



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: 2/5/2013  
Placement: Administrative  
Estimated Tme: NA  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Chandra L. Wallar, County Executive Officer, 568.3400  
Director(s)  
Contact Info: Dennis Bozanich, Assistant to the CEO, 568-3400

**SUBJECT: Initiate Annexation of Clark Avenue Commercial Shopping Center/Key Site 4  
(APN 103-750-38) (District 4) to Orcutt Community Facilities District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Adopt a Resolution initiating annexation of territory to Orcutt Community Facilities District No. 2002-1 and to authorize the levy of special taxes therein for Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38);
- B. Adopt a Resolution calling for a mailed ballot Special Election for Annexation of Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) into the Orcutt Community Facilities District (No. 2002-1);
- C. Set a public hearing for March 5, 2013, to consider the annexation of territory known as Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) into the Orcutt Community Facilities District (No. 2002-1) and levy special taxes on the proposed parcel to be annexed.
  - a. On March 5, 2013, receive testimony regarding written protests that have been filed, if any;
  - b. Certify the results of a special election and adopt a Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien; and
  - c. 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 to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein."
- D. Set a hearing on March 19, 2013, to conduct a second reading and adopt "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" on March 19, 2013, and

- E. Find that the proposed actions do not constitute a "Project" within the meaning of CEQA, pursuant to 14 CCR 15378 (b)(4) (creation of government funding mechanisms).

**Summary Text:**

The approved Development Plan on Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38), located at the southeast corner of East Clark Avenue and Stillwell Road and also known as Orcutt Key Site 4, allows for the construction of three single-story commercial buildings with total development of approximately 12,396 square feet as follows:

- **Building A** of approximately 4,580 square feet, containing as-yet unspecified neighborhood-serving commercial uses,
- **Building B** of approximately 4,847 square feet, containing as-yet unspecified neighborhood-serving commercial uses, and
- **Building C**, of approximately 2,969 square feet, containing an as-yet unspecified neighborhood serving commercial use, with an associated drive-through lane that could not be used for a fast-food restaurant.

There are currently no structures on the parcel, which is located entirely within the Orcutt Community Plan Key Site 4. The Planning Commission approved the project on July 18, 2012, requiring the project to annex 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 and election to be held no less than 30 days and no greater than 60 days after the adoption of the resolution. The Special Taxes imposed by the OCFD must be approved by a two-thirds majority of the "qualified voters." When fewer than twelve registered voters reside within the area proposed to be annexed, the qualified voters are those owners of property within that area to be annexed. Every property owner receives one vote per acre, or portion thereof, owned within the area to be annexed. In this particular annexation, the territory is vacant so the landowner(s) will constitute the "qualified voters." Should 2/3 of the qualified voters approve the annexation, the territory will be subject to the annual levying of the special taxes affiliated with the OCFD.

**Fiscal and Facilities Impacts:**

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 retail buildings is projected to be approximately 12,396 square foot. If the structures are taxed at the OCFD FY 07-08 Maximum Special Tax Rate of \$0.49331/per square foot, then the estimated special taxes levied would be approximately \$6,115.07. 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 March 5, 2013.

*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 CLARK AVENUE COMMERCIAL SHOPPING CENTER/KEY SITE 4 (APN 103-750-38) 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 March 5, 2013 at 9:00AM or shortly thereafter, in the County Board of Supervisors Hearing Room at the County Administration Building, 105 E. Anapamu, Santa Barbara, California, to take public testimony on the proposed ordinance annexing territory onto the Orcutt Community Facilities District and imposing an annual assessment. The Orcutt Community Facilities District levies an annual tax based on the type of dwelling unit to finance fire and sheriff protection services, maintenance of parks, parkways and open spaces and flood and storm protection services. The testimony of all interested persons for or against the annexation of territory or the future annexation of territory into the community facilities district or the levying of special taxes within the territory proposed to be annexed or proposed to be annexed in the future will be heard.

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

- B. Direct Elections to work with the County Executive Office to mail special elections ballots to all

qualified voters no later than February 18, 2013, which is 15 days before the public hearing on March 5, 2013.

- 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 Dennis Bozanich.

**Attachments:**

- A. Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) Annexation Map of Orcutt Community Facilities District No. 2002-1
- B. Resolution Initiating Annexation of Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) to Orcutt Community Facilities District with Exhibit C.
- C. Resolution Calling Special Election for Annexation of Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) 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 Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) to Orcutt Community Facilities District No. 2002-1 with Exhibit A.

**Authored by:**

Dennis Bozanich, Assistant to the County Executive Officer

**cc:**

Bob Geis, Auditor-Controller  
Herman Parker, Director, Community Services Department  
Renee Bischof, Chief Deputy Registrar of Voters, Elections  
Jeff Hunt, Deputy Director, Long Range Planning  
Aleksandar Jevremovic, County Surveyor  
John Karamitsos, Planning and Development