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Re: Rice Ranch Specific Plan. Amendments. Staff Report (7/22/15), Comprehensive Plan, Land Use Element, Amended 2/2015

Dear Supervisors:

It is respectfully submitted that California Government Code 65454 reads: “No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.”

Additionally, in regard to the secondary fire access road diagrammed on the northern section west facing hill of the Valley View the Staff Report (7/22/15) includes mention of California Government Code 65402(a), but only section (a): “If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street....” The role of the County Planning Commission was not discussed at the 8/12/15 Commission hearing to address subsequent sections of CA Government Code 65402, which includes the Commission’s involvement.

While the secondary fire access road diagrammed on the Valley View section of Rice Ranch is not consistent with mitigations KS12- B10-1 or KS12-B10-7, the proposed road connects with the New Love Oil Field road transporting hazardous substances and petroleum products to and from the oil fields, P. 4.12-9, Specific Plan (03-EIR-05). To minimize significant environmental impacts to the maximum extent “A comparative route assessment “ shall be prepared. (op.cit. p. 4.2-8)

The staff report (7/22/15) does not address the “comparative route assessment” which verifies that the New Love Access Road has the least risk with respect to transportation of hazardous substances and petroleum products to and from the oil field. (noted as HAZ-MITIGATION, HAZ-1d)

While the section of the Rice Ranch Specific Plan (03-EIR-05) pp. 4.12-8,-9 fulfills most of the requirements of Public Resource Code/CEQA Exhibit G, the finding required is not disclosed.

#### CONFLICT WITH PUBLIC USE

Please refer to Staff Report (7/22/15), Attachment A: Findings, p.A-19, section 2.6.8: “The project will not conflict with any public use of a portion of the subject property.”

The location of the proposed secondary fire access road is in the already accepted open space (Resolution 11-410 (12/13/2011) and is used almost daily by bikers and an occasional hiker (personal observation).

## **NON – NATIVE GRASSLAND**

With the inclusion of Figure 15, ~~p. 42~~, of the Staff Report (7/22/15) it is established that non-native grassland is a sensitive habitat, as non-native grassland is included in the sensitive habitat areas listed and noted in the legend.

Additionally, text (op.cit., p.51 of 122) of the section discusses mitigation for loss of 134 acres of non-native grassland on Rice Ranch that went through the hands of the Santa Barbara Land Trust to purchase acreage in Buellton despite the fact that at the time the preamble to the OCP Policies Compendium stated all policies pertained to the Orcutt planning area. p. 51 (op. cit.) suggests that non-native grassland for the entire Rice Ranch site has been mitigated with the purchase of the Buellton property. If the OSHMPRIIP is to restore sensitive habitat onsite it appears the only areas available are on county open space property.

## **OPEN SPACE HABITAT MANAGEMENT PLAN, OSHMPRIIP**

Open Space Habitat Management Plan Restoration Improvement Project (OSHPRIIP) (See Appendix H, FSEIR 2003, 03-EIR-05) is addressed in Mitigation KS12-B10-4 (op.cit.), however, the Staff Report (7/22/15) Figure showing locations of sensitive habitat restoration sites cannot be located. It appears that the only onsite restoration areas would be available in the already accepted open space belonging to the county. Also see Attachment B-2, - 12 Conditions of Approval, Staff Report (7/22/15).

## **COUNTY THRESHOLDS MANUAL**

Santa Barbara County presently has no Staff Biologist for guidance, yet Key Sites such as 12,3 and 18 continue to be heard by the Planning Commission. The 2008 revised County Thresholds Manual allows no override for impacts to Biological Resources in listing the mitigation hierarchy for Biological Resources.

## **VALLEY VIEW – SCALE AND CHARACTER**

Adding 39 more houses to the Valley View section is not consistent with Development Standard VIS-0-1.1, p.9, of the OSHP since originally Valley View houses were 145 in number, 2600 sq.ft., 1/3 acre, single family homes designed to be more compatible with the Orcutt community, Oakhill Country Estates and Elkhorn Communities. While some of the Valley View homes are 1/3 of an acre, the additional 39 houses require that most lots be reduced to ¼ acre. The addition is not consistent with the Land Use Element of the County Comprehensive Plan where it is stated (p.101): “In areas designated as urban on the land use plan maps....., new structures shall be in conformance with the scale and character of the existing community.”

## BOARD OF SUPERVISORS FINDINGS

The Staff Report (July 22, 2015) for the planning Commission hearing of 8/12/15 reads in Attachment A that your Board “has considered the Addendum” to the Rice Ranch Specific plan together with the previously certified Supplemental Final EIR for the Rice Ranch Specific plan project stating “...the Board of Supervisors finds that the project changes described in the Addendum are only minor technical changes or additions.” How is the public to interpret very early assessment?

Respectfully,

*Lillian Smith 11/28/15*

Lilian Smith

Attachment: Non - native grassland 2003 informational document to the County Planning Commission.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

### **3.0 JURISDICTION**

This project is being considered by the Planning Commission based on:

- 3.1 Section 21-6.b of Chapter 21 which states that the Board of Supervisors shall be the decision-maker for all tentative maps which are companion to other discretionary cases under Board jurisdiction.
- 3.2 Section 35-318.4 of Article III which states that the Planning Commission shall hold at least one public hearing on the Specific Plan and make a recommendation to the Board of Supervisors.
- 3.3 Section 35-325.3 of Article III which requires that the Planning Commission shall hold at least one public hearing on the Rezone and make a recommendation to the Board of Supervisors.
- 3.4 Section 35-317.4 of Article III which requires that the Planning Commission shall hold at least one public hearing on the Development Plans and make a recommendation to the Board of Supervisors.
- 3.5 Section 35-292d. of Article III and Section 21-6.c which state that all applications that relate to the same development project shall be under the jurisdiction of the decision-maker with the highest jurisdiction.

### **4.0 ISSUE SUMMARY**

#### **4.1 Non-native Grasslands**

Staff reported to your Commission that implementation of the Rice Ranch project would result in the loss of approximately 240 acres of non-native grassland habitat. Staff further reported that the loss of these grasslands represents a substantial loss of wildlife habitat for sensitive species and is considered a potentially significant impact. The Supplemental EIR prepared for the Rice Ranch project identified Mitigation Measure BIO-3-2a-2 which requires the developer to pay fees, restore or set aside other similar grassland habitat through the dedication of comparable land at a 1:1 ratio and place the land acquired in an open space easement in or outside the Orcutt Planning Area (OPA). It should be noted that obtaining land outside the Orcutt Planning Area would be inconsistent with the OCP Development standard BIO-1.8 which requires restoration or creation of habitat in the OPA. In an effort to satisfy the requirements of BIO3-2a-2, the applicant has offered to: 1) enhance/restore approximately 125 acres of non-native grasslands onsite; and, 2) dedicate Key Site 30 to the County. Key Site 30 is a 78-acre parcel that is bisected by the County No-Build corridor and Airport Flight Approach Zone. The corridor covers most of the site with the exception of approximately 7.7 acres in the southwest corner and approximately 11.9-acres in the northeast corner (Figure 1). During the hearing it was suggested

by your Commission that the benefits of receiving Key Site 30 may be somewhat marginal as an option for satisfying the requirements of BIO-3.2a-2 because of the existing development constraints placed on this site. To further address the shortfall for fully mitigating impacts to non-native grasslands, the applicant has offered to submit funds to the county to pay for the maintenance of Key Site 30. P&D staff has discussed this offer with the County Parks Department and they would be willing to accept the dedication of Key Site 30 to the county if there is an identified funding source to pay for the on-going maintenance of this Key Site. According to the Parks Department, the current annual cost to maintain natural open space areas is \$142/acre. Annual maintenance cost for Key Site 30 would be approximately \$11,000. However, it may be possible for this land to be annexed into the Orcutt CFD. If this occurs, the revenue stream to pay for ongoing maintenance of Key Site 30 would come from the CFD and not the applicant.

Another option for mitigating impacts to non-native grasslands would be for the applicant to pay into a mitigation bank. At the September 24 hearing, your Commission inquired how much it would cost (on a per acre basis) for the applicant to participate in the mitigation bank. Unfortunately a mitigation bank program does not currently exist. Staff is attempting to obtain information on the costs associated with a mitigation bank program and will provide such information, if any is obtained, at the October 8 hearing. It should be noted, however, that the feasibility of such a fee mitigation is not as reliable compared to obtaining actual lands for long-term preservation or open space easements.

#### **4.2 Compatibility with Adjacent Agricultural Lands**

OCP Policy LUA-O-2 requires development in Orcutt to be compatible with adjacent or nearby agricultural lands. OCP Development Standard LUA-O-2.3 which is designed to implement LUA-O-2 states:

*All new urban and EDRN development which borders agriculturally designated lands shall include a minimum 100-foot buffer between structures and agricultural land and shall include appropriate landscaping, including but not limited to the planting of hedges and/or windrows with a sufficient density of trees and shrubs to reduce noise, odor, dust or chemical effects associated with the agricultural operations. This buffer is a minimum adjacent to lighter agricultural uses (such as grazing) and should be adjusted upward if the adjacent agricultural operation is considered more intensive (such as strawberry cultivation or oil development).*

As noted in the previous staff report, the Meadow neighborhood would provide 72 multi-family and 90 single family residential units. The multi-family units would be located in the southern part of the Meadow neighborhood, east of the Community Park parking lot. As proposed, four of the condominium buildings are located within the 100-foot buffer specified in DevStd LUA-O-2. Staff has identified several options that your Planning Commission could take to find the project consistent with this development standard. The options are: 1) require the applicant to