

**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: 8/11/2006
Department Name: CEO
Department No.: 012
Agenda Date: 8/15/06
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

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

STAFF CONTACT: Sharon Friedrichsen, Project Manager
568-3400

SUBJECT: Initiation of the Annexation of Orcutt Creek Estates Residential Development into Orcutt Community Facilities District No. 2002-1, Fourth Supervisorial District

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 Orcutt Creek Estates residential development (tentative tract map 14,627 on APN 103-740-016);
- B. Adopt a Resolution Calling for a Special Election for Annexation of Orcutt Creek Estates into the Orcutt Community Facilities District (No. 2002-1);
- C. Set a public hearing on September 26, 2006 regarding the intent to annex territories known as Orcutt Creek Estates residential development into the Orcutt Community Facilities District (No. 2002-1) and levy special taxes on the proposed parcels to be annexed. On September 26, 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 Orcutt Creek Estates into the Orcutt Community Facilities District (No. 2002-1) and the levying of special taxes on the parcels 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 September 26, 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 (Orcutt Creek Estates) 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 3, 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 (Orcutt Creek Estates) 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 Orcutt Creek Estates residential development project is located within the Orcutt Community Plan at Key site 10, and located at 5301 S. Bradley Road, about 0.5 miles south of E. Clark Ave. Surrounding land uses include residential development to the South and West, a community retention basin and arterial street to the East and Orcutt Solomon Creek to the North. Uses of the project site currently include one single family residence and various out buildings that were part of past agricultural use. The total site area is 9.81 acres. The development will consist of a 16 lot residential subdivision with 15 single family residences and 1 open space lot. Located within the open space lot will be a privately maintained retention basin, a public recreation trail, and public open space area. The public recreation trail will also double as emergency access. By annexation into the Orcutt Community Facilities District the project will attain the services of fire and sheriff protection, maintenance of public areas, and flood and storm protection.

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 rates for CFD No. 2002-1 was previously set during 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 Orcutt Creek Estates parcel being proposed for annexation into the Orcutt CFD will result in 15 single family homes being built, in addition to the current single family home that already exists on the property. Based on the Fiscal Year 2006-2007 Annual Special Taxes calculated by Taussig and Associates, Inc., the homes would be assessed \$498.54 per unit, for a total cost of \$7,976.64 allocated to the Orcutt CFD.

Annexation Procedures

Annexation into the Orcutt CFD No. 2002-1 is one of the requirements of the Conditions of Approval for the Orcutt Creek Estates residential development. Cameron Realty Partners, LLC has accordingly requested annexation of the Orcutt Creek Estates 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.

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. Because no parcels have yet been sold, there is only one owner and one registered voter within the Orcutt Creek Estates annexation boundaries. The sole landowner, Cameron Realty Partners, LLC, may therefore elect annexation.

Cameron Realty Partners, LLC will be sent a special election ballot 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 September 26, 2006.

If Cameron Realty Partners, LLC returns its ballot in favor of Annexation to Orcutt CFD No. 2002-1 and levying of the Special Tax, 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 Orcutt Creek Estates residential development into the Orcutt Community Facilities District will allow fire and sheriff protection services, maintenance of parks, parkways and open space, and flood and storm protection services to be provided and funded through a levy of special taxes on the homeowners.

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, the proposed 16 single family homes are assessed the special tax rate. Based

on the Fiscal Year 2006-2007 Annual Special Taxes calculated by Taussig and Associates, Inc., the homes would be assessed \$498.54 per unit, for a total cost of \$7,976.64 being allocated to the Orcutt CFD.

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 September 26, 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 THE ORCUTT CREEK ESTATES 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 September 26, 2006 at 9:00 AM or shortly thereafter, in the County Board of Supervisors Hearing Room at the County Administration Building, 4th 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 Orcutt Creek Estates, Tract 14,627, 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 owners, which in this case is Cameron Realty Partners LLC, no later than 15 days before the public hearing on September 26, 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 received one vote per acre, or portion therefore, owned within the area to be annexed as per Government Code Section 5339.6.
- 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.

Concurrence:
County Counsel

Attachments:

1. Resolution Initiating Annexation of Territories to Orcutt Community Facilities District No. 2002-1
Exhibit A: Orcutt Creek Estates Annexation Parcel Map No. 3 of Orcutt Community Facilities District No. 2002-1
Exhibit B: Proposed Boundary Map for Orcutt Community Facilities District No. 2002-1 No. 2002-1
Exhibit C: Rate and Method of Apportionment for Orcutt Community Facilities District No. 2002-1 No. 2002-1
2. Resolution Calling Special Election for Annexation of Orcutt Creek Estates into Orcutt Community Facilities District No. 2002-1 No. 2002-1

CC: Billie Alvarez, Elections
Marie La Sala, County Counsel
Larry Appel, Planning and Development
R. Glenn Rider, Cameron Realty Partners, 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)
(Orcutt Creek Estates for Tract 14,627)

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 “Orcutt Creek Estates Annexation Map No. 3 of Orcutt Community Facilities District No. 2002-1, County of Santa Barbara, State of California,” (“Annexation Map No. 3”) has been filed with the County Clerk of the County of Santa Barbara and attached hereto as Exhibit A; and

WHEREAS, the Annexation Map No. 3 cross-references the map entitled, “Proposed 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 8 October, 2002, in Book 4 of Maps of Assessment and Community Facilities Districts at page 23, and 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 “Orcutt Creek Estates” residential development (APN 103-740-016), which contains 9.81 acres located at 5301 S. Bradley Road, about 0.5 miles south of E. Clark Ave and is shown on the attached Orcutt Creek Estates Annexation Map No. 3 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 September 26, 2006 at 9:00 a.m., or as soon thereafter as the Board of Supervisors may reach the matter, at the County Administration Building, 4th Floor 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 15th day of August, 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

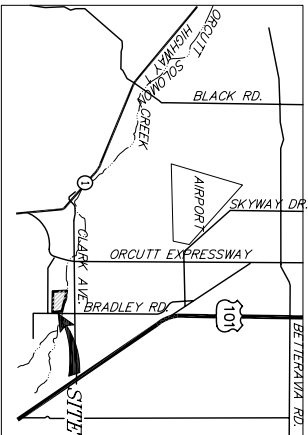
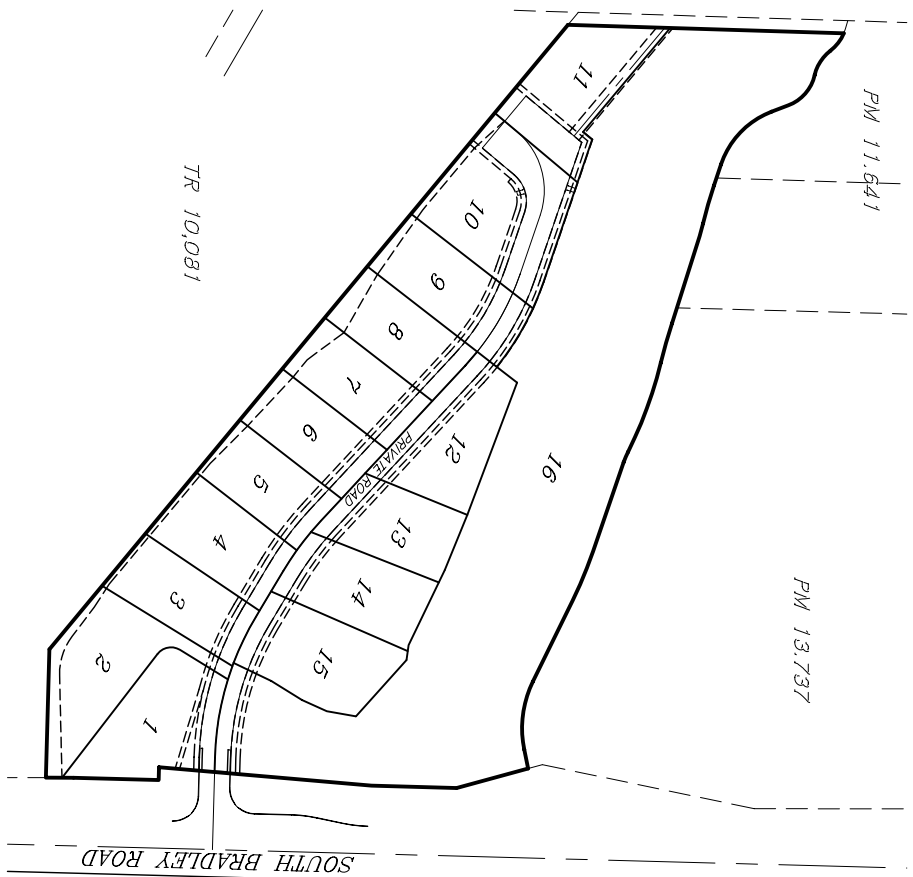
By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN S. STARK
COUNTY COUNSEL

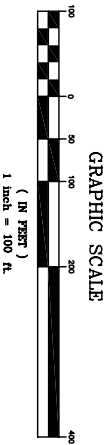
APPROVED AS TO FORM:
ROBERT W. GEIS
AUDITOR-CONTROLLER

By _____
Deputy Counsel

By _____
Deputy



VICINITY MAP
NO SCALE



LEGEND
BOUNDARIES OF COMMUNITY FACILITIES DISTRICT _____

COUNTY SURVEYOR'S STATEMENT.

THIS MAP WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 27557. AT THE REQUEST OF THE COUNTY EXECUTIVE OFFICER OF SANTA BARBARA COUNTY I CERTIFY THE DISTRICT LINES SHOWN HEREON ARE CONSISTENT WITH THE PROPOSED BOUNDARY AREA TO BE ANNEXED INTO THE COMMUNITY FACILITIES DISTRICT NO. 2002-1 APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ON THE _____ DAY OF _____, BY RESOLUTION NO. _____.

MICHAEL B. EMMONS P.L.S. 5899 _____ DATE
COUNTY SURVEYOR
LICENSE EXPIRATION DATE: 12-31-06

COUNTY SURVEYOR'S STATEMENT.

FILED THIS _____ DAY OF _____ 20____ AT _____ IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

JOSEPH E. HOLLAND _____ BY: _____ DEPUTY
COUNTY CLERK-RECORDER-ASSESSOR

CLERK OF THE BOARD STATEMENT.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARY OF COMMUNITY FACILITIES DISTRICT 2002-1 (ORCUTT CREEK ESTATES) 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 _____ DAY OF _____, 2006, BY RESOLUTION NO. _____ FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA THIS _____ DAY OF _____, 2006.

MICHAEL E. BROWN _____ BY: _____ DEPUTY
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

LEGAL DESCRIPTION

ALL THAT CERTAIN LAND SITUATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOTS 1 THROUGH 16 OF TRACT 14,627 SITUATED IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN HEREON, BEING PAGES _____ TO _____, INCLUSIVE, OF _____ CONTAINING 9.18 ACRES, MORE OR LESS.

**Orcutt Creek Estates Annexation Map No. 3 of
Community Facilities District No. 2002-1, County of
Santa Barbara, State of California**

References the map entitled "Proposed 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 8 October, 2002, in Book 4 of Maps of Assessment and Community Facilities Districts at page 23

t h o
title / hines / assoc.
land surveying

1515 W. 10th St., Ste. 100
Santa Barbara, CA 93101
Phone: (805) 834-2888
Fax: (805) 834-2889
www.tho.com

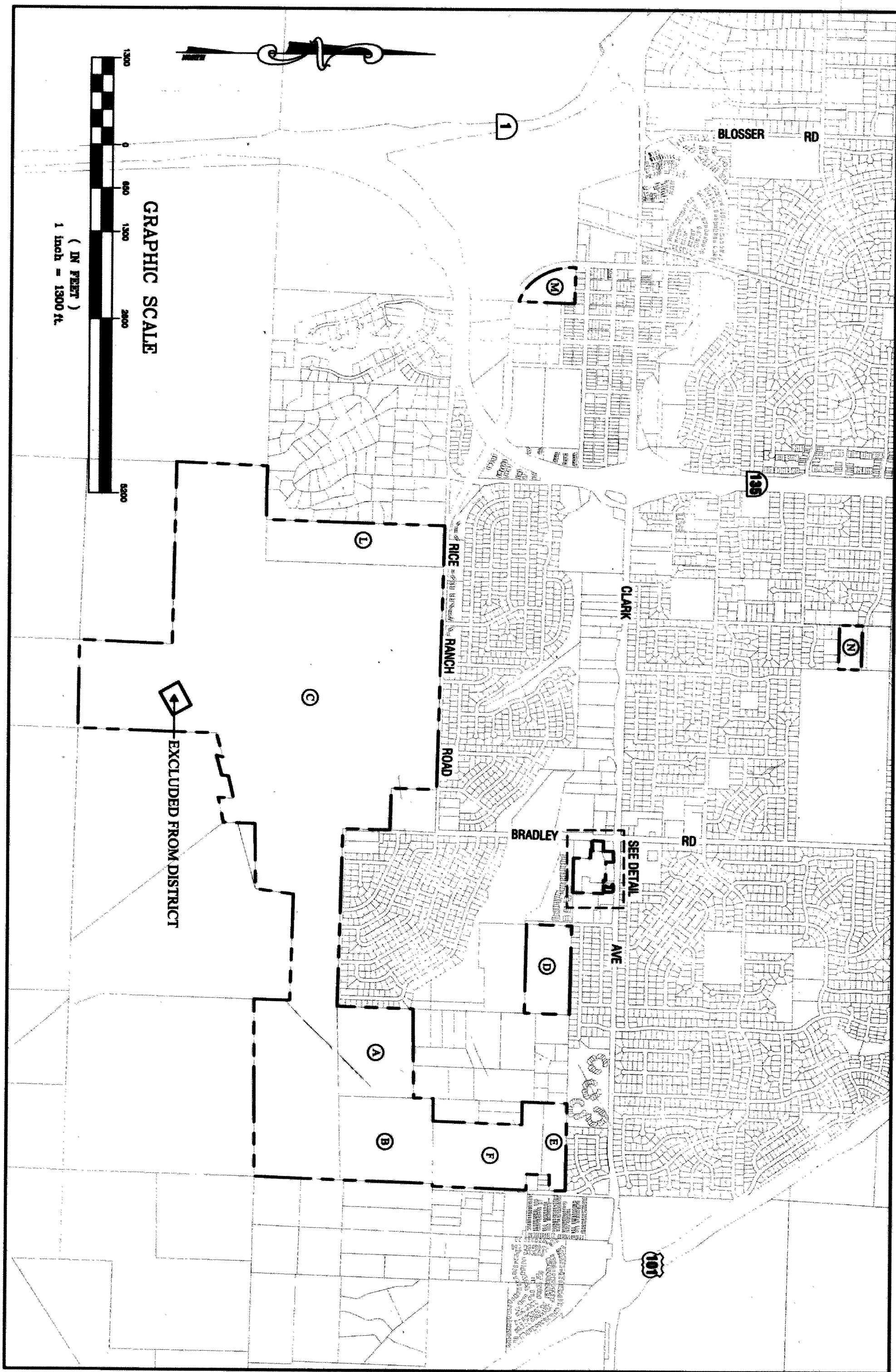
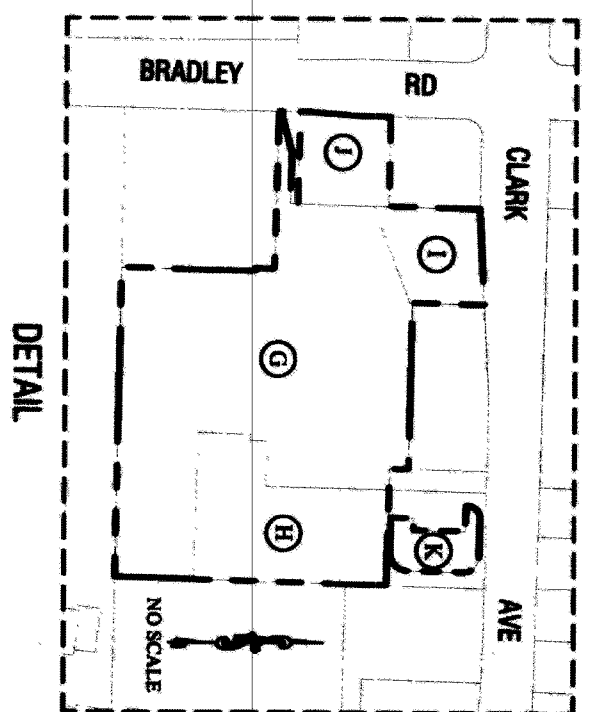
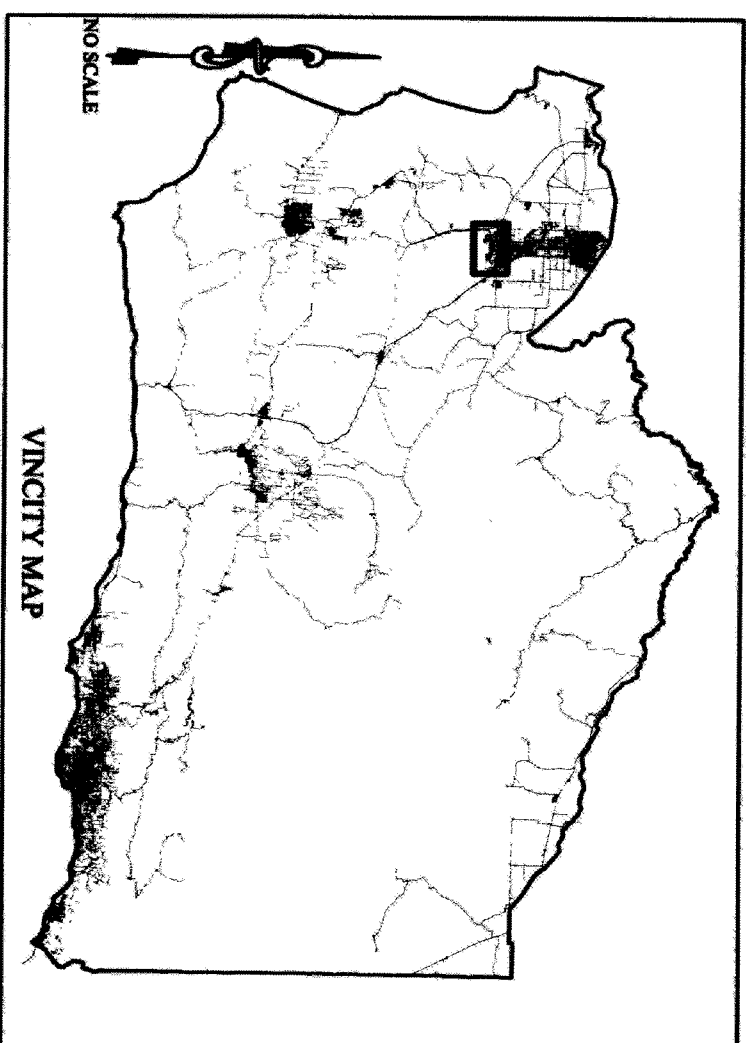
775 Woodrow St., Suite 6
Santa Barbara, CA 93101
Phone: (805) 834-2888
Fax: (805) 834-2889
www.tho.com

5133 Mission Canyon, Suite 6
Santa Barbara, CA 93101
Phone: (805) 834-2888
Fax: (805) 834-2889
www.tho.com

1081 Mission Canyon, Suite 1
Santa Barbara, CA 93101
Phone: (805) 834-2888
Fax: (805) 834-2889
www.tho.com

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DATE: 08-08-06
SCALE: AS SHOWN
DRAWN: DH/LTD
JOB NO.: 11.000420
DWG: 11.000420C02.dwg
SHEET: 1
OF 1 SHEETS



LEGAL DESCRIPTION (APN)	APN - ASSESSOR PARCEL NUMBER
Ⓐ 101-010-002	ⓐ 103-200-026
Ⓑ 101-010-003	ⓑ 103-200-068
Ⓒ 101-010-013	ⓒ 103-200-069
	ⓓ 103-740-025
	ⓔ 103-740-028
	ⓕ 103-740-034
	ⓖ 103-740-031
	ⓗ 105-140-016
	ⓓ 105-330-004
	ⓔ 107-270-012

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

PROPOSED 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 PROPOSED 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 9TH DAY OF JULY, 2002, BY RESOLUTION NO. 02-258.

FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA THIS 21ST DAY OF JULY, 2002.
 MICHAEL F. BROWN
 CLERK OF THE BOARD OF SUPERVISORS
 OF SANTA BARBARA COUNTY
 BY: [Signature]
 DEPUTY

COUNTY RECORDER'S STATEMENT

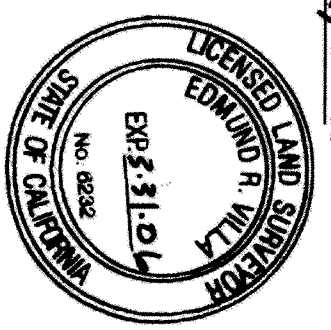
FILED THIS 24th DAY OF JULY, 2002, AT THE HOUR OF 2:30 O'CLOCK P.M. IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 23, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SANTA BARBARA THIS 24th DAY OF JULY, 2002.
 KENNETH A. PETTI
 COUNTY CLERK - RECORDER - ASSESSOR
 BY: [Signature]
 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 PROPOSED BOUNDARY OF THE COMMUNITY FACILITIES DISTRICT NO. 2002-1 APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ON THE 24th DAY OF JULY, 2002, BY RESOLUTION NO. 02-258.

Deputy County Surveyor
[Signature]
 MICHAEL B. EMMONS
 COUNTY SURVEYOR
 P.L.S. 5859
 LICENSE EXPIRATION DATE 12/31/2004
 DATE July 24, 2002



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

SHEET
 1 OF 1

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	\$692.18 per unit	\$498.54
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 ORCUTT CREEK ESTATES 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, 4th Floor at 105 East Anapamu Street, Santa Barbara, California, on September 26, 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 September 26, 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, 2nd Floor, Santa Barbara California, up to and including 12:00 p.m. on September 26, 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. The Board of Supervisors hereby finds that the provision of Section 53326 of the Act requiring the special election to be held at least 90 days following the adoption of the Resolution Initiating Annexation is for the protection of the qualified electors of the Community Facilities District. There are on file with the Registrar of Voters written requests and waivers executed by all of the qualified electors of the territory to be annexed by the Community Facilities District consenting to a shortening of the time for said special election to expedite the process of annexation into the Community Facilities District and waiving any requirement for

analysis and arguments in connection with the election. Accordingly, the Board of Supervisors finds and determines that said qualified electors have been fully apprised of and have consented to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. The Board of Supervisors also finds and determines that the Registrar of Voters has concurred in the shortened time for the election.

Section 9. 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 15th day of August, 2006, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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
September 26, 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 Maria Election Office of the Registrar of Voters of the County of Santa Barbara no later than 12:00 a.m. on September 26, 2006, either by mail or in person. The Election Office of the Registrar of Voters is located at 130 E. Victoria Street, 2nd Floor, Santa Barbara California, California 93101.

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
(ORCUTT COMMUNITY FACILITIES DISTRICT)

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall the Orcutt Creek Estates parcel(s) be allowed to annex into the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) (the "Community Facilities District") and shall the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services on the proposed parcels to be annexed as specified in 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?

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:

Landowner