

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** 9/7/2006  
**Department Name:** CEO  
**Department No.:** 012  
**Agenda Date:** 9/12/06  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** YES  
**If Yes, date from:** 8/15/06

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown, County Executive Officer  
568-3400

**STAFF CONTACT:** Sharon Friedrichsen, Project Manager  
568-3400

**SUBJECT:** Annexation of Hummel Drive Residential Development into Orcutt Community Facilities District No. 2002-1, Fourth Supervisorial District

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**Recommendation(s):**

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 Hummel Drive residential development (APN 107-270-003);
- B. Adopt a Resolution Calling for a Special Election for Annexation of Hummel Drive into the Orcutt Community Facilities District (No. 2002-1);
- C. Set a public hearing on October 17, 2006 regarding the intent to annex territory known as Hummel Drive residential development into the Orcutt Community Facilities District (No. 2002-1) and levy special taxes on the proposed parcel to be annexed. On October 17, 2006, the Board of Supervisors will:
  1. Receive testimony regarding written protests that have been filed, if any;
  2. Hold a special election on the annexation of Hummel Drive into the Orcutt Community Facilities District (No. 2002-1) and the levying of special taxes on the parcel proposed to be annexed and trail this matter so that the election may be held and the results tallied during the Board meeting;

Later, on October 17, 2006, after the election results are tallied, if the vote of qualified electors approves the annexation and authorizes the levy of a special tax on the newly annexed parcels, it is recommended that the Board of Supervisors:

3. Certify the election results;
4. Adopt the Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien; and

5. 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 (Hummel Drive) to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein."

D. Set a hearing on the administrative agenda for October 24, 2006 to:

1. Adopt the attached ordinance (second reading) entitled "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory (Hummel Drive) to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein."

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 4, A Community that is Economically Vital and Sustainable; and Goal No. 5, A High Quality of Life for All Residents.

**Executive Summary and Discussion:**

The Hummel Village Phase 2 project is located within the Orcutt Community Plan on Hummel Drive at Mooncrest Lane. It is a continuation of the Hummel Village senior community which was completed in July 2004. The property is bordered on the east and north by open space, to the west and to the south by single family residences. The property is approximately 5 acres with an existing single family home (owned by the Simonsen Family Trust) and several ancillary buildings. The property, when developed, will be divided into 2 parcels; one parcel will be approximately .5 acre and will contain the existing single family home, the second parcel will be approximately 4.5 acres and will be subdivided into 5 senior homes, which will be considered single-family units. Each home will contain four private suites designed for residents over 55 years of age. Services sought by the development include fire and sheriff protection services, maintenance of parks, parkways and open space, and flood and storm protection services, which are provided through the Orcutt Community Facilities District.

The Orcutt Community Facilities District (Orcutt CFD No. 2002-1) was formed on October 8, 2002 and encompasses approximately 750 gross acres of land in an 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. The CDF, as a special financing entity, is empowered to levy special taxes and/or issue bonds through a local government as authorized by a two-thirds vote of the qualified electors of such district. The special taxes may be used to finance infrastructure construction as well as certain public operations and maintenance services. The special tax is levied on all new development and the County currently requires all new parcels, as a condition of development, to annex into a CFD and subsequently pay the annual CFD Tax.

The maximum special tax rate for CFD No. 2002-1 was previously set during the formation of the District. The costs to be covered by the Special Taxes levied will be the direct shortfall costs for the proposed services and related administrative expenses. The maximum annual Special Tax that can be levied within the CFD on all four land use classes of Developed Property increases annually by the greater of the change in the Los Angeles Urban Consumer Price Index during the twelve months ending in December of the Fiscal Year prior to the Fiscal Year in which the Special Tax is being levied, or two percent (2%).

The Hummel Drive parcel proposed for annexation into the Orcutt CFD consists of one current single family unit and the potential to include five additional single-family units once subdivided. Based on the Fiscal Year 2006-2007 Annual Special Taxes calculated by Taussig and Associates, Inc., the current home will be assessed at \$498.54. Future single-family homes would generate a total of approximately \$2,500 based on the current fiscal year rates.

#### Annexation Procedures

Annexation into the Orcutt CFD No. 2002-1 is one of the Conditions of Approval for the Hummel Drive residential development and is necessary to enable the developer to record the final map. HomeSuites, LLC, on behalf of the Simonsen Family Trust, has accordingly requested annexation of the Hummel Drive residential development into the Orcutt Community Facilities District. The Board of Supervisors adoption of the attached resolution of intent to annex into the Orcutt CFD will initiate the process. An election will be held no less than 30 days and no greater than 60 days after the adoption of the resolution as required by Government Code Section 53339.4.

The Special Taxes imposed by a CFD 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. The current property owners of the parcel, Donald and Joan Simonsen of the Simonsen Family Trust will each receive 2.5 votes and may elect to annex the parcel into the Orcutt Community Facility District.

The two Trustees of the Simonsen Family Trust will be sent special election ballots and a "Waiver and Consent" form which will allow the County to shorten minimum time requirements relative to annexation procedures prior to the Public Hearing set for October 17, 2006.

If the Trustees of the Simonsen Family Trust return their ballots in favor of Annexation to Orcutt CFD No. 2002-1 and levying of the Special Tax, as certified by Elections staff on October 17, 2006, the Clerk of the Board shall then record notice of the annexation pursuant to Section 3117.5 of the Streets and Highways Code.

#### **Mandates and Service Levels:**

No changes in mandates or service levels are associated with this action. Final annexation of the Hummel Drive residential development into the Orcutt Community Facilities District will allow new development to contribute to the incremental costs of providing fire and sheriff protection services, maintenance of parks, parkways and open space, and flood and storm protection services to the Orcutt area.

#### **Fiscal and Facilities Impact:**

No fiscal impact with this action. Completion of the annexation proceedings will allow the County to impose Mello Roos special taxes in the new developing areas covered by this annexation. Once the parcel is annexed into the Orcutt CFD, it will be subject to the special tax rate for each single-family home, which is currently \$498.54 per unit for Fiscal Year 2006-2007, but may escalate or decrease in the latter fiscal years.

#### **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 October 17, 2006.

Notice to be published:

**BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA  
NOTICE OF PUBLIC HEARING CONCERNING A RESOLUTION INITIATING  
THE ANNEXATION OF HUMMEL DRIVE RESIDENTIAL DEVELOPMENT  
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 October 17, 2006 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 Hummel Drive residential development (APN 107-270-003), 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 mail special elections ballots to all qualified owner(s), which in this case are the two Trustees of the Simonsen Family Trust (Donald and Joan Simonsen), no later than 15 days before the public hearing on October 17, 2006. The Special Taxes imposed by a Community Facilities District must be approved by two-thirds majority of the "qualified voters." Since there are fewer than twelve registered voters that 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 as per Government Code Section 5339.6.
- C. Direct Elections to canvass special ballot(s) on the annexation of Hummel Drive residential development into the Orcutt Community Facilities District and the levying of special taxes on the proposed annexed parcels and certify results of the election on October 17, 2006.
- D. Pending the results of the October 17, 2006 election, direct the Clerk of the Board to record the annexation pursuant to Streets and Highway Code Section 3117.
- E. Direct the Clerk of the Board to forward a certified minute order and completely executed copies of the resolutions from September 12, 2006 and the resolution and ordinance from October 17, 2006 to the County Executive Office to the attention of Sharon Friedrichsen.

Attachments:

- 1. Resolution Initiating Annexation of Territories to Orcutt Community Facilities District No. 2002-1  
Exhibit A: Annexation Map No. 2 of Community Facilities District No. 2002-1  
Exhibit B: Amended Boundary Map of Community Facilities District No. 2002-1

- Exhibit C: Rate and Method of Apportionment for Orcutt Community Facilities District No. 2002-1
2. Resolution Calling Special Election for Annexation of Hummel Drive into Orcutt Community Facilities District No. 2002-1
  3. Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien
  4. Ordinance Approving the Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and Authorizing the Levy of Special Taxes

Concurrence:

County Counsel

Auditor Controller

CC: Billie Alvarez, Elections  
Marie La Sala, County Counsel  
Michael Emmons, Surveyor  
John Zorovich, Planning and Development  
Lynn Simonsen, HomeSuites, LLC

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

INITIATING ANNEXATION OF TERRITORY)  
TO ORCUTT COMMUNITY FACILITIES DISTRICT  
AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN)  
(Hummel Drive Annexation for Tract 14,668)

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the “Community Facilities District”), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”); and,

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to annex territory to an existing facilities district; and,

WHEREAS, a map entitled “Annexation Map No. 2 of Community Facilities District No. 2002-1, County of Santa Barbara, State of California,” (“Annexation Map No. 2”) has been filed with the County Clerk of the County of Santa Barbara and is attached hereto as Exhibit A; and

WHEREAS, the Annexation Map No. 2 cross-references the map entitled, “Amended Boundary of Community Facilities District No. 2002-1, County of Santa Barbara, State of California,” filed for record in the office of the County of Santa Barbara on 16 August, 2006, in Book 4 of Maps of Assessment and Community Facilities Districts at pages 38-39 (attached hereto as Exhibit B).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Barbara as follows:

1. The Board of Supervisors hereby finds and determines that public convenience and necessity require that territory be added to the Community Facilities District.
2. The name of the existing Community Facilities District is the “Orcutt Community Facilities District No 2002-01.”
3. The territory proposed for annexation is known as “Hummel Drive, Hummel Village Phase II” (APN 107-270-003), which contains 5 acres located on Hummel Drive at Mooncrest Lane and is shown on the attached Annexation Map No. 2 of Orcutt Community Facilities District No. 2002-1 (Exhibit A).
4. The types of public facilities and services financed by the Community Facilities District and pursuant to the Act consist of (1) fire protection services, (2) police protection services, (3) maintenance of parks, parkways and open space, and (4) flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems only to the extent that they are in addition to existing public services provided within the boundaries of Community Facilities District No. 2002-1 before the Community Facilities District was created.
5. Except where funds are otherwise available, a special tax sufficient to pay for all services is intended to be levied annually within the Community Facilities District, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and method of appointment of the special tax annexation proposed herein, in sufficient detail

to allow each landowner within the territory proposed to be annexed to the Community Facilities District to estimate the maximum amount such owner will have to pay, are described in Exhibit C attached hereto, which is by this reference incorporated herein.

6. The Board of Supervisors hereby fixes October 17, 2006 at 9:00 a.m., or as soon thereafter as the Board of Supervisors may reach the matter, at 105 East Anapamu Street, Santa Barbara, California as the time and place when and where the Board of Supervisors will conduct a public hearing on the annexation of territory to the Community Facilities District and the levying of special taxes therein.
7. The Clerk of the Board is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the Orcutt Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.
8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 12<sup>th</sup> day of September, 2006, by the following votes:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Joni Gray, Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
CLERK OF THE BOARD  
MICHAEL J. BROWN

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:  
STEPHEN S. STARK  
COUNTY COUNSEL

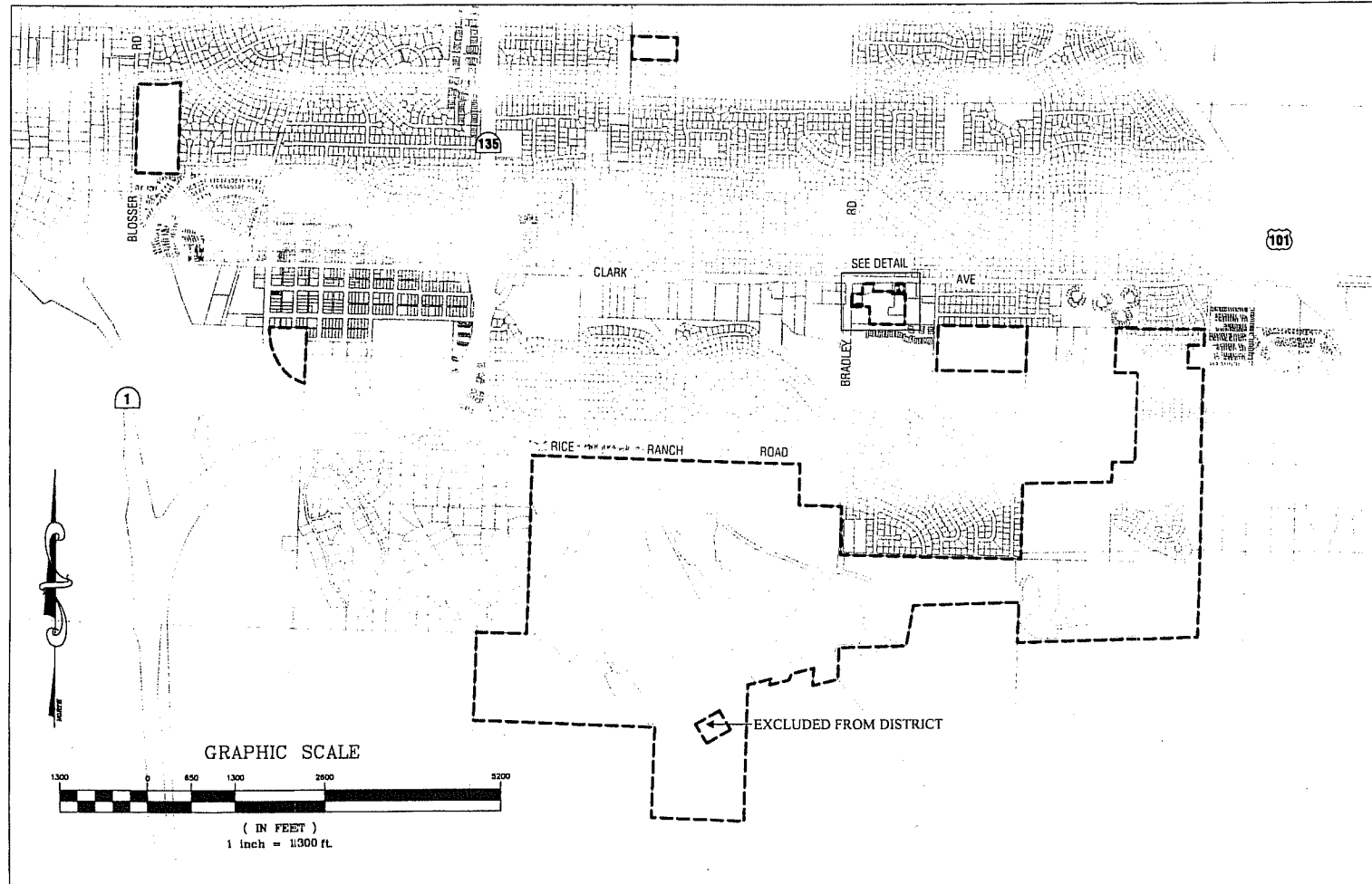
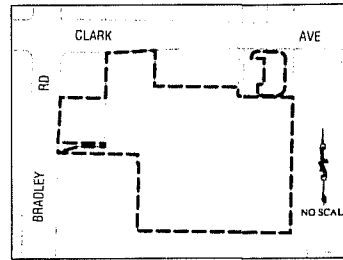
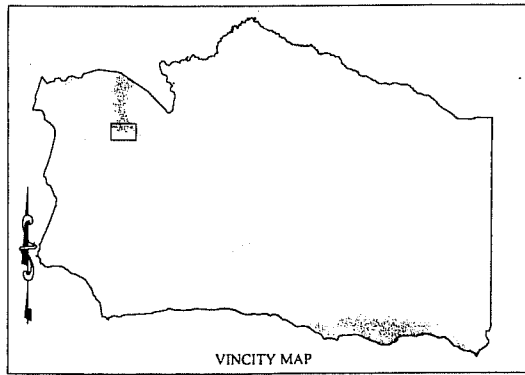
APPROVED AS TO FORM:  
ROBERT W. GEIS  
AUDITOR-CONTROLLER

By \_\_\_\_\_  
Deputy Counsel

By \_\_\_\_\_  
Deputy

# AMENDED BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2002-1

COUNTY OF SANTA BARBARA - STATE OF CALIFORNIA



**CLERK OF THE BOARD'S STATEMENT**

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE AMENDED BOUNDARY OF COMMUNITY FACILITIES DISTRICT 2002-1 (ORCUTT COMMUNITY PLAN), COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AT A REGULAR MEETING THEREOF, HELD ON THE 6th DAY OF June, 2006, BY RESOLUTION NO. 06-193.

FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA THIS 21 DAY OF August, 2006.

MICHAEL F. BROWN  
CLERK OF THE BOARD OF SUPERVISORS  
OF SANTA BARBARA COUNTY

BY: Paula Barber  
DEPUTY

**COUNTY RECORDER'S STATEMENT**

FILED THIS 21st DAY OF August, 2006, AT THE HOUR OF 3:49 O'CLOCK P. M. IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 38, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.  
\*Pages 38-39

JOSEPH E. HOLLAND  
COUNTY CLERK - RECORDER - ASSESSOR

BY: Beverly Curran  
DEPUTY

**COUNTY SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 27557, AT THE REQUEST OF THE TREASURER - TAX COLLECTOR OF SANTA BARBARA COUNTY. I CERTIFY THE DISTRICT LINES SHOWN HEREON ARE CONSISTENT WITH THE AMENDED BOUNDARY OF THE COMMUNITY FACILITIES DISTRICT NO. 2002-1 APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ON THE 21st DAY OF August, 2006, BY RESOLUTION NO. 06-193.

Michael Blumma  
MICHAEL B. EMMONS  
COUNTY SURVEYOR  
P.L.S. 5899  
LICENSE EXPIRATION DATE 12/31/2006

8/21/06  
DATE



LEGAL DESCRIPTION (APN)

SEE SHEET 2 FOR LIST OF ASSESSOR PARCEL NUMBERS

**NOTE:**

THIS MAP AMENDS THE BOUNDARY MAP FOR COMMUNITY FACILITIES DISTRICT 2002-1, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA PRIOR RECORDED AT BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 22 AND 23, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

AMENDED BOUNDARY OF  
COMMUNITY FACILITIES DISTRICT 2002-1  
(ORCUTT COMMUNITY PLAN)  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA



## Exhibit C

### Rate and Method of Apportionment Orcutt CFD No. 2002-1

The amount of special taxes that CFD No. 2002-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special taxes for each classification of Developed Property are specified below. **The initial Maximum Special Tax will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index (CPI) during the previous twelve months or 2%.**

The maximum annual Grading Permit Special Tax for Graded Property is also specified below. No Special Taxes shall be levied upon Undeveloped Property.

#### Fiscal Year 2006-2007 Annual Special Taxes

Land Use Class	Description	Maximum Special tax	Actual Special Tax
1	Single Family Property	<b>\$692.18 per unit</b>	<b>\$498.54</b>
2	Multi-family property	\$470.68 per unit	NA
3	Non-retail commercial/industrial property	\$0.67141 per sq. ft.	NA
4	Retail commercial property	\$0.47761 per sq. ft.	\$0.34404 per sq. ft
NA	Graded Property	\$50 per lot	\$50 per lot

#### Fiscal Year 2005-2006 One Time Special Taxes

Type of Tax	Property Type	Special Tax	Time of Levy
Building Permit	Residential Property	\$250 per unit	Issuance of building permit
Building Permit	Non-residential Property	\$0.20 per sq. ft.	Issuance of building permit
Grading Permit	NA	\$50 per lot	Issuance of land use permit for grading

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SANTA BARBARA CALLING SPECIAL  
ELECTION FOR COUNTY OF SANTA BARBARA  
ANNEXATION OF HUMMEL DRIVE INTO COMMUNITY  
FACILITIES DISTRICT NO. 2002-1 (ORCUTT  
COMMUNITY FACILITIES DISTRICT)**

**WHEREAS**, on this date, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) adopted a resolution entitled “A Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein” (the “Resolution of Intent to Annex”) and

**WHEREAS**, pursuant to the provisions of said resolution, the propositions to annex territory and levy a special tax within the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982 (the “Act”);

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Barbara as follows:

**Section 1.** Pursuant to Sections 53326 and 53325.7 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefore as provided below.

**Section 2.** As authorized by Section 53353.5 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be combined into one ballot proposition.

**Section 3.** The Board of Supervisors hereby finds that fewer than 12 persons have been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the Board of Supervisors for the purposes of these proceedings. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each landowner who is the owner of record as of the close of such public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

**Section 4.** The Board of Supervisors hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to annex into the Orcutt Community Facilities District and levy a special tax on the proposed annexed parcels within the Community Facilities District, which election shall be held at the County Administration Building, 4<sup>th</sup> Floor, at 105 East Anapamu Street, Santa Barbara, California, on October 17, 2006. The Registrar of Voters of the County Clerk Recorder Assessor or an

authorized deputy thereof (the "Registrar of Voters") is hereby designated as the official to conduct said election. The Board of Supervisors has caused to be provided to the Registrar of Voters the Resolution of Intent to Annex, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the Registrar of Voters to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the Registrar of Voters not later than 12:00 p.m. on October 17, 2006; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the Registrar of Voters.

**Section 5.** Pursuant to Section 53327 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. The Board of Supervisors hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of said Section 4000 are applicable to this special election.

**Section 6.** The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The Registrar of Voters shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

**Section 7.** The Registrar of Voters shall accept the ballots of the qualified electors in the Election Office of the Registrar of Voters at 130 E. Victoria Street, 2<sup>nd</sup> Floor, Santa Barbara, California, up to and including 12:00 p.m. on October 17, 2006, whether said ballots be personally delivered or received by mail. The Registrar of Voters shall have available ballots which may be marked at said location on the election day by said qualified electors.

**Section 8.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this 12<sup>th</sup> day of September, 2006, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Joni Gray  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

Approved as to Form:  
Stephen Shane Stark  
County Counsel

Approved as to Form:  
Robert W. Geis  
Auditor-Controller

By \_\_\_\_\_  
Deputy County Counsel

By \_\_\_\_\_  
Deputy Auditor-Controller

EXHIBIT A

**OFFICIAL BALLOT**  
**COUNTY OF SANTA BARBARA**  
**October 17, 2006**  
**SPECIAL ELECTION**

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the Santa Barbara Election Office of the Registrar of Voters of the County of Santa Barbara no later than 12:00 a.m. on October 17, 2006, either by mail or in person. The ballot can be mailed or delivered to the County Elections Office, 130 E. Victoria Street, 2<sup>nd</sup> Floor, Santa Barbara, CA 93102-0159.

**INSTRUCTIONS TO VOTERS:**

To vote on the measure, mark a cross (+) or (X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the Registrar of Voters of the County of Santa Barbara and obtain another.

**COUNTY OF SANTA BARBARA**  
**COMMUNITY FACILITIES DISTRICT NO. 2002-1**  
**(ANNEXATION INTO ORCUTT COMMUNITY FACILITIES DISTRICT)**

**MEASURE SUBMITTED TO VOTE OF VOTERS:**

Shall the parcel(s) identified in the Annexation Map No. 2 of Community Facilities District No. 2002-1, attached as Exhibit A to the resolution entitled "Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" adopted by the Board of Supervisors of the County of Santa Barbara on September 12, 2006, be annexed into the County of Santa Barbara Community Facilities District No. 2002-1 (the "Community Facilities District") and shall the Community Facilities District be authorized to levy a special tax on the annexed parcels to finance certain services to be provided to the annexed parcels by the Community Facilities District?

Yes:

No:

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Sections 53326(a) and 53327(b) of the Mello-Roos Community Facilities Act of 1982.

Number of Votes:  
Landowner:

By: \_\_\_\_\_

Landowner

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SANTA BARBARA DECLARING  
RESULTS OF SPECIAL ELECTION AND DIRECTING  
RECORDING OF NOTICE OF SPECIAL TAX LIEN**

**WHEREAS**, on September 12, 2006, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara adopted a resolution entitled “A Resolution of the Board of Supervisors of the County of Santa Barbara Calling Special Election for the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District)” (the “Resolution Calling Election”), calling for a special election of the qualified electors within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) (the “Community Facilities District”);

**WHEREAS**, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), the special election was held on October 17, 2006; and

**WHEREAS**, the Elections Division Manager or authorized designee, of the County of Santa Barbara (the “County”), acting on behalf of the Registrar of Voters of the County has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the “Canvass”), a copy of which is attached hereto as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Barbara as follows:

**Section 1.** The Board of Supervisors has received, reviewed and hereby accepts the Canvass.

**Section 2.** The Board of Supervisors hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328(a) and Section 53325.7 of the Act.

**Section 3.** The Clerk of the Board of Supervisors is hereby directed to execute and cause to be recorded in the office of the County Recorder a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the Board of Supervisors of this Resolution.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this 17<sup>th</sup> day of October, 2006 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Joni Gray  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

Approved as to Form:  
Stephen Shane Stark  
County Counsel

Approved as to Form:  
Robert W. Geis  
Auditor-Controller

By \_\_\_\_\_  
Deputy County Counsel

By \_\_\_\_\_  
Deputy Auditor-Controller

**EXHIBIT A**

**COUNTY OF SANTA BARBARA  
COMMUNITY FACILITIES DISTRICT NO. 2002-1  
(ANNEXATION INTO ORCUTT COMMUNITY FACILITIES DISTRICT)**

**CANVASS AND STATEMENT OF RESULTS OF ELECTION**

I hereby certify that on October 17, 2006, I canvassed the returns of the special landowner election held on October 17, 2006, for the County of Santa Barbara Community Facilities District No. 2002-1 (Annexation Into Orcutt Community Facilities District) that the total number of ballots cast in said District and the total number of votes cast for and against the measure are as follows and that the totals as shown for and against the measure are full, true and correct:

	Qualified	Votes	<u>YES</u>	<u>NO</u>
	Landowner			
	<u>Votes</u>	<u>Cast</u>		
County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) Special Election, October 17, 2006				

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the parcel(s) identified in the Annexation Map No. 2 of Community Facilities District No. 2002-1, attached as Exhibit A to the resolution entitled "Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" adopted by the Board of Supervisors of the County of Santa Barbara on August 15, 2006, be annexed into the County of Santa Barbara Community Facilities District No. 2002-1 (the "Community Facilities District") and shall the Community Facilities District be authorized to levy a special tax on the annexed parcels to finance certain services to be provided to the annexed parcels by the Community Facilities District?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 17<sup>th</sup> day of October 2006.

Joseph E. Holland  
County of Santa Barbara  
Registrar of Voters

By

\_\_\_\_\_  
Elections Division Manager



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SANTA BARBARA APPROVING THE  
ANNEXATION OF TERRITORY TO ORCUTT  
COMMUNITY FACILITIES DISTRICT NO. 2002-1 AND  
AUTHORIZING THE LEVY OF A SPECIAL TAX  
THEREIN**

**WHEREAS**, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the “Community Facilities District”), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”); and

**WHEREAS**, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to levy special taxes (the “Special Taxes”) to pay for the costs of certain facilities; and

**WHEREAS**, the Board of Supervisors, pursuant to Ordinance No. 4478, adopted by the Board of Supervisors of the County on October 15, 2002, authorized and levied the Special Taxes within the Community Facilities District; and

**WHEREAS**, on September 12, 2006 the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) adopted a resolution entitled “A Resolution of the Board of Supervisors of the County of Santa Barbara Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein” (the “Resolution of Intention”), stating its intention to annex “Hummel Drive” residential development (APN 107-270-003) into the Orcutt Community Facilities District No. 2002-1 (the “Community Facilities District”) and authorize the levying of special taxes on the newly annexed parcels pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”);

**WHEREAS**, the Board of Supervisors has held a noticed public hearing on the annexation to the Orcutt Community Facilities District and the authorization of levying special taxes on the newly annexed parcels, as required by the Act;

**WHEREAS**, at the hearing, the testimony of all interested persons and taxpayers for or against the annexation to the Orcutt Community Facilities District was heard and no oral or written protests against the annexation to the Orcutt Community Facilities District, the furnishing of any specified type or types of services to the annexed areas within the Orcutt Community Facilities District or the levying any specified special tax were made or filed at or before the hearing and the hearing was concluded on this date;

**WHEREAS**, an election was held in which the qualified electors of the area proposed to be annexed approved said propositions by more than the two-thirds vote required by the Act;

**WHEREAS**, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by ordinance, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor on or before the 10th day of August of that tax year; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Barbara as follows:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The parcels contained within “Hummel Drive residential development (APN 107-270-003) are hereby annexed into the Orcutt Community Facilities District No. 2002-1.

**Section 3.** The special tax assessment is hereby levied on the parcels comprising Hummel Drive.

**Section 4.** Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property annexed into the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the “Rate and Method”), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A attached hereto, which is by this reference incorporated herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the Board of Supervisors shall determine, including direct billing of the affected property owners.

**Section 5.** The Clerk of the Board is directed to record forthwith in the Office of the Santa Barbara County Clerk Recorder a certified copy of this Ordinance and further directed to file forthwith a certified copy of this Ordinance with the Santa Barbara County Auditor-Controller.

**Section 6.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the Board of Supervisors ceases.

**Section 7.** The Board of Supervisors hereby determines and finds that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

**Section 8.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this 17<sup>th</sup> day of October, 2006, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Joni Gray  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

Approved as to Form:  
Stephen Shane Stark  
County Counsel

Approved as to Form:  
Robert W. Geis  
Auditor-Controller

By \_\_\_\_\_  
Deputy County Counsel

By \_\_\_\_\_  
Deputy Auditor-Controller

**Exhibit A**  
**Special Tax Levy for Fiscal Year 2006-2007**

**1. Developed Property**

a. Special Tax

The Special Tax for Fiscal Year 2006-2007 for each Land Use Class is shown below in Table 1. The special tax rate will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index during the past 12 months or 2%. For Fiscal Year 2006-07, the CPI was 4.45%.

**TABLE 1**

**MAXIMUM SPECIAL TAXES FOR DEVELOPED PROPERTY**  
**For Fiscal Year 2006-2007**  
**Community Facilities District No. 2002-1**

<b>Land Use Class</b>	<b>Land Use</b>	<b>Maximum Special Tax Per Dwelling Unit or Per Square Foot of Non-Residential Floor Area</b>
1	Single Family Property	\$692.18 per Dwelling Unit
2	Multi-Family Property	\$470.68 per Dwelling Unit
3	Non-Retail Commercial/Industrial Property	\$0.67141 per square foot
4	Retail Commercial Property	\$0.47761 per square foot
NA	Graded Property	\$50 per lot

**2. Graded Property**

As set forth in the Rate and Method, a Special Tax of \$50 shall be levied on Graded Property.

**3. Property Being Issued a Building Permit**

As set forth in the Rate and Method, a One-Time Special Tax of \$250 per Dwelling Unit and \$0.20 per square foot of Non-Residential Floor Area shall be levied at a building permit issuance on Developed Property.