

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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## Agenda Number:

**Prepared on:** March 28, 2006  
**Department Name:** County Counsel  
**Department No.:** 013  
**Agenda Date:** April 11, 2006  
**Placement:** Administrative Agenda  
**Estimate Time:** N/A  
**Continued Item:** NO  
**If Yes, date from:** N/A  
**Document File Name:**

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**TO:** Board of Supervisors

**FROM:** Stephen Shane Stark, County Counsel

**STAFF CONTACT:** Mary Ann Slutzky (ext. 2965)  
Mary L. McMaster (ext. 2984)

**SUBJECT:** Partial Release of Rice Ranch Development Agreement

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## Recommendation(s):

That the Board of Supervisors acting as itself and as the Board of Directors of the Flood Control and Water Conservation District, the Board of Directors of Santa Barbara County Water Agency and the Board of Directors of Laguna County Sanitation District:

- a. Find that the previous environmental review that was performed for the Rice Ranch Project TM 14,636 is adequate for the execution of a partial release of development agreement.
- b. Approve and direct the Chair to execute on behalf of the above entities the Partial Release of Development Agreement relating to the Rice Ranch Development Agreement, Attachment A ("Partial Release") to allow the applicant to reconvey Lot F of the Master Tentative Tract Map (TM 14,636) to its prior owner as provided for in the previously approved Specific Plan and Tract Map.

The application involves APN 101-380-004 located in the Orcutt area of the Fourth Supervisorial District.

## Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

### **Executive Summary and Discussion:**

On December 9, 2003 the Board of Supervisors approved the Rice Ranch Final Master Map TM14,636 (“MTTM”) and the Development Agreement for the Rice Ranch Project. Map Condition 1M provided that Lot F of the Master Tentative Tract Map was to be an open space lot, subject to an Open Space Habitat Management Plan, and was to be later reconveyed to its prior owner. Consequently, there were no provisions in the Development Agreement that affected or were meant to apply to Lot F. However, because the MTTM had not yet been recorded, and Lot F did not exist as a separate legal parcel, the Development Agreement legal description, which identified the property subject to the Development Agreement, included Lot F.

The applicant and the previous owner of lot F, to whom Lot F is to be reconveyed, have approached the County and requested that County execute the Partial Release. The purpose of the Partial Release is to clarify that Lot F has no obligations under the Development Agreement. Even though it was never the intent that Lot F be subject to those Development Agreement obligations, the fact that Lot F was by error included in the Development Agreement legal description creates a cloud on the title of Lot F. This issue has prevented its reconveyance.

Because it was never intended that the owners of Lot F, once that Lot was legally created and sold, would be subject to the Development Agreement, County Counsel and Planning and Development Staff concur with the applicant that Lot F should be released from the obligations of the Development Agreement.

### **Environmental Review**

The Supplemental EIR prepared for the Rice Ranch Project (03-EIR-05) was tiered off the Orcutt Community Plan Program EIR (95-EIR-01) pursuant to CEQA Section 15385. The draft SEIR (03-EIR-05) was circulated for public review from March 26, 2003 to May 27, 2003. During the review period, a public hearing was conducted at the Santa Maria Board of Supervisors Hearing Room on April 28, 2003. Comments received at the hearing are included in the final SEIR.

Execution of the Partial Release does not in any way alter the size, scope or timing of development of the Rice Ranch Project. It is also consistent with the existing approvals of the project, which anticipated that Lot F would be preserved as open space and reconveyed to its previous owner.

For these reasons, the previous environmental review that was performed for the Rice Ranch Project is sufficient for the purposes of execution of the Partial Release. In addition, there are no changed circumstances that would necessitate additional environmental review under CEQA Guideline 15162

### **Mandates and Service Levels:**

Execution of the Partial Release is not mandated. There are no changes to service levels as a result of the Partial Release.

**Fiscal and Facilities Impacts:**

Any outstanding permit processing fees will be paid by the applicant prior to P&D sign-off of the final map.

**Special Instructions:**

Please send a conformed copy of the Partial Release and a minute order to Mary Ann Slutzky in the Office of the County Counsel.

**Concurrence:**

Planning & Development

**Attachments:**

Attachment A          Partial Release Agreement