



**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

**Submitted on:**  
(COB Stamp)

**Department Name:** CEO  
**Department No.:** 012  
**For Agenda Of:** 12/19/06  
**Placement:** Administrative  
**Estimate Time:** 15 minutes each on  
1/23/07 & 3/27/07  
**Continued Item:** YES  
**If Yes, date from:** 8/8/06  
**Vote Required:** Majority

**TO:** Board of Supervisors  
**FROM:** Department Director: Michael F. Brown, County Executive Officer  
Contact Info: Ron Cortez, Deputy County Executive Officer, 568-3400

**SUBJECT:** Updated Detachment of Lot F (Rice Ranch) from Orcutt Community Facilities District, 4<sup>th</sup> District

**County Counsel Concurrence:**

As to form/legality:  Yes  No  N/A

**Auditor-Controller Concurrence:**

As to form:  Yes  No  N/A

**Recommended Action(s):**

That the Board of Supervisors, on December 19, 2006:

- (A) Rescind Resolution No. 06-251, which amended the Orcutt Community Facilities District Boundary Map to detach Rice Ranch "Lot F" from the Orcutt Community Facilities District (OCFD).
- (B) Adopt the Resolution of Consideration to Alter the Orcutt Community Facilities District No. 2002-1 to Detach Rice Ranch "Lot F".
- (C) Adopt the Resolution Declaring a Special Election to Alter the Orcutt Community Facilities District to be conducted for the registered voters within the Orcutt Community Facilities District.
- (D) Set a hearing for January 23, 2007 (estimated 15 minutes) to receive any protests against the proposed detachment of "Lot F."

That the Board of Supervisors, at its January 23, 2007, meeting:

- (A) Hold a hearing to receive any protests against the proposed detachment of "Lot F."
- (B) Set a hearing for March 27, 2007 to canvass election results.

That the Board of Supervisors, at its March 27, 2007, meeting:

- (A) Canvass the election to determine if 2/3 of the votes cast are in favor of the proposed detachment.
- (B) If 2/3 votes are in favor, adopt the Resolution of Change to the Orcutt Community Facilities District No. 2002-1 to detach Rice Ranch "Lot F".

**Summary:**

"Lot F" of Tract Map 14,636 (APN 101-380-04) is 20 acres of current open space at the southern section of Rice Ranch that requires detachment from the Orcutt Community Facilities District No. 2002-1 (OCFD). On August 8, 2006, the Board of Supervisors adopted a Resolution Amending the Orcutt Community Facilities District Boundary Map and Amending the Notice of Special Tax Lien in order to detach Rice Ranch "Lot F" from the OCFD. However, after extensive legal research, it was determined that the detachment of "Lot F" requires a vote of the registered voters within the OCFD, with 2/3 of the votes needing to be cast in favor of the detachment. With the Board's adoption of the Resolution of Consideration, County Elections' staff will prepare a postcard ballot and mail to the registered voters within the OCFD (cost of election to be borne by applicant). Elections'

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staff will canvass the election and, if 2/3 votes are cast in favor, “Lot F” will be detached and removed from the OCFD boundary map.

**Background:**

“Lot F” consists of 20 acres on the most southern section of the Rice Ranch property. When Texaco sold the Rice Ranch property in 1996, the original sale agreement required that “Lot F,” once created by the Master Rice Ranch Map, be transferred back to Texaco or its successor. The Rice Ranch Final Master Map TM 14,636 and the Development Agreement for the Rice Ranch project were approved by the Board of Supervisors on December 9, 2003. However “Lot F”, which was to be open space and revert back to its prior owner, was inadvertently included as part of the Development Agreement. The Board of Supervisors approved the partial release of “Lot F” from the Rice Ranch Development Agreement on April 11, 2006. However, the parcel also needs to be removed from within the boundaries of the Orcutt Communities Facilities District (see attached proposed detachment map).

The Orcutt Community Facilities District No. 2002-1 was formed on October 8, 2002 as a special financing entity to pay for the cost of providing certain County services (fire and sheriff protection services, maintenance of parks, parkways and open space, and flood and storm protection services) to the Orcutt area through the annual levying of a special tax rate on developed and graded property located within the boundaries of the district. On August 8, 2006, the Board of Supervisors adopted a resolution with the expressed intention of detaching “Lot F” from the OCFD by amending the boundary of the district and amending the notice of a special tax lien. However, the detachment of the “Lot F” is considered a change to the community facilities district and thus legally requires voter approval to remove it.

As stipulated in Government Code Sections 53330-53338, the process for making specified changes to a community facilities district begins with the legislative body’s adoption of a resolution of consideration, preceded by a public hearing no less than 30 and no more than 60 days after the adoption of said resolution, followed by a canvassing of an election among either registered voters or landowners in which said voters must approve the proposed change to the community facilities district. Since there are more than 12 registered voters within the OCFD, 90 days prior to the public hearing on January 23, 2007, the election will consist of a postcard ballot mailed to the registered voters within the OCFD. If 2/3 of the votes cast are in favor, the Board will adopt a resolution of change, amend the tax lien on the parcel and modify the OCFD boundary map.

**Fiscal and Facilities Impacts:**

*Fiscal Impact of Detachment on OCFD:* “Lot F” is currently an undeveloped open space. As a result, no special taxes have been levied on “Lot F” under the terms of the OCFD. If “Lot F” is not detached from the OCFD, it is possible that special taxes may be levied on it, if it was developed in the future.

*Fiscal Impact of the Detachment Procedure:* The cost of the detachment procedures including the cost of the election, publishing a notice of a hearing in the Santa Maria Times and surveyor and recorder fees for the creation of an amended OCFD boundary map if “Lot F” is approved will be borne by the applicant.

Budgeted:  Yes  No

**Fiscal Analysis:**

**Staffing Impact(s):**

**Legal Positions:**  
0

**FTEs:**  
0

**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 at least seven days prior to the hearing set for January 23, 2007.

Notice to be published:

**BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
NOTICE OF PUBLIC HEARING CONCERNING A RESOLUTION OF CONSIDERATION TO ALTER THE  
ORCUTT COMMUNITY FACILITIES DISTRICT NO. 2002-1 TO DETACH A PARCEL**

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 January 23, 2007, 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, California and remote testimony at the Betteravia Government Center, 511 East Lakeside Parkway in Santa Maria, California to take public testimony on the proposed detachment of a parcel (APN 101-380-04) known as "Lot F" from the Orcutt Community Facilities District No. 2002-1. "Lot F" consists of 20 acres of open space at the southernmost section of the Rice Ranch property.

The Orcutt Community Facilities District No. 2002-1 ("District") includes the unincorporated area of northwestern Santa Barbara County that is generally located South of Clark Avenue and between State Highway 135 and U.S. Highway 101. Said District is a financing mechanism created in 2002 that levies an annual tax on parcels within its boundaries 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. Since "Lot F" is open space, its removal from the District will not affect the services levels provided to it or other parcels within the District nor affect the amount of taxes levied upon it or the other parcels within the District. The proposed change only affects the boundaries of the District.

The testimony of all interested persons for or against the detachment of the parcel from the District will be heard at the January 23, 2007 hearing. Any objections or protest may be filed with the Clerk of the Board of Supervisors before the public hearing. The address of the Clerk of the Board is 105 East Anapamu Street, Santa Barbara, CA 93101. If written protests of 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the District, are received, the detachment shall not occur for a period of one year from the date of the hearing.

If a majority of protests are not received, then an election on the proposed detachment will be conducted by mailing a postcard ballot to all registered voters within the District. The results of the election will be certified at the March 27, 2007 hearing. The detachment will occur only if 2/3 of the votes cast are in favor of the detachment.

- (B) Direct Elections to mail special elections ballots to all registered voters within the boundaries of the Orcutt Community Facilities District no later than 15 days before the public hearing on March 27, 2007. Direct Elections to canvass the election and certify results at the March 27, 2007 hearing. Detachment from the Community Facilities District must be approved by two-thirds majority of the registered voters.
- (C) Upon adoption by the Board on March 27, 2007 of a resolution of change, direct the Clerk of the Board to record a notice of change pursuant to Section 3117.5 of the Streets and Highways Code.
- (D) Upon adoption by the Board on March 27, 2007 of a resolution of change, direct the Surveyor to amend the boundary of Community Facilities District No. 2002-1 and have it recorded by the County Recorder.
- (E) Direct the Clerk of the Board to forward certified minute orders and resolutions for 12/19/06, 1/23/07 and 3/27/07 to Sharon Friedrichsen in the County Executive Office and Laurie Tamara at Urban Planning Concepts.

**Attachments: (list all)**

- (A) Resolution of Consideration

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- (B) Proposed Detachment Map
- (C) Resolution Declaring a Special Election
- (D) Resolution of Change

**Authored by:**

Sharon Friedrichsen, Project Manager, CEO, 568.3107

**cc:** Marie LaSala, County Counsel

Billie Alvarez, Elections

Michael Emmons, Surveyor

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