

EXECUTIVE OFFICER DETERMINATION AND ORDER NO. 03-13

DETERMINATION OF THE EXECUTIVE OFFICER OF THE SANTA BARBARA
LOCAL AGENCY FORMATION COMMISSION ORDERING THE FORMATION OF THE
SANTA RITA HILLS COMMUNITY SERVICES DISTRICT

1. This action is taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and policies of the Santa Barbara Local Agency Formation Commission (hereafter Commission) , and

2. The Formation of the Santa Rita Hills Community Services District was initiated by a petition of registered voters that was certified as being sufficient on September 10, 2007.

3. On July 3, 2008 the Local Agency Formation Commission following a properly noticed public hearing adopted Resolution No. 03-13, making determinations and approving the proposal subject to conditions.

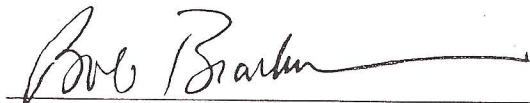
4. Acting on authority delegated by the Commission, I conducted on October 13, 2008 a properly noticed public hearing to receive protests against the proposed formation and, following conclusion of the hearing, I made the following determinations:

- a. There are 11 registered voters residing within the proposal area;
- b. Protests were submitted by two registered voters,
- c. There are 29 landowners within the proposal area, and
- d. Protests were submitted by four owners,

5. Based on the determinations above, I find that protests against the formation represent less than a majority of the registered voters residing within the proposal area and less than a majority of the landowners owning land within the proposal area.

6. Therefore, finding there are insufficient protests to terminate the proceedings, the formation should proceed subject to a confirmation election and the terms and conditions in the Commission's resolution of approval.

This order is made on and is effective from October 13, 2008.



Bob Braitman, Executive Officer,
Santa Barbara Local Agency Formation Commission

LAFCO 03-13

(As amended November 6, 2008)

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND APPROVING THE FORMATION OF
THE SANTA RITA HILLS COMMUNITY SERVICES DISTRICT

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and the Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, territory within the proposal is designated Agriculture on the County General Plan and zoned 100-acre minimum lot size; other than one parcel that is less than one acre in size all of the existing parcels are approximately 40 acres in size and cannot be further subdivided absent a General Plan Amendment and rezoning; and

WHEREAS, one road is planned to provide access to the Lakeview Estates parcels from the end of Sweeney Road to the tract; and

WHEREAS, the Santa Barbara County Fire Department has informed the Commission that this single access road to the Lakeview Estates subdivision will satisfy County requirements provided the subdivision maintains the original configuration as recorded.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission finds the proposal is not a “project” under the California Environmental Quality Act (“CEQA”) because it is limited to the creation a government funding mechanism that does not involve the commitment to any specific project. Pursuant to CEQA Guidelines section 15378(b)(4), a “project” under CEQA does not include the “creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment..”

(2) The subject proposal is assigned the distinctive short-form designation:

Formation of the Santa Rita Hills Community Services District

(3) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

(4) The Commission finds the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

(5) The proposal is approved subject to the following terms and conditions:

A. In accordance with the Community Services District Law the District shall be governed by a five-member Board of Directors elected at large, each of whom shall be a voter residing within the District. Terms of office of District directors shall be four years. Of the first elected board, the terms of the three members with the largest popular votes shall be four years. Of the first elected board, the term of the two members with the smallest popular vote shall be two years. In the case of a tie, the election will be decided by lot.

- B. The District shall within its boundaries have powers and responsibilities as set forth in the enabling act to acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks and any incidental works, to convert overhead electric and communications facilities to underground locations, and to install underground electric and communications facilities, with the consent of the public agency or public utility that owns the facilities pursuant to Streets and Highways Code.
- C. The District shall not have the power to provide other services including water supply or distribution nor are there plans for the District to acquire water rights or supply water within or outside of its boundaries.
- D. The District shall not have the authority to provide services outside of its boundaries, including the construction of an access road, either with or without the use of eminent domain.
- E. Any capital improvements or infrastructure constructed by the District must relate to the specific authorized services and any significant costs for construction will be financed by benefit assessments approved by landowners within the District.
- F. A special tax shall be approved as part of the formation as follows:
- (1) The maximum annual special tax authorized for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months.
 - (2) The actual tax to be levied for any fiscal year shall be determined by a majority vote of the District board of directors on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.

(3) The special tax shall be applied equally to each legal lot within the District; the amount of the tax levied shall be the same for each lot.

G. An appropriations limit shall be approved as part of the formation of Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months.

H. The effective date shall be the date that the formation is recorded.

(6) All subsequent proceedings in connection with this formation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

This resolution is adopted on November 6, 2008 in Santa Barbara California.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair

Santa Barbara Local Agency Formation Commission

ATTEST

Mary Everett, Clerk
Santa Barbara Local Agency Formation Commission

EXHIBIT C

SPECIAL MAILED BALLOT ELECTION - MAY 5, 2008

Formation of the Santa Rita Hills Community Services District

1. Board of Supervisors Refers Matter to Elections:
(LAFCO action to place matter on BOS agenda) Dec. 9, 2008 or
Jan. 6, 2009
2. Finalize Creation of Santa Rita Hills District Boundaries in
EIMS Jan. 9, 2009
3. Notice of Election & Notice to Submit Arguments
(E-120 to E-90) Jan. 10, 2009 &
Jan. 11, 2009
4. Candidate Nomination Period (E-113 to E-88) Jan. 12, 2009 to
Feb. 6, 2009
5. Period for Submitting Direct Arguments: Jan. 12, 2009 to
Jan. 22, 2009
6. Period for Submitting Rebuttal Arguments Jan. 23, 2009 to
Feb. 2, 2009
7. Public Examination Period: Feb. 3, 2009 to
Feb. 13, 2009
8. Preparation of Sample Ballot Feb. 14, 2009 to
April 1, 2009
9. Preparation of Ballot Envelopes Feb. 16, 2009 to
March 16, 2009
10. Preparation of Official Ballot: Feb. 16, 2009 to
March 30, 2009
11. First Day Ballots can be Mailed to Voters Along with the
Sample Ballot: April 6, 2009
12. Close of Voter Registration for the Election (E-15): April 20, 2009
13. Election Day: May 5, 2009
14. Certification of Election (Last Day) (E+28) June 2, 2009

LAFCO 03-13 – Election

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION DIRECTING
THE BOARD OF SUPERVISORS TO DIRECT COUNTY OFFICIALS TO CONDUCT THE
NECESSARY ELECTION ON BEHALF OF THE PROPOSED SANTA RITA HILLS
COMMUNITY SERVICES DISTRICT

WHEREAS, the Local Agency Formation Commission of Santa Barbara County on November 6, 2008 gave final approval to formation of the proposed Santa Rita Hills Community Services District, and

WHEREAS, this action was taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) and the Community Services District Law (Section 61000 et seq. of the Government Code); and

WHEREAS, Government Code Section 61014 (f) states if the Local Agency Formation Commission orders the formation of a district it shall direct the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission finds the proposal is not a “project” under the California Environmental Quality Act (“CEQA”) because it is limited to the creation a government funding mechanism that does not involve the commitment to any specific project. Pursuant to CEQA Guidelines section 15378(b)(4), a “project” under CEQA does not include the “creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment..”

(2) The subject proposal is assigned the distinctive short-form designation:

Formation of the Santa Rita Hills Community Services District

(3) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

(4) The Commission finds the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

(5) The Commission hereby directs the board of supervisors to direct county officials to conduct the necessary confirmation elections on behalf of the proposed district subject to the following terms and conditions:

A. In accordance with the Community Services District Law the District shall be governed by a five-member Board of Directors elected at large, each of whom shall be a voter residing within the District. Terms of office of District directors shall be four years. Of the first elected board, the terms of the three members with the largest popular votes shall be four years. Of the first elected board, the term of the two members with the smallest popular vote shall be two years. In the case of a tie, the election will be decided by lot.

B. The District shall within its boundaries have powers and responsibilities as set forth in the enabling act to acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks and any incidental works, to convert overhead electric and communications facilities to underground locations, and to install underground electric and communications facilities, with the consent of the public agency or public utility that owns the facilities pursuant to Streets and Highways Code.

C. The District shall not have the power to provide other services including water supply or distribution nor are there plans for the District to acquire water rights or supply water within or outside of its boundaries.

D. The District shall not have the authority to provide services outside of its boundaries, including the construction of an access road, either with or without the use of eminent domain.

E. Any capital improvements or infrastructure constructed by the District must relate to the specific authorized services and any significant costs for construction will be financed by benefit assessments approved by landowners within the District.

F. A special tax shall be approved as part of the formation as follows:

(1) The maximum annual special tax authorized for the District shall be Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months.

(2) The actual tax to be levied for any fiscal year shall be determined by a majority vote of the District board of directors on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.

(3) The special tax shall be applied equally to each legal lot within the District; the amount of the tax levied shall be the same for each lot.

G. An appropriations limit shall be approved as part of the formation of Three Million Dollars (\$3,000,000) for the fiscal year 2008-2009 and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index (CPI) for the Los Angeles/Long Beach area for the prior 12 months.

H. The effective date shall be the date that the formation is recorded.

This resolution is adopted on November 6, 2008 in Santa Barbara California.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency Formation Commission

ATTEST

Mary Everett, Clerk
Santa Barbara Local Agency Formation Commission