



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: 5/6/08  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Michael F. Brown, County Executive Officer  
Director(s)  
Contact Info: John Baker, Deputy County Executive Officer, 568.3400  
**SUBJECT: Annexation of Hope Community Church into the Orcutt Community Facilities District**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Planning and Development

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- A. Adopt a Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein for the Hope Community Church (parcel map 14,711 on APN 107-150-019);
- B. Adopt a Resolution Calling for a Special Election for Annexation of Hope Community Church into the Orcutt Community Facilities District (No. 2002-1);
- C. Set a public hearing for June 17, 2008 regarding the intent to annex territory known as the Hope Community Church into the Orcutt Community Facilities District (No. 2002-1) and levy special taxes on the proposed parcel to be annexed.
  - i. On June 17, 2008, receive testimony regarding written protests that have been filed, if any;
  - ii. Certify the results of a special election and adopt a Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien; and
  - iii. Introduce the first reading of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory (Hope Community Church) to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein."
- D. Conduct a second reading and adopt "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory (Hope Community Church) to Orcutt Community

**Auditor-Controller Concurrence**

As to form: Yes

Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein” on June 24, 2008.

**Summary Text:** The project known as the Hope Community Church (Assessor’s Parcel Number 107-150-019) is located southeast of the US Hwy 101 northbound off ramp at Santa Maria Way, along a frontage road. The 10.43 acre site will be created into three new parcels: Lot 1 at 6.41 acres, Lot 2 at 1.92 acres and Lot 3 at 2.10 acres, with Lot 1 to include a church. The site is also a portion of Keysite 33, as described and provided for in the Orcutt Community Plan (OCP). The Planning Commission approved the project on November 28, 2007, requiring the project to annex into the Orcutt Community Facilities District (OCFD) and pay its proportionate share of fire and sheriff protection, maintenance of parks, parkways and open space, and flood and storm protection.

A community facilities district is a special financing entity governed by the Mello-Roos Community Facilities Act of 1982 that is authorized to levy special taxes and/or issue bonds through a local government in order to finance infrastructure construction and/or fund public operations and maintenance services. The Orcutt Community Facilities District (Orcutt CFD No. 2002-1) was formed on October 8, 2002 to fund maintenance and operations expenditures for the unincorporated Orcutt area generally located South of Clark Avenue and between State Highway 135 and U.S. Highway 101. An annexation map of the proposed territory for annexation in relation to the OCFD is included for reference as Attachment A.

**Background:**

This item is on the Board’s agenda to begin the process to annex territory into the OCFD. Since a community facilities district is governed by the Mello- Roos Community Facilities Act of 1982 (Government Code Section 5311 et al), the annexation does not follow the annexation procedures usually associated with LAFCO. Rather, the annexation process begins with the adoption of a resolution to initiate the annexation, followed by a public hearing and election to be held no less than 30 days and no greater than 60 days after the adoption of the resolution. The Special Taxes imposed by the OCFD must be approved by a two-thirds majority of the "qualified voters." When fewer than twelve registered voters reside within the area proposed to be annexed, the qualified voters are those owners of property within that area to be annexed. Every property owner receives one vote per acre, or portion thereof, owned within the area to be annexed. In this particular annexation, the territory is vacant so the landowner(s) will constitute the “qualified voters.” Should 2/3 of the qualified voters approve the annexation, the territory will be subject to the annual levying of the special taxes affiliated with the OCFD.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

The territory proposed for annexation will be subject to the annual levy of the OCFD special taxes once the annexation is completed. The OCFD special taxes are levied based on the type of structure built: single-family, multi-family, non-retail/commercial industrial and retail commercial. Since the territory will be divided into three lots and the future development of two lots is unknown, the potential fiscal analysis cannot be assessed. However, the proposed church is projected to be 29,373 square feet. If the structure were taxed at the current OCFD special tax rate of \$.69347, then the possible special taxes levied would be \$20,369.

**Special Instructions:**

- A. Direct the Clerk of the Board to publish a notice of said hearing one time in a newspaper of general circulation published in the area of the Orcutt Community Facilities District in a form approved by County Counsel. The publication of said notice shall be completed at least seven days prior to the hearing set for June 17, 2008.

Notice to be published:

**BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
NOTICE OF PUBLIC HEARING CONCERNING A RESOLUTION INITIATING  
THE ANNEXATION OF THE HOPE COMMUNITY CHURCH  
INTO THE ORCUTT COMMUNITY FACILITIES DISTRICT  
AND THE LEVY OF SPECIAL TAXES THEREIN**

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Santa Barbara, State of California, on June 17, 2008 at 9:00 AM or shortly thereafter, in the County Board of Supervisors Hearing Room at the County Administration Building, 4<sup>th</sup> Floor at 105 East Anapamu Street, Santa Barbara, to take public testimony on the proposed ordinance annexing territory onto the Orcutt Community Facilities District and imposing an annual assessment for Hope Community Church in the County of Santa Barbara. The Orcutt Community Facilities District levies an annual tax based on the type of dwelling unit to finance fire and sheriff protection services, maintenance of parks, parkways and open spaces and flood and storm protection services. The testimony of all interested persons for or against the annexation of territory or the future annexation of territory into the community facilities district or the levying of special taxes within the territory proposed to be annexed or proposed to be annexed in the future will be heard.

Any objections or protest to the adoption of the proposed ordinance may be filed with the Clerk of the Board of Supervisors before the public hearing scheduled above. The address of the Clerk of the Board is 105 East Anapamu Street, Santa Barbara, CA 93101.

- B. Direct Elections to work with the County Executive Office to mail special elections ballots to all qualified voters no later than 15 days before the public hearing on June 17, 2008.
- C. Direct the Clerk of the Board to forward a certified minute order and completely executed copies of the resolution to the County Executive Office to the attention of Sharon Friedrichsen.

**Attachments:**

- A: Hope Community Church Annexation Map No 4 of Orcutt Community Facilities District No .2002-1
- B: Resolution Initiating Annexation of Territory to Orcutt Community Facilities District
- C: Resolution Calling Special Election for Annexation of Hope Community Church into Orcutt Community Facilities District
- D: Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien
- E: Ordinance Approving the Annexation of Territory to Orcutt Community Facilities District No .2002-1

**Authored by:**

Sharon Friedrichsen, County Executive Office

- cc:** Marie La Sala, Deputy County Counsel  
Billie Alvarez, Chief Deputy Registrar of Voters, Elections  
Derek Johnson, Deputy Director, Long Range Planning  
Dana Carmichael, Planner II, Planning and Development  
David Swenk, Urban Planning Concepts