

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF MARCH 11, 2015

RE: *Rice Ranch Recorded Map Modification & Specific Plan; 14RMM-00000-00007, 14SPP-00002, 14ORD-00000-00012, 15GPA-00000-00001, 15ORD-00000-00001*

Hearing on the request of Frances Romero, agent for Rice Ranch Community, LLC, to consider the following:

- a) **14RMM-00000-00007**, [application filed on October 31, 2014] to modify Condition No. 50 for TM 14,430 in compliance with Section 21-15.9 of County Code Chapter 21 on property zoned PRD to allow for 27% of the market rate units, up to 195 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions;
- b) **015GPA-00000-00001** [application filed February 3, 2015] for approval of Case No. 14SPP-00000-00002 to amend Subsections 4.3.1 Affordable Housing - Program Requirements and 4.3.2, Affordable Housing - Implementation and Monitoring, of the approved Rice Ranch Specific Plan (97-SP-001) to clarify that the Pine Creek neighborhood would not include workforce housing units and, to allow for 27% of the market rate units, up to 195 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions, respectively;
- c) **14ORD-00000-00012** [application filed October 31, 2014] to amend Subsections 4.3.1 Affordable Housing - Program Requirements and 4.3.2, Affordable Housing - Implementation and Monitoring, of the approved Rice Ranch Specific Plan (97-SP-001) to clarify that the Pine Creek neighborhood would not include workforce housing units and, to allow for 27% of the market rate units, up to 195 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions, respectively;
- d) **15ORD-00000-00001** [application filed on February 5, 2015] to amend the approved Rice Ranch Specific Plan Development Agreement to clarify that construction of the affordable units would follow the 195th zoning clearance of the market rate units at which time three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed; and

to accept 03-EIR-05 as adequate Environmental Review for Case Nos. 14RMM-00000-00007, 14ORD-00000-00012, 15GPA-00000-00001, 15ORD-00000-00001, and 14SPP-00000-00002

pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 101-380-002; 101-390-002 through -004 and -007, -008, -009; 101-400-001, -002; 101-410-001 through -046; 101-420-001 through -034; 101-430-001 through -021; 101-440-001 through -028; 101-450-001 through -024; 101-460-001 through -028; and, 101-470-001 through -016 located on the south side of Stubblefield and Rice Ranch Roads in the southeastern portion of the Orcutt Community Plan area, Fourth Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of March 11, 2015, Commissioner Ferini moved, seconded by Commissioner Blough and carried by a vote of 4 to 1 (Cooney no) to:

1. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of the staff report, dated March 3, 2015 including CEQA findings.
2. Recommend that the Board of Supervisors determine that, after considering the previously adopted EIR (03-EIR-05) prepared for the Rice Ranch project, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a Resolution, recommending that the Board of Supervisors approve and adopt a resolution included as Attachment C of the staff report, dated March 3, 2015 amending Subsections 4.3.1 Affordable Housing, Program Requirements and 4.3.2, Affordable Housing, Implementation and Monitoring of the approved Rice Ranch Specific Plan (14SPP-00000-00002, 15GPA-00000-00001).
4. Adopt a Resolution recommending that the Board of Supervisors approve and adopt an ordinance (15ORD-00000-00001) included as Attachment D of the staff report, dated March 3, 2015 amending Subsection 4.4 of the Rice Ranch Development Agreement.
5. Adopt a Resolution recommending that the Board of Supervisors approve and adopt an Ordinance (14ORD-00000-00012) included as Attachment E of the staff report, dated March 3, 2015 amending Subsections 4.3.1 Affordable Housing, Program Requirements and 4.3.2, Affordable Housing, Implementation and Monitoring of the approved Rice Ranch Specific Plan.
6. Recommend that the Board of Supervisors approve Case No. 14RMM-00000-00007 to modify Condition No. 50, of TM 14,430, subject to the conditions included in Attachment B of the staff report, dated March 3, 2015.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

Planning Commission Hearing of March 11, 2015
Rice Ranch Recorded Map Modification & Specific Plan; 14RMM-00000-00007, 14SPP-00002, 140RD-00000-00012,
15GPA-00000-00001, 15ORD-00000-00001
Page 3

Dianne M. Black, Assistant Director
Agent: Frances Romero, Rice Ranch Community, LLC, 237 Town Center West, Suite #156, Santa Maria, CA 93458
Engineer: Brad Brechwald, Wallace Associates, 4115 Broad Street, Ste. B5, San Luis Obispo, CA 93405
Deputy County Counsel
John Zorovich, Planner

Attachments: **Attachment A – Findings**
 Attachment B – Conditions of Approval
 Attachment C – PC Resolution (Specific Plan)
 Attachment D – PC Resolution/Ordinance (Development Agreement)
 Attachment E – PC Resolution/Ordinance (Specific Plan)

DMB/dmv

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ATTACHMENT A: 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 County Planning Commission 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.

ATTACHMENT B: Conditions of Approval

Rice Ranch Recorded Map Modification
Case No. 14RMM-00000-00007 for TM 14,430
Date: March 3, 2015

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Recorded Map Modification is based upon and limited to compliance with the project description, the hearing exhibits marked A-K, dated March 11, 2015, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

Hearing on the request of Frances Romero, agent for Rice Ranch Community, LLC, to consider Case Nos. 14RMM-00000-00007, 14ORD-00000-00012, 15GPA-00000-00001, 15ORD-00000-00001, and 14SPP-00000-00002 for approval to modify condition No. 50 of TM 14,430 and to amend Subsection 4.3.1 Affordable Housing - Program Requirements to state that the Pine Creek single family neighborhood would not include work force housing units. According to the Specific Plan, the Oaks and Pine Creek single family neighborhoods were never planned to include the low income affordable units but are planned to include the workforce affordable units. If approved, the proposed amendments would limit construction of the workforce housing units to the Meadows single family neighborhood. Pursuant to Subsection 4.3.1 of the Rice Ranch Specific Plan, the low income affordable units would be developed within the Pine Creek and Meadows condominium area.

The applicant is also proposing to amend Subsection 4.3.2, Affordable Housing – Implementation and Monitoring, of the approved Rice Ranch Specific Plan (97-SP-001) to allow for 27% of the market rate units, up to 195 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions, respectively.

Additionally, the project includes proposed amendments to the Rice Ranch Development Agreement to clarify that construction of the affordable units would follow the 195th zoning clearance of the market rate units at which time three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed.

- 50. Construction of the affordable units shall commence with the construction of the 196th market rate units. Following zoning clearance of the 195th market rate unit, three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed. PLAN REQUIREMENTS & TIMING: Prior to recordation of the map modification, this requirement shall be included in an amended "Agreement to Provide Affordable housing units" and shall be printed on all grading and building plans. Prior to issuance of a zoning clearance for each market rate or affordable unit, P&D staff shall obtain a sign-off from the Housing & Community Development Department. MONITORING: Permit Compliance staff shall ensure compliance during construction.**

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

II. RECORDED MAP MODIFICATION CONDITIONS

- 2. Special Condition.** Prior to finalization of the Recorded Map Modification and subject to P&D approval as to form and content, the applicant shall include all new conditions associated with 14RMM-00000-00007, and all original conditions and mitigation measures associated with TM 14,430 on a separate informational sheet to be recorded. The said document shall be recorded with the Santa Barbara County Recorder to reflect the revision to condition no. 50 of TM 14,430. All applicable conditions and mitigation measures of the project shall be printed on all future grading and/or building plans and shall be graphically illustrated where feasible. If Zoning Clearances are obtained prior to recordation, the conditions will not apply retroactively to the previously issued Zoning Clearances.

III. COUNTY RULES & REGULATIONS

- 3. Rules-04 Additional Approvals Required.** Approval of this Recorded Map Modification is subject to the Board of Supervisors approving the required revision to Section 4.3.2 of the Rice Ranch Specific Plan (14SPP-00000-00002), and amending the recorded “Agreements to Provide Affordable Housing Units). Approval of the Agreement to provide Affordable Housing Units shall be granted on the same day that the Recordation Map Modification is approved. The Agreement to provide Affordable Housing Units shall be recorded within 10 days of project approval.
- 4. Rules-05 Acceptance of Conditions.** The Owner/Applicant’s acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 5. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County’s approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

ATTACHMENT C

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD OF SUPERVISORS THE ADOPTION OF AN AMENDMENT TO THE RICE RANCH SPECIFIC PLAN (97-SP-001), AMENDING SECTION 4.3, AFFORDABLE HOUSING, SUBSECTION 4.3.1 – PROGRAM REQUIREMENTS TO CLARIFY THAT THE WORKFORCE HOUSING UNITS WILL NOT BE DEVELOPED IN THE PINE CREEK NEIGHBORHOOD AND AMENDING SUBSECTION 4.3.2 – IMPLEMENTATION AND MONITORING, TO ALLOW FOR 27% OF THE MARKET RATE UNITS UP TO 195 UNITS TO BE ISSUED OCCUPANCY CLEARANCE PRIOR TO IMPLEMENTATION OF THE AFFORDABLE HOUSING PROVISIONS.

RESOLUTION NO.: 15 - 02

CASE NO.: 15GPA-00000-00001

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Comprehensive Plan (General Plan) for the County of Santa Barbara.
- B. On December 9, 2003, by Ordinance 4520 (03ORD-00000-00011), the Board of Supervisors adopted the Rice Ranch Specific Plan (97-SP-001).
- C. On July 10, 2012, by Ordinance 4840 (12ORD-00000-00010), the Board of Supervisors adopted revisions to the Rice Ranch Specific Plan (12SPP-00000-00001) to postpone the requirement to construct onsite affordable units until the time that 25% of the market rate units (181 units) have received zoning clearance issuance.
- D. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan and the requirements of California Planning, Zoning, and Development laws.
- E. Public agencies, California Native American Indian Tribes, civic, education, and other community groups, public utility companies, and citizens have been provided the opportunity for involvement pursuant to Section 65351 of the Government Code.
- F. The County conducted consultations with Native American tribes as required by Government Code Section 65352.3 and 65352.4.
- G. This County Planning Commission has held a duly noticed hearing, as required by Section 65353 of the Government Code on the proposed amendment at which hearing the amendments were explained and comments invited from the persons in attendance and has endorsed and transmitted a written recommendation to the Board of Supervisors pursuant to Government Code Section 65354.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The Planning Commission now finds that it is in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt a Resolution (Case Nos. 14SPP-00000-00002, 15GPA-00000-00001) amending Section 4.3, Affordable Housing, 4.3.1- Program Requirements to clarify that workforce housing units will not be developed in the Pine Creek neighborhood and Section 4.3.2 – Implementation and Monitoring of the Rice Ranch Specific Plan (97-SP-001) to defer the requirement to construct affordable units until 27% of the market rate units (195 units) have received occupancy clearance.

Said Resolution is attached hereto as Attachment 1 and is incorporated by reference.
3. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Planning Commission Staff report dated March 3, 2015.
4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.


PASSED, APPROVED AND ADOPTED this 11th day of March, 2015 by the following vote:

AYES: Brown, Hartmann, Ferini, Blough

NOES: Cooney

ABSTAIN:

ABSENT:


CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:


DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

ATTACHMENT

1. Board of Supervisor Resolution

ATTACHMENT 1

**RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPTING AMENDMENTS TO THE RICE RANCH SPECIFIC PLAN (97-SP-001), AMENDING SECTION 4.3, AFFORDABLE HOUSING, SUBSECTION 4.3.1 – PROGRAM REQUIREMENTS TO CLARIFY THAT THE WORKFORCE HOUSING UNITS WILL NOT BE DEVELOPED IN THE PINE CREEK NEIGHBORHOOD AND AMENDING SUBSECTION 4.3.2 – IMPLEMENTATION AND MONITORING TO ALLOW FOR 27% OF THE MARKET RATE UNITS UP TO 195 UNITS TO BE ISSUED OCCUPANCY CLEARANCE PRIOR TO IMPLEMENTATION OF THE AFFORDABLE HOUSING PROVISIONS.

RESOLUTION NO.: 15 - _____

CASE NO.: 15GPA-00000-00001

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Comprehensive Plan (General Plan) for the County of Santa Barbara.
- B. On December 9, 2003, by Ordinance 4520 (03ORD-00000-00011), the Board of Supervisors adopted the Rice Ranch Specific Plan (97-SP-001).
- C. On July 10, 2012, by Ordinance 4840 (12ORD-00000-00010), the Board of Supervisors adopted revisions to the Rice Ranch Specific Plan (12SPP-00000-00001) to postpone the requirement to construct onsite affordable units until the time that 25% of the market rate units (181 units) have received zoning clearance issuance.
- D. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan and the requirements of California Planning, Zoning, and Development laws.
- E. Public agencies, California Native American Indian Tribes, civic, education, and other community groups, public utility companies, and citizens have been provided the opportunity for involvement pursuant to Section 65351 of the Government Code.
- F. The County conducted consultations with Native American tribes as required by Government Code Section 65352.3 and 65352.4.
- G. This County Planning Commission has held a duly noticed hearing, as required by Section 65353 of the Government Code on the proposed amendment at which hearing the amendments were explained and comments invited from the persons in attendance and has endorsed and transmitted a written recommendation to the Board of Supervisors pursuant to Government Code Section 65354.

- H. This Board has held a duly noticed public hearing, as required by Section 65355 of the Government Code on the proposed amendments, at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Whereas the Board of Supervisors now finds consistent with the authority of Government Code Section 65358 that it is in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Rice Ranch Specific Plan of the Santa Barbara County Comprehensive Plan's as follows:
 - A. Amend the Affordable Housing section 4.3 of the Rice Ranch Specific Plan, Subsection 4.3.1, Program Requirements, to revise the text of the final paragraph:

In addition, the applicant for the Rice Ranch will voluntarily price –restrict an additional 10% of units approved, for workforce housing buyers who currently earn less than 150% of the median area income. These units would be dispersed throughout the Meadows and Pine Creek neighborhoods.
 - B. Amend the Affordable Housing section 4.3 of the Rice Ranch Specific Plan, Section 4.3.2, Implementation and Monitoring, to revise the text as follows:

Construction of the affordable units shall commence with the construction of the ~~182nd~~ 196th market rate unit. Following zoning clearance of the ~~181st~~ 195th market rate unit, three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed.
3. In compliance with the provisions of Section 65356 of the Government Code, the above described changes are hereby adopted as amendments to the Rice Ranch Specific Plan of the Santa Barbara County Comprehensive Plan.
4. Pursuant to provisions of Government Code Section 65357(a), the Clerk of the Board is hereby directed to send copies of the documents amending the Santa Barbara County Comprehensive Plan, including the diagrams and text, to all public entities specified in Government Code Section 65352 and any other public entities that submitted comments on the amendment to the general plan during its preparation.
5. Pursuant to provisions of Government Code Section 65357(b), the Clerk of the Board is hereby directed to make the documents amending the Santa Barbara County Comprehensive Plan, including the diagrams and text, available to the public for inspection.
6. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Board.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel



ATTACHMENT D

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD OF SUPERVISORS THAT AN ORDINANCE BE APPROVED AMENDING SECTION 4.4 OF THE RICE RANCH DEVELOPMENT AGREEMENT TO CLARIFY THAT CONSTRUCTION OF THE AFFORDABLE UNITS WOULD FOLLOW THE 195TH ZONING CLEARANCE OF THE MARKET RATE UNITS AT WHICH TIME THREE (3) AFFODABLE UNITS SHALL BE CONSTRUCTED CONCURRENT WITH THE CONSTRUCTION OF EVERY EIGHT (8) MARKET RATE UNITS IN EACH PHASE OF DEVELOPMENT UNTIL A TOTAL OF 146 AFFORDABLE UNITS HAVE BEEN CONSTRUCTED.

RESOLUTION NO.: 15 - 03

CASE NO.: 15ORD-00000-00001

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on December 9, 2003, by Ordinance 4520 (03ORD-00000-00008), the Board of Supervisors adopted the Rice Ranch Specific Plan Development Agreement.
- B. Whereas on December 9, 2003, pursuant to California Government Code sections 65864-65869.5 (the "Development Agreement Statute") the County of Santa Barbara ("County") entered into a Development Agreement (hereinafter "Agreement") with McCadden Development, LLC, which then assigned all rights and interest under the Agreement to Rice Ranch Ventures, LLC (hereinafter "Owner"). The Agreement was recorded with the Santa Barbara County Recorder's Office on February 17, 2004 as document number 2004-0014379.
- C. Whereas the Agreement concerned the approval of the Rice Ranch Project, which included the Rice Ranch Specific Plan, a Tentative Tract Map, Development Plans, a Large Lot Conveyance Map, and the Agreement (collectively, the "Project Approvals"). The Project Approvals were attached to the Agreement as Exhibit A and incorporated therein by reference.
- D. Whereas the Owner has requested an amendment to the Project Approvals, specifically to postpone construction of certain affordable housing units. The County and the Owner hereby mutually agree to amend the Agreement, as permitted under the County Land Use Development Code section 35.86.050, as shown in Exhibit 1.
- E. Whereas under Section 3.1.1 of the Development Agreement, Owner has a vested right to develop the Rice Ranch Project in accordance with the policies, rules and regulations of the County in effect on December 9, 2003, and in accordance with the Project Approvals granted December 9, 2003, for fifteen years from the date of the Development Agreement signed on December 9, 2003.

- F. All signatories and parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s).

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The Planning Commission now finds that the provisions of the amended Development Agreement are consistent with the Comprehensive Plan and any applicable Specific Plans and recommends that the Board of Supervisors approve an Ordinance, Exhibit 1 Amending Subsection 4.4 of the Rice Ranch Development Agreement to clarify that construction of the affordable units would follow the 195th zoning clearance of the market rate units at which time three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed.

Said Ordinance is attached hereto as Attachment 1 and is incorporated by reference.
3. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Planning Commission Staff report dated March 3, 2015.
4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
5. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.


PASSED, APPROVED AND ADOPTED this 11th day of March, 2015 by the following vote:

AYES: Brown, Hartmann, Ferini, Blough

NOES: Cooney

ABSTAIN:

ABSENT:


CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:


DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

ATTACHMENT

1. Ordinance

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO AMEND THE DEVELOPMENT AGREEMENT FOR THE RICE-RANCH SPECIFIC PLAN SET OUT IN THE DEVELOPMENT AGREEMENT, FOR THE RICE RANCH PROJECT, APNSs 101-380-002; 101-390-002 THROUGH -004 AND -007, -008, -009; 101-400-001, -002; 101-410-001 THROUGH -046; 101-420-001 THROUGH -034; 101-430-001 THROUGH -021; 101-440-001 THROUGH -028; 101-450-001 THROUGH -024; 101-460-001 THROUGH -028; AND, 101-470-001 THROUGH -016, LOCATED ON THE SOUTH SIDE OF STUBBLEFIELD ROAD AND RICE RANCH ROAD IN THE ORCUTT AREA, FOURTH SUPERVISORIAL DISTRICT.

Case No. 15ORD-00000-00001

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Pursuant to Sections 65864 through 65869.5, inclusive, of the Government Code, the Board of Supervisors of the County of Santa Barbara, California hereby approves an amendment to the Development Agreement between the County of Santa Barbara and Rice Ranch Community, LLC, which Development Agreement Amendment is attached hereto and incorporated herein by reference as Exhibit 1.

SECTION 2:

The Board of Supervisors is authorized and directed to execute said Development Agreement on behalf of the County of Santa Barbara. No later than ten (10) days of the execution by the County of Santa Barbara, the Clerk of the Board of Supervisors shall record a copy of the Development Agreement with the County Recorder of Santa Barbara County.

SECTION 3:

Except as amended by this Ordinance, the Rice Ranch Development Agreement recorded February 17, 2004 under document number 2004-0014379, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT

1. Development Agreement Amendment

EXHIBIT 1

[PROPOSED] AMENDMENT TO THE RICE RANCH DEVELOPMENT AGREEMENT

Paragraph 4.4 of the Agreement is amended to read as follows (deletions are shown by strikeout, and additions are underlined and in bold type):

Timing of Development. Because the California Supreme Court held in Pardee Construction Co. v. County of Camarillo (1984) 37 Cal.3d 465, that failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Owner shall have the right (without obligation) to develop portions of the Rice Ranch Project in such order and at such rate and at such times as Owner deems appropriate within the exercise of its subjective business judgment, provided that ~~affordable housing shall always constitute at least 10% of the units built~~ **following zoning clearance of the 195th market rate unit, three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed** throughout the Rice Ranch Property. The community park and adjoining trails shall be constructed with the first phase of development, as conditioned in the Project Approvals.

IN WITNESS WHEREOF, OWNER AND COUNTY have executed this amendment to the Rice Ranch Development Agreement as of the date hereinabove written.

"County"

COUNTY OF SANTA BARBARA

By: _____
Chair

LAGUNA COUNTY SANITATION DISTRICT

By: _____
Chair

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Chair

ATTEST: _____
Clerk of the Board

Approved as to Form:

By: _____
County Counsel

“Owner”

RICE RANCH VENTURES, LLC

By: _____

John Scardino, Authorized Signatory

By: _____

Kate M. Neiswender, Counsel for Owner

ATTACHMENT E

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD OF SUPERVISORS THAT AN ORDINANCE BE APPROVED AMENDING SECTION 4.3, AFFORDABLE HOUSING, SUBSECTION 4.3.1 – PROGRAM REQUIREMENTS TO CLARIFY THAT THE WORKFORCE HOUSING UNITS WILL NOT BE DEVELOPED IN THE PINE CREEK NEIGHBORHOOD AND AMENDING SUBSECTION 4.3.2 – IMPLEMENTATION AND MONITORING TO ALLOW FOR 27% OF THE MARKET RATE UNITS UP TO 195 UNITS TO BE ISSUED OCCUPANCY CLEARANCE PRIOR TO IMPLEMENTATION OF THE AFFORDABLE HOUSING PROVISIONS

RESOLUTION NO.: 15 - 04

CASE NO.: 14ORD-00000-00012

WITH REFERENCE TO THE FOLLOWING:

- A. On December 9, 2003, by Ordinance 4520 (03ORD-00000-00011), the Board of Supervisors adopted the Rice Ranch Specific Plan (97-SP-001); and
- B. On July 10, 2012, by Ordinance 4840 (12ORD-00000-00010), the Board of Supervisors adopted revisions to the Rice Ranch Specific Plan (14SPP-00000-00002) to postpone the requirement to construct onsite affordable units until the time that 25% of the market rate units (181 units) have received zoning clearance issuance; and
- C. The County Planning Commission now finds to recommend that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00001) amending Section 4.3, Affordable Housing, 4.3.1-Program Requirements to clarify that workforce housing units will not be developed in the Pine Creek neighborhood and Section 4.3.2 – Implementation and Monitoring of the Rice Ranch Specific Plan (97-SP-001) to defer the requirement to construct affordable units until 27% of the market rate units (195 units) have received occupancy clearance.
Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- D. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan and the requirements of California Planning, Zoning, and Development laws.
- E. This County Planning Commission has held a duly noticed hearing, as required by Section 65854 of the Government Code on the proposed amendment at which hearing the amendments were explained and comments invited from the persons in attendance and has endorsed and transmitted a written recommendation to the Board of Supervisors pursuant to Government Code Section 65855.
- F. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the proposed amendment to the applicable general and

specific plan, which is hereby identified as necessary to address the current needs of the Santa Maria Housing Market Area. 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 by market conditions in the Santa Maria Housing Market Area. Deferring the construction of the workforce housing would not result in a shortfall in the workforce housing supply in this Market Area.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the Planning Commission staff report, dated February 3, 2015.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.


PASSED, APPROVED AND ADOPTED this 11th day of March, 2015 by the following vote:

AYES: Brown, Hartmann, Ferini, Blough

NOES: Cooney

ABSTAIN:

ABSENT:


CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:


DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:


MICHAEL GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 15ORD-00000-00001

SECTION 3:

Except as amended by this Ordinance, the Rice Ranch Specific Plan (97-SP-001), shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO AMEND THE DEVELOPMENT AGREEMENT FOR THE RICE RANCH SPECIFIC PLAN SET OUT IN THE DEVELOPMENT AGREEMENT FOR THE RICE RANCH PROJECT, APNSs 101-380-002; 101-390-002 THROUGH -004 AND -007, -008, -009; 101-400-001, -002; 101-410-001 THROUGH -046; 101-420-001 THROUGH -034; 101-430-001 THROUGH -021; 101-440-001 THROUGH -028; 101-450-001 THROUGH -024; 101-460-001 THROUGH -028; AND, 101-470-001 THROUGH -016, LOCATED ON THE SOUTH SIDE OF STUBBLEFIELD ROAD AND RICE RANCH ROAD IN THE ORCUTT AREA, FOURTH SUPERVISORIAL DISTRICT.

Case No. 14ORD-00000-00012

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Pursuant to Sections 65450 through 65454, inclusive, of the Government Code, the Board of Supervisors of the County of Santa Barbara, California hereby approves an amendment to the Specific Plan for the Rice Ranch Project (97-SP-001), including the exhibits thereto, and incorporated herein by reference.

SECTION 2:

Pursuant to the provisions of Section 35.88 "Specific Plans", of the Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby approves an amendment to Section 4.3.1 and 4.3.2, Affordable Housing – Implementation and Monitoring, of the Rice Ranch Specific Plan (97-SP-001) as follows:

- A. Amend the Affordable Housing section 4.3 of the Rice Ranch Specific Plan, Subsection 4.3.1, Program Requirements, to revise the text of the final paragraph:

In addition, the applicant for the Rice Ranch will voluntarily price –restrict an additional 10% of units approved, for workforce housing buyers who currently earn less than 150% of the median area income. These units would be dispersed throughout the Meadows and Pine Creek neighborhoods.

- B. Amend the Affordable Housing section 4.3 of the Rice Ranch Specific Plan, Section 4.3.2, Implementation and Monitoring, to revise the text as follows:

Construction of the affordable units shall commence with the construction of the ~~182nd~~ 196th market rate unit. Following zoning clearance of the ~~181st~~ 195th market rate unit, three (3) affordable units shall be constructed concurrent with the construction of every eight (8) market rate units in each phase of development until a total of 146 affordable units have been constructed.