



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:** 12/8/2015  
**Placement:** Set Hearing for  
01/12/2016  
**Estimated Tme:** 60 mins.  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors

**FROM:** Department Director(s) Contact Info: Mona Miyasato, County Executive Officer, 568.3400  
Martin Erickson, Deputy CEO, 568.3400

**SUBJECT:** Initiate Annexation of Bradley Village/Key Site 30 (APN 107-250-008) (District 4)  
to Orcutt Community Facilities District

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

(That the Board of Supervisors on December 8, 2015)

a) Adopt a Resolution of intention to annex Bradley Village/Key Site 30 (APN 107-250-008) as territory to Orcutt Community Facilities District No. 2002-1 and to authorize the levy of special taxes therein; and

b) Set a hearing for January 12, 2016, to consider recommendations, as follows:  
(Set a hearing for January 12, 2016. Time estimate: 1 hour)

(That the Board of Supervisors on January 12, 2016)

i) Receive testimony regarding written protests that have been filed, if any;

ii) Adopt a Resolution calling for a mailed ballot Special Election for Annexation of Bradley Village/Key Site 30 (APN 107-250-008) into the Orcutt Community Facilities District (No. 2002-1); and

iii) Set a hearing on January 19, 2016 to consider recommendations, as follows:  
(Set a hearing for January 19, 2016. Time estimate: 10 minutes)

(That the Board of Supervisors on January 19, 2016)

- 1) Certify the results of the Special Election and adopt a Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien; and
- 2) Consider the introduction (first reading) of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory to Orcutt Community Facilities District (No. 2002-1) and authorizing the Levy of Special Taxes Therein";
- 3) Read the title and waive further reading of the Ordinance; and
- 4) Set a hearing on the Administrative agenda of February 2, 2016, to consider recommendations, as follows:

(That the Board of Supervisors on February 2, 2016)

- I) Consider the adoption (second reading) of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein;" and
- II) Determine that the adoption of the Ordinance is not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378(b)(4), finding that the project is a creation of a governmental funding mechanism or other government fiscal activity, which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and direct staff to file a Notice of Exemption (NOE).

**Summary Text:**

The Bradley Village project, located on Orcutt Key Site 30 (APN 107-250-008), is a residential development project which was approved by the Board of Supervisors on September 10, 2013. The approved Tract Map would allow for the development of 69 single family dwellings. There are an additional 214 apartment units (multi-family) proposed to be located within the MR-O zoned portion of the site. There are currently no structures on the subject parcel. Condition No. 57 of the approved Tract Map (TM 14,739) requires the project to be annexed into the Orcutt Community Facilities District (OCFD).

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 53311 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 to be held no less than 30 days and no greater than 60 days after the adoption of the resolution. Then, an election must be held, which may be a special election at least 90 days but not more than 180 days following the adoption of the resolution. The qualified electors may unanimously consent to a waiver of this time limit with the concurrence of the election official. 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. There is only one landowner for this territory.

**Fiscal and Facilities Impacts:**

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.

The proposed new development of residential property is proposed to include 69 single-family units and 214 multi-family units for the special tax determination purposes. If the structures are taxed at the Single Family Property rate OCFD FY 15-16 Maximum Special Tax Rate of \$856.89 per unit, and the Multi-Family Property rate of \$582.69 per unit, then the estimated special taxes levied would be approximately \$183,821.07. The annual special tax rate is calculated using the Rate and Method of Apportionments ("RMA"), which documents the methodology and process for setting and collecting the special tax. After the special tax rate is determined, the Board of Supervisors must annually adopt a resolution levying the amounts of the special tax prior to August 10<sup>th</sup>.

**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 January 12, 2016.

*Notice to be published:*

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA NOTICE OF PUBLIC HEARING CONCERNING A RESOLUTION INITIATING THE ANNEXATION OF BRADLEY VILLAGE/KEYSITE 30 (APN 107-250-008) 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 January 12, 2016 at 9:00AM or shortly thereafter, in the County Board of Supervisors Hearing Room at the Joseph Centeno Betteravia Government Administration Building, Board Hearing Room 511 East Lakeside Parkway, Santa Maria, to take public testimony on the proposed resolution annexing territory onto the Orcutt Community Facilities District and levying special taxes therein. The Orcutt Community Facilities District levies an annual special 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 into the community facilities district or the levying of special taxes within the territory proposed to be annexed will be heard.

Pursuant to California Government Code section 53339.6, written protests may be filed at or before the conclusion of the hearing on January 12, 2016 against the proposed annexation of Bradley Village / Key Site 30 (APN 107-250-008) 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 of any special tax within the annexed areas of the Orcutt Community Facilities District. Any objections or protests may be filed with the Clerk of the Board of Supervisors at or 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 distribute special elections ballots to all qualified voters by personal service or by mail with return postage prepaid no later than January 12, 2016.
- 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 Martin Erickson.

**Attachments:**

- A. Bradley Village/Key Site 30 (APN 107-250-008) Annexation Map of Orcutt Community Facilities District No. 2002-1
- B. Resolution Initiating Annexation of Bradley Village/Key Site 30 (APN 107-250-008) to Orcutt Community Facilities District with Exhibit C.
- C. Resolution Calling Special Election for Annexation of Bradley Village/Key Site 30 (APN 107-250-008) into Orcutt Community Facilities District with Exhibit A.
- D. Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien with Exhibit A.
- E. Ordinance Approving the Annexation of Bradley Village/Key Site 30 (APN 107-250-008) to Orcutt Community Facilities District No. 2002-1 with Exhibit A.

**Authored by:**

Martin Erickson, Deputy County Executive Officer

**CC:**

Bob Geis, Auditor-Controller  
George Chapjian, Director, Community Services Department  
Renee Bischof, Chief Deputy Registrar of Voters, Elections  
Glenn Russell, Director, Planning and Development  
Aleksandar Jevremovic, County Surveyor