

ATTACHMENT 4

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. ~~City 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

SANTA BARBARA COUNT WATER AGENCY

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