials where some insight into their contents

may be derived through the review.

Annexation will be viewed through the literature from several aspects. First, there will be a review of the use and importance of annexation. This section will consist of a discussion of how and why annexation has been used, both in the historical<sup>1</sup> and current time periods, along with some prognosis of future use.

The second section will review the legislation which applies to annexation. This will consist of a general view and comparison of the various states' legislative methods for dealing with annexation. The many problems created by outmoded laws will be discussed in an examination of the reasons behind the founding of the local government boundary commissions (LGBC).

A comprehensive treatment of annexation within California will be undertaken in this study of legislation. This will include annexation laws and those problems which led to this State's form of LGBC, the Local Agency Formation Commissions (LAFCo.) This emphasis on California in the review section is to provide a background in applicable annexation policy for the case study.

Section three of the literature review will delve into the effects of annexation on cities, residents, and developers. These three entities are often affected by annexation. The effect may be positive or negative, important or negligible, but some change always takes

place. These changes may vary from a homeowner gaining city services, a developer making a profit, to a city gaining an increased tax base. On the other hand, the homeowner may find himself burdened with increased taxes, the developer may pay out large development-related charges reducing his profit, while the city is making sizeable land acquisitions of vacant territory.

Most importantly, this literature review constitutes the background on annexation material which gives pertinence to the case study.

There is a paucity of studies that investigate the actual functioning of annexation at the local level. This study will attempt to determine why a parcel comes to be annexed and how well the city conforms to its plans for that parcel.

Santa Rosa was chosen for this study for several reasons. The city is relatively small and thus a manageable study site. It gained SMSA status for Sonoma County in 1970 by a margin of six persons. This SMSA was only 58.7% urban, the lowest urban percentage of any California SMSA.<sup>2</sup> However, Santa Rosa has been growing rapidly in recent years and has been referred to as the San Jose of the 1970's.<sup>3</sup> The City has expanded into and nearly filled several valleys in the foothills at the eastern edge of the Santa Rosa Valley (frontispiece). Nevertheless, there remains considerable unincorporated space for areal

expansion toward the west.

Annexation activity has been maintained at a high level since 1955. During the period, 1955-1975, there were 203 annexations adding a total of 22.43 square miles to this city. In 1867, Santa Rosa was incorporated with an area of 2.1 square miles and had reached only 2.9 as late as 1954.<sup>4</sup>

Population has also begun to increase rapidly in recent years. From four hundred persons in 1860,<sup>5</sup> the population grew to 6,673 by 1900. Only 5,900 persons were added during the following forty years. After 1940, however, the decade increases began to show more significance. Population growth approached 5,300 during the 1940's,<sup>6</sup> exceeded 13,000 in the 1950's, neared 19,000 through the 1960's, and has topped 16,000 in the first six years of the 1970's.<sup>7</sup>

Annexation has played an important role in this population growth. In 1960 the population stood at 31,027. The 1970 population in the 1960 area was 37,394. But, the numerous annexations during this decade had increased the area such that the population was 50,006 in 1970.<sup>8</sup>

Therefore, Santa Rosa was chosen for its relative size, rapid population growth, aggressive annexation attitude, and potential for areal expansion. The City is presented here as being exemplary of the annexation

activities of many cities in the State and region which began rapid population growth in the post-World War II period. It was decided to limit the "study period" to ten years so that the data could be researched within a reasonable length of time. The "study period" chosen was 1966 through 1975. This choice has two beneficial aspects. One, the study is current and two, the City's annexation files are more complete for this period.

Data for the case study were collected from annexation files held in the Planning Department of the City of Santa Rosa and from discussion, on several occasions, with officials of the Santa Rosa city government. A listing of proponents for individual annexations, some stated in the files and some assumed, has been compiled. This list and the problems entailed in defining proponents is discussed. A compilation of motives for annexation has also been formed. This compilation is treated along with the implications of the motives. In addition, the zoning given a parcel at annexation is reviewed for conformity with the general plan. This conformity is again checked at the close of the study period to determine how well these zoning designations are sustained over time.

It is hoped that the investigation of these three aspects of the annexation process will aid in the understanding of where the responsibility for annexation lies.

The list of proponents will clarify who proposes a parcel for annexation. The motive compilation will detail why the parcel is proposed for annexation. Conformity checks will determine if the city, on annexing a parcel, allows the proponent to determine land-use or requires conformity to its general plan and whether the degree of conformity changes over time.

Two hypotheses will be presented for evaluation in this study of responsibility. The major hypothesis for consideration in this study is that the proponent for an annexation is in more than ninety percent of the cases a developer who intends to develop the parcel for the purpose of selling or leasing such development to gain a profit. A lesser but related hypothesis will also be investigated. If a city actively pursues annexation, the zoning it bestows on newly annexed parcels will conform closely to its general plan.

## FOOTNOTES

<sup>1</sup>Historical annexation, in the literature, is sometimes confined to nineteenth century activity and other times to pre-1945 actions. For the purpose of this study the former period is preferred, but often the literature reflects the later date.

<sup>2</sup>California SMSA's and urban percentage, 1970: Anaheim-Santa Ana-Garden Grove, 98.9%; Los Angeles-Long Beach, 98.7%; San Francisco-Oakland, 97.7%; San Jose 97.5%, San Diego, 93.6%; Oxnard-Ventura, 92.2%; Santa Barbara, 88.7%; Sacramento, 87.6%; San Bernardino-Riverside-Ontario, 85.0%; Vallejo-Napa, 81.9%; Bakersfield, 80.3%; Stockton, 76.9%; Fresno, 75.0%; Salinas-Monterey, 74.4%; Modesto, 70.1%; Santa Rosa, 58.7%. Data from: U.S. Bureau of the Census, Census of Population: 1970 Vol. I, Characteristics of the Population, Part 6, California-Sec. 1, (Washington, D.C.: U.S. Government Printing Office, 1973), p. 42.

<sup>3</sup>Throughout the 1950's and early 1960's, the city of San Jose, at the southern end of San Francisco Bay, grew at an alarming rate. Between 1950 and 1967, the city made 1,144 annexations increasing its areal extent from 17.2 square miles to 113.9. There was a corresponding growth in population.

It has been predicted that with much of the land in the south bay region filled with homes any new spurts of growth will take place in the area to the north of San Pablo Bay.

Santa Rosa in the 1960's has been compared to San Jose of the 1950's, that is to say, it is in the early stages of a population boom. While the growth of Santa Rosa in the early 1970's was rapid it fell far short of that of San Jose a decade prior. However, predictions for future growth and bay-area-wide studies look to Santa Rosa as a focal point of future growth.

For details of growth rates in San Jose, 1950 through 1966, see: John Rehfuss, "Boundary Agreements--A solution to the Annexation Struggle?" Public Affairs Report: Bulletin of the Institute of Governmental Studies 8 (June 1967).

<sup>4</sup>Data from Annexation List, Engineering Department, City of Santa Rosa.

<sup>5</sup>The Santa Rosan, (1888), p.1.

<sup>6</sup>Census, p.21.



<sup>7</sup>State of California, California Statistical Abstract, 1976, [Sacramento: State Printing Office, 1976], p.11.

<sup>8</sup>Census, p. 24.

## ANNEXATION AND ITS USES

Annexation has been defined in several ways. The particular definition given is generally dependent upon the view one takes of the process. In one study annexation is said to be "the process of extending the city limits to the limits of the city."<sup>1</sup> Another states that although "essentially an administrative reorganization, annexation constitutes the belated recognition by residents of the social fact of their urban existence."<sup>2</sup> Yet a third says that annexation "is the word lawmakers have given to the legal process for converting fringe area problems into city problems."<sup>3</sup>

The first definition quoted above is from an annexation study compiled by a planning department. The purpose of the study was to determine the feasibility of annexing certain areas to the particular city. The quote, in itself, reflects the ideal situation which is usually strived for by cities having aggressive annexation policies. Many urban specialists hold that the cure for most municipal problems is to bring the whole urban area

under a unified government.<sup>4</sup>

The second quote is from a study of suburban residents attitudes toward annexation. This definition only encompasses "inhabited" annexations in states where residents of an area proposed for annexation have a vote on the issue. Some states do not allow the residents a vote on annexation proposals, notably Texas and Virginia where annexations are determined by the city and the courts, respectively.<sup>5</sup> Most annexations, as will be shown, are of "uninhabited" territory.

The third quote is from a speech presented at a League of California Cities convention. This definition, while somewhat pessimistic, is couched in terms to make the "aggressive annexationist" think about what he is proposing. These are some of the ways different people view annexation.

For the purposes of this study annexation is the addition of territory to a city, i.e., municipal corporation, by whatever method is legal in the state where the city is located, with the exception of consolidation.<sup>6</sup> This entails the addition of a parcel of land to a city thus increasing its areal extent. These parcels may vary in size from a fraction of an acre to more than one hundred square miles.<sup>7</sup>

This is annexation in the macro-view. It should become clear from the following literature review that

most scholarly studies of annexation deal with this view. They are concerned, for the most part, with either the theoretical aspects or the advantages and disadvantages of annexation.

Very little research has been undertaken to investigate the agents involved in annexation. The solitary and most notable work in this area was conducted by Kaiser and Weiss of the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill.<sup>8</sup> Their work was aimed at formulating a method for predicting when a parcel may be developed.

The purpose of this study is to determine who proposes a parcel for annexation and why he does so. Development certainly accounts for most reasons to annex but there are others. It is generally possible to develop land without annexing to a city, but in many cases it may be economically unfeasible. A related concern is whether the city often allows the developer to build whatever he proposes or does it enforce conformity to the general plan. These problems have not been answered elsewhere in the literature. Hopefully this study will help to fill this gap.

This task will begin with a review of historical annexation.

### Historical Annexation

Annexation has been the legal recourse for cities attempting to keep up with their expanding populations since the early years of this nations existence. Nevertheless, there is a dearth of literature dealing with annexation during the nineteenth century. The general consensus of those few who write about early annexation is that it was a major method of city growth prior to 1900.<sup>9</sup> Bollens and Schmandt noted that municipal expansion in the last century "largely kept pace with population growth."<sup>10</sup> They define three characteristics of this early annexation. First, many annexations were of large parcels. Secondly, land was generally annexed ahead of expanding populations. Finally, annexation was occasionally used in conjunction with municipal consolidation or city-county separation.<sup>11</sup>

There is general agreement that the frequency and use of annexation have undergone some fundamental changes since 1900. But there is apparent disagreement as to the cause and importance of these changes. The most common thesis is that annexation was of little significance from about 1900 through World War II, that there was a general decrease in the size and number of annexations during this period, and that a significant increase in annexation activity has come about since the mid-1940's.<sup>12</sup>

In a recent study of the annexation process through time, Bromley and Smith have found some agreement with the general thesis noted above.<sup>13</sup> However, they find that in reality the pattern is much more complex. For their study the nation is divided into four regions and it is determined that a city begins to age after its population reaches 50,000. Their findings show regional variations in annexation activity along with a decreasing rate of annexation related to the age of a city.

Annexation activity, as depicted by Bromley and Smith, reaches its peak, regionally, at different periods. Most annexations in the Northeast took place prior to 1900. Since that date activity there has decreased steadily. That region has continued to decline even into the post-war period where the rest of the nation has experienced a great resurgence of annexations. The Northcentral region showed a high relative rate of annexation during the nineteenth century. This rate declined during the early twentieth century, but began to increase again after the mid-1940's. The West had no annexation activity prior to 1890. Then, the few cities which were "of age" began to annex at a high rate. This region was the leader in such activity from 1890 to 1930. Following a fifteen year slump annexation activity began a new rise here in the late 1940's. In the South annexation levels hovered about the national average prior to 1930. Since that time the

South has led the nation in number and size of annexations.<sup>14</sup>

The time periods stated for regional annexation activity generally coincide with the growth rates of these regions. These were the periods when the large cities of today were "coming-of-age" and rapid boundary expansion was a necessity if the municipality was going to contain the urban population. As these cities grew they began to come into contact with other incorporated municipalities, county or state boundaries, geographical barriers, or often recalcitrant suburban residents. Any one of these contacts would, in most cases, forestall further growth, thus ending the rapid growth period.

Bromley and Smith conclude that the annexation rate did decline somewhat, for the nation as a whole, during the first forty-five years of the twentieth century. This decline was the result of smaller annexations being made by fewer cities.<sup>15</sup> Although, as noted previously, a regional analysis shows a much more complex picture of early annexation activity.

New annexation policies instituted in many states near the turn-of-the-century are often attributed with being the reason for the purported decline. During the 1800's most states allowed annexation only through special legislative acts.<sup>16</sup> Beginning in 1900 "peoples' attitudes toward annexation began to change, and many

states adopted provisions that made annexation more difficult."<sup>17</sup> Often these provisions allowed for the residents of a proposed annexation to vote on whether they desired to become a part of the city or to remain outside. This stipulation, along with generally lax incorporation laws, has aided in the creation of our many politically fragmented metropolitan areas of today.<sup>18</sup>

There are conflicting views as to the effect of annexation statutes on the frequency and size of annexations. Wheeler, in a 1965 study, found that "the easier the annexation laws, the greater the chance for substantial annexation."<sup>19</sup> While Dye, in 1967, concluded that in general his "analysis confirmed the judgment that controlling statutes do not in themselves provide a satisfactory explanation for the success of annexation."<sup>20</sup>

These works, however, are a part of the much more substantial body of literature dealing with post-W.W. II annexation.

#### Current Annexation

In the nineteenth century annexation had, for the most part, remained well ahead of the expanding populations. Whereas, twentieth century annexation generally has been a feeble attempt by the cities to regain some of the urban areas which have spread far in advance of their city limits. Yet, many of the "younger" cities are annexing



aggressively. They are often armed with new, more lenient, annexation statutes or at least protected by more stringent incorporation laws. These "younger" cities often manage to stay abreast of or even slightly in advance of urban growth.<sup>21</sup>

The past three decades have been a tremendous resurgence of annexation activity.<sup>22</sup> This has been noted by Shryock<sup>23</sup> for the 1950's and by Marando<sup>24</sup> for the 1960's. The latter, in discussing population increase, states that "98% of all central-city growth (4,000,000) was accomplished by annexation,"<sup>25</sup> this for the decade ending in 1970. Dye points out that 6,000,000 persons were annexed to central-cities during the 1950's.<sup>26</sup> In a study of population growth in the SMSA's, Schnore<sup>27</sup> has taken the increase as reported in the 1960 Census of Population and compared this with what it would have been for the fifty's without annexation. The Census shows a central-city growth rate of 55.7% with the ring increasing by 44.3%. After Schnore's deductions for annexation these figures read 19.7% for the central-cities and 80.3% for the ring.

There were sources where accumulated annexation statistics could be found, but these seem to be fading. Bollens collected statistics for the Municipal Yearbook through 1968. But this publication has made no mention of annexation since 1973 and had only a general reference

to annexation between 1969 and 1972.<sup>28</sup>

The Bureau of the Census published the Boundary and Annexation Survey in 1972. This was to be a yearly publication, but only this one volume is available. The Bureau sent Questionnaires to all places having 2,500 or more population in the 1970 census. Ninety-seven percent responded. Approximately thirty percent of those reported boundary changes.<sup>29</sup>

In 1970, throughout the United States, there were 4,496 annexations involving 672 square miles of land and 237,000 persons. This increased the following year to 5,126 annexations totaling 845 square miles and 286,000 people.<sup>30</sup>

San Jose, California led the nation in number of annexations for a single city in 1971 with eighty-nine.<sup>31</sup> Moreover, San Jose had equalled or surpassed this number in all but one year between 1957 and 1964.<sup>32</sup> The largest single annexation during 1971 was 114.7 square miles by Sierra Vista City, Arizona. This city was a mere 4.5 square miles in area in 1970.<sup>33</sup>

There are many examples of extensive growth through annexation. Phoenix, Arizona was one-half square mile in 1881 and 269.3 square miles in 1973.<sup>34</sup> Los Angeles expanded from twenty-eight square miles in 1850 to 454 square miles by 1950.<sup>35</sup> Oklahoma City was only fifty square miles in 1950, but had grown to 635 square miles

by 1972 to become the largest city in the United States in areal extent.<sup>36</sup> Several Texas cities have become quite large through extensive use of the annexation process and large additions.<sup>37</sup>

The vast majority of annexations are, nonetheless, quite small. The median size of an annexation in the United States in 1971 was 0.165 square miles. The removal of the Sierra Vista annexation from the figures reduces the median to 0.142. In California, the average annexation for that year is only 0.102 square miles. For 1971 California leads the nation in number of annexations, 691, but the total area annexed is only half that of the single annexation by Sierra Vista City.<sup>38</sup>

During the years 1955 through 1967 there were 5,724 annexations completed in California. The median size for that period was 0.178 square miles.<sup>39</sup> San Jose was the leading city in numbers of annexations in California for most of the period. In 1963 San Jose made 124 annexations which averaged only 0.029 square miles. A view of the city over time shows 1,144 annexations between 1950 and 1966 with a median size of 0.084 square miles.<sup>40</sup>

From the preceding figures it is apparent that annexation today is generally a proposition of adding small parcels to a municipality. Why are cities seemingly so anxious to annex this myriad of miniscule parcels?

### Why Cities Annex

There are many reasons given for annexation and probably just as many against it. Hobbs<sup>41</sup> has listed eleven arguments often used in favor of annexation. These can be condensed into three generalized arguments. First, there are the numerous problems created by the abundance of diverse political entities of which most metropolitan areas consist, today. Then, there is the city's attempt to regain its tax base as the residents and businesses flee to the suburbs. Finally, there is urban sprawl which, if controllable, can only be effectively controlled within city boundaries or in some cases through city-county or city-state cooperation. There is, of course, an inherent interrelationship among these arguments for annexation. Nevertheless, they will be treated separately here.

First to be examined is the role of annexation as a method of reducing the multiplicity of governments in our metropolitan areas. There is an abundance of material dealing with metropolitan problems. Cottrell<sup>42</sup> and Wood<sup>43</sup> have called for some sort of area-wide rule in our urban regions. But, these recommendations as most metropolitan studies, ignore annexation as a possible solution. Marando states that "(a)nnexation is currently not considered a significant form of governmental reorgan-

ization."<sup>44</sup> In many cases this view of annexation is justified as present legislation generally prohibits the annexation of one incorporated municipality by another. Also, most states require the consent of the majority of inhabitants in an area proposed for annexation before the parcel may be annexed. The problems entailed were best stated by Adrian:

Most state laws on annexation are unsuited for a solution to the metropolitan-area problem. The requirement of permission of all areas concerned, combined with the fact that suburban dwellers are likely to take a short view, heavily overlaid with misunderstandings, superstitions, and hostility carefully cultivated by fringe-area officeholders protecting their own jobs, all help make this approach unsatisfactory.<sup>45</sup>

While it is true that many cities of politically multipartite metropolitan regions cannot be consolidated under present annexation legislation, there have been numerous changes in these laws in recent years. Very often the younger<sup>46</sup> cities are taking advantage of these changes to prevent the occurrence of fragmentation in their urban regions.

The annexation activity figures presented above show that the majority of central city population growth, 1950-1970, was a result of annexation. This is an understatement in relation to the latter decade where ninety-eight percent of the growth was due to annexation. While Martin does not believe that annexation can solve the metropolitan problems, he concedes that "it may,.....,

ameliorate it."<sup>47</sup> Sengstock, more positively states that "(a)nnexation is perhaps the most significant means by which metropolitan political unity can be achieved...."<sup>48</sup> And Hobbs<sup>49</sup> argues that "offensive annexation," where it is possible, is the best method for improving urban government.

Another reason why cities annex is an attempt to regain their tax base. It is well known that many cities are in financial trouble, especially since the problems in New York were well aired in early 1975. One of the problems here is inflation. But closely related is the movement of residents from the central city to the suburbs followed by many of the commercial establishments. The last few censuses have listed a decline in population for many of our older central cities. Within California, San Francisco, Long Beach, Oakland, and Los Angeles lost 1.7, 1.42, 0.88, and 0.72 percent, respectively, of their populations between January 1, 1974 and January 1, 1975.<sup>50</sup>

Annexation of suburban land is often an attempt to recapture these "fleeing" residents and businesses. There have been many studies done on the population growth patterns of urban centers over the past three decades. Bogue,<sup>51</sup> Shyrock,<sup>52</sup> Madden,<sup>53</sup> Schnore,<sup>54</sup> and Manners<sup>55</sup> are a few who give attention to population dispersion in metropolitan areas. Many others have investigated why people move to the suburbs or why suburbanites live

where they do in an attempt to understand the population dispersion. Voorhees<sup>56</sup> determined that one's standard of living is the most important factor in determining his residence locale. Zimmer and Hawley concluded "that the movement to the suburbs is largely a search for space and privacy."<sup>57</sup> Alonso,<sup>58</sup> Banfield,<sup>59</sup> and Wilner<sup>60</sup> have delved into other aspects of human behavior related to location in the metropolitan environment.

The attempt to recapture is generally only successful among the younger cities. Some cities, such as San Francisco, cannot annex land due to state statutes prohibiting annexation across county boundaries. Others, such as, New York, Chicago, Los Angeles, Long Beach, and Oakland are wholly, or at least nearly, surrounded by incorporated municipalities and/or physical obstacles so that there is no annexable land available to them. Dye<sup>61</sup> has shown that newer cities are more apt to annex than older cities. This shows the availability of annexable land in the vicinity of the "newer" cities.

The third argument for annexation is to prevent urban sprawl.<sup>62</sup> Because of the haphazard growth of many metropolitan areas it has become increasingly more desirable to attempt to plan the direction of future city growth. The Federal government requires that cities have a master plan if they wish to receive certain federal monies. As a result, virtually all cities have

a plan which, as Lovelace states, is for "(c)ontrol of the basic urban pattern...."<sup>63</sup>

Clawson<sup>64</sup> depicts land speculation as the major cause of sprawl. He criticizes sprawl as being wasteful of land, unaesthetic, more costly, and less efficient than dense settlement. Land speculation he claims is "unproductive, absorbing capital, manpower, and entrepreneurial skill without commensurate public gains." Clawson proposes government speculation in land to keep down profits and remove the heavy capital burden from new home purchasers.<sup>65</sup>

In 1938, Waters<sup>66</sup> reviewed the suburban conditions around Houston and concluded that annexation was a necessary prerequisite to effective planning in the hinterlands. Whyte<sup>67</sup> has noted the need for development control and planning as a hinderance to sprawl. The formation of "suburban development districts" with special legal powers to guide the direction of such development into desirable areas was suggested by Clawson in 1960.<sup>68</sup> Case and Gillies<sup>69</sup> investigated the successes and failures of planning in directing and controlling growth in the San Fernando Valley between 1940 and 1954. They concluded that the planning efforts were mostly a failure.

For most cities the problem of controlling undesirable growth in the suburbs is difficult to overcome.



Lovelace<sup>70</sup> suggests that zoning in combination with other city powers is an effective measure to prevent sprawl. This assumes, for cities in most states, that the area in question has already been annexed. In such instances zoning may be useful, but as Willhelm<sup>71</sup> notes zoning is "a negative control in the regulation of land use." A quote from a report of the American Society of Planning Officials presents a good view of the quandry in which the city often finds itself in its attempt to prevent sprawl:

On the one hand, a city does not want to over-extend its boundaries to the point where demands for services and facilities will drain its coffers. On the other, it should not annex piecemeal and after-the-fact when opportunity for beneficial guidance of land development has all but passed.<sup>72</sup>

This view of the role of annexation in preventing urban sprawl leaves open the question of existing sprawl. What role, if any, can annexation play in correcting existing sprawl?

In the United States we have lamented the fact that sprawl has been foisted upon us. We have attempted, without efficient tools for the most part, to prevent future sprawl, but have not, as yet, made any real progress toward correcting the existing sprawl. A combination of annexation statutes geared to the cities, more funds, and new ideas are needed to clear unsightly existing sprawl. Gayler<sup>73</sup> has divulged a British method

of eliminating existing sprawl. The landscape of South-East Essex was blighted by sprawl prior to World War II. The government has purchased the more distant land with substandard housing, removed the structures, and returned the land to agricultural use or public open space. Government is also financing the building of new developments in more suitable locations.

The preceding has shown some of the reasons for annexation along with the numbers of peoples, areal extents, and sizes of parcels involved. The following chapter will discuss the legislation which aids or hinders cities in their attempts to annex.

## FOOTNOTES

<sup>1</sup>Mount Airy Planning Board, Annexation Study: Mount Airy, North Carolina (June 1963), p.1.

<sup>2</sup>Jerome G. Manis, "Annexation: The Process of Reurbanization," American Journal of Economics and Sociology 18 (July 1959): 353.

<sup>3</sup>Lewis Keller, "Annexation - the Rules of the Game as a Result of 1955 Legislation" (Speech to League of California Cities given in the Colonial Ballroom, St. Francis Hotel, San Francisco, Tuesday September 20, 1955. 2:15 P.M.)

<sup>4</sup>The following are several studies which discuss the desirability of unified metropolitan government: Edwin A. Cottrell, "Problems of Local Government Reorganization," Western Political Quarterly 2 (December 1949); Robert Wood, "Metropolitan Government 1975: An Exploration of Trends," American Political Science Review 52 (March 1958); Frank S. Sengstock, Annexation: A Solution to the Metropolitan Area Problem (Ann Arbor: University of Michigan Law School, 1960); P.G. Cullen and R.J. Noe, "Stumbling Giants - A Path to Progress Through Metropolitan Annexation," Notre Dame Lawyer 39 (December 1963); Edward H. Hobbs, "A Problem-- Fragmentation; One Answer--Annexation," National Civic Review 60 (September 1971); Vincent L. Marando, "The Politics of Metropolitan Reform," Administration and Society 6 (August 1974).

<sup>5</sup>For the annexation methods in Texas see: S.F. Chapman, "The Texas Municipal Annexation Act," Texas Bar Journal 29 (March 1966); for those in Virginia see: Chester W. Bain, Annexation in Virginia, the Use of the Judicial Process for Readjusting City-County Boundaries (Charlottesville: The University Press of Virginia, 1966).

<sup>6</sup>Consolidation is the process by which two or more corporate entities join together and become one.

<sup>7</sup>For example, the smallest annexation in Santa Rosa was 0.00027 square miles in May of 1961, while Sierra Vista City, Arizona annexed 114.7 square miles in 1971.

<sup>8</sup> Edward J. Kaiser and Shirley F. Weiss, "Local Public Policy and the Residential Development Process," Law and Contemporary Problems 32 [June 1967]: 232-49; Edward J. Kaiser, Ronald W. Massie, Shirley F. Weiss, and John E. Smith, "Predicting the Behavior of Predevelopment Landowners on the Urban Fringe," Journal of the American Institute of Planners 34 [September 1968]: 328-33; Edward J. Kaiser and Shirley F. Weiss, "Decision Agent Models of the Residential Development Process--A Review of Recent Research," Traffic Quarterly 23 [December 1969]: 597-630; and Edward J. Kaiser and Shirley F. Weiss, "Public Policy and the Residential Development Process," Journal of the American Institute of Planners 36 [January 1970]: 30-37.

<sup>9</sup> Robert D. McKenzie, The Metropolitan Community [New York: McGraw-Hill Book Co., Inc., 1933], p. 196 and David G. Bromley and Joel Smith, "The Historical Significance of Annexation as a Social Process," Land Economics 49 [August 1973]: 294-95.

<sup>10</sup> John C. Bollens and Henry J. Schmandt, The Metropolis: Its People, Politics, and Economic Life [New York: Harper & Row, 1975], p. 239.

<sup>11</sup> Ibid.

<sup>12</sup> McKenzie, p. 196; Bromley and Smith, pp. 294-95; Bollens [1975] p. 339; and Raymond E. Murphy, The American City: An Urban Geography [New York: McGraw-Hill Book Co., Inc., 1966], p. 421.

<sup>13</sup> Bromley, p. 308.

<sup>14</sup> Ibid., pp. 304-06 and Yong Hyo Cho, "Fiscal Implications of Annexation: The Case of Metropolitan Central Cities in Texas," Land Economics 45 [August 1969]: 368.

<sup>15</sup> Bromley, p. 308.

<sup>16</sup> Ibid., p. 294 and Bollens [1975] p. 239.

<sup>17</sup> Murphy, p. 421; See also: Advisory Commission on Intergovernmental Relations, Governmental Structure, Organization, and Planning in Metropolitan Areas [Washington, D.C.: U.S. Government Printing Office, 1961], p. 22; McKenzie, p. 196; and Bollens [1975], p. 241.

<sup>18</sup>For instance, Los Angeles County contained forty-five municipalities, nearly 500 special districts, and approximately thirty townships in 1950 according to Richard Bigger and James Kitchen, Metropolitan Los Angeles II: How the Cities Grew [Los Angeles: The Haynes Foundation, 1952], p. 299.

<sup>19</sup>Raymond H. Wheeler, "Annexation Law and Annexation Success," Land Economics 41 [November 1965]: 360.

<sup>20</sup>Thomas R. Dye, "Urban Political Integration: Conditions Associated with Annexation in American Cities," in Thomas R. Dye and B. Hawkins, Politics in the Metropolis [Columbus, Ohio: Charles R. Merrill, 1967], p. 503. See also: Bromley, p. 309.

<sup>21</sup>Bromley, p. 308.

<sup>22</sup>This activity varies regionally with very little action in the Northeast. The figures which follow reflect national averages. Therefore, the paucity of activity in the Northeast is countered by high annexation rates elsewhere.

<sup>23</sup>Henry S. Shryock, Jr., "What is New in Our Eighteenth Decennial Census of the Population?" Proceedings of the Social Statistics Section, American Statistical Association, 1958 [Washington, D.C.: American Statistical Association, 1958], p. 26.

<sup>24</sup>Marando, pp. 246-48.

<sup>25</sup>Ibid.

<sup>26</sup>Dye, p. 501.

<sup>27</sup>Leo F. Schnore, "Municipal Annexation and the Growth of the Suburbs, 1950-1960," American Journal of Sociology 67 [January 1962]: 412.

<sup>28</sup>John C. Bollens, "Metropolitan and Fringe Area Developments in 1960," Municipal Yearbook [1961]: pp. 47-63. See this edition and those following for annexation statistics through 1968.

<sup>29</sup>U. S. Bureau of the Census, 1972 Boundary and Annexation Survey [Washington, D.C.: U.S. Government Printing Office, 1973], p. 7.

<sup>30</sup>Ibid., p. 3.

<sup>31</sup>Ibid.

<sup>32</sup>John Rehfuss, "Boundary Agreements--A Solution to the Annexation Struggle?" Public Affairs Report: Bulletin of the Institute of Governmental Studies 8 [June 1967].

<sup>33</sup>Census, Survey, p. 18.

<sup>34</sup>John D. Wenum, Annexation as a Technique for Metropolitan Growth: The Case of Phoenix, Arizona for the Institute of Public Administration [Tempé: Arizona State University, 1970], introductory map, and Donna Culbertson, "Phoenix's Creative Annexations," Nation's Cities 11 [July 1973]: 18-20.

<sup>35</sup>Bigger, p. 26.

<sup>36</sup>Bollens [1975], p. 244.

<sup>37</sup>Chapman; Cho; and August O. Spain, "Politics of Recent Municipal Annexation in Texas," Southwestern Social Science Quarterly 30 [June 1949]: 18-28.

<sup>38</sup>Census, Survey, pp. 2, 9.

<sup>39</sup>Richard T. LeGates, California Local Agency Formation Commissions, Institute of Governmental Studies [Berkeley: University of California Press, 1970], p. 43.

<sup>40</sup>Rehfuss.

<sup>41</sup>Hobbs, 431.

<sup>42</sup>Cottrell, pp. 599-609.

<sup>43</sup>Wood, pp. 108-22.

<sup>44</sup>Marando, p. 245.

<sup>45</sup>Charles R. Adrian, Governing Urban America: Structure, Politics, and Administration [New York: McGraw-Hill Book Co., 1955], pp. 245-46.

<sup>46</sup>In Bromley and Smith, p. 297, new cities are added to their study as they reach 50,000 population. "Younger" is used here in the sense that cities reaching 50,000 population in recent decades are less old than those which passed this population mark fifty, one hundred, or more years ago.

<sup>47</sup>Roscoe C. Martin, "Government Adaptation to Metropolitan Growth," in Thomas R. Dye and B. Hawkins, Politics in the Metropolis [Columbus, Ohio: Charles E. Merrill, 1967], p. 487.

<sup>48</sup>Sengstock, p. 7.

<sup>49</sup>Hobbs, p. 433.

<sup>50</sup>State of California, Population Research Unit, Department of Finance, population estimates.

<sup>51</sup>Donald J. Bogue, Metropolitan Decentralization: A Study of Differential Growth [Oxford, Ohio: Scripps Foundation, 1950].

<sup>52</sup>Henry S. Shryock, Jr., "Population Redistribution Within Metropolitan Areas: Evaluation of Research," Social Forces 35 [December 1965]: 154-59.

<sup>53</sup>Carl H. Madden, "Some Spatial Aspects of Urban Growth in the United States," Economic Development and Cultural Change 4 [July 1956]: 371-87.

<sup>54</sup>Leo F. Schnore, "Metropolitan Growth and Decentralization," American Journal of Sociology 63 [September 1957]: 171-80.

<sup>55</sup>G. Manners, "Urban Expansion in the United States," Urban Studies 2 [May 1965]: 51-66.

<sup>56</sup>Alan M. Voorhees, "Urban Growth Characteristics," Urban Land 20 [December 1961]: 7.

<sup>57</sup>Basil G. Zimmer and Amos H. Hawley, "Suburbanization and Some of its Consequences," Land Economics 37 [February 1961]: 88.

<sup>58</sup>William Alonso, "The Historic and Structural Theories of Urban Form: Their Implications for Urban Renewal," Land Economics 40 [August 1964]: 227-31.

<sup>59</sup>Edward C. Banfield, "The Politics of Metropolitan Organization," Midwest Journal of Political Science 1 [May 1957]: 77-91.

<sup>60</sup>Daniel M. Wilner, et.al., The Housing Environment and Family Life [Baltimore: The Johns Hopkins Press, 1962].

<sup>61</sup>Dye, pp. 506, 510-11.

<sup>62</sup>The term "sprawl" has been used in so many ways that its value as a descriptive term has been minimized. For this study it shall be defined as -- the undesirable spread of urban places across the landscape. See: National Commission on Urban Problems, Alternatives to Urban Sprawl: Legal Guidelines for Governmental Action, by Fred P. Bosselman [Washington, D.C.: U.S. Government Printing Office, 1968].

<sup>63</sup>Eldridge H. Lovelace, "Control of Urban Expansion: The Lincoln, Nebraska Experience," Journal of the American Institute of Planners 31 [November 1965]: 352.

<sup>64</sup>Marion Clawson, "Urban Sprawl and Speculation in Suburban Land," Land Economics 38 [May 1962]: 108.

<sup>65</sup>Ibid., p. 111.

<sup>66</sup>George B. Waters, "Developing a Metropolitan Area: Through Annexation of Adjacent Industrial and Residential Property," American City 53 [May 1938]: 61, 63.

<sup>67</sup>William H. Whyte, Jr., "Urban Sprawl," Fortune, January 1958.

<sup>68</sup>Marion Clawson, "Suburban Development Districts: A Proposal for Better Urban Growth," Journal of the American Institute of Planners 26 [May 1960]: 69-83.

<sup>69</sup>Fred E. Case and James M. Gillies, "Some Aspects of Land Planning: The San Fernando Valley Case," The Appraisal Journal 23 [July 1955]: 14-41.

<sup>70</sup>Lovelace, p. 352.

<sup>71</sup>Sidney M. Willhelm, Urban Zoning and Land-Use Theory [New York: The Free Press of Glencoe, 1962], p. 224.

<sup>72</sup>American Society of Planning Officials, Information Report No. 114: Annexation Studies [Chicago: The Society, September 1958], p. 14.

<sup>73</sup>Hugh J. Gayler, "Land Speculation and Urban Development: Contrasts in South-East Essex, 1880-1940," Urban Studies 7 [February 1970]: pp. 21, 33-35.



## ANNEXATION: THE STATUTORY AUTHORITY

Annexation to a municipal corporation is regulated by the state within which the municipality is located. Consequently there exists a plethora of annexation laws. There are many studies available which give brief views of annexation legislation in the various states. Only one, a publication of the American Municipal Association,<sup>1</sup> lists individually the specific annexation statutes for each state. This work contains a comparative view of annexation activity in the United States between 1951 and 1958. It also includes a comprehensive bibliography of annexation studies to 1958.

Sengstock<sup>2</sup> points out the "chaotic condition" of annexation legislation in this country and suggests that "that method of annexation is best which best achieves the objectives a state decides annexation should achieve."<sup>3</sup> But he also argues that the states do not now have a "consistent" policy to deal with metropolitan problems. This does appear to be the case, at least in most states.

### Types of Annexation Statutes

The great quantity and complexity of annexation statutes has been referred to above. These laws have been generalized into five categories by Sengstock.<sup>4</sup> They are "legislative determination" where annexation is accomplished by special acts of the state legislature. "Popular determination" is annexation by referendum. In some states the municipality is empowered to annex land by unilateral action, termed "municipal determination." In others a state court rules on annexation proposals, "judicial determination." The newest procedure, "quasi-legislative (administrative) determination," gives the power to make decisions on annexation to an independent, non-judicial board. States often "employ more than one method or combine features of two or more of these methods."<sup>5</sup>

"Legislative determination" was the most common method available during the nineteenth century. It remains the prevalent method in the Northeast section of the nation. Because most municipalities in this section are unable to annex, generally due to lack of available contiguous or unincorporated land, there has been little reason to introduce new legislation.

The next three methods listed above have been the most widespread since near the turn-of-the-century. Of

these, "popular determination," has been in general use by a majority of states since it was determined that the residents of an area should be allowed to choose whether a growing municipality could annex them. Due to lax incorporation laws, many small communities chose to form their own "special interest" or "defensive" municipality rather than be swallowed by the encroaching city. Because this happened very often, the "popular determination" method has incurred much of the blame for creating our fragmented metropolitan areas.

The opposition to "popular determination" is widespread among advocates of consolidated government in metropolitan areas. Cullen and Noe observed:

Oftentimes the will of a handful is allowed to prevail over the will of thousands in other sectors of the area.<sup>6</sup>

Quite often this has happened, where the residents of a city vote in favor of an annexation while those few residents of a small tract defeat the proposal. Marando<sup>7</sup> found voter approval to be the most restrictive requirement in metropolitan reorganization. Greer<sup>8</sup> related why, in his estimation, fragmentation will not end so long as the popular vote is necessary to make the change.

"Municipal determination" is used in Texas by cities with "home rule" charters. Prior to 1963, "home rule" cities were allowed to annex any amount of land at will. This provision was often misused, e.g., proposed annex-

ations in 1960 of 650 square miles by Nederland and 1,100 square miles by Houston. The Texas Municipal Annexation Act of 1963 gives "home rule" cities extraterritorial jurisdiction over a surrounding belt of land which varies between one-half and five miles in width depending on the city's population. This belt moves outward when annexation takes place, however no city may annex more than one tenth of its current area in any given year. Also, the city must provide services to new annexations within three years or deannexation may result. Still, within these constraints, the municipality may annex without the approval of the residents involved.<sup>9</sup> Wichita, Kansas is another place where "municipal determination" is used. Although, there are several restrictions as to size, land-use and location in relation to present city limits.<sup>10</sup>

Virginia is the prime example of "judicial determination." Bain<sup>11</sup> has given us a thorough study of the process there. When a municipality proposes an annexation a special three judge court is convened to determine if it is in the best interests of those involved to allow the annexation.

In Arkansas the city or the property owners may initiate an annexation proposal, but the outcome is determined by the county court, with appeal to the circuit court a last recourse by any who protest.<sup>12</sup> The Arkansas procedures contain a bias against free choice by

individuals based on a court decision made in 1878 which states:

No particular inhabitants have a vested right to come into, or remain in any town organization, or being in to go out....<sup>13</sup>

Thus it has remained in Arkansas, with the town's welfare foremost, over that of any "particular" individual or group of individuals.

The fifth annexation method described by Sengstock is "quasi-legislative determination." This is a relative newcomer to the scene. As a result of the many criticisms of earlier annexation procedures this method was devised by those involved in creating government for the new state of Alaska. The method has spread through many of the "lower" states. In the states where "quasi-legislative determination" has been adopted, it has generally been incorporated into the existing annexation structure, rather than replacing any of the present legislation. This method is the local government boundary commission which will be discussed in detail in the following section.

The preceding has been a generalized review of the methods for annexation throughout the nation. No study can keep pace with the rapidly changing statutes. In 1963, Cullen and Noe<sup>14</sup> presented a review of procedures and hinderances to annexation in the United States. Also, in 1963 seventeen state legislatures adopted laws

affecting annexation.<sup>15</sup> Dye,<sup>16</sup> in a 1967 study, showed that the ease or difficulty of the annexation process was not predictive of annexation activity. While a survey by Wenum<sup>17</sup> has nearly forty-eight percent of 165 central cities claiming that legislation is a major limiting factor to annexation.

Many of the studies reviewed to this point give conflicting views on what the major problems are which affect annexation and its role in preventing governmental fragmentation in metropolitan areas, maintaining the city's tax base, and preventing sprawl. A 1958 study by the Association of American Planning Officials concludes:

Apparently needed in many cases is improved legislation to permit cities to extend boundaries when desirable and to impose capital recovery fees to pay for the costs of doing so. These measures, together with long range annexation planning on a wider scale would result in better local government and would assist future metropolitan government.<sup>18</sup>

Metropolitan problems and the clamor for changes in annexation procedures have increased rapidly during the past thirty years. Wenum<sup>19</sup> notes that fifteen states have authorized "growth zones" of from one-half mile to fifteen miles in width around cities where the municipality has some "voice in the development" which takes place there. This is a small beginning toward preventing future models of our present metropolises.

The most recent innovation in the attempt to deal

with metropolitan area problems is the local government boundary commission.

#### Local Government Boundary Commissions

Legislatures in various states were suffering under much pressure for a change in their annexation and incorporation statutes. The most compelling reason for change was the number of "defensive" incorporations taking place. Rehfuss<sup>20</sup> notes the existence of nine cities in Santa Clara County, California prior to 1950. As San Jose began expanding seven new communities were "defensively" incorporated. In the Twin Cities area of Minnesota, thirty-six communities incorporated in the nine years preceding the founding of that state's boundary commission. There were only four incorporations during the following seven years.<sup>21</sup> In defense of the state's right to refuse a request for incorporation the Minnesota Municipal Commission stated:

It is fallacious to believe that the traditional right to be governed by publically elected officials means that any group of metropolitan residents, no matter how small, has the right to create its own unit of autonomous local government in disregard of the interests of surrounding communities and of the problems of urban sprawl.<sup>22</sup>

Alaska was the first state to institute the concept of a local government boundary commission (LGBC). In the late 1950's, those persons involved in preparing a

government for Alaska's pending statehood were determined to avoid the metropolitan area problems so prevalent in the "lower forty-eight." They devised a commission empowered to review and make proposals on any borough or municipal boundary change. Only the state legislature may overrule a commission proposal. There is a method of annexation which avoids commission review, although, the commission has the power to propose exclusion from a city and could, theoretically, exclude an annexation it deemed inappropriate. Through the first eight years of the commissions existence no proposal had been overruled by the legislature.<sup>23</sup>

A LGBC was established in Minnesota soon after Alaska's became operative. Here the commission consists of five members. Three are permanent members appointed by the governor. The remaining two are members of the county board of supervisors for the county which will be affected by the current decision of the commission.<sup>24</sup> As in Alaska, this is a state body. It has the power to grant and deny annexations and incorporations. Also, as in Alaska, some annexations are not subject to commission review. Some differences exist in the Minnesota commission. First, the referendum is still necessary for inhabited annexations. Then, the commission is required to review each township of 2,000 or more residents, following each census, for the possibility of annexations



or incorporations.<sup>25</sup>

Presently, there are several states which have instituted LGBC's. White<sup>26</sup> listed a total of nine in 1973. These are the three Pacific coast states, Nevada, New Mexico, Michigan, Minnesota, North Dakota, and Alaska.

This review of annexation statutes nationwide has provided a general and necessary background which will allow a more detailed examination of annexation legislation in California.

#### California Legislation

The first general annexation statute in California was passed in 1872. Bigger and Kitchen<sup>27</sup> discuss this statute along with other early annexation laws. These older statutes have been superseded by two acts during the early years of the twentieth century. Annexation activity in California in "current times" is dependent on these two basic acts.

First, there is the "Annexation Act of 1913"<sup>28</sup> which remains today as the principal rule guiding inhabited annexations. This act provides for a referendum, i.e., the residents of a parcel proposed for annexation must be given the opportunity to vote for or against such annexation. If the result of this election is favorable then the residents of the city must vote to confirm the result before annexation may take place. The requirement

has made it difficult for a city to annex inhabited territory in California.

The post-1945 resurgence in annexation activity in California was largely nurtured by the second basic act. This, the "Annexation of Uninhabited Territory Act of 1939"<sup>29</sup> provides for annexation without referendum of any parcel containing less than twelve registered voters. Such annexation can be defeated only by the protest, at a public hearing, of the owners of more than fifty percent of the assessed valuation of the parcel or by rejection of the proposal by the city council. The 1939 Act reduces the expense involved in a single annexation proceeding, still the subsequent increase in small uninhabited annexations has most assuredly increased total annexation related expenditures by the majority of California cities involved in annexation. The importance of this Act was noted by LeGates in 1970:

...by gerrymandering boundaries so that the area includes fewer than 12 registered voters and thus is legally "uninhabited," and by taking territory incrementally by "piecemeal" annexation, proponents are able to avoid the statutory requirements of an election and can annex substantial populated fringe land with minimum formality.<sup>30</sup>

There have been many amendments to and revisions of these laws since their inception. Generally, these changes are an attempt to forestall the future repetition of an undesirable situation resulting from the present code. This is apparent in the amendments prohibiting

annexations connected to the city by corridors and those annexations which would create unincorporated "islands." The latter amendments were adopted in 1951<sup>31</sup> and amended in 1963<sup>32</sup> to prevent enclosure of unincorporated areas whose only opening would be into the Pacific Ocean. In 1965 the restriction was then revised to allow the creation of "islands" under specific constraints with the approval of the boundary commission.<sup>33</sup>

A California annexation statute which has been carried over from the early laws prohibits cross-county annexation. The only attempted annexation of territory across county lines which did not fail was the Park Hills annexation by Berkeley in 1959. Even so, the success was gained by moving the county lines, so Berkeley remains completely within Alameda County.<sup>34</sup> Clark and Weschler<sup>35</sup> made a study of cross-county annexation and concluded that it should be an option in California.

Scott and Keller<sup>36</sup> listed many of the legal requirements for and appellate decisions affecting annexation prior to 1959. They also reproduced many applicable sections of the Government Code. The statutes and amendments were not doing the necessary job, i.e., promoting orderly growth in the urban regions. The haphazard growth of San Jose in the late 1950's and early 1960's is the notable example of the inadequacy of the contemporary legislation.

Random annexation, akin to land grabbing, and defensive incorporation were the rule in the 1950's and early 1960's. LeGates<sup>37</sup> tells of cities lowering their subdivision standards so that they could compete with neighboring cities for annexations. He also points out that in Los Angeles County twenty-six new cities were incorporated during a seven year period in the 1950's. The seven new cities in Santa Clara County formed during the 1950's were noted earlier. In many cases this incorporation was unfair to surrounding unincorporated territory as the greatest tax base land was removed. This happened often in the case of "special interest" incorporations. For example, the City of Industry in Los Angeles County had a population density of fifty-two persons per square mile with a per capita assessed valuation of \$54,868 while the average population density of Los Angeles county cities was 5,127 persons per square mile and the county wide per capita assessed valuation stood at \$2,183.<sup>38</sup> These problems which had arisen during the 1950's, regarding annexation and incorporation, serve to show the inadequacy of the available legislation. Since there was a lack of ability and/or willingness to handle the problems at a local level, the state legislature deemed it necessary to intervene.

By the early 1960's the state legislature was studying different methods of controlling city growth and

forestalling future metropolitan area problems.<sup>39</sup> During 1963, the Assembly worked out a measure aimed at reducing the number of incorporations. Concurrently, the state senate was putting together a measure to deal with annexation. These two measures were combined and modified and the local Agency Formation Commissions (LAFCo's) were conceived.<sup>40</sup>

#### Local Agency Formation Commissions

LAFCo is California's local government boundary commission. It differs from the LGBC's of Alaska and Minnesota in that it is formed on a county level rather than state wide. Every county in the State, except for San Francisco,<sup>41</sup> has its own LAFCo. Each agency consists of five members: two are members of the county board of supervisors, two are from different cities within the county, and one is a lay person. Another difference is that there is no provision for annexation without commission review.

All boundary changes proposed by cities and special districts along with the formation of new special districts and cities are subject to LAFCo approval. Goldbach<sup>42</sup> notes that the guidelines for LAFCo will lead to "larger cities and fewer special districts." He has made a comprehensive study of the early years of LAFCo. He shows many of the weaknesses and strengths of the

commissions. One of the major weaknesses discussed is political. He fears that elected local officials will opt for popular short-range desires rather than, possibly less-popular, long-term regional solutions. At the same time there are many benefits to be derived from a county-wide view rather than the local city acting alone.<sup>43</sup>

The California Intergovernmental Council on Urban Growth<sup>44</sup> conducted a survey on the progress of LAFCo through its first three years. Their report was very favorable on the directions in which the LAFCo's were evolving. The fact that each LAFCo was different, yet as effective within its setting was a most "heartening" finding.

Another study of LAFCo's first years was made by LeGates,<sup>45</sup> in which he theorized that they are "developing into planning entities. . . ." Many LAFCo's are requiring cities to determine their "sphere of influence" before the commissions will make a ruling on any annexation proposals. The cities are also compelled to mediate any boundary disputes between each other arising from their projected areal growth.<sup>46</sup> LeGates also found that LAFCo's are generally disinclined to allow "tax raid" annexations.<sup>47</sup>

An immediate change in the pattern of annexation, incorporation, and special district formation was apparent following the inception of LAFCo. Rehfuss<sup>48</sup> relates that

there were no proposals for incorporation, special district formation, inhabited annexation, or any annexation which would raise a jurisdictional issue between cities during LAFCo's first year in Santa Clara County. LeGates<sup>49</sup> agrees that the "most questionable" types of annexation are not attempted since LAFCo's formation. Also, many annexation proposals are withdrawn when LAFCo intimates its unofficial disapproval thus saving the cost and time involved in a hearing. As for incorporations, only eight were approved between 1963 and 1967 throughout the State.

The commissions appear to be doing the job for which they were formed. The four studies discussed above agree that LAFCo is having an effect on the types of boundary change taking place. LeGates imparts that his:

...clearest finding is that the commissions are inclined to approve proposals for annexations of territory to existing cities, and disinclined to approve the formation of additional special districts.<sup>50</sup>

Goldbach<sup>51</sup> stated that the above is one of the guidelines prescribed for LAFCo. In addition they have had a positive effect on the forestalling of defensive incorporation. Certainly, the commissions have many shortcomings, but they are making some order out of the chaos which existed prior to their inception.

This completes the review of annexation legislation. The following chapter will explore the effects of

annexation upon cities, residents and developers.



## FOOTNOTES

<sup>1</sup>Robert G. Dixon, Jr. and John R. Kersetter, Adjusting Municipal Boundaries: The Law and Practice in 48 States (Chicago: American Municipal Association, 1959). There is an updated version of this work by A.S. Bullis, Adjusting Municipal Boundaries: Laws and Practices (Washington, D.C.: National League of Cities, 1966). The author was unable to locate a copy of this edition. There are several studies which give annexation policies and legislation for individual cities and states: League of Arizona Cities and Towns, Annexation Manual for Arizona (Phoenix, Arizona: League of Arizona Cities and Towns, August 1963); Denver Planning Office, "Annexation Policy Recommendations by Planning Board," Bulletin A-8 (Denver, Colorado: City of Denver, July 1956); William C. Havard, Municipal Annexation in Florida (Gainesville, Florida: University of Florida Press, 1954); Robert L. Stoyles, Jr., A Guide to Annexation and Subdivision Control (Iowa City: Iowa State University Press, 1959); J. H. Gidley, "Municipal Corporations--Annexations--Standards and Procedures: A Proposal," Oregon Law Review 46 (June 1967); The Urban Studies Center: Portland State College, Annexation, Incorporation, and Consolidation in the Portland Metropolitan Area (Portland Oregon: Portland State College Press, 1968); League of Wisconsin Municipalities, A Manual on the Annexation of Territory to Wisconsin Cities and Villages (Madison: League of Wisconsin Municipalities, 1958); along with others referred to throughout this study.

<sup>2</sup>Frank S. Sengstock, Annexation: A Solution to the Metropolitan Area Problem (Ann Arbor: University of Michigan Law School, 1960), p. 118.

<sup>3</sup>Ibid., pp. 117-18.

<sup>4</sup>Ibid., pp. 9, 13, 19, 26, 33.

<sup>5</sup>Ibid., p. 9

<sup>6</sup>P. G. Cullen and R. J. Noe, "Stumbling Giants - A Path to Progress Through Metropolitan Annexation," Notre Dame Lawyer 39 (December 1963): 63.

<sup>7</sup>Vincent L. Marando, "The Politics of Metropolitan Reform," Administration and Society 6 (August 1974): 257.

<sup>8</sup>Scott Greer, The Emerging City: Myth and Reality (New York: The Free Press of Glencoe, 1964), pp. 168-92.

<sup>9</sup> S. F. Chapman, "The Texas Municipal Annexation Act," Texas Bar Journal 29 [March 1966]: 165-66, 216. See also: August O. Spain, "Politics of Recent Municipal Annexation in Texas," Southwestern Social Science Quarterly 30 [June 1949]; and Bernard Brown, "Municipal Finances and Annexation: A Case Study of Post-War Houston," Southwestern Social Science Quarterly 48 [December 1967].

<sup>10</sup> Wichita-Sedgwick County Metropolitan Area Planning Department, Study Area Report: Spring Creek [Wichita, Kan., June 1960].

<sup>11</sup> Chester W. Bain, Annexation in Virginia, The Use of the Judicial Process for Readjusting City-County Boundaries [Charlottesville: The University Press of Virginia, 1966]. See also: Chester W. Bain, "Annexation: Virginia's Not-so-Judicial System," Public Administration Review 15 [Autumn 1955].

<sup>12</sup> Morton Gitelman, "Changing Boundaries of Municipal Corporations in Arkansas," Arkansas Law Review 20 [Summer 1966]: 138-40.

<sup>13</sup> Dodson v. Mayor and Town Council, Fort Smith, 33 Arkansas 508, 514 [1878] as quoted in Gitelman, p. 151.

<sup>14</sup> Cullen, pp. 66-92. See also: Patrick Healy, Basic Principles for a Good Annexation Law [Chicago: American Municipal Association, 1960].

<sup>15</sup> "Annexation and Incorporation Dealt with by Legislators," National Civic Review 53 [January 1964]: 32.

<sup>16</sup> Thomas R. Dye, "Urban Political Integration: Conditions Associated With Annexation in American Cities," in Thomas R. Dye and B. Hawkins, Politics in the Metropolis [Columbus, Ohio: Charles R. Merrill, 1967], p. 512.

<sup>17</sup> John D. Wenum, Annexation as a Technique for Metropolitan Growth: The Case of Phoenix, Arizona for the Institute of Public Administration [Tempe: Arizona State University 1970], p. 20.

<sup>18</sup> American Society of Planning Officials, Information Report No. 114: Annexation Studies [Chicago: The Society, September 1958], p. 22.

<sup>19</sup> Wenum, p. 2.

<sup>20</sup>John Rehfuss, "Boundary Agreements--A Solution to the Annexation Struggle?" Public Affairs Report: Bulletin of the Institute of Governmental Studies 8 [June 1967].

<sup>21</sup>Minnesota Municipal Commission, "Statewide Administrative Review of Municipal Annexations and Incorporations," Minnesota Law Review 50 [April 1966]: 943.

<sup>22</sup>Ibid., p. 945.

<sup>23</sup>Ronald C. Cease and Jerome R. Saroff, "The Borough: History, Powers, and Organization," in The Metropolitan Experiment in Alaska: A Study of Borough Government [New York: Frederick A. Praeger, 1968], pp. 52-54.

<sup>24</sup>Minnesota Municipal Commission, p. 919.

<sup>25</sup>Ibid., pp. 925-30.

<sup>26</sup>Anthony G. White, Local Government Boundary Commissions, Exchange Bibliography No. 442 [Monticello Illinois: Council of Planning Librarians, August 1973], p.1. See Also: J. H. Hall, "Recently Established Boundary Commissions," Local Agency Commission Quarterly 1 [1968]; Portland, City of, A Report on State and Provincial Boundary Review Boards, by Ronald C. Cease for the Portland Metropolitan Study Commission [Portland, Ore., 1968]; and Alvin D. Sokolow, Annexation and Incorporation in Michigan: An Evaluation of the Boundary Commission Plan [Lansing: Michigan State University Press 1965].

<sup>27</sup>Richard Bigger and James Kitchen, Metropolitan Los Angeles II: How the Cities Grew [Los Angeles: The Haynes Foundation, 1952], pp. 128-29.

<sup>28</sup>California, "Annexation Act of 1913," Statutes [1913], c. 312.

<sup>29</sup>California, "Annexation of Uninhabited Territory Act of 1939," Statutes [1939], c. 297.

<sup>30</sup>Richard T. LeGates, California Local Agency Formation Commissions, Institute of Governmental Studies [Berkeley: University of California Press, 1970], p.39.

<sup>31</sup>California, Statutes [1951], v. 2, c. 1702, s. 35158 and 35326.

<sup>32</sup>California, Statutes [1962], v. 2, c. 1894, s. 35158 and 35326.

<sup>33</sup>California, Statutes [1965], v. 1, c. 587, s. 54790 (g).

<sup>34</sup>James L. Clark and Louis Weschler, Cross-County Annexation by Municipal Corporations in California, Institute of Governmental Affairs [Davis: University of California Press, 1965], p. 8.

<sup>35</sup>Ibid., pp. 49-56.

<sup>36</sup>Stanley Scott and Lewis Keller, Annexation? Incorporation? A Guide for Community Action, Bureau of Public Administration [Berkeley: University of California Press, February 1959], pp. 24-53, 102-28.

<sup>37</sup>LeGates, pp. 2, 6.

<sup>38</sup>Ibid., p. 4.

<sup>39</sup>John Goldbach, Boundary Change in California: The Local Agency Formation Commissions, Institute of Governmental Affairs [Davis: University of California Press, 1970], p. 72.

<sup>40</sup>John Goldbach, "Local Formation Commissions: California's Struggle Over Municipal Corporations," Public Administration Review 25 [September 1965]: 213-14. See also: R. E. Gother, "Study of Recent Amendments to California Annexation Laws," U.C.L.A. Law Review 11 [November 1963].

<sup>41</sup>The purpose of LAFCo is to review all boundary change proposals within the county. Since the City and County of San Francisco are coextensive and annexation across county lines is not permitted, a LAFCo in San Francisco County would have no function.

<sup>42</sup>Goldbach, Boundary, p. 108.

<sup>43</sup>Ibid., pp. 37, 109.

<sup>44</sup>California: Intergovernmental Council on Urban Growth, Local Agency Formation Commissions [Sacramento: California State Printing Office, 1966], p. 11.

<sup>45</sup>LeGates, preface.

<sup>46</sup>Ibid., pp. 87-91.

<sup>47</sup>Ibid., pp. 64-71.

<sup>48</sup>Rehfuss.

<sup>49</sup>LeGates, pp. 37-42.

<sup>50</sup>Ibid., p. 58.

<sup>51</sup>Goldbach, Boundary, p. 108.

## ANNEXATION: EFFECTS

There are many effects of annexation. This portion of the review is concerned with the costs to and benefits derived from such action. The costs and benefits will be discussed in terms of their effects on the city, the residents, and the land developer. The city carries the largest burden in the decision to annex.

### The City

When a city makes the determination to annex it is increasing its costs. These increased costs come from many sources. First, a city must determine if a parcel of land considered for annexation meets the legal requirements of the state statutes. These requirements may include such items as: contiguity, degree of urbanization, potential for future urbanization, and size. Several studies are available that discuss the necessary preliminaries to annexation.<sup>1</sup>

In many cases a city will desire a study or series of studies of surrounding unincorporated lands to

determine the feasibility of future annexation. Such a study may be made by the city's planning department or it may be contracted for a private firm. In either case it is an expense.<sup>2</sup>

The study may be similar to those by the South San Francisco<sup>3</sup> or West Covina<sup>4</sup> planning departments where there is a general investigation of all surrounding lands for possible annexation potential. Or the study may be of one or more specific areas such as the Spring Creek<sup>5</sup> or Chisholm Trail<sup>6</sup> studies by the Wichita, Kansas Planning Department or the Kroeger<sup>7</sup> study of Milpitas suburbs. In any case, this preliminary study is necessary before the city enters into the more costly aspects of annexation.

The expenses for preliminary studies are usually minimal when compared with those for official notification, planning commission and city council meetings, special elections, and court cases. Some or all of these may occur depending on the states' particular annexation statutes and the peculiarities of the particular annexation proposal. But, these costs are only the initial ones.

Once an area is annexed the city is generally required to supply services. Fire and police protection, sewage disposal, water, storm drains, streets and lighting, and refuse collection are among the many

services which may be necessary. Often, the preliminary studies take inventory of existing service facilities and forecast the cost of bringing them up to city standards. The studies may also estimate the cost of new services. These costs are then compared with estimates of revenue to be gained from the annexation to determine the economic feasibility of the action.<sup>8</sup>

In some instances the city gains in net revenue from an annexation. Muller and Dawson<sup>9</sup> investigated the cost-revenue balance in Richmond, Virginia after a large annexation was completed. In this case there was a sizable surplus of revenue over expenses. The major reason given for this surplus was that nearly fifty percent of the public school students in the annexed area were placed in private schools.<sup>10</sup> In a study of possible annexation of developed suburbs to Greensboro, North Carolina, Esser<sup>11</sup> has determined that total revenues will "exceed annual operating costs and the city's share of initial and continuing capital costs..." over a twenty year period.

The generation of excess revenue, however, is not the usual outcome of annexation. The city generally finds itself in need of additional capital<sup>12</sup> (i.e., increased tax levies). An analysis of possible growth areas for Ipswich, England by Lichfield and Chapman,<sup>13</sup> shows the costs of growth as too high for most surrounding areas.



Cho<sup>14</sup> has reviewed annexation in Texas to determine if cities actually gain financially from annexation. His conclusions, derived statistically, do not support his hypothesis "that annexations in the Texas metropolitan central cities are fiscally motivated." The results of a poll by Wenum<sup>15</sup> show that the greatest single reason for cities refusing to annex is the cost of extending municipal services to annexed areas.

Mushkatel, Wilson and Mushkatel<sup>16</sup> discuss the effect of annexation and rising city costs on voters. They point out that annexation is generally an attempt to recapture taxpayers who have moved to the urban fringe. But, with annexation the city becomes responsible for providing "city services" to the additional area. When increased taxes are proposed to cover the costs of these services the residents "revolt" by voting down such proposals. The city may then respond by annexing more land to increase its tax base. This "negative feedback loop" is, of course, self-destructive for the city. Schecter<sup>17</sup> showed the negative impact of urban growth on city finances in a 1961 study. While he does not discuss annexation, the costs and effects of the growth described are pertinent.

The argument over costs to the city is not easily settled. Many of the immediate expenses (i.e., schools, streets, sewers, storm drains) are large but capitalized

over time they may well fall below the long term revenue gains. One method a city may use to justify annexation is the long term gains. Or, as noted by ASPO,<sup>18</sup> the cost of annexation now should be compared with the projected cost at some future date. ASPO suggests:

...a city should annex urban land when it is able to do so financially and when, at the same time, it can regulate development advantageously.<sup>19</sup>

The aspect of planning, alone, often makes early annexation desirable.

While the city's immediate costs are high it may be advantageous in the long term to annex early. The ability to enforce planning decisions in undeveloped areas may make otherwise uneconomical annexation prudent. But, what of the people who now become city residents? How does annexation affect them?

#### The Residents

A person's vote for or against annexation is based on some expectation. One argument states that a pro-vote is with expectation for better services, while a con-vote says that those services will cost too much.<sup>20</sup> There are several studies which analyze the cost, tax rate, associated with annexation. Schmitt<sup>21</sup> researched the effect of annexation on tax rates during the years, 1948-1950. His data shows "little correlation" between tax rates and annexation. The Fayetteville, North Carolina

Planning Board<sup>22</sup> made a study for presentation to county residents to show them that it would be cheaper for them if they were to be annexed to the city. Scott and Keller<sup>23</sup> discuss the financial aspects of annexation. Their study points out that fire insurance and utility rates may be lower within the city. Also, any special county taxes to unincorporated areas would be withdrawn while any city property tax was being added. A 1961 work by Andrews and Dasso<sup>24</sup> looked at tax rates over time for similar suburbs in three areas, each of which included annexed and unannexed parcels. They found that tax rates for unannexed areas are generally lower in the short term, but in heavily developed areas the unannexed parcels ultimately carry the heavier tax burden.

Are annexations generally approved at the polls in anticipation of better services? Scott and Keller<sup>25</sup> concur that annexation is usually considered for improvement in services. The annexation of the several small communities in the San Fernando Valley to the City of Los Angeles in the early 1900's was a result of their need for water which was available in quantity only through the city-owned Owens Valley Aqueduct.<sup>26</sup> In the late 1950's Kunkel<sup>27</sup> hypothesized that a group's attitude toward annexation improves favorably as its degree of dissatisfaction with a service increases. He determined that some correlation exists, but there was considerable

variation among different services.

Several other factors are discussed, by various scholars, as motivations behind suburbanites' attitudes toward annexation. Press<sup>28</sup> hypothesized that "loss of citizen access to local government officials" would cause the citizen to resist "integration." He found that the political issue was of little importance. In a later study, Press<sup>29</sup> determined that loss of identity and values associated with "autonomy and separateness" from the central city were more important than "efficiency and economy considerations." Manis<sup>30</sup> established that the most favorable attitudes toward annexation come from those persons in the highest educational, income, and occupational levels, but in general suburbanites are "disinclined to annex."

It appears that the residents may acquire higher costs at least in the short term but they also gain in level of services, in most cases. Since the law in the majority of states allows for decision by referendum, the resident must determine whether or not the increased services are worth the additional cost. From the discussion above it is apparent that most residents either decide the costs are too high or base their decisions on other criteria. Although, there have been several studies made in an effort to determine the human motivations involved in anti-annexation votes, no clear cut answer is

available. More than twenty years ago Martin<sup>31</sup> presented some hypotheses for testing the reasons people choose to reside on the urban fringe. A decade back, Rogers<sup>32</sup> suggested that any general models dealing with human behavior must be stochastic rather than deterministic "due to the overwhelming complexities which underlie human behavior." Today, many of the answers, if any exist, remain unknown.

These are some of the ways in which annexation affects the residents. How, then, does annexation affect the land developer?

#### The Land Developer

There is a lack of literature which relates land development and annexation. Yet, it is because of development that the majority of annexations take place.<sup>33</sup> There are, however, some studies of land development and the developer. In general, these discuss the problems of planning, urban sprawl, land costs, development costs, land acquisition, and/or the land developer. While these works do not directly address annexation, they do look into the problems associated with development on the urban periphery. This is precisely where the annexation of parcels proposed for development takes place in many of those cities which practice annexation.

This study is primarily concerned with annexation

and annexation research. Whereas, the case study will attempt to determine the proponents and motives of annexation. These are mostly connected with land development. Therefore, it is necessary to examine a few non-annexation studies to understand annexation costs to developers and the benefits they receive through annexation.

Between 1967 and 1970, Kaiser and Weiss<sup>34</sup> presented a series of articles concerned with land development and the "decision makers" involved in the process. In their first work<sup>35</sup> they discussed the effect of public policy on the landowner, the developer and the consumer. The landowner is affected by tax rates and land values such that he must determine to hold or to sell the land. The developer is affected by planning and development regulations which increase costs to him and ultimately to the consumer. The effect of public policy on the "evolution of the neighborhood" affects the consumers' decision to purchase which in turn determines whether the developer will sell his development at a profit or at a loss.

Brodsky<sup>36</sup> looked into the problems associated with land acquisition for subdivision. He noted that most developers are small businessmen with little capital. This lack of capital causes them to look for inexpensive land. The owners of vacant land close to existing

development generally expect higher prices for their property. Such expectation is derived from increased taxes and some notion of land speculation. These inflated land values may exclude the low-capital developer, thus causing him to look elsewhere for lower-cost land, often in areas which are undesirable from the planners' view point. In such cases speculation and increased taxes on vacant land often causes higher prices and scattered development.

Platt<sup>37</sup> discussed subdivision requirements of cities which result in costs to the developer. He observed that "the fulfillment of such requirements can be very expensive." His work is mainly concerned with the legal aspects of land-use control.

A report prepared by the Land Use Subcommittee<sup>38</sup> showed the extent of some of the development costs. In one case a conventional, as opposed to clustered, development had a land cost of 360,000 dollars and a total development cost, excepting structures, of 1,216,248 dollars.<sup>39</sup> Thus, seventy percent of the development cost was for sewer and water lines, streets, storm drains, sidewalks and other city subdivision requirements. The committee imparted a view that "(p)resently, development costs in typical low-density developments seem to range from two to four times raw land costs."<sup>40</sup>

With costs, such as those noted above, for develop-

ment it is little wonder that Goldberg<sup>41</sup> found "proper zoning" to be the most important aspect of a potential development parcel to the developer. The cost involved in appealing an undesirable zoning designation is too high. Nevertheless, Brodsky determined that a developer may pass up high priced, "properly zoned" land for "cheaper land elsewhere and try for rezoning."<sup>42</sup>

In many areas the city charges an annexation fee to help offset its capital improvement costs. In an ASPO<sup>43</sup> study published in 1958, such fees are found ranging from three hundred dollars per acre in Riverside, California to two thousand per acre in Denver, Colorado. A report by the League of California Cities<sup>44</sup> in 1960 discussed such fees within that state.

Therefore, it can be seen that the developer is burdened with many costs before he can complete a development. Of course, he will most likely pass these costs on to the purchaser, but there is a limit to what the final product will return dependent on market conditions, size of house and lot, and so forth. On the other hand, the developer may advertise his tract in such terms as "city services in and paid for." This may help the sale as people are often apprehensive of possible future costs for such services. The homebuyer may also be assured of more reliable water and sewer service than wells and septic tanks or cesspools provide.



This would again be a benefit to the developer in his attempt to sell his development. These are the main costs and benefits to the land developer which arise from annexation.

Although annexation in large urban agglomerations is an ineffective method for attaining any type of central governmental control, in fact it is often a divisive factor, and it is a major method employed by smaller, more remote cities to aid in the prevention of fragmentation. Where does annexation fit into urban growth theory?

#### Significance of Annexation to Urban Growth Theory

As cities grow new residential areas are generally added to the urban fringe. Except for the case of some over-bounded municipalities, this growth often takes place outside of the city limits or is annexed at the time of development. If a city can predict where such growth is likely to occur and exert some control over these areas it may be in a position to direct its ultimate form.

The best preparation for making such predictions is to study annexation for its past errors and accomplishments. A knowledge of past growth patterns, pertinent legislation, and inherent idiosyncrasies of a particular city will arm one with the available data to attack the

problem in an intelligent manner. It is hoped that the review of what has been written, along with the case study presented, will add to the fundamental store of knowledge necessary to make more accurate predictions.

Annexation will continue to be an important method of city growth so long as urban areas continue to expand. It is apparent that more farsighted changes in annexation legislation are necessary, for most states, if the majority is not to be forestalled by small, special interest groups. In the several states which have adopted some form of local agency boundary commission great strides toward preventing future problems (i.e., those created by small, special interest groups) have been made. Additionally, one may seriously study such annexation laws as those provided by Texas for that state's "home rule" cities. The Texas legislation allows the city much control over its surrounding undeveloped lands.

The case study in this work will deal with annexation at the local level. Specifically, the problems are: who proposes the annexation? why is annexation requested? does the zoning conferred at annexation conform to the tenets of the general plan at that time? and is this zoning later changed to reflect more or less conformity with the general plan?<sup>45</sup>

The main hypothesis of this study states that annexations are, in more than ninety percent of the cases,

proposed by developers for the purpose of gaining city utilities to enable the immediate development of the parcel for subsequent sale or lease. While this is generally recognized as a fact it has not been shown as such in any study. There are several problems inherent in this hypothesis, such as, the definition of developers, the completeness of city records, and the involvement of other proponents. Nonetheless, the data available in the city records will be examined for proof of this hypothesis.

A sub-hypothesis will attempt to determine the relationship between zoning and the general plan. If a developer proposes a parcel for annexation it should be recognized that he desires to develop the land. Does the city bend to the plan of the developer or does it stand by the tenets of its general plan and require the developer to adhere to them? This sub-hypothesis states that if the city encourages annexation it is for the purpose of enforcing the general plan. Such enforcement will be carried out by conferring appropriate zoning designations on the parcels when annexed and maintaining that zoning over time. The proof here will be derived from a comparison of the zoning conferred at annexation with the then current general plan. Another comparison of all the study period annexations, using the August 1975 zoning map and the 1975 Current General Plan, is made to determine if conformity is maintained, increased,

or decreased.

At this juncture, with the hypotheses stated, it is appropriate to begin the investigation of annexation in Santa Rosa with an overview of the city's growth in terms of population increase and areal expansion through annexation.

## FOOTNOTES

<sup>1</sup>John Gillespie, "When Considering a Municipal Annexation Program," American City 70 (January 1955). See also: American Society of Planning Officials: Scott and Keller; and Sengstock.

<sup>2</sup>Stanley Scott and Lewis Keller, Annexation? Incorporation? A Guide for Community Action, Bureau of Public Administration (Berkeley: University of California Press, February 1959), p. 9.

<sup>3</sup>South San Francisco Planning Department, Annexation Analysis (South San Francisco, Calif. 1962).

<sup>4</sup>West Covina Planning Department, Annexation Study (West Covina, Calif., December 1965).

<sup>5</sup>Wichita-Sedgwick County Metropolitan Area Planning Department, Study Area Report: Spring Creek (Wichita, Kan., June 1960).

<sup>6</sup>Wichita-Sedgwick County Metropolitan Area Planning Department, Study Area Report: Chisholm Trail (Wichita, Kan., July 1960).

<sup>7</sup>Louis J. Kroeger and Associates, An Analysis of the Proposed Annexation of Sunnyhills and Milford Village to the City of Milpitas (September 1958). See also: Richmond City Planning Commission, A Report on the Proposed Annexation of East Richmond Heights (Richmond, California: City Printing Office, May 1953).

<sup>8</sup>The studies on this list each represent one or more of the cost forecasts and/or inventories related to preliminary annexation studies: Charleston Unification Study Board, Metropolitan Charleston: A Unified Community (Charleston, South Carolina: Nelson's Southern Printing & Publishing Co., 1956); Elizabethton Regional Planning Commission, Elizabethton Annexation Study, assisted by the Tennessee State Planning Commission (June 1956); High Point Planning Department, Annexation Analysis: A Preliminary Report on Cost-Revenue Aspects of Annexation (High Point, North Carolina: Department of Planning, 1958); Akron City Planning Commission, A Study of Annexation: Northeast Copley Area (Akron, Ohio: City Planning Department, October 1956); Thomas F. Lundy, Incorporation-Annexation Study of the Boyes Hot Springs Area (Sonoma, California, The Sonoma Valley Chamber of Commerce, 1956); Public Affairs Research, Inc., Should We Annex? Financial, Economic and

Political Effects of Annexing Alvarado-Decoto Area to City of Fremont (Oakland, California: Public Affairs Research, Inc., February 1957; William E. Spangle, Jr., Annexation Costs and Benefits and City Growth (Menlo Park, California: William Spangle and Associates, 1962); and Mount Airy.

<sup>9</sup>Thomas Muller and Grace Dawson, Impact of Annexation on City Finances: A Case-Study--Richmond, Virginia (Washington, D.C.: Urban Institute, May 1973).

<sup>10</sup>Ibid., p. 57.

<sup>11</sup>George H. Esser, Jr., Are New Residential Areas a Tax Liability? A Report to the Greensboro City Council Concerning the Financial Impact of Annexing Subdivisions, Institute of Government (Chapel Hill: University of North Carolina Press, 1956), p. 1.

<sup>12</sup>American Society of Planning Officials, Information Report No. 114: Annexation Studies (Chicago: The Society, September 1958), p. 9.

<sup>13</sup>Nathaniel Lichfield and Honor Chapman, "Cost Benefit Analysis in Urban Expansion: A Case Study, Ipswich," Urban Studies 7 (June 1970).

<sup>14</sup>Yong Hyo Cho, "Fiscal Implications of Annexation: The Case of Metropolitan Central Cities in Texas," Land Economics 45 (August 1969): 368.

<sup>15</sup>John D. Wenum, Annexation as a Technique for Metropolitan Growth: The Case of Phoenix, Arizona for the Institute of Public Administration (Tempe: Arizona State University, 1970), p. 26.

<sup>16</sup>Alvin H. Mushkatel, L.A. Wilson, II, and Linda G. Mushkatel, "A Model of Citizen Response to Annexation," Urban Affairs Quarterly 9 (December 1973): 149.

<sup>17</sup>Henry B. Schecter, "Cost-Push of Urban Growth," Land Economics 37 (February 1961): 18-31. See also: Mary Rawson, "Property Taxation and Urban Development," Urban Land Institute Research Monograph No. 4 (Washington D.C.: Urban Land Institute, 1961); and Dieter K. Zschock, ed., Economic Aspects of Suburban Growth (New York: Economic Research Bureau, 1969).

<sup>18</sup>American Society of Planning Officials, p. 10.

<sup>19</sup>Ibid., p. 13.

<sup>20</sup>Mushkatel, p. 140.

<sup>21</sup>Robert C. Schmitt, "Annexation and Tax Rates," National Tax Journal 5 [June 1952]: 3.

<sup>22</sup>Fayetteville City Planning Board, It's Cheaper and Better To Live In The City . . . Here's Why [Fayetteville, North Carolina: City Planning Board, 1955]. Cost comparisons with other cities may be made through comparison of this study with those noted in notes 2, 7, and 8 above.

<sup>23</sup>Scott, pp. 16-21.

<sup>24</sup>R. B. Andrews and Jerome J. Dasso, "Influence of Annexation on Property Tax Burdens," National Tax Journal 14 [March 1961]: 96.

<sup>25</sup>Scott, p. 5.

<sup>26</sup>Richard Bigger and James Kitchen, Metropolitan Los Angeles II: How the Cities Grew [Los Angeles: The Haynes Foundation, 1952], p. 25.

<sup>27</sup>J. H. Kunkel, "The Role of Services in the Annexation of a Metropolitan Fringe Area," Land Economics 36 [November 1960]: 212.

<sup>28</sup>Charles Press, "Attitudes Toward Annexation in a Small City Area," Western Political Quarterly 16 [June 1963]: 271, 277.

<sup>29</sup>Charles Press, "'Efficiency and Economy' Arguments for Metropolitan Reorganization," Public Opinion Quarterly 28 [Winter 1964]: 585, 593 - 94.

<sup>30</sup>J. Manis, "Urbanism and Annexation Attitudes in Two Similar Suburban Areas," American Journal of Economics and Sociology 27 [October 1968]: 347, 354.

<sup>31</sup>Walter T. Martin, "Ecological Theory and Some Proposed Hypotheses," in The Rural-Urban Fringe [Eugene, Oregon: University of Oregon Press, 1953].

<sup>32</sup>Andrei Rogers, "Theories of an Inter-Urban Spatial Structure: A Dissenting View," Land Economics 43 [February 1967]: 112.

<sup>33</sup>This statement is not meant to infer that the majority of land annexed is due to development, as many of the largest annexations are of empty lands in

anticipation of future growth. However, as will be shown to be the case in Santa Rosa, the greatest number of small annexations are of lands where annexation is requested as a "necessary" prelude to development.

<sup>34</sup>Edward J. Kaiser and Shirley F. Weiss, "Local Public Policy and the Residential Development Process," Law and Contemporary Problems 32 [June 1967]: 232-49; Edward J. Kaiser, Ronald W. Massie, Shirley F. Weiss, and John E. Smith, "Prediction the Behavior of Predevelopment Landowners on the Urban Fringe," Journal of the American Institute of Planners 34 [September 1968]: 328-33; Edward J. Kaiser and Shirley F. Weiss, "Decision Agent Models of the Residential Development Process--A Review of Recent Research" Traffic Quarterly 23 [December 1969]: 597-630; and Edward J. Kaiser and Shirley F. Weiss, "Public Policy and the Residential Development Process," Journal of the American Institute of Planners 36 [January 1970]: 30-37.

<sup>35</sup>Kaiser, "Local Public Policy," pp. 232-49.

<sup>36</sup>Harold Brodsky, "Land Development and the Expanding City," Annals of the Association of American Geographers 63 [June 1973]: 159-66.

<sup>37</sup>Rutherford H. Platt, Land Use Control: Interface of Law and Geography, Resource Paper No. 75-1, [Washington D.C.: Association of American Geographers, 1976], p.25.

<sup>38</sup>NAS-NAE Advisory Committee to the Department of Housing and Urban Development, Urban Growth and Land Development: The Land Conversion Process, report prepared for the Advisory Committee by the Land Use Subcommittee, [Washington, D.C.: National Academy of Sciences-National Academy of Engineering, 1972], pp. 20-23.

<sup>39</sup>"New Ideas in Land Planning--Cluster Plan Cuts His Costs by One-Third," Journal of Homebuilding 16 [May 1962]: 76, in NAS-NAE, p. 21.

<sup>40</sup>NAS-NAE, p. 23.

<sup>41</sup>Michael A. Goldberg, "Residential Developer Behavior: Some Empirical Findings," Land Economics 50 [February 1974]: 86.

<sup>42</sup>Brodsky, p. 160.

<sup>43</sup>American Society of Planning Officials, p. 19.



<sup>44</sup>League of California Cities, Annexation and Subdivision Charge Survey, [Berkeley, California: The League of California Cities, September 1960].

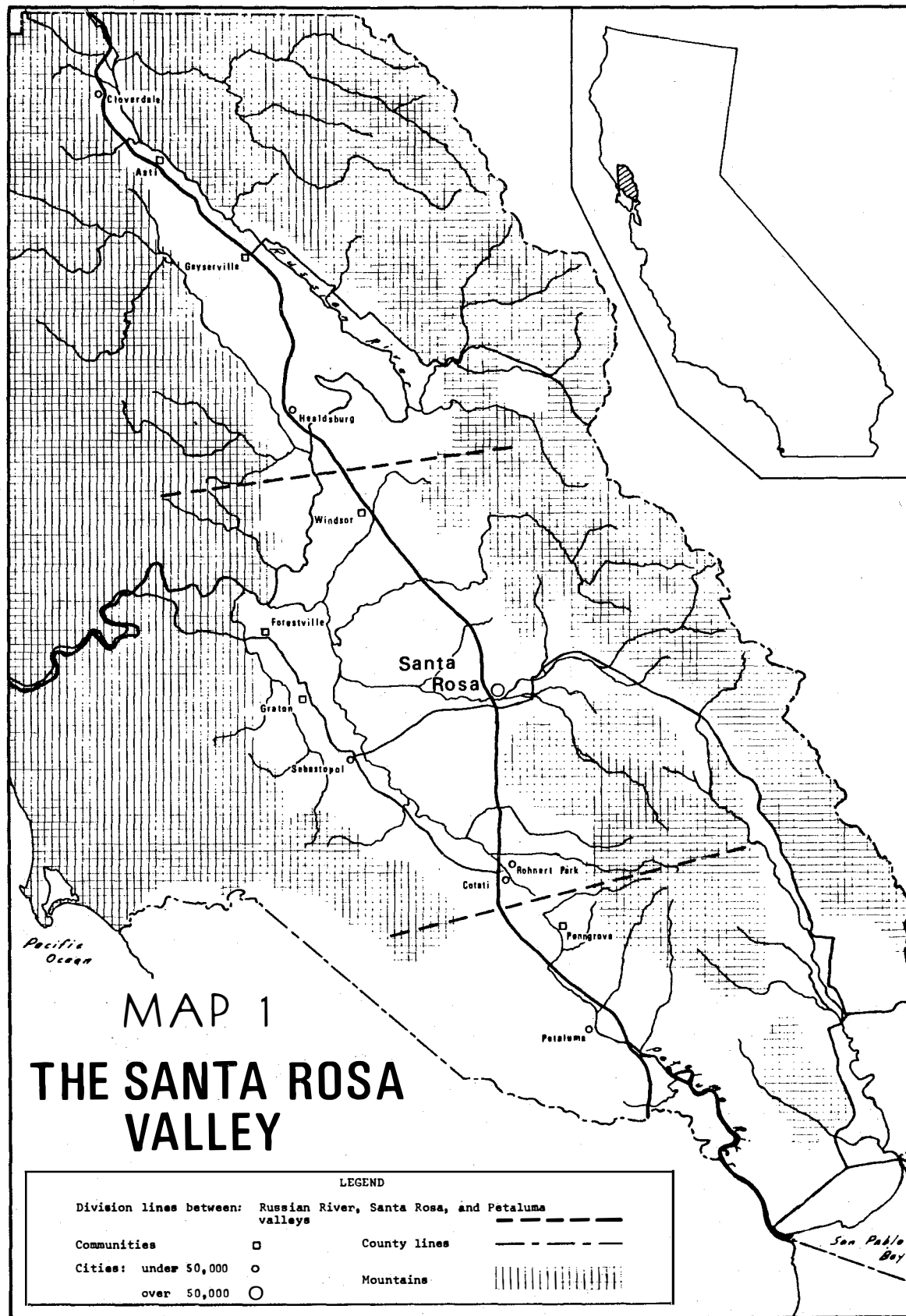
<sup>45</sup>State law in California has required that "city zoning ordinances shall be consistent with the general plan of the . . . "city by January 1, 1974." California, Statutes [1973], v. 1, C.120, s.65860 (a).

## SANTA ROSA: PRELUDE

The city of Santa Rosa is located in a structural valley, within the costal ranges of northern California, northwest of San Francisco (map p.74 ). This valley extends sixty miles from Cloverdale on the north to San Pablo Bay on the south. The northern two-thirds drain into the Pacific Ocean via the Russian River. The southern third drains into San Pablo Bay through the Petaluma River.

Residents of the area generally refer to three separate valleys.<sup>1</sup> Petaluma Valley consists of the drainage area of the Petaluma River. The city of Petaluma and the community of Penngrove are the only settlements in this region. The historical designation of Petaluma as the "World's Egg Basket" has vanished before encroaching housing tracts.

The northern third of the valley is generally considered part of the Russian River Valley. This region includes the municipalities of Healdsburg and Cloverdale and the communities of Geyserville and Asti. Most of



the fertile land here is planted in vineyards.

Between these two is the section referred to as the Santa Rosa Valley.<sup>2</sup> This section of Russian River drainage is south of where the river makes its bend and heads west to the ocean. The valley is approximately oval, being about twenty miles long by ten wide at the center. There are four incorporated cities within this region. Cotati and Rohnert Park at the southern end and Sebastopol and Santa Rosa at the west and east sides respectively of the central valley. The community of Windsor is near the northern end while those of Graton and Forestville are in the foothills to the northwest.

#### Background

This historical view of Santa Rosa is included to place the study period annexations in perspective, especially with regard to the growth and social-economic characteristics of the city. Santa Rosa was founded in 1853 within the boundaries of Cabeza de Santa Rosa, a Mexican land grant.<sup>3</sup> Through a bit of political chicanery the city wrested the county seat from Sonoma in 1854.<sup>4</sup>

Santa Rosa was primarily a farm community in its early days. In 1887 the Santa Rosan said of the valley:

...viewed from either side (it presents) a charming landscape, dotted with fields, orchards, smiling farms and grand old oaks.<sup>5</sup>

In the nineteenth century, wheat, corn, barley, fruits, cattle, and sheep were raised here. Within the many praises written to entice settlers one could generally find the statement, "Irrigation is never necessary..."<sup>6</sup> A rather idyllic farmers paradise was depicted.

In the 1870's Santa Rosa gained a transportation connection with San Francisco via railroad to the bay and ferry boat from there. A few years later the Southern Pacific built a rail line across the north bay and up the Sonoma Valley to Santa Rosa. This gave the Santa Rosa Valley a direct connection to the trans-continental rail system with Santa Rosa at the rail head.

Soon, the grains and livestock all but disappeared from the valley as large farms and ranches were established in the central valley of California. The Santa Rosa area was to become famous for fruits. Plums and prunes in Santa Rosa, apples in Sebastopol and grapes in Windsor.

While some packing firms remain today, agriculture has declined to the point where it is nearly non-existent in the vicinity of the city. There is some light industry in Santa Rosa. Shoes, electronic components, and optical products are among the chief manufacturers found there.

During the twentieth century Santa Rosa began to grow in favor as a retirement community. Many people

purchased small farms or ranches in the "rural" suburbs to spend their latter years. An adult retirement community was built in the pass between the Sonoma and Santa Rosa Valleys and annexed to the city in 1963. Mobile home parks, mainly for the elder adult, abound. Most importantly, in recent years Santa Rosa has been gaining "status" as a bedroom community for San Francisco and Marin County commuters.

Since the early 1960's, commuters from the north bay area have had to look toward Sonoma County for reasonably priced housing. Marin County, to the south, has had stringent growth limits for some time due to a scarcity of water resources. This has worked to maintain premium prices for homes in this county, which is close to San Francisco. Rapid commuter bus service was instituted between Santa Rosa and San Francisco, in the late 1960's. This has greatly enhanced the "bedroom community" aspects of the city. Local officials are beginning to question the desirability of this type of growth.<sup>7</sup>

While these social and economic aspects of life in Santa Rosa were evolving the population was increasing steadily.

#### Population Growth

John T. Read was the first white settler in the

Santa Rosa Valley. That was in 1827. He was soon driven out by the local Indians. General Mariano Vallejo attempted to locate settlements in the Santa Rosa Valley in 1833; this to forestall feared encroachment from the Russians at Fort Ross. These settlement plans were again thwarted by the Indians.<sup>8</sup>

The first permanent settler in the valley was María Ignacio López de Carrillo in 1838. She received the Mexican land grant, Cabeza de Santa Rosa, in 1842.<sup>9</sup> After her death, a parcel of the "Cabeza" was sold outside the family. This parcel, in 1850, was the beginning of anglo settlement in the land area of present day Santa Rosa.

The city's location at the crossroads of the Sonoma and Santa Rosa valleys assured it a rapid growth.<sup>10</sup> The city was granted a post office in 1852. Land for streets and a plaza was donated in 1853. Santa Rosa was first incorporated under the General Corporation Act in 1867, then reincorporated as a charter city in 1872.<sup>11</sup>

There were only four hundred<sup>12</sup> residents in Santa Rosa in 1860; nearly 1,000 by 1870. Growth was more rapid in the 1880's. About 3,500 people in 1880 had increased to 7,000 by 1888.<sup>13</sup>

During the first four decades of this century population growth was relatively moderate. The total population increase for forty years, 1900-1940, was less

than 6,000 persons. The following decade saw 5,297 new Santa Rosans. Then, 1950-1960, the population rose by 13,125; and another 18,979 by 1970.<sup>14</sup> More than 16,000 new residents swarmed into Santa Rosa during the first six years of the 1970's.<sup>15</sup>

Where, in an areal relationship to the city, did this growth take place?

#### Areal Growth

During the nineteenth century urban growth was confined, by transportation modes, to the immediate surroundings of the CBD. Late in that century urban transit in the form of horse drawn trolleys was instituted. This allowed the development of such projects as McDonald's Addition, a fashionable housing project in the northeast corner of the corporate city.

Urban development spread slowly through the early twentieth century. It remained within two miles of the CBD into the 1950's. Much of the reason for this retarded growth was that "suburban" Santa Rosans liked to think of themselves as small farmers. Some were, others simply held a few acres of land. The population density was such that they were classed as rural folk. This rural life-style remains a way of life in much of Sonoma County. Although, present population growth in the San Francisco Bay area is posing a threat to the future of



that life-style.<sup>16</sup>

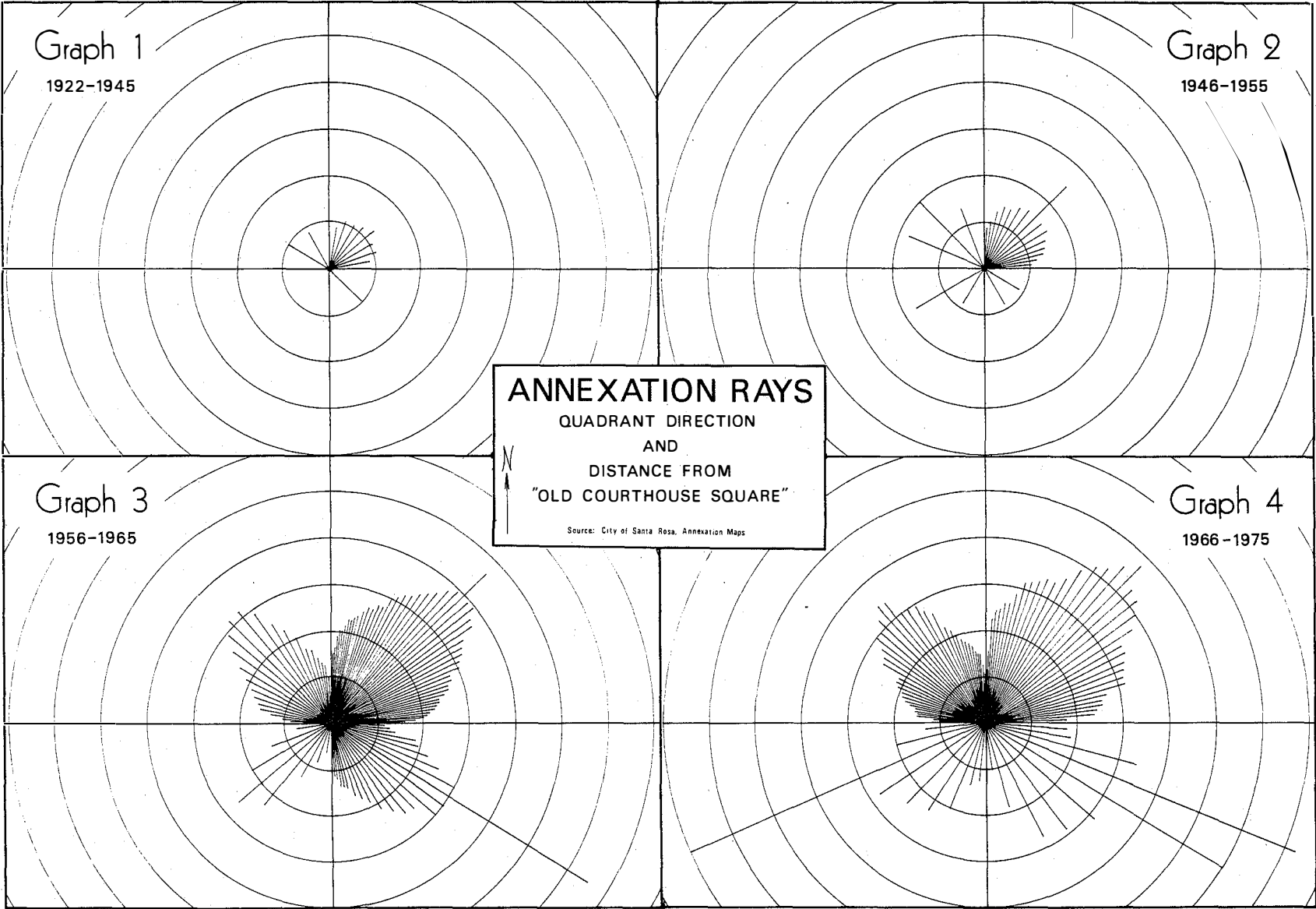
The rapid numerical increase in population since the 1940's has already been noted. During the 1950's development was beginning to spread outward from the CBD to house this increased population. The most desirable living areas were in the foothills and small valleys to the east of Santa Rosa. The route into the upper Sonoma Valley along with the Montecito foothills and Rincon and Bennett valleys were soon burgeoning with tract homes.

The past ten years have seen these areas become virtually filled. The developers have had to look elsewhere for land. They have moved into the Santa Rosa Valley floor, to the west of the city. At the time of this writing they were concentrating mostly on the north-west sector.

This growth pattern is shown quite explicitly in the pattern of annexations to Santa Rosa.<sup>17</sup>

#### Patterns of Annexation, 1922-1975

Every annexation to Santa Rosa through December 1975 is depicted on one of four graphs (p.81 ). The city is divided into four quadrants by means of a north-south line and an east-west line which intersect at "Old Courthouse Square" ("O.C. Square").<sup>18</sup> The distance from



"O.C. Square" is noted by circles on the graphs. These circles are scribed at one mile intervals. Each annexation is depicted as a ray extending from the central intersect to a distance equivalent to that of the center of the annexation from the quadrant intersection. Each ray properly denotes the quadrant within which the annexation lies, however, it does not reflect specific location within the quadrant. Thus, each ray indicates the distance and "Quadrant direction" of an annexation from the CBD.

Four consecutive time periods are depicted in the "annexation ray" graphs. These cover the entirety of annexation activity for the city. The period covered is 1922-1975. No annexations were made before that period.<sup>19</sup> Graph 1 covers the first twenty-three years. A long period was chosen in this case due to the paucity of annexation activity and slower population growth during this interval.

Graphs 2, 3, and 4 depict subsequent ten year periods. These decades are characterized by rapidly increasing population growth and considerable annexation activity. These latter three graphs were made for ten year spans to cover the study period (Graph 4) and the two prior decades for equal time comparisons.

How do these graphs show the spread of population growth? An earlier discussion related that cities

preferred to make annexations of land prior to development. It will be shown in the following chapter that this is almost always the case in Santa Rosa. It follows that a graph of annexations, while not an exact depiction, can provide a general view of the location and direction of population expansion.

During the extended period covered in the first graph there were few annexations, but a distinct trend toward development in the northeast quadrant is apparent. The most distant parcel during this period was centered a mere one and one-quarter miles from "O.C. Square."

Graph 2 shows twice the number of annexations in less than half the time of the first graph. A comparison of the graphs reveals that activity has approximately doubled in each quadrant. In any case, the most notable growth is, again to the northeast, more than two-thirds of the total. Distance from the "quadrant intersection" is increasing with one parcel at two and one-half miles out.

Just short of fifty percent of the growth is in the northeast in Graph 3. Even so, this section still shows more than twice the activity of any other quadrant. Also, more than any other two quadrants combined. This graph depicts the period of greatest annexation activity, although it is not the decade of greatest population growth. While the population increased by nearly 17,000

between 1956 and 1965, it grew by close to 25,000 during the study period.<sup>20</sup>

The fourth graph depicts the study period (1966-1975). Growth has changed direction. Both eastern quadrants have declined in number of annexations. This suggests that the eastern half of the city probably peaked in population growth rate sometime during the 1960's and is now growing at a lesser pace. New land for growth is now in the two western quadrants. Since the southwest is dominated, at least for the close in area, by a deactivated Naval Air Station, presently in use as an air park and manufacturing center, and the recalcitrant South Park Sanitation District<sup>21</sup> it would appear that the majority of new growth must take place in the northwest quadrant. This is certainly the trend which seems to be displayed in Graph 4.

Having viewed the directions of growth in terms of annexation patterns, it is in order to take a closer look at annexations. This will consist of a brief comparison of the quantities and sizes of annexations over the years.

#### Annexation: A Quantitative Review

The first annexation to the city of Santa Rosa was in 1923. Fifteen years later, in 1938, two more parcels were annexed. Through 1955 there were only thirty-three total annexations to the city. More than half of these

came in two years, seven in 1946 and ten in 1955 (Graph 5, P. 86).

Annexation activity has greatly increased since 1955. There were 102 annexations between 1956 and 1965, followed by ninety-one during the study period.

Numbers of annexations do not in themselves reveal the entire nature of urban growth. The size of these parcels is much more important in determining the areal growth of the city than the quantity. For instance, it is stated above that there were thirty-three annexations between 1922 and 1955. Ten of these annexations were achieved in 1955. This is slightly less than one-third of the activity to this time, but it gives no hint of the importance of that year in the annexation annals of Santa Rosa. Those ten annexations made a 4.56 square mile addition to the city. The twenty-three prior annexations constituted a combined addition of only 0.806 square miles. In fact, the total area of the city prior to the 1955 annexations was only 2.904 square miles.<sup>22</sup>

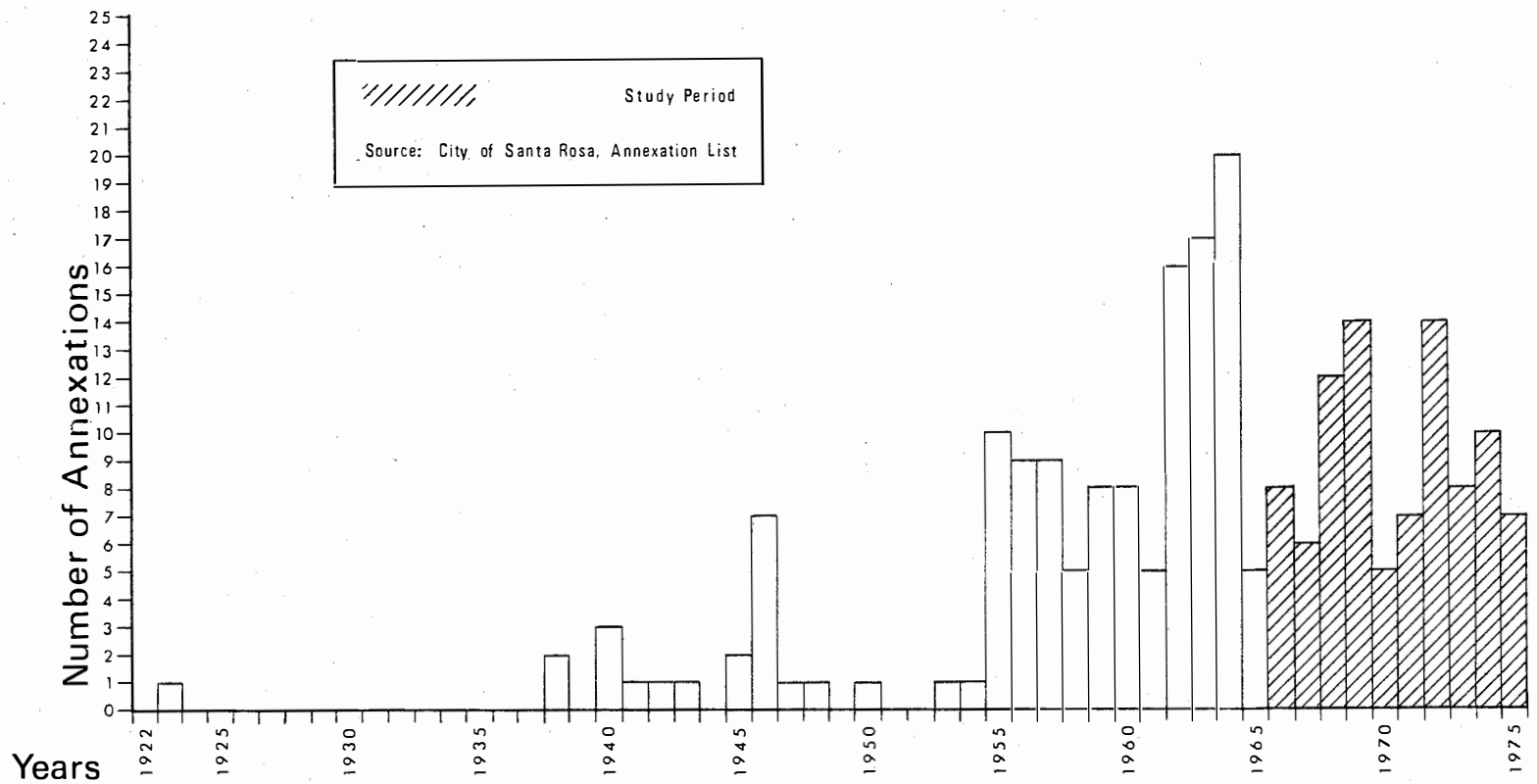
The areal addition to Santa Rosa in 1955 has never been equalled (Graph 6, p. 87). The number of annexations that year have been exceeded six times in subsequent years (Graph 5). In one year, 1964, there were twenty annexations. The areal increase that year equaled less than twenty-nine percent of the 1955 total.

The average size of an annexation in Santa Rosa has

# ANNEXATIONS

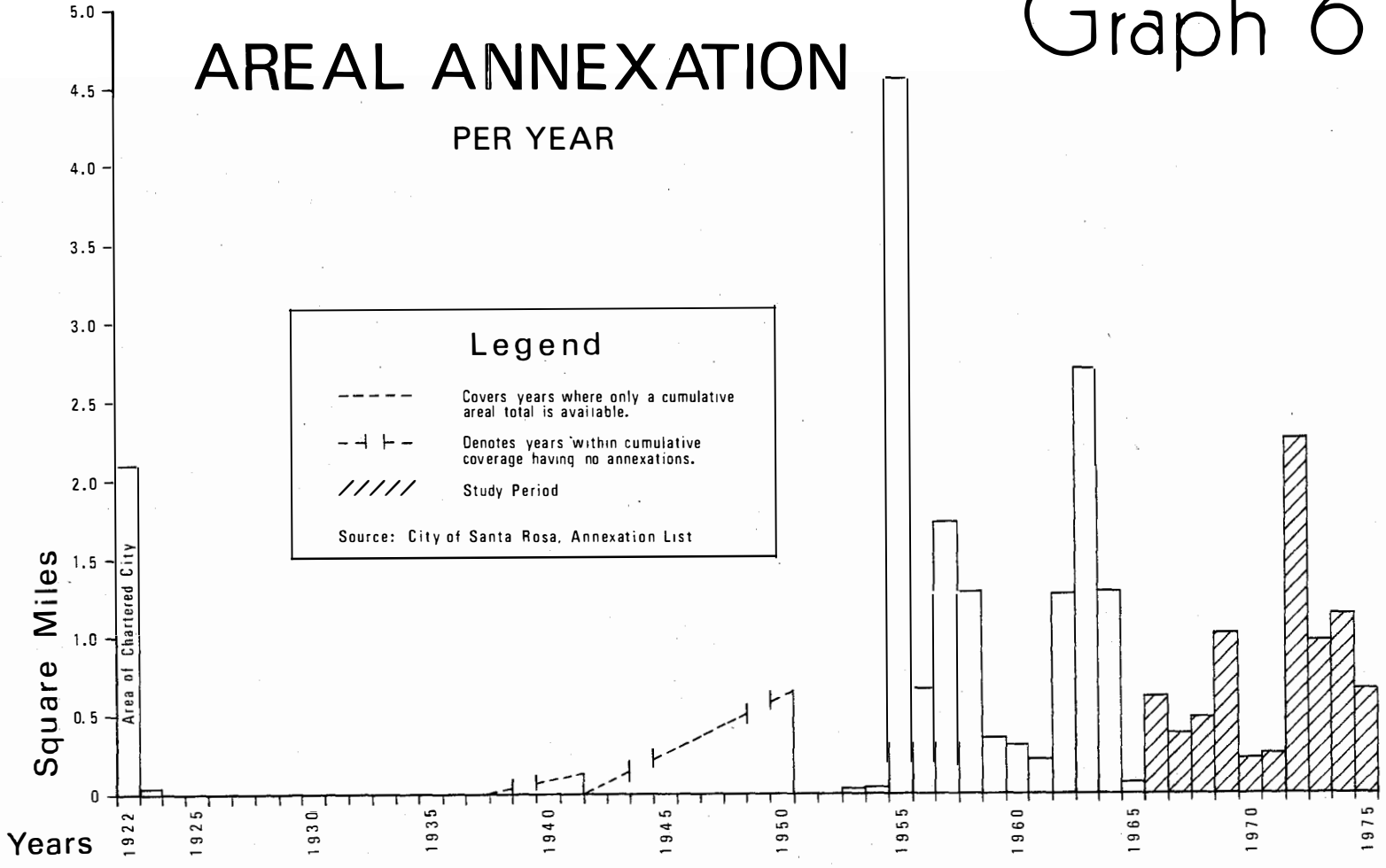
# Graph 5

NUMBER PER YEAR



# Graph 6

## AREAL ANNEXATION PER YEAR





been 0.103 square miles.<sup>23</sup> This is approximately one-third smaller than the nationwide average for 1970-1971 of 0.158 square miles. For the same period, it is nearly thirty percent smaller than the California average of 0.146 square miles.<sup>24</sup>

Annexations to Santa Rosa have ranged in size from a small of 0.00027 square miles for one parcel in 1961 to the Oakmont annexation of 1963 at 2.126 square miles. Such large annexations can greatly skew the average. By simply dropping the ten annexations of 1955 from the total of 226 we reduce the mean annexation size in Santa Rosa from 0.103 to 0.086 square miles.

Santa Rosa's areal increase from annexation is depicted on the line graph, (Graph 7, p. 89). The graph begins with the charter city and shows cumulative annexation growth by year through 1975. The abrupt upturn in activity in 1955, described above, is strikingly apparent, as is the continued rapid growth since that year.

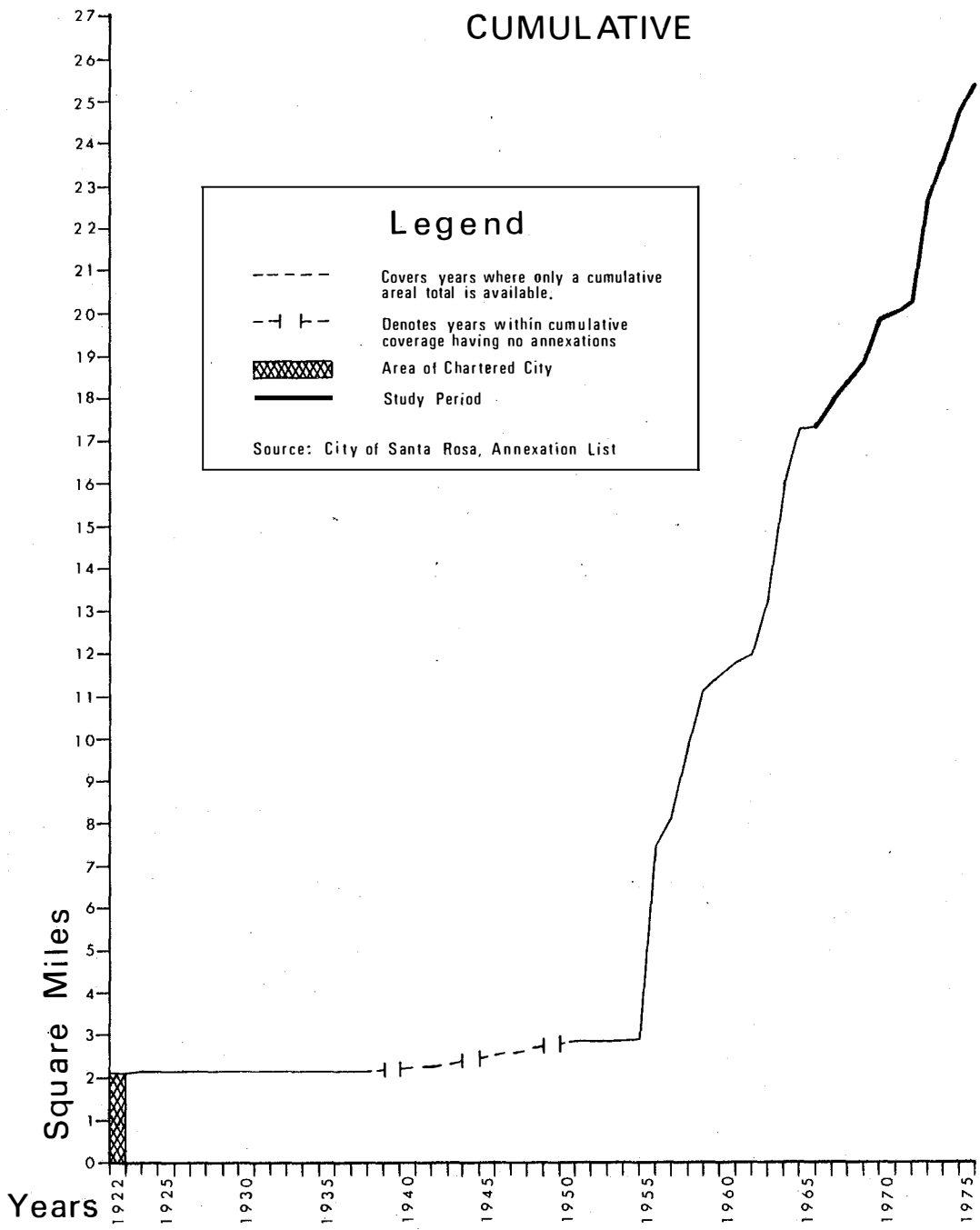
The city has grown from 2.098 square miles in 1867 to 25.336 square miles at the close of 1975. This constitutes an addition of 23.238 square miles. All but 0.806 square miles of this annexed territory has been added in the twenty-one years, 1955-1975.

In the following chapter certain aspects of the ninety-one "study period" annexations will be

# Graph 7

## AREAL ANNEXATION

CUMULATIVE



investigated in detail.

## FOOTNOTES

<sup>1</sup>"Between the Coast Range and the Mayacinas Range of mountains lie the valleys of Petaluma, Santa Rosa, and Russian River, with an aggregate length of sixty miles and an average width of six miles. . ." The Santa Rosan, (July, 1887), p. 1.

<sup>2</sup>In this study the terms "Santa Rosa Valley" or "Valley" will be used to refer to this central third of the structural valley.

<sup>3</sup>Historical Atlas Map of Sonoma County, California, (Oakland, Calif.: Thos. H. Thompson & Co., 1887), pp. 42-43.

<sup>4</sup>George Tays, "Mariano Guadalupe Vallejo and Sonoma: A Biography and a History," California Historical Society Quarterly 17 (September 1938): 238. See: Robert A. Thompson, Central Sonoma: A Brief Description of the Township and Town of Santa Rosa, Sonoma County, California, its Climate and Resources (San Francisco: Wm. M. Hinton & Co., 1884), p. 58; John Harley Freeman, "The Historical Development of Cabeza de Santa Rosa" (Master's thesis, History Department, University of California at Berkeley, 1948), p. 67.

<sup>5</sup>The Santa Rosan, (July 1887), p. 1.

<sup>6</sup>Ibid.

<sup>7</sup>Santa Rosa, City of, Santa Rosa General Plan Update: Issues, Options and Opportunities. Prepared by Livingston and Blayney with assistance from the Santa Rosa Planning Department (Santa Rosa, Calif.: City Print Shop, September 25, 1975), pp. 7-15.

<sup>8</sup>Freeman, pp. 16-21. See: Thompson, pp. 2-3; George Tays, "Mariano Guadalupe Vallejo and Sonoma: A Biography and History," California Historical Society Quarterly 16 (September 1937): 235-36.

<sup>9</sup>Freeman, p. 40. See: H. A. Darms, Portfolio of Santa Rosa and Vicinity (Santa Rosa, Calif.: The Press Democrat, 1909), pp. 8-9.

<sup>10</sup>Robert A. Thompson, A descriptive Sketch of Santa Rosa, Sonoma County, California and the surrounding Country (Santa Rosa: Sonoma County Land Register, 1889), p. 8.

<sup>11</sup>Santa Rosa, Charter and Ordinances of the City of Santa Rosa, State of California (1887), p. 4.

<sup>12</sup>The following population figures are for the area in an about Santa Rosa city. There are 6,673 residents in 1900 according to the U.S. Bureau of the Census. This is not a population decline from 1888, but is the result of limiting the population count to the city limits.

<sup>13</sup>The Santa Rosan (1888), p. 1.

<sup>14</sup>U.S. Bureau of the Census, Census of Population: 1970 Vol. 1, Characteristics of the Population, Part 6, California - Section I (Washington, D.C.: U.S. Government Printing Office, 1973), p. 21.

<sup>15</sup>State of California, California Statistical Abstract 1976 (Sacramento: State Printing Office, 1976), p. 11.

<sup>16</sup>Santa Rosa, Issues, p. 9.

<sup>17</sup>Direction of population growth is here being directly related to annexation activity. Between 1960 and 1970 ". . .98% of all central city growth (4,000,000) was accomplished by annexation." Vincent L. Marando, "The Politics of Metropolitan Reform," Administration and Society 6 (August 1974): 246. For comparable figures during the period 1950-1960 see: Leo F. Schnore, "Municipal Annexation and the Growth of the Suburbs, 1950-1960," American Journal of Sociology 67 (January 1962): 412 and Thomas R. Dye, "Urban Political Integration: Conditions Associated with Annexation in American Cities," in Thomas R. Dye and B. Hawkins, Politics in the Metropolis (Columbus, Ohio: Charles E. Merrill, 1967), p. 501.

<sup>18</sup>Old Courthouse Square is in the functional center of Santa Rosa. It is approximately the center of the original town plot, and is presently within the CBD; one block from city hall. Alternate terms which will be used herein: "O.C. Square and quadrant intersect."

<sup>19</sup>A new charter was granted to Santa Rosa in 1922. This is taken as the "year one" for the purpose of the charts and graphs presented in this study. There were no annexations prior to this date, the first being 1923.

<sup>20</sup>Population figures are derived from: Census, p. 21; State of California, California Statistical Abstract, 1966 (Sacramento: State Printing Office, 1967), p. 15; California, Abstract, 1976, p. 11.

<sup>21</sup>South Park Sanitation District is a "special district" located immediately to the south of the central corporate city. The district has a contract with the City to receive sewer service from it. Santa Rosa desires to annex this area, but the residents of the district feel that they do not need any more of the City's services. While the area borders the original city limits on the South-southwest, they wish to maintain their independence. In all but fact, they are close-in urban residents of Santa Rosa.

<sup>22</sup>City of Santa Rosa, Annexation List, complete through November 4, 1975.

<sup>23</sup>Ibid.

<sup>24</sup>U. S. Bureau of the Census, 1972 Boundary and Annexation Survey [Washington, D.C.: U. S. Government Printing Office, 1973], p. 8.

## SANTA ROSA: STUDY PERIOD (1966-1975)

This investigation will begin with an examination of the number, location, and relative size of the parcels annexed during the study period. A discussion of the available data sources and the difficulties encountered in the pursuit and interpretation of the data will follow. After this preliminary discussion, the proposed hypotheses will be considered from the standpoint of the proponent-motive for annexation and the conformity, or lack of conformity, between conferred zoning and the General Plan in relation to the "study period" annexations. This examination and discussion is necessary to obtain a more complete appreciation of the annexed parcels and the quantity of data available for such studies.

### Annexation Characteristics

Ninety-one annexations were completed during this period. The number per year varied from a low of five in 1970 to fourteen in both 1969 and 1972. The totals

for individual years are shown on Graph 5.

The locations of the annexations are depicted on the Annexation Map (pocket). Their locations in terms of distance and quadrant direction from "O.C. Square" are best determined from Graph 4. It should be remembered that this is the first period in which the majority of annexation activity took place to the west of the central city.

The city's total areal increase during this period was eight square miles or nearly two square miles less than that of the preceding ten years, however, it exceeded all annexations prior to 1956 by more than two and one-half square miles (Graph 6).

The mean area of the study period annexations is 0.088 square miles. Individual annexations ranged in size from 1.599 square miles to 0.001. The larger annexation makes a good example of statistical distortion as discussed earlier. This single annexation is 70.4 percent of the total area of fourteen parcels annexed in 1972. Graph 6 shows that 1972 was the year of greatest areal gain during the study period. In fact, it was double the gain of the next greatest year, 1974. The elimination of this one large parcel would put 1972 in fourth place creating a more even yearly variation in areal growth and reducing the ten year mean to 0.071 square miles. This one annexation also accounts for



twenty percent of the study period's total areal growth. The distortion which can be created by one large annexation is quite apparent from this rendition.

Such are the physical characteristics of the study period annexations. What sources are available for the retrieval of data dealing with the individual annexation and the annexation process?

#### Data Sources

The data for this study were obtained from the City of Santa Rosa. Information on the "study period" annexations was extracted from the annexation files held in the Planning Department.<sup>1</sup> The physical statistics and annexation dates were taken from an annexation list compiled by the City. Data for the conformity ratings were gathered from the city zoning map (latest update: August 1975), the annexation files, and the applicable general plans.<sup>2</sup>

Several problems became apparent during the collection of these data. Probably the greatest difficulty was created by the lack of consistency in the information placed in the annexation files. The contents of the files varied from a single copy of the Annexation Ordinance to hundreds of pages, including: minutes of city council meetings, minutes of planning commission hearings, development plans, environmental impact statements, and in

several cases, a LAFCo form which some times contained useful data.

This LAFCo data sheet had all of the necessary questions, but the answers were generally insufficient for the purpose of this study. For example, a proponent was usually identified by name, no reference was made which would specify his connection to the proposed annexation (i.e., landowner, developer, realtor, or other). The reason or motive for annexation was also requested, however, the answer given most often was to allow the land to be "developed to its highest and best use."<sup>3</sup> A question on conformity to the general plan was also asked. The answer was "yes" in most cases. As will be shown in the section on general plan conformity, there was often some variance from a strict application of the general plan tenets.

The quantity and quality of material in each file varied greatly. In some cases the desired information was readily available. In many cases, though, it was necessary to make assumptions based on scraps of information.

A city compiled annexation list proved to be a dependable source of information. Although, the data available were limited to area and date of annexation. A couple of errors on the list were easily corrected through comparison with the annexation files and the

annexation map.

A large scale multi-sheet annexation map, from the engineering section of the Public Works Department, was useful to note the direction and distance of the annexations from the city center. There was some disagreement between the boundary lines shown on the map and those claimed by the city. The problem which developed from this discrepancy was manifested in the number of county "islands" and "corridors" already noted.<sup>4</sup>

The City zoning map and applicable general plan maps presented special problems which will be discussed fully in the section on conformity ratings. It is sufficient here to mention that there were vague, hazy transition zones between general plan designations and occasional deletions or errors in the City zoning map.

This is the condition of the material from which the data were culled. What was determined from the collected data?

#### Proponents and Motives

The purpose of this section is to investigate the prime hypothesis of this study. This hypothesis states that: annexations are in most cases proposed by developers for the purpose of gaining city utilities to enable the immediate development of the parcel for subsequent sale or lease.<sup>5</sup> In order to prove or disprove

this hypothesis it is necessary to determine who were the proponents for the annexations and what their motives were for proposing annexation.

### Proponents

There are several classes of proponents found in the annexation files. These can be roughly placed in four categories: developer, property owner, realtor, and government official. Definitions of these categories are necessary to allay some of the confusion which may result from overlapping titles.

What is a developer? Briefly, he is the party responsible for the development of a site, that is, building a housing tract, apartment complex, commercial offices, shopping center, manufacturing center, or any improvement upon the land. Generally, he purchases the property upon which he intends to build his development immediately before beginning his project.<sup>6</sup> But, this makes him a property owner. This dichotomy can only be solved through subjective definition.

For the purpose of this study a developer is a person who, a group of people who, or company which intends to develop a parcel and sell or lease the land and improvements for a profit in the immediate future. The conditions placed on this definition are most important. First, a developer is a businessman looking for a

profit. Thus, a person proposing an annexation to allow for an improvement for his own use, for example, building a personal home, a church on church property, or a new factory for his company, is not a developer. Second, the development must be planned for immediate execution. This condition excludes from this category the person who has in mind the possibility of development at some, as yet undetermined, future time.

What is a property owner? He is a person who owns property. He may be a resident owner or, perchance, an absentee landlord. Possibly he is a land speculator or a developer. He could be a resident or absentee landlord awaiting some future increase in land value (speculator) at which time he intends to become a developer.

Thus, it appears that the designation "property owner" could encompass many situations. It is necessary here to present a definition which renders this category exclusive of the other categories in use. Therefore, a property owner will be limited to one who owns some portion of that parcel proposed for annexation. At the same time, this person must not meet the qualifications for developer, as noted above, and he must not be a realtor acting in that capacity, or a government official making a proposal for his agency.

There are two cases where a realtor has proposed an annexation. In one case it is known that the realtor is

not the property owner. For the other case, such information is not available. Development is the known motive in both annexations. One possibility is that a sale of the property to a developer is contingent upon it being annexed. So, the realtor has proposed annexation in hopes of making his sale. It is also possible that the realtor will be the developer. In any case, for lack of conclusive information to uphold these assumptions, the realtor is herein relegated to a distinct category.

The fourth category is that of government official. Under this heading are listed those annexations where some government employee, acting in an official capacity for his employer, was the proponent for the annexation. It could be stated that the city, the school board, or, in one case, the state were the proponents for these annexations. The proposed lands were annexed for public purposes, such as, schools, parks, sewage plants, or flood control channels. In the first three motives noted there is the implication of public development. The fourth motive may have been a need for planning control or the elimination of a "county corridor."<sup>7</sup>

This discussion of proponents has shown four categories: developers, property owners, realtors, and government officials. In all but three cases, the proponents of the study period annexations have been placed in one of these categories. The remaining three annex-

ations are listed as unknown due to a lack of sufficient data from which to make any determination.

All ninety-one annexations are listed by proponent categories on the Annexation Table: Proponents and Motives (pp. 103 and 104 ). In this table the four known classes are subdivided into "stated" and "presumed." These subdivisions are necessary to denote where proponents were "stated" by category in the annexation files and where the proper class was "presumed" from consideration of the available data.

The table shows an almost equal distribution between developers and property owners as proponents. As a percentage of total proponents, developers amount to 43.2 percent while property owners represent forty-two percent. Realtors account for only 2.3 percent, government officials for 12.5 percent, and the unknown cases for 3.3 percent.<sup>8</sup>

This distribution of proponents is not conclusive by itself. It shows, however, that a large number of developers are active in promoting annexation, but they only account for approximately forty-three percent of the annexations, whereas, property owners were responsible for forty-two percent of the applications. On the other hand, a property owner will often file for annexation of his property to meet a contingency of annexation written into a purchase agreement by a developer. In





PROPONENTS (cont.)										MOTIVES (cont.)								
#	1		2		3		4		5	A	B	C	D	E	F	G	H	#
	s	p	s	p	s	p	s	p										
51					+					+								51
52		+								+								52
53		+								+								53
54	+									+								54
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90	+									+								90
91								+				+						91
	26	12	28	9	2	3	6	5	3	54	5	8	13	6	1	1	8	
	38		37		2		11		3									
# - annexation number <hr/> s - stated p - presumed <hr/> 1 - developer 2 - property owner 3 - realtor 4 - government official 5 - unknown										# - annexation number <hr/> A - development for profit B - personal development C - public development D - sewer/water E - fill-in F - study district G - Federal Neighborhood Development Program funds H - unknown								
Source: City of Santa Rosa, Planning Department, Annexation Files																		

such a case, the actual proponent, being simply the person who filed the application for annexation, does not say much about the future land-use of the parcel. It does, though, lend credence to the idea expressed by Goldberg.<sup>9</sup>

In order to help clarify further the who and why of annexation, proponents and motives must be treated together.

#### Motives Underlying the Annexation Process

Nearly all annexations are requested for the purpose of gaining city services in the annexed area. Generally, cities will not extend their services beyond their boundaries, thereby requiring the annexation of nearby parcels in need of such services. Many city services, for example, sewage disposal, water supply, storm drains, are too expensive for independent developers to include in a small development. Such services become economically viable only when connections to the existing city systems are made available. Other services, such as police and fire, in many cases offer better coverage from city rather than county departments. These are the realities which make annexation necessary.

When a proponent requests annexation for a parcel he states a motive for doing so. These motives may be among the following: development, poor water supply and/or

sewage disposal facilities, and public lands. These motives are the major reasons why city services are needed. Motives, for the purpose of this study, will be defined as the "stated" reason for requesting annexation. Again, as with proponents, many of the motives must be inferred from data in the files.

The Annexation Table has three columns with development in the heading. Combined, the total annexations destined for development exceed seventy-six percent of the motivation for annexation. However, the three types of development are very different, and should not be considered collectively except within the context that some change is going to be made upon the land. The headings: Development for Profit, Personal Development, and Public Development will be discussed separately.

"Development for profit" is the most common motive for annexation. This is the case where a developer has obtained a parcel of land and intends to construct improvements on the land which he will subsequently sell or lease for the purpose of realizing a profit. This parcel will be the location of the typical suburban subdivision, shopping center, commercial center or planned community.

A parcel noted in the development for profit category would almost certainly have been proposed by a developer or someone acting in the interests of a developer. It

has been noted above that a developer was the proponent in more than forty-three percent of the annexations. Development for profit was the motive in slightly more than sixty-one percent of the cases. The difference between these figures can be accounted for by noting those instances where: the realtors were the proponents and the property was destined for development; the property owners proposed the annexation to fulfill a sales contract contingency; and a developer who already owned the property was referred to in the files as the property owner. The first case encompasses both realtor proponents. Cases two and three are only occasionally noted in the files, but are often apparent from the data.

"Personal development" is the second motive heading. This category is for those annexations where a property owner wishes to build a house for his personal use, a church for his congregation, or a manufacturing plant for his business. In other words, the development is for personal use rather than to sell or lease for profit. This motive accounts for five and two-thirds percent of the annexation motivation.

While a city is increasing in population and areal extent it becomes necessary for that city to annex land for public uses. The need for more schools and parks, for increased sewage facilities, and to maintain flood control channels increases with population and area.

Thus, "public development" differs from "development for profit" in that the profit motive is missing. There is some similarity to "personal development," but in all the cases noted in this study the proponent for an annexation slated for "public development" was a "government official." Another 9.1 percent motivation is expressed through this category.

These three headings account for those parcels which are to be developed upon annexation. There is a further group of nearly twenty-four percent which were annexed for other motives.

"Sewer/Water" is the largest portion of this latter group, amounting to 14.77 percent. In this column are listed those annexations where the proponents claimed to have inadequate water supplies and/or malfunctioning sewage disposal systems. These persons requested city "sewer/water" service as an alternative to improving their private systems which would probably have involved greater expense. Two of the annexations listed under this heading were purportedly to be developed, but the development was to occur at some, as yet undetermined, future time. Because there were no firm plans for development, it cannot be assured that any will be undertaken. It is assumed here that annexation was proposed for "sewer/water" connection and that development was not the immediate objective.

The category termed "fill-in" is reserved for those annexations which were actively sought by the city for the purpose of eliminating in whole or in part those county islands and corridors remaining among the numerous annexations of recent years. These "fill-in" annexations often have more than one motive, but the "fill-in" aspect plays a big part in the city's desire to annex the parcel. This group accounts for 6.8 percent of the motivation.

Two more categories exist, although each contain only one annexation and 1.14 percent of the motivation total. First, is a "study district" annexation. It is assumed that a "government official" proposed the annexation for the purpose of maintaining the parcel in limbo until a study, which had the goal of determining what land use the city wished to allow in that location, was completed. Second, is the annexation of a "blighted," inhabited neighborhood on the southern edge of the city. This annexation was encouraged by city officials so that the area could become eligible for Federal Neighborhood Development Program (NDP) funds.

Finally, there are eight annexations, 8.33 percent,<sup>10</sup> where motivation information is unavailable. These are listed as unknown. What determinations can be made from these proponent and motive listings?

### Findings

Annexations are most often proposed by developers, property owners, or their agents. During the study period this was true of nearly eighty-eight percent of the cases. However, developers were the proponents of record only thirty percent of the time or forty-three percent with the inclusion of the "presumed" developers.

The hypothesis being investigated here states that annexations are in more than ninety percent of the cases proposed by developers. Those percentages, noted in the preceding paragraph, do not uphold the hypothesis. It has been further shown that 61.4 percent of the annexations were destined for "development for profit." In addition, many cases, which constitute the difference between forty-three percent and sixty-one percent, were proposed by property owners and realtors who may have been in the process of selling to developers or possibly were developers themselves. By making such assumptions one could presume that sixty-one percent of the annexations were proposed by developers or agents for them. This number, while a substantial majority, still does not suffice to meet the requirement of "nearly all cases."

What is suggested here is that a rapidly growing community expanding into an area of small family farms and scattered rural housing will generate many reasons for

annexation. Nine percent of these annexations were for city use to accommodate the increased population and expanded area of service. Another seven percent is to fill-in the "islands" and "corridors" left behind as the city rapidly expanded taking whatever land it could annex. An additional twenty percent of the motivation is to gain sewer/water connections for personal use. These are to be connected either to existing structures or to new buildings constructed for the property owners use. In total, nearly thirty-nine percent of the motivation is other than "development for profit."

If the several assumptions proposed above are accepted, it may be concluded that a majority of proponents were either developers or persons influenced by developers. Still, the thirty-nine percent motivation for other reasons is too large to permit acceptance of the hypothesis. It will have to be stated that the majority of annexations are proposed by or for developers to permit development for profit. Yet, a large minority of annexations are proposed by property owners and government officials for a variety of other reasons.

So, proponents for annexation come largely from the private sector; reasons are basically the need for sewer/water service with a medley of secondary motivations which make such services necessary. The city will only supply sewer/water service within its corporate boundaries.



Therefore, it should be clear that this City's policy compels the property owner, developer, or other party of interest to file for annexation when such city services are required. That, of course, is the purpose of the policy.

In light of this policy it must be concluded that the city desires to annex suburban growth areas. Annexation is preferable prior to development, so that city planning controls may be enforced. These are attempts by the city to direct the location, type, quality, and density of development. The desired forms of development for the city and projected future growth areas are described in the general plan.

The developer, in general, desires greater densities than the general plan allows for. This is to be expected as a developer wishes to build the maximum number of units on the minimum size lot that will bring the greatest return on his investment. When he is unable to obtain the desired density he often resorts to inflation of the final housing price to realize his expected return.<sup>11</sup>

Zoning is the major means for controlling development.<sup>12</sup> Proper zoning can assure that a newly annexed parcel is used for the type and density of development which is suggested in the general plan. But, the zoning of a parcel is determined during the annexation process<sup>13</sup>

and is often a subject of debate between the developer and the city.<sup>14</sup> The object of the following conformity analysis is to determine who comes out on top of such debates.

This analysis was conducted to confirm or refute the sub-hypothesis in this study. This hypothesis states that if the city encourages annexation it is for the purpose of enforcing the general plan. Such enforcement will be carried out by conferring appropriate zoning designations on the parcels when annexed and maintaining that zoning over time. It has been shown that the city encourages annexation through its services policy. The conformity ratings will show how well the city enforces its general plan.

#### General Plan Conformity

This analysis of general plan conformity will be discussed in two phases. First, the correlation between zoning conferred at annexation and the land use suggested in the general plan will be investigated. Second, the changes in zoning between annexation and late 1975 are reviewed with the purpose of noting again conformity with the general plan. The conformity ratings are displayed on the Conformity Rating Table (p. 114). The following will be an interpretation of this Table.

The data used to compile the conformity rating

# TABLE 2 CONFORMITY RATINGS

RATINGS FOR 1966-1973 ANNEXATIONS											
#	Annexation				Closing						
	Rating Points	Points lost <sup>2</sup>			Rating Points	Points lost <sup>2</sup>					
		A	B	C	D		A	B	C	D	
1	"U"					0					
2	9					9					
3	9					9					
4	9					8				1	
5	"M"		1			9					
6	8		1			8				1	
7	1	7		1		3	5				1
8	9					9					
9	9		9			9					
10	0	9				0	9				
11	9					9					
12	0	9				9*					
13	3	6				3	6				
14	0	9				2	7				
15	9					8				1	
16	0	9				0	9				
17	0		9			0	9				
18	0		9			0	9				
19	9					9					
20	9					9					
21	9					9					
22	9					9					
23	9					9					
24	0	9				0	9				
25	0	9				0	9				
26	9					9					
27	7				2	7					2
28	0		9			0	9				
29	9					9					
30	9					9					
31	"S"					5				"	
32	9					9					
33	9					9					
34	9					9					
35	9					9					
36	9					9					
37	0	9				0	9				
38	9					9					
39	5		4			5				4	
40	9					9					
41	0	9				0	9				
42	9					9					
43	9					9					
44	9					9					
45	0	9				0	9				
46	9					9					
47	9					9					
48	9					9					
49	9					9					
50	9					9					
51	9					9					
52	0	4	5			0	4	5			
53	7	2				7	2				
54	9					9					
55	0	6	3			9*					

RATINGS FOR 1966-1973 ANNEXATIONS (cont.)											
#	Annexation				Closing						
	Rating Points	Points lost <sup>2</sup>			Rating Points	Points lost <sup>2</sup>					
		A	B	C	D		A	B	C	D	
56	7		2			7		2			
57	9					9					
58	"S"					9*					
59	9					9					
60	9					9					
61	9					9					
62	7		2			7		2			
63	9					9					
64	7	2				6	2	1			
65	9					9					
66	9					9					
67	9					9					
68	9					9					
69	9					9					
70	9					9					
71	9					9					
72	9					9					
73	9					9					
74	9					9					
<b>Totals</b>	<b>465</b>	<b>102</b>	<b>57</b>	<b>4</b>	<b>2</b>	<b>517</b>	<b>89</b>	<b>57</b>	<b>1</b>	<b>2</b>	
<b>Possible</b>	<b>630</b>					<b>666</b>					
<b>Percent Conformity</b>	<b>73.8</b>					<b>77.6</b>					

RATINGS FOR 1974-1975 ANNEXATIONS											
#	Annexation				Closing						
	Rating Points	Points lost <sup>2</sup>			Rating Points	Points lost <sup>2</sup>					
		A	B	C	D		A	B	C	D	
75	9					9					
76	9					9					
77	7	2				7	2				
78	6	3				6	3				
79	9					9					
80	9					9					
81	9					9					
82	8		1			9					
83	9					9					
84	9					9					
85	9					9					
86	"N"					"N"					
87	9					9					
88	9					9					
89	9					9					
90	9					9					
91	7	2				7	2				
<b>Totals</b>	<b>136</b>	<b>7</b>	<b>1</b>			<b>137</b>	<b>7</b>				
<b>Possible</b>	<b>144</b>					<b>144</b>					
<b>Percent Conformity</b>	<b>94.4</b>					<b>95.1</b>					

**Notes**

1 Annexation Number  
2 Points lost: planned/zoned

A. residential/less density    C. residential/commercial  
B. residential/more density    D. commercial/residential

Letters and Symbols

"U" - zoned unclassified at annexation, not rated  
"U" - file missing, not rated  
"S" - zoned study at annexation, not rated  
"U" - non-contiguous annexation, waste treatment plant, not rated  
\* - annexations rendered conforming through amendment of the general plan

Sources: City of Santa Rosa, General Plans; Zoning Map updated to August 1975; Planning Department Annexation Files.

table were gathered from several sources. There are three general plans involved. One was in force through 1966, a revised plan was in use through 1974, while the Current General Plan took effect in 1975. These were used for comparison with the zoning designations assigned. Zoning designations were gleaned from the annexation files, generally from the annexation ordinance, for conformity at annexation, and compared with the appropriate general plan. To check conformity at the close of 1975 it was necessary to obtain the latest zoning map of the city, updated to August 1975, and assume no changes between that date and December 31, 1975. This zoning map was then compared with the Current General Plan, 1975, for conformity.

As in the previous section, there are several problems which forestall the presentation of a clearcut case. First, there is one annexation which must be excluded. Number eighty-six on the rating table is a non-contingent annexation which has no need of zoning.<sup>15</sup> This leaves ninety annexations for rating.

Four of the ninety parcels are listed with no rating at annexation. They do, however, have ratings in late 1975. Number five has been referred to in an earlier section as having no annexation file, therefore the annexation zoning was not available. Number one was zoned "U" for unclassified, while numbers thirty-one and

fifty-eight were given "S" for study zone. These latter three were all rezoned at some later date when the studies were completed. They are excluded from the "annexation rating" list, but included on the "closing" list. The conformity list now contains eighty-six ratings at "annexation" and ninety at "closing."

Another area of difficulty exists in making comparisons with the general plan at annexation and again at the close of 1975. The general plan is a fluid document which, during this period of rapid growth, has seen several changes. The plan was extensively overhauled in 1967, thus the study period annexations during 1966 came under the older plan. During 1975 a further update of the plan was undertaken, this one reflecting recent slowdowns in the growth rate and a new state attitude toward the purpose of the general plan.

Action by the state legislature in 1973 required that beginning January 1, 1974 all zoning must comply with the general plan tenets.<sup>16</sup> This legislation was passed in response to complaints that although cities were required to have general plans they were not required to adhere to them. Annexation completed after this date should legally display one hundred percent conformity.

Because of this legislation it was necessary to divide the conformity rating totals into two chronological sections. Both the "annexation" rating and the "closing"

rating are totaled separately for the years 1966-1973 and 1974-1975. This gives a percentage for those years before state required conformity and another for those years covered by the legislation.

Between 1967 and 1975 several changes were made covering specific locales within the general plan area. Some of these areas are: Coddington, Armory Drive, Fountain Grove, and the Junior College Neighborhood.<sup>17</sup> These changes have been officially incorporated into the general plan as amendments. Therefore, the plan is often different throughout the study period and is only considered in a static state for the purpose of comparing all of the pertinent annexation zoning designations at the close of 1975.

The changing state of the plan presents such anomalies as the "Fountain Grove" annexation completed in 1972. This annexation has been referred to above as the largest during the study period. It is in a hilly area due north of downtown Santa Rosa, which was designated as Hillside-Residential in the general plan. This designation requires zoning for single-family-residences with a minimum lot size of five acres. At annexation, the parcel was zoned "PC" (planned community) based on the proposal of the developer.<sup>18</sup> This "PC" would include light industry, commercial shopping, multiple-family residences, and single-family-residences of much less than five acres.

So, at annexation the zoning did not conform to the general plan. But a subsequent amendment, GPA Map No. 74-1, incorporated the development plans, as they stood at annexation, into the plan thus showing complete conformity for this annexation in late 1975. In this case a non-conforming use was rendered conforming through amendment.

The case cited above is an exception to the general pattern in Santa Rosa. There is a total of three cases where greater conformity with the general plan was gained through amendment. In addition, there are three annexations that increased in conformity between annexation and 1976 through zoning changes. Two parcels decreased in conformity by this manner, also.

Ratings were devised on a scale running from zero through nine. Zero denotes total non-conformity, while nine was assigned to those parcels which attained full conformity. Designations on one through eight were arrived at by deducting the approximate percentage of non-conforming area from the total area annexed.

Due to the indefinite character of land-use boundaries in the general plan, the conformity rating assigned is necessarily subjective. Still, objectivity has been pursued to the fullest extent possible. Some latitude was granted in cases where different land-use areas merged at annexation boundaries. For example, if a small

commercial use area was granted, adjacent to a residential zone, little or no point deductions would result. On the other hand, such non-conformities as a commercial zone inserted into an area planned for and surrounded by single-family dwellings would bring a much greater point loss than a simple density change, such as R-1-9 to R-1-6 or R-1-6 to R-1-7.5.<sup>19</sup>

#### Annexation Rating

For the period 1966 through 1973, the annexation conformity rating is 73.8 percent. This percentage is based on seventy annexations, four exclusions have been discussed above. The total rating points for this section are 465 out of a possible 630.

This percentage shows that several zoning designations were made in conflict with the general plan. There is a non-conformity amounting to 26.2 percent in this period. The largest portion of this, 16.3 percent, was residential land zoned at a lower density than was specified in the general plan. Nine percent was assigned a higher zoning classification. Residential land zoned commercial was 0.6 percent, while land planned commercial then zoned commercial was 0.3 percent.

Annexations culminated during 1974 and 1975 approached but did not attain, complete conformity. The annexation conformity rating for this period is 94.4 percent. That figure leaves 4.9 percent planned



residential which was zoned for less density and 0.7 percent of the same which was zoned for increased density.

There was a greater than twenty percent increase in conformity after the state ruled it mandatory to conform. Prior to that time the city was free to vary its zoning policy based on the merits of a development proposal or the whim of a city council. It appears that Santa Rosa looked to their general plan as a guide to zoning policy, but felt free to vary from it when they so desired.

#### Closing Rating

At the close of the study period those annexations culminated between January 1, 1966 and December 31, 1973 had a closing conformity rating of 77.6 percent. The percentage here is based on seventy-four annexations accumulating a total of 517 rating points from a possible 666.

The closing rating shows an increase in conformity from the annexation rating. Parcels zoned for less density than the general plan called for total 13.4 percent. Those zoned for more density equalled 8.5 percent. Land slated for residential then zoned commercial was down to 0.2 percent, while commercial planned land zoned residential remained at 0.3 percent.

There was little change between the annexation rating and the closing rating for the 1974-1975 period. This

would be expected due to the short time elapsed from annexation to the end of the study period. The closing conformity rating for this period is 95.1 percent. The difference of 0.7 percent was due to a probable error in the annexation ordinance which listed a zoning designation assumed erroneous. The remaining 4.9 percent at this time was for land scheduled to be residential, but zoned for lower density than shown in the general plan.

The increase in conformity ratings between the first eight years, 77.6 percent, and the final two years, 95.1 percent, is only 17.5 percent. This is lower than the same period increase in annexation conformity ratings, due to the major part of the increased conformity, annexation to closing, stemming from those annexations made during the first eight years.

### Conclusion

This study of zoning conformity has shown that, before state interference, the city followed its general plan approximately seventy-four percent of the time when conferring the initial zoning designations on annexations. The increase in conformity of these parcels at the close of the study period is due mainly to general plan amendments rather than zoning changes. Therefore, it is apparent that the zoning designation granted at annexation is not generally changed.

For those annexations after 1973 which were required by state law to conform to the general plan the conformity has been shown to approximate ninety-five percent. The non-conformities have been discussed above. During this two year period there was a substantial increase in conformity over the preceding eight years. This upswing in conformity was a direct result of state legislation rather than a variation in city policy. It must be presumed that virtual full conformity will continue as the future pattern since deviation would be illegal.

The hypothesis in question is at least partially sustained. Santa Rosa did follow its general plan, but, until forced to conform, it chose not to conform more than twenty-five percent of the time. The city, in fact, changed the plan to conform to its varied zoning in several cases. It does seem to maintain its zoning designations over time.

The hypothesis can be considered upheld in the majority of cases. However, there were a considerable number of cases where the conditions were not fully met. So, the hypothesis can be considered as only partially sustained. With the inception of the "conformity legislation" it became mandatory to enforce the general plan through appropriate zoning. On that condition, any study of this question for future periods in California would be of no avail.

## FOOTNOTES

<sup>1</sup>This data was gathered by the author from the Annexation Files in the City of Santa Rosa's Planning Department during March of 1976.

<sup>2</sup>Santa Rosa, Current General Plan: Santa Rosa General Plan Update, prepared by the City of Santa Rosa Planning Department (Santa Rosa: City Print Shop, 1975).

<sup>3</sup>The phrase in quotes is commonly used by planning organizations as a reason for annexation, zoning variances, and related land-use changes. "Developed," however, does not necessarily imply development for profit in the near future as required by the definition of development which will be put forth in this chapter.

<sup>4</sup>County "islands" are unincorporated lands entirely surrounded by a city. As of December 31, 1975 there were twenty "islands" within Santa Rosa according to the Annexation Base Map in the City's Engineering Section. Another source: Anderson, Heiss & Hughes, Analysis of Physical Development and Control Functions: City of Santa Rosa, California, (San Mateo, California: Anderson, Heiss & Hughes, 1975), p. 54 reports the existence of approximately twelve "islands."

<sup>5</sup>The annexation officer for the City of Santa Rosa related his belief that nearly all annexations were proposed by developers for subsequent development. This was stated in a conversation with the author in December of 1975.

<sup>6</sup>Michael A. Goldberg, "Residential Developer Behavior: Some Empirical Findings," Land Economics 50 (February 1974): 87.

<sup>7</sup>County "corridors" are unincorporated lands enclosed on three sides by the corporate city, yet a direct connection with unincorporated lands beyond the city remains.

<sup>8</sup>The total of these percentages is 103.3 percent. This is because the eighty-eight known proponents are used as the base for determining the percentage in each class, excluding "unknown." This assumes that the unknown, if known, would be evenly distributed among the known. The "unknown" percentage is based on the ninety-one total annexations.

<sup>9</sup> Goldberg, p. 87.

<sup>10</sup>Here again the total percentage exceeds one hundred percent, it is 108.33 percent. The percentage for motives is based on a total of eighty-eight motive points, while the "unknown" percentage is based on ninety-six motive points.

<sup>11</sup>NAS-NAE Advisory Committee to the Department of Housing and Urban Development, Urban Growth and Land Development: The Land Conversion Process, report prepared for the Advisory Committee by the Land Use Subcommittee, [Washington, D.C.: National Academy of Sciences National Academy of Engineering, 1972], p. 25.

<sup>12</sup>Several other tools are available to the city for control of development, however, zoning is the only tool which can be used to promote variations by areas. See: Rutherford H. Platt, Land Use Control: Interface of Law and Geography, Resource Paper No. 75-1, [Washington, D.C.: Association of American Geographers, 1976], pp. 16-29.

<sup>13</sup>In Sonoma County the LAFCo requires that a parcel be "prezoned" before the annexation application is submitted to that body. However, the designated zoning would become meaningless if annexation were forestalled. Therefore, "prezoning" is merely a statement of what zoning designation(s) will be conferred on a parcel when it becomes a part of the city.

<sup>14</sup>There are several instances in the Planning Department's annexation files where annexation proposals were submitted, contingent upon the granting of a zoning designation suitable to the developer.

<sup>15</sup>The Laguna Waste Treatment Plant is located on a non-contiguous parcel, wholly owned by the City. This parcel is located approximately seven miles southwest of "O.C. Square" near the Laguna de Santa Rosa. Such an annexation is conditional as specified in the California Government Code, Section 35201.5. A zoning designation under such conditions would have little meaning. See: California, Statutes [1973], v. 1, c. 133, s.

<sup>16</sup>California, Statutes [1973], v. 1 , c.120.

<sup>17</sup>These amendments and others are noted in: Current General Plan [1975].

<sup>18</sup>In fairness to the City it should be noted that the developer's plan for the Fountain Grove area was not accepted as presented. The Annexation Officer in the City Manager's Office described this annexation as "probably the most controversial in the City's history." The annexation file holds the record of a long, arduous struggle with concessions on both sides before the City finally approved a development plan.

<sup>19</sup>"R-1" zoning denotes single-family-dwellings. The numbers 6,7.5, and 9 refer to minimum lot size and denote respectively 6,000, 7,500, and 9,000 square feet.

## CONCLUSION

A comprehensive review of the annexation literature was undertaken in the first portion of this study. First, a review of how annexation was used in the historical and contemporary time periods. This was followed by an overview of annexation legislation in the nation with a more detailed look at such legislation in California. The third section dealt with the effects of annexation on cities, residents, and developers. This part of the study was a background set for a case study dealing with proponents, motives and general plan conformity.

Santa Rosa, California was the setting for this case study. The city's annexation files were a basic data source. Additional data were gathered from a city annexation map, zoning map, and various editions of the general plan.

These sources were examined with the intent of testing the two hypotheses proposed in this study. The main hypothesis states that annexations are, in more than ninety percent of the cases, proposed by developers.

An analysis of the data failed to support this hypothesis. Only forty-three percent of the proponents for annexations were developers. If certain assumptions were made claiming that in several cases other proponents, for example, realtors and some property owners, were in reality acting as agents for developers, then it could be alleged that sixty-one percent of the proponents were developers or intermediaries for developers. This sixty-one percent was the percentage of annexations which were planned for development-for-profit. That designation is the motive which corresponds with this hypothesis.

The data shows that a majority of the annexations during the study period can be used as support for the hypothesis. However, sixty-one percent falls far short of the "more than ninety percent" required for verification of the hypothesis. It was found that there were several other reasons for requesting annexation to a growing city.

City sewer/water service was stated as the basic motivation for annexation. Developers propose their parcels for annexation to obtain such service. Most other annexations are made basically for this reason. It was the secondary motivations which were investigated in this study. These motives include: development-for-profit; personal development; public development; personal sewer/water connections; fill-ins; and one case of



need for Federal Neighborhood Development Program funds.

By city policy in Santa Rosa, as well as in most cities, services are not extended beyond the corporate limits. Therefore, anyone desiring such services on the borders of the city must annex their property to obtain them. Since this policy is made by the city it was assumed that the city desired to annex surrounding lands.

A sub-hypothesis has been presented based on the above assumption. This hypothesis reads: if the city encourages annexation it is for the purpose of enforcing the general plan. Such enforcement will be carried out by conferring appropriate zoning designations on the parcels when annexed and maintaining that zoning over time.

Partial support of this hypothesis was gained from the data. Strict adherence to the general plan was maintained about seventy-four percent of the time at annexation when the city had a choice. The first eight years of the study period were the only ones of importance to the support of this hypothesis. During this period the city could choose to adhere to its general plan or bow to the desires of the developers. It was shown that in most cases of non-conformity the land was zoned for less density than the general plan called for rather than more density.

For the final two years of the study period conformity of zoning to the general plan was required by

state law. Conformity in this period jumped to approximately ninety-five percent. The investigation of conformity for these two years merely confirmed adherence to state regulation.

The conformity rating at the close of the study period for the 1966 through 1973 annexations approached seventy-eight percent. The largest portion of this increase over the rate at annexation was due to amendments to the general plan which modified it to match non-conformities created at annexation. But, for ninety-six percent of the annexation zoning designations there were no changes which affected conformity during this period. It was concluded that the city held to its zoning designations over time.

This study has attempted to deal with the decision-making process in relation to annexation. An investigation of proponents and motives has shown who proposes parcels for annexation and why they do. If cities can gain a clear idea of the whos and whys involved they should be better prepared to perform realistic planning. This would seem to be of increasing importance in California since conformity with the general plan is mandatory.

An attempt was also made to determine how well the city carried out its obligations as presented in its general plan. It was found that the city generally

conformed to its general plan, but held its tenets to be malleable prior to passage of state enforcing legislation. While the question of conformity to the general plan has lost its significance in California it could be a question of real value in other areas of the country.

Annexation is the main method by which a corporate municipality may expand its area. It is hoped that this study has aided in the understanding of the processes entailed in this expansion. Future studies in the details of municipal annexation could enhance the body of knowledge available and aid the urban planner in his work of creating a better urban environment.

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