

ATTACHMENT 2: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (PER CEQA SECTION 15162)

A Supplemental EIR prepared for the Rice Ranch project (03-EIR-05) dated September 2003, was adopted for the Rice Ranch Specific Plan project (Case Nos. 97-SP-001, TM 14,636, TM 14,430 Phone #: 934-6297 03DVP-00000-00009, -00010, -00011, -00012, -00013, and -00014, 03RZN-00003, 03ORD-00000-00008) on December 9, 2003. This Supplemental EIR is available for review at the County's Planning & Development Department. The potential environmental impacts of the Rice Ranch Specific Plan project were evaluated in 03-EIR-05 and mitigation measures for these impacts were incorporated into the Condition of Approval for the project.

CEQA Section 15162 provides that when an EIR has been certified for a project or a ND adopted for a project, no subsequent EIR or ND shall be prepared unless the County determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15162 of the State CEQA Guidelines is found to be applicable to the Rice Ranch Specific Plan and Recorded Map Modification Case No's 14RMM-00000-00007,

14ORD-00000-00012, 15GPA-0000-00001, and 14SPP-00000-00002. As discussed in Section 6.1 of this staff report, dated March 3, 2015, and incorporated herein by reference, no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance is available.

Therefore, the Board of Supervisors finds that pursuant to CEQA Section 15162, no subsequent EIR may be prepared and the previous environmental document prepared for the project, 03-EIR-05, may be used to fulfill the environmental review requirements for this project, 14RMM-00000-00007, 14ORD-00000-00012, 15GPA-00000-00002, 15ORD-00000-00001, and 14SPP-00000-00002.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors, located at 105 E. Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 RECORDED MAP MODIFICATION FINDINGS

Recorded Map Modification Findings. In compliance with Section 21-15.9 of Chapter 21 (Subdivision Regulations) of the County Code, prior to the approval or conditional approval of an application for a modification to recorded final or parcel map, lot split plat or lot line adjustment the review authority shall first make all of the following findings:

2.1.1. There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary;

Since the approval of the Rice Ranch project in December 2003, the County adopted the Inclusionary Housing Ordinance (IHO) to address changes in the residential real estate market and economy. Postponing the requirement to construct onsite affordable units until the time that 27% of the market rate units (195 units) have received zoning clearance issuance will allow the applicant additional time to explore alternative options for satisfying the affordable housing requirements allowed under the IHO. Further, neither of the currently recorded Oaks and Pine Creek single family residential subdivisions that are currently under construction were ever planned to include the low

income affordable units. Although the Rice Ranch Specific Plan states that a portion of the workforce housing would be dispersed in the Pine Creek neighborhood, according to Community Services Department, Housing and Community Development Division staff, workforce housing (at both the 120% and 150% median income levels) is not necessary at the current time because it is currently being met in the Santa Maria Housing Market Area. In addition, qualifying individuals for affordable units is difficult due to the state of the existing housing market and the affordable housing program financing requirements. Moreover, deferring the construction of the workforce housing would not result in a shortfall in the workforce housing supply in this Market Area. Therefore, the project is consistent with this finding.

2.1.2 The modification does not impose any additional burden on the present fee owner(s) of the property;

The project is being acted on at the request of the present fee owners of the property. No additional burden has been identified by County staff, the applicant or the agent. Therefore the project is consistent with this finding.

2.1.3 The modification does not alter any right, interest or title reflected by the recorded final or parcel map, lot split plat or lot line adjustment;

The proposed modification to the timing to construct onsite affordable units will not alter any right, interest or title of TM 14,430. Therefore, the project is consistent with this finding.

2.1.4 The recorded final or parcel map, lot split plat or lot line adjustment as modified conforms to the provisions of Section 66474 of the California Government Code;

The proposed modification to condition no. 50 of Tract Map 14,430 is consistent with the Santa Barbara County Comprehensive Plan including the Orcutt Community Plan and the Countywide Land Use Development Code zoning requirements. The project will continue to conform to all subsections of California Government Code Section 66474 necessary for approval of tentative maps. Therefore, the project is consistent with this finding.

State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:

2.1.4.a. *The proposed map is not consistent with applicable general and specific plans as specified in §66451.*

As discussed in Sections 6.2 and 6.3 of the Rice Ranch staff report from the original project approval, included as Attachment G of the staff report dated March 3, 2015, and incorporated herein by reference, the Oaks and Pine Creek neighborhood subdivisions are consistent with all applicable policies of the County's Comprehensive Plan, the Orcutt Community Plan, Rice Ranch Specific Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

The proposed project would allow the applicant to defer construction of the onsite affordable units until following zoning clearance issuance for 27% of the market rate units (195 units). However, the proposed project would not change the project requirement that 146 affordable units be provided on-site. The applicant is also proposing similar amendments to the Specific Plan relative to the affordable housing requirements. In order for the proposed map to be consistent with the Specific Plan, the Specific Plan must also be amended. Therefore the proposed map is consistent with the Specific Plan, as amended as part of this Project.

2.1.4.b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

As discussed in Sections 6.2 and 6.3 of the Rice Ranch staff report from the original project approval, included as Attachment G of the staff report dated March 3, 2015, and incorporated herein by reference, the existing Oaks and Pine Creek subdivisions are consistent with the County's Comprehensive Plan, the Orcutt Community Plan and the Rice Ranch Specific Plan. The location of Oaks and Pine Creek subdivisions are located within the identified development areas in accordance with the requirements of the Orcutt Community Plan and the Rice Ranch Specific Plan.

The proposed project would allow the applicant to defer construction of the onsite affordable units until following zoning clearance issuance for 27% of the market rate units (195 units). However, the proposed project would not change the project requirement that 146 affordable units be provided on-site. The applicant is also proposing similar amendments to the Specific Plan relative to the affordable housing requirements. In order for the proposed map to be consistent with the Specific Plan, the Specific Plan must also be amended. Therefore the proposed map is consistent with the Specific Plan, as amended as part of this Project.

2.1.4.c. *The site is not physically suitable for the type of development proposed.*

The Orcutt Community Plan determined that the 626-acre Rice Ranch project site would be adequate to accommodate 725 residential units. As noted in the finding above, the location of Oaks and Pine Creek residential subdivision are within the identified development areas in accordance with the requirements of the Orcutt Community Plan and the Rice Ranch Specific Plan. Implementation of the Rice Ranch Specific Plan Master Architectural Design Guidelines and individual Neighborhood Design Guidelines will maximize compatibility with surrounding neighborhoods. As discussed in Section 6.2 of the Rice Ranch staff report from the original project approval, included as Attachment G of the staff report dated March 3, 2015, and incorporated herein by reference, adequate public and private services are available to serve the project. As such, the site can be found physically suitable for the subdivision.

2.1.4.d. *The site is not physically suited for the proposed density of development.*

The Oaks and Pine Creek neighborhoods adjacent recreational uses on the Rice Ranch project site are sized and architecturally designed to be compatible with surrounding land uses. The Orcutt Community Plan determined that the 626-acre Rice Ranch project site would be adequate to accommodate 725 residential units, including 195 residential units in the Oaks and Pine Creek subdivision. Additionally, this residential subdivision is located within the identified development areas as specified in the Orcutt Community Plan and the Rice Ranch Specific Plan. Therefore, the project site is suited to accommodate for the density of development.

2.1.4.e. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Significant adverse environmental impacts resulting from the Rice Ranch project as a whole were identified by the project Supplemental EIR (03-EIR-05). For the Class I impacts identified by the 03-EIR-05 feasible changes or alterations were required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to the maximum extent feasible. Additionally, mitigation measures that were identified by 03-EIR-05 were included as conditions of approval to reduce other project-related impacts to a less than significant level.

Implementation of the Rice Ranch project conditions of approval ensures that impacts will be reduced to the maximum extent feasible. Further, the residential uses that would be developed on the site would not result in the use of hazardous materials or processes that would have the potential to result in significant public health impacts. The project's use of public sewers would reduce the potential for impacts to public water supplies to a less than significant level. Implementation of the existing conditions of approval will minimize construction-related air emissions and project-related traffic will not result in impacts associated with localized increases in carbon monoxide concentrations. Therefore, with the implementation of proposed conditions of approval, the project will not result in substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

2.1.4.f. *The design of the subdivision or type of improvements is likely to cause serious public health problems.*

The subdivision was designed to minimize the potential to cause serious public health problems. Habitable structures would be located in areas of the site which were identified in the Orcutt Community Plan for future residential development. As discussed in Section 6.2 of the Rice Ranch staff report from the original project approval, included as Attachment G of the staff report dated March 3, 2015, and incorporated herein by reference, adequate water, utilities, and access are available to serve the proposed parcels. There are no identified or likely public health problems or hazards associated with the project. Therefore, the project is not likely to cause public health problems.

- 2.1.4.g.** *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

As conditioned, the project will not conflict with any public easements for access through or within the subdivisions.

- 2.1.5 The recorded final or parcel map, lot split plat or lot line adjustment as modified is consistent with the applicable zoning ordinance;**

As discussed in Sections 6.3 of the staff report dated March 3, 2015, and incorporated herein by reference, the proposed modification to condition no. 50 of Tract Map 14,430 is consistent with the Santa Barbara County Land Use & Development Code requirements and the Orcutt Community Plan. Therefore, the project is consistent with this finding.

- 2.1.6 The property for which the modification is sought is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks, and any other provisions applicable to the property for which the modification is sought, and such enforcement fees as established from time to time by the Board of Supervisors have been paid;**

As discussed in Sections 6.3 of the staff report dated March 3, 2015, and incorporated herein by reference, the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks. The existing development is permitted and there are no zoning violations on the property. Therefore, the project is consistent with this finding.

- 2.1.7 The recorded final or parcel map or lot line adjustment as modified does not result in an increased number of dwelling units or a greater density than the recorded final or parcel map or lot line adjustment.**

Deferring the construction of the onsite affordable units until the time that 27% of the market rate homes have received zoning clearance issuance will not result in an increased number of dwelling units or a greater density than what was originally approved. Therefore, the project is consistent with this finding.

2.2 SPECIFIC PLAN FINDINGS

Findings required for all Specific Plans. In compliance with Section 35.88.050 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Specific Plan the review authority shall first make all of the following findings:

- 2.2.1 The Specific Plan is in conformance with and will implement all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the plan.**

As indicated in section 6.2 of the staff report dated March 3, 2015, with the implementation of the recommended conditions of approval, the project is consistent with the applicable

policies of the Comprehensive Plan and the Orcutt Community Plan. Therefore, the project is consistent with this finding.

2.2.2 The Specific Plan will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood.

Deferring the construction of the onsite affordable units until the time that 27% of the market rate homes have received zoning clearance issuance will not result in public health or safety impacts. Potential land use compatibility conflicts of the project can be reduced to a less than significant level with the implementation of the Rice Ranch project conditions of approval. Residential uses on the project site are sized and architecturally designed to be compatible with surrounding residential land uses. The project will not have the potential to generate factors such as smoke, odors or noise, which would be incompatible with the surrounding area or could affect the comfort and convenience of residents or recreationalists in the surrounding area. Therefore, the project is consistent with this finding.

2.2.3 The Specific Plan will not adversely affect necessary community services (e.g., fire and police protection, sewage disposal, traffic circulation, water supply).

The Public Works Roads Department has accepted the location and design of the proposed roads per the project plans. The community park and Oaks neighborhood park were constructed pursuant to approved plans by the Community Services Department, Parks Division. Deferring construction of the required affordable units until 27% of the market rate units have received zoning clearance issuance will not adversely affect necessary community services. Adequate fire and police protection, sewer services, traffic circulation and water supply services are in place and will continue to serve the project. As discussed in Section 6.3 of the Rice Ranch staff report from the original project approval, included as Attachment G of the staff report dated March 3, 2015 and incorporated herein by reference, adequate public services exist to serve the Rice Ranch Specific Plan area. Therefore, the project is consistent with this finding.

2.3 DEVELOPMENT AGREEMENT FINDINGS

Findings required for all Development Agreements. In compliance with Section 35.86.040 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Development Agreement the review authority shall first make all of the following findings:

2.3.1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan and any applicable Specific Plan.

As indicated in section 6.2 of the staff report dated March 3, 2015, with the implementation of the recommended conditions of approval, the project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. In order for the proposed Development Agreement to be consistent with the Specific Plan, the Specific Plan is also being amended in a parallel manner. Therefore the proposed Development Agreement is consistent with the Specific Plan, as amended as part of this Project. Therefore, the project is consistent with this finding.

2.3.2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.

The project's gross and net water demands, as well as the facilities necessary to distribute water to the project site was evaluated in the environmental document 03-EIR-05. The total water demand of the project was estimated to be 336 acre-feet per year (AFY). Prior to recordation of the Oaks and Pine Creek subdivision, the applicant provided the County with a contract stating that up to 350 AFY of supplemental water has been secured to serve buildout of the project. Therefore, the applicant has demonstrated to the satisfaction of the County that the project has adequate water supplies. The County has previously determined that the supplemental water is a reliable long-term water supply. As a result, staff has been issuing zoning clearances for residential development in the Oaks and Pine Creek neighborhood. Therefore, the project is consistent with this finding.

2.3.3. Contains provisions for periodic review pursuant to Government Code Section 65854.1.

Section 6.3 of the Development Agreement includes provisions for annual statements proving compliance. Therefore, the project is consistent with this finding.

2.3.4. Complies with Government Code Section 65865.2 as may be amended from time to time which states:

a. The Development Agreement shall specify the following:

(1) The duration of the Agreement;

Section 3.1.1 of the Development Agreement provides that the owner has a vested right to develop the Rice Ranch project in accordance with the Project Approvals, for fifteen (15) years from December 9, 2003. Therefore, the project is consistent with this finding.

(2) The permitted uses of the property;

Section 1.2 of the Development Agreement specifies that the project approvals are attached as Exhibit A and incorporated by referenced. The project approvals include the conditions of approval for the two Tentative Tract Maps and Development Plans associated with the Rice Ranch Specific Plan project. These approvals specify the permitted uses in the Rice Ranch Specific Plan area. These uses are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

(3) The density or intensity of use;

Section 1.2 of the Development Agreement specifies that the project approvals are attached as Exhibit A and incorporated by referenced. The project approvals include the conditions of approval for the two Tentative Tract Maps and Development Plans associated with the Rice Ranch Specific Plan project. These approvals specify the density of permitted uses allowed in the Rice Ranch Specific Plan area. These uses are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

(4) The maximum height and size of proposed buildings; and

Section 1.2 of the Development Agreement specifies that the project approvals are

attached as Exhibit A and incorporated by referenced. The project approvals including the conditions of approval for the two Tentative Tract Maps and Development Plans associated with the Rice Ranch Specific Plan project. These approvals specify the height and size of the proposed buildings in the Rice Ranch Specific Plan area. These uses are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

(5) Provisions for reservation or dedication of land for public purposes.

Sections 1.3 states that the owner agrees to offer for dedication 343 acres of open space and 32.7 acres of parkland to the County for public purposes. The total amount of acreage offered for dedication to the County is 375.7 acres which exceeds the open space provisions required in the Land Use & Development Code. Therefore, the project is consistent with this finding.

b. The Development Agreement may include the following:

- (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;**
- (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or**
- (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.**

The Development Agreement does not include provisions for conditions, terms, restrictions and requirements for subsequent discretionary actions, nor does it include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

Section 3.1.1 of the Development Agreement specifies that the owner has 15 years to develop the Rice Ranch project. However, the Development Agreement does not include a specific time when construction will commence and be completed. Since these findings, are permissive, not mandatory, the Development Agreement is not required to include this information. Therefore the project is consistent with this finding.