

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

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December 16, 2008 (Agenda)

Chair and Members
Honorable Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

**SUBJECT: Election to Form the Santa Rita Hills Community Services District
(LAFCO 03-13)**

Dear Chair and Members:

Requested Action:

Adopt the enclosed resolution directing County elections staff to conduct a confirmation election on forming the Santa Rita Hills Community Services District (CSD) subject to the terms and conditions set forth in the enclosed LAFCO resolution approving this proceeding

Background:

The "Lakeview Estates" subdivision was created in 1968 by the recordation of a survey map, a process for creating lots that is no longer used. The original subdivision was comprised of 39 parcels, each slightly larger than 40 acres. The current subdivision contains 35 parcels, with three of the parcels ranging from 80-120 acres. Also included within the proposed CSD is a 0.75 acre parcel at the southwestern edge of the Lakeview subdivision.

The majority of this unincorporated area of the County is zoned 100-AG; two parcels are zoned AG-II-100. The County considers all lots to be legal though nonconforming parcels. No changes in zoning or land use designations will result from creating the CSD. Development entitlements would be subject to County review and approval, regardless of whether or not the CSD is created.

No provisions were made when the lots were created for common improvements such as roads. No CC&R's were recorded to create a binding property owners association that has or can raise the financial resources to undertake and maintain such improvements.

This proposed formation was initiated by petition. LAFCO on July 3, 2008, following extensive public hearings, approved forming the Santa Rita Hills CSD subject to voter approval of the terms and conditions set forth in the resolution approving creation of the District. These terms include authorization by the voters of a special tax to fund District operations.

A significant majority of persons owning land within the proposed CSD have expressed interest in creating the District as a publicly accountable vehicle with authority and resources to fund the potential construction and maintenance of improvements.

A protest hearing for the formation was conducted on October 13, 2008. Protests were submitted by four of the 29 landowners within the proposal area. These four landowners do not own land that constitutes 50 percent or more of the assessed value of land within the territory. Therefore a majority protest was not received.

Government Code §61014 specifies that if a majority protest does not exist, LAFCO shall (1) order the formation subject to approval by the voters and (2) request the County to conduct the confirmation election for the proposed district. This occurred on November 6, 2008.

The next step is for the Board of Supervisors to call and County Elections officials to conduct an election for voters within the proposed Community Services District. The election is to confirm formation of the new District, authorize the special tax measure and appropriations limit that are part of the LAFCO's approval and select the initial board of directors.

The enclosed schedule was developed by County Elections staff for the purpose of conducting this ballot. Given the limited number of registered voters a mailed ballot is best.

Terms of the Election

In accordance with Government Code §57133(k) and terms and conditions set forth in LAFCO's resolution of approval, the confirmation election shall present the following question to the registered voters within the proposed district:

Shall the action taken by the Santa Barbara Local Agency Formation Commission ordering the formation of a Community Services District in the territory known as the Santa Rita Hills be approved subject to the terms and conditions set forth in such resolution including authorization of an annual special tax not to exceed \$3,000,000 for FY 2008-2009 with the maximum tax to be determined annually?

Yes ____ No ____.

The terms and conditions set forth in LAFCO's resolution of approval include the following:

A. Authorization of special tax:

The maximum annual special tax for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index for the Los Angeles/Long Beach area for the prior 12 months.

The actual tax to be levied for any fiscal year shall be determined by a majority vote of the District board of directors on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.

The special tax shall be applied equally to each legal lot within the District; the amount of the tax levied shall be the same for each lot.

B. Approval of an Appropriations Limit:

The Appropriations Limit for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index for the Los Angeles/Long Beach area for the prior 12 months?

The ballot will also include selecting the initial five-member board of directors.

Fiscal and Facilities Impacts

Government Code §57150 provides that expenses incurred in conducting elections to form districts shall be paid, unless otherwise provided by agreement of LAFCO and the proponents, by the newly formed district, if successful, or by the county if the proceedings are terminated. There are no other direct fiscal or facilities impacts on the County of Santa Barbara.

Please contact the LAFCO office at 568-3391 if you have any questions.

Sincerely,



BOB BRAITMAN
Executive Officer

SPECIAL MAILED BALLOT ELECTION - MAY 5, 2008

Formation of the Santa Rita Hills Community Services District

1. Board of Supervisors Refers Matter to Elections: Dec. 16, 2008
2. Finalize Santa Rita Hills District Boundaries in EIMS Jan. 9, 2009
3. Notice of Election & Notice to Submit Arguments
(E-120 to E-90) Jan. 10, 2009 &
Jan. 11, 2009
4. Candidate Nomination Period (E-113 to E-88) Jan. 12, 2009 to
Feb. 6, 2009
5. LAFCO approves Impartial Analysis Feb. 5, 2009
6. Period for Submitting Direct Arguments: Jan. 12, 2009 to
Jan. 22, 2009
7. Period for Submitting Rebuttal Arguments Jan. 23, 2009 to
Feb. 2, 2009
8. Public Examination Period: Feb. 3, 2009 to
Feb. 13, 2009
9. Preparation of Sample Ballot Feb. 14, 2009 to
April 1, 2009
10. Preparation of Ballot Envelopes Feb. 16, 2009 to
March 16, 2009
11. Preparation of Official Ballot: Feb. 16, 2009 to
March 30, 2009
12. First Day Ballots can be Mailed to Voters Along with the
Sample Ballot: April 6, 2009
13. Close of Voter Registration for the Election (E-15): April 20, 2009
14. Election Day: May 5, 2009
15. Certification of Election (Last Day) (E+28) June 2, 2009

LAFCO 03-13

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND APPROVING THE FORMATION OF
THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and the Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, territory within the proposal is designated Agriculture on the County General Plan and zoned 100-acre minimum lot size; other than one parcel that is less than one acre in size all of the existing parcels are approximately 40 acres in size and cannot be further subdivided absent a General Plan Amendment and rezoning; and

WHEREAS, one road is planned to provide access to the Lakeview Estates parcels from the end of Sweeney Road to the tract; and

WHEREAS, the Santa Barbara County Fire Department has informed the Commission that this single access road to the Lakeview Estates subdivision will satisfy County requirements provided the subdivision maintains the original configuration as recorded.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission finds the proposal is not a "project" under the California Environmental Quality Act ("CEQA") because it is limited to the creation a government funding mechanism that does not involve the commitment to any specific project. Pursuant to CEQA Guidelines section 15378(b)(4), a "project" under CEQA does not include the "creation of government funding mechanisms or other government fiscal activities, which do not involve any

commitment to any specific project which may result in a potentially significant physical impact on the environment..”

(2) The subject proposal is assigned the distinctive short-form designation:

Formation of the Santa Rita Hills Community Services District

(3) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

(4) The Commission finds the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

(5) The proposal is approved subject to the following terms and conditions:

A. In accordance with the Community Services District Law the District shall be governed by a five-member Board of Directors elected at large, each of whom shall be a voter residing within the District. Terms of office of District directors shall be four years. Of the first elected board, the terms of the three members with the largest popular votes shall be four years. Of the first elected board, the term of the two members with the smallest popular vote shall be two years. In the case of a tie, the election will be decided by lot.

B. The District shall within its boundaries have powers and responsibilities as set forth in the enabling act to acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks and any incidental works, to convert overhead electric and communications facilities to underground locations, and to install underground electric and communications facilities, with the consent of the public agency or public utility that owns the facilities pursuant to Streets and Highways Code.

C. The District shall not have the power to provide other services including water supply or distribution nor are there plans for the District to acquire water rights or supply water within or outside of its boundaries.

D. The District shall not have the authority to provide services outside of its boundaries, including the construction of an access road, either with or without the use of eminent domain.

E. Any capital improvements or infrastructure constructed by the District must relate to the specific authorized services and any significant costs for construction will be financed by benefit assessments approved by landowners within the District.

F. A special tax shall be approved as part of the formation as follows:

(1) The maximum annual special tax authorized for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months.

(2) The actual tax to be levied for any fiscal year shall be determined by a majority vote of the District board of directors on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.

(3) The special tax shall be applied equally to each legal lot within the District; the amount of the tax levied shall be the same for each lot.

G. The effective date shall be the date that the formation is recorded.

(6) All subsequent proceedings in connection with this formation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

This resolution is adopted on July 3, 2008 in Santa Barbara California.

AYES: Mariscal, Orach, Schlottmann, Wolf

NOES: DeWees, Wilson

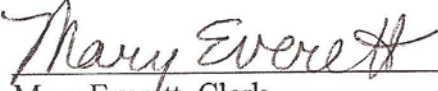
ABSTAINS: Centeno

Dated: 7-3-08



Chair
Santa Barbara Local Agency Formation Commission

ATTEST



Mary Everett, Clerk
Santa Barbara Local Agency Formation Commission

099-150-065

NO SCALE

Proposed Formation- Santa Rita Hills
Community Services District

099-150-017

099-160-056

099-160-057

099-160-089

099-200-062

099-200-023

099-200-063

099-200-065

099-200-082

099-200-081

099-160-095 099-160-035

099-200-064

099-200-033

099-200-065

099-200-066

099-200-034

099-200-019

099-200-031

099-200-005

099-200-028

099-200-032

099-200-021

099-200-002

099-200-048

099-200-051

099-200-035

099-200-049

Santa Rita Hills Community Services District Fomation

099-200-047

099-200-052

099-200-036

099-200-050

099-200-077

099-200-076

099-200-075

099-200-043

099-200-053

099-200-037

099-200-057

099-150-016

099-200-041

099-200-043

099-200-053

099-200-037

099-200-057

099-200-071

099-200-073

099-200-008

099-200-045

099-200-038

099-200-072

099-200-078

099-200-079

099-200-080

099-200-060

099-200-061

099-200-012

099-200-069

099-200-054

099-200-070

099-200-080

099-210-067

083-140-012

083-140-018

083-140-017

LAFCO 03-13

Formation of Santa Rita Hills
Community Services District

EXHIBIT A

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

ORDER PROCLAIMING MAILED BALLOT
ELECTION AND NOTICE OF ELECTION TO BE
HELD IN SANTA BARBARA COUNTY ON MAY 5,
2009, FOR THE PURPOSES OF DETERMINING
WHETHER THE ORDER APPROVING THE
FORMATION OF THE SANTA RITA HILLS
COMMUNITY SERVICES DISTRICT SUBJECT TO
SPECIFIC TERMS AND CONDITIONS SHALL BE
CONFIRMED AND TO ELECT THE INITIAL
GOVERNING BOARD OF THE DISTRICT.

Resolution No. _____

WHEREAS, the formation of the Santa Rita Hills Community Services District (“District”) was initiated by a petition of registered voters that was certified as being sufficient on September 10, 2007, and.

WHEREAS, the petition requested that the formation of the District be subject to approval by the voters of a special tax to finance District operations and maintenance activities; and

WHEREAS, the Santa Barbara Local Agency Formation Commission (“LAFCO”) on July 3, 2008, following extensive public hearings, approved adopted a resolution approving the formation of the District subject to voter approval of terms and conditions set forth in the resolution approving creation of the District, including the imposition of a special tax to finance District operations and maintenance activities, and.

WHEREAS, at a properly noticed public hearing conducted by the LAFCO Executive Officer on October 13, 2008 written protests were received from landowners that represented less than 50 percent of the assessed value of the land within the territory

and thereby resulted in a determination by the Executive Officer that the proceedings should not be terminated, and

WHEREAS, all actions were taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and the Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, the area of the proposed District is described in Attachment A; and

WHEREAS, Government Code Section 61014 (f) states if LAFCO orders the formation of the District, LAFCO commission shall direct the Board of Supervisors in the affected county to direct county officials to conduct the necessary elections on behalf of the proposed District.

WHEREAS, when the Board of Supervisors is informed that a determination has been made that requires a confirmation election, the Board of Supervisors is required pursuant to Government Code section 57000(e) to direct County Elections to conduct the necessary election, and

WHEREAS, in calling any required election, the Board of Supervisors shall do all of the following: (1) call, provide for, and give notice of a special election or elections upon that question. (2) fix a date of election and (3) designate precincts and polling places, and (4) take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and the canvass of returns of the election, as determined by LAFCO, and.

WHEREAS, under Section 57125 of the Government Code, the election for the purpose of confirming the formation of the Santa Rita Hills Community Services District and electing the initial board of directors shall be governed by the general elections provisions and the local elections provisions of the Elections Code., and

WHEREAS, under Section 10517 of the Elections Code, county elections officials shall conduct the general district election for districts located within the county and County Elections has recommended that the election be carried out as a mailed ballot election pursuant to Section 10530 of the Elections Code; and

NOW, THEREFORE, the Board of Supervisors does resolve as follows:

1. A mailed ballot election is hereby proclaimed to be held in Santa Barbara County on the 5th day of May, 2009, for the purpose of submitting to the voters within the proposed Santa Rita Hills Community Services District the question of whether formation of the District should be approved subject to the terms and conditions set forth in the LAFCO resolution approving the formation.

2. In accordance with Government Code section 57133(k) and terms and conditions set forth in LAFCO's resolution of approval, the confirmation election shall present the following questions to the registered voters within the proposed district:

Formation of Community Services District

Shall the action taken by the Santa Barbara Local Agency Formation Commission ordering the formation of a Community Services District in the territory known as the Santa Rita Hills be approved subject to the terms and conditions set forth in such resolution including authorization of an annual special tax not to exceed \$3,000,000 for FY 2008-2009 with the maximum tax to be determined annually be approved?

Yes _____ No _____.

Election of Initial Board of Directors

Vote for not more than five of the following nominees for the board of directors:

(List names of nominees here)

3. The Board does hereby order that the election called by this order shall be a mailed ballot election as provided for in the Cortese-Knox-Hertzberg Local Government Reorganization Act and the Elections Code, as applicable.

4. Pursuant to Government Code section 57146, the Santa Barbara County elections officials shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters. Notice of such shall be given as required in Government Code section 57146 and any other applicable statute.

5. Pursuant to Government Code section 57146, the Santa Barbara County Elections officials shall fix and determine a reasonable date prior to the election after which no nominations for election to the District board of directors may be submitted for printing and distribution to the voters. Notice of such shall be given as required in Government Code section 57146 and any other applicable statute.

6. All qualified voters residing within the proposed annexation area shall be permitted to vote in the election and in all particulars not recited in this Resolution the election shall be held as nearly as practicable in conformity with the Elections Code of the State of California.

7. Formation of the District shall be confirmed if two thirds or more of the votes cast upon the question are in favor of the formation including authorization of the special tax and the authorization of the appropriations limit.

8. The Board finds that approval of this resolution is mandatory under Government Code section 57000(e) and is therefore a ministerial action exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 16th day of December 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:

Deputy County Counsel



099-150-065

NO SCALE

Proposed Formation- Santa Rita Hills
Community Services District

099-150-017

099-150-016

083-140-012

EXHIBIT A

099-160-056

099-160-057

099-160-089

099-200-062

099-200-023

099-200-081

099-200-064

099-200-082

099-200-030

099-200-065

099-200-033

099-200-019

099-200-026

099-200-034

099-200-031

099-200-027

099-200-032

099-200-021

099-200-028

099-200-049

099-200-002

099-200-048

099-200-035

099-200-049

099-200-051

099-200-050

099-200-077

099-200-047

099-200-036

099-200-076

099-200-043

099-200-037

099-200-075

099-200-041

099-200-057

099-200-074

099-200-012

099-200-078

099-200-079

099-200-069

099-200-080

099-200-060

099-160-095 099-160-035

099-200-005

099-200-010

099-200-006
099-200-015

099-200-008

099-200-061

099-210-067

083-140-018

083-140-017

LAFCO 03-13

Formation of Santa Rita Hills
Community Services District