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SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Rice Ranch Recorded Map Modification & Specific Plan

Hearing Date: May 16, 2012
Staff Report Date: May 8, 2012
Case No.: 12RMM-00000-00001 for TM 14,430
12SPP-00000-00001, 12ORD-00000-00010
Environmental Document: Section 15162
[Subsequent EIRS & Negative Declarations]
of the State CEQA Guidelines

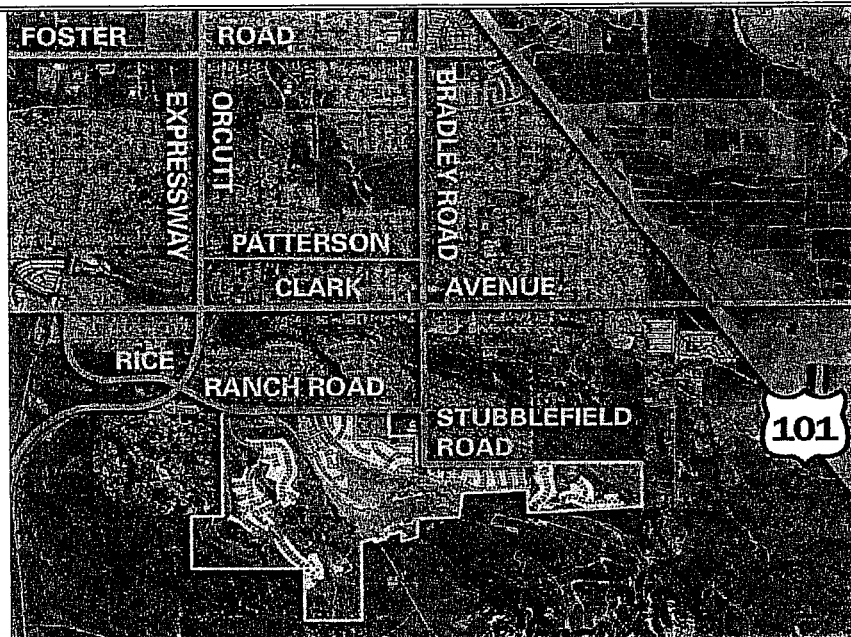
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The site is identified as Assessor Parcel Numbers 101-380-001, -002, -003; 101-390-001, -003, -007; 101-400-001, -002, -003; 101-440-029 located on the south side of Stubblefield and Rice Ranch Roads in the southeastern portion of the Orcutt Community Plan area, Fourth

Application Complete: May 2, 2012
Processing Deadline: Within 60 days of CEQA Determination

1.0 REQUEST

Hearing on the request of Jim LaLoggia, agent for Rice Ranch Ventures, LLC, to consider the following:

- a) Case No. 12RMM-00000-00001, [application filed on April 9, 2012] 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 25% of the market rate units, up to 181 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions.

- b) Case No. 12ORD-00000-00010 [application filed on April 9, 2012] for approval of Case No. 12SPP-00000-00001 to amend Section 4.3.2, Affordable Housing – Implementation and Monitoring, of the approved Rice Ranch Specific Plan (97-SP-001) to allow for 25% of the market rate units up to 181 units to be issued zoning clearance prior to implementation of the Affordable Housing Provisions and;

Accept 03-EIR-05 as adequate Environmental Review for Case Nos. 12RMM-00000-00001, 12ORD-00000-00010, and 12SPP-00000-00001 pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 101-380-001, -002, -003; 101-390-001, -003, -007; 101-400-001, -002, -003; 101-440-029 located on the south side of Stubblefield and Rice Ranch Roads in the southeastern portion of the Orcutt Community Plan area, Fourth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case Nos. 12RMM-00000-00001, 12ORD-00000-00010, and 12SPP-00000-00001 marked "Officially Accepted, County of Santa Barbara, May 16, 2012 County Planning Commission Attachments A-H", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. After considering the previously adopted EIR (03-EIR-05) prepared for the Rice Ranch project, recommend that the Board of Supervisors determine that, as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project pursuant to CEQA Guidelines Section 15162.
3. Adopt a Resolution (Attachment C), recommending that the Board of Supervisors adopt an Ordinance (12ORD-00000-00010) included as Attachment C of this staff report, approving Case No. 12SPP-00000-00001 to amend Section 4.3.2, Affordable Housing, Implementation and Monitoring of the approved Rice Ranch Specific Plan (97-SP-001).
4. Recommend that the Board of Supervisors approve Case No. 12RMM-00000-00001 to modify Condition No. 50, of TM 14,430, as shown in Attachment B of this staff report.

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

3.0 JURISDICTION

This project is being considered by the Santa Barbara County Planning Commission based upon:

- 3.1 Chapter 21 of the County Code Section 21-15.9.g which states that any proposed modification of a final map shall require a public hearing before the decision-maker with current jurisdiction for the final map proposed to be modified.
- 3.2 While the Board of Supervisors is the review authority for Specific Plans, Section 35.88.040.C and D state that the Planning Commission should hold at least one noticed public hearing on any proposed Specific Plan, and the Commission's recommendation shall be transmitted to the Board of Supervisors by resolution of the Commission. LUDC Section 35.88.040.L, Amendments to Specific Plans, states that amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section. The Rice Ranch Specific Plan (97-SP-001) was adopted by the Board of Supervisors on December 9, 2003. Therefore, the Board of Supervisors is the review authority for the proposed Specific Plan amendment.
- 3.3 LUDC Section 35.80.020 states that when two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one review authority, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction. In this case, the highest jurisdiction is the Board of Supervisors, due to the proposed Ordinance amending the Specific Plan. When the Board of Supervisors is the review authority for a project, the Commission shall make an advisory recommendation to the Board of Supervisors on each project.

4.0 ISSUE SUMMARY

Since the approval of the Rice Ranch project in December, 2003, there has been a significant downturn in the housing market. In response to the economy, and changes in product demand by consumers, the applicant is requesting modifications to condition no. 50 of TM 14,430 and Section 4.3.2 of the approved Specific Plan to allow for 25% of the market rate units, up to 181 units, to be issued zoning clearance prior to implementation of the Affordable Housing Provisions. Postponing the requirement to construct onsite affordable units until the time that 25% of the market rate units (181 units) have been issued zoning clearance would allow the applicant to continue to build and sell additional dwelling units at the market rate, and keep the project economically viable.

The Rice Ranch project was approved for a total of 725 housing units. Condition no. 49 of TM 14,430, and the recorded "Agreements to Provide Affordable Housing Units" requires 73 dwelling units to be provided at sale prices affordable to low income with an affordability target

of 75% of the area median income. An additional 73 units are required to be approved for “workforce” housing (146 total units). These units would be available only to first-time homebuyers whose earnings place them above qualification for moderate income units as defined in the County’s existing Affordable Housing Program, but who earn less than 150% of the area median income. Of these 73 additional units, 50 would be priced to be affordable to individuals and families that earn up to 120% of the area median income and 23 units would be price restricted to be affordable to individuals and families that earn up to 150% of the area median income.

The Orcutt Community Plan Key Site 12 Policy KS12-2 requires all affordable units to be constructed on-site. The proposed project would not change the requirement that 146 affordable units be provided on-site. The payment of in-lieu fees is not proposed as a part of this project, and could not occur until policy KS12-2, and the recorded “Agreements to Provide Affordable Housing Units” are revised. In March, 2011, the Planning Commission initiated a General Plan Amendment which included a request to amend Orcutt Community Plan Key Site 12 Policy KS12-2 to allow for the payment of affordable housing in-lieu fees. This application is currently in process and includes other amendments to the Rice Ranch project such as increasing the land use density from 725 units to 739 units and a request to privatize the neighborhood parks.

Condition no. 50 of TM 14,430, and Section 4.3.2, Affordable Housing – Implementation and Monitoring, of the approved Rice Ranch Specific Plan (97-SP-001) requires the applicant to construct the onsite affordable units concurrently with the market rate units at a rate of 10% (i.e., of every 10 market rate units, 1 shall be an affordable unit). On November 27, 2007 the Board of Supervisors approved a Memorandum of Understanding (MOU) for the Rice Ranch project (Attachment E) that allowed the developer to construct 10% (or 73) market rate units before fulfilling its obligation to construct onsite affordable units.

To date, 65 building permits have been issued for units located within the Oaks and Pine Creek neighborhoods and 33 of these units have received final occupancy clearance. None of these units have been sold as affordable. Should the Board of Supervisors approve the proposed revisions, the MOU approved in 2007 would be superseded, and the recorded “Agreements to Provide Affordable Housing Units” would be amended to reflect the revised timing and rate of construction of the required affordable units.

5.0 PROJECT INFORMATION

5.1 Site Information

5.1 Site Information	
Comprehensive Plan Designation	Planned Development; PD
Zoning District, Ordinance	Planned Residential Development; PRD; Santa Barbara County Land Use & Development Code
Present Use & Development	Residential Development
Surrounding Uses/Zoning	North: Residential: 10-R-1, 20-R-1 South: Agriculture, Oil/Gas Development: AG-II-100 East: Residential: 10-R-1 West: Residential: 1-E-1
Access	Access to the property is via Bradley Road
Public Services	Water Supply: Golden State Water Company Sewage: Laguna County Sanitation District Fire: Santa Barbara County Fire Department School District: Santa Maria Joint Union High School District, Orcutt Union School District.

5.2 Project Description

Hearing on the request of Jim LaLoggia, agent for Rice Ranch Ventures, LLC, to consider Case Nos. 12RMM-00000-00001, 12ORD-00000-00010, and 12SPP-00000-00001 for approval to modify condition No. 50 of TM 14,430 and to amend Section 4.3.2 Affordable Housing – Implementation and Monitoring of the approved Rice Ranch Specific Plan (97-SP-001) to allow for 25% of the market rate units up to 181 units to be issued zoning clearance prior to implementation of the Affordable Housing Provisions.

The proposed revisions are as follows (revisions are indicated in ~~strike through~~ and underline):

50. Construction of the affordable units shall ~~be concurrent~~ commence with the construction of the 182nd market rate units throughout the development. Following zoning Occupancy clearance of the 181st 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. for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units. **PLAN REQUIREMENTS & TIMING:** Prior to any ~~final map~~ map recordation of the map modification, this requirement shall be included in an amended the “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.

Rice Ranch Specific Plan (approved December 9, 2003), Section 4.3-Affordable Housing

4.3.2 Implementation and Monitoring

~~Construction of the affordable units shall be concurrent~~ commence with the construction of the 182nd market rate units throughout the development. Following zoning Occupancy clearance of the 181st 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. ~~for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units.~~

5.3 Background Information

The Rice Ranch project received final approval by the Board of Supervisors on December 9, 2003. The project is approved to allow for the construction of 725 homes, a 26-acre community park, and preservation of land for a future elementary school, numerous pocket parks and open space areas. The master tract map recorded as a Large Lot Conveyance Map in September, 2005 (TM 14,636). This has allowed the individual "neighborhood" tract maps to move forward, ultimately resulting in development of the site. Phase I of TM 14,430 which includes the Oaks and Pine Creek neighborhoods, recorded September 20, 2007. Phase II of TM 14,430 which consists of the 26-acre community park recorded November 28, 2007. In January 2009, the community park was completed and opened for public use. To date, 65 building permits have been issued for units located within the Oaks and Pine Creek neighborhoods and 33 of these units have received final occupancy clearance.

The Rice Ranch project was processed and approved under a previous iteration of the County's Inclusionary Housing Policy (IHP). The affordable housing requirements that were applied to the project at the time differ from the requirements that would be applied to a project under the current IHP. When the Rice Ranch application was deemed complete, the County's Comprehensive Plan required that projects in the Santa Maria Housing Market Area provide 10% of the proposed units as deed restricted affordable housing to be provided at sale prices affordable to low income households with an affordability target of 75% of the area median income. In addition to this requirement, the applicant proposed to provide an additional 10% of the total units as deed restricted housing for households with "workforce" incomes. The application also stated that all "low income" and "workforce" affordable housing would be built on-site. These latter conditions (workforce housing and onsite construction) were identified as a "community benefit". The applicant's proposal to provide all of the affordable units on site was

also identified as a beneficial environmental impact and was included in the Board of Supervisors Statement of Overriding Considerations for project approval.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The Supplemental EIR prepared for the Rice Ranch project (03-EIR-05) identified Class I unavoidable significant impacts with full build-out under the Community Plan in the areas of: Land Use, Biology, Agriculture, Geology, Flooding & Drainage, Water Supply/Groundwater Resources, Archaeology, Historical Resources, Traffic & Circulation, Noise, Air Quality, Risk of Upset/Polluting Sources, Wastewater, Fire Protection, Police Protection, Solid Waste, Library Services, Visual/Aesthetics, Parks Recreation & Trails, and Schools. Pursuant to CEQA Guidelines Sections 15091, the Board of Supervisors found that, to the extent the identified Class I impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, and other benefits set forth in the Statement of Overriding Considerations (Section XIV of the Rice Ranch Specific Plan Final EIR Findings and Statement of Overriding Considerations; December 9, 2003). Specifically, with respect to affordable housing, the Board of Supervisors made the following Statement of Overriding Consideration:

“In meeting the growth needs of the community, the Rice Ranch project provides a range of housing types affordable at all income levels. A substantial amount of that housing will be available to lower income households. Ten percent of the units will be set aside for households earning 75% of the area median income. Another three percent of the units will be set aside for households earning 120% of the area median income, while an additional seven percent will be made available to households at the 150% level. This overall provision of affordable housing exceeds the goals set by the Housing Element of the Santa Barbara Comprehensive Plan.”

CEQA Section 15162 allows the use of a previously adopted EIR or ND unless substantial evidence would require major revisions of the previous EIR or ND due to substantial changes in the proposed project because of: 1) new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes to the circumstances under which the project is undertaken 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.

Section 15162 of the State CEQA Guidelines is found to be applicable to the proposed project (Case nos. 12RMM-00000-00001, 12ORD-00000-00010, 12SPP-00000-00001), as no new significant environmental effects would occur, previously identified environmental effects will not increase in severity, and no new information of substantial importance will require revisions to the previously approved EIR. No impacts previously found to be insignificant are now significant. The proposed project would amend the timing to construct on-site affordable units

and would not change the requirement that 146 affordable units be provided on-site as detailed in Conditions 49 and 50 of TM 14,430. Since the proposed project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a new Environmental Impact Report or Negative Declaration is not required.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
2009-2014 Santa Barbara County Housing Element Goals & Policies	
<p><i>Goal 2: Expand Housing for Special Needs Groups</i></p> <p><i>Policy 2.1: Encourage housing that meets the requirements of special needs households, as identified per State law, and promotes housing diversity (i.e., size, type, tenure, location, and affordability levels).</i></p> <p><i>Goal 3: Provide Fair Access to Housing</i></p> <p><i>Policy 3.1: Promote equal housing opportunities for all persons in all housing types (ownership and rental, market-rate and assisted).</i></p> <p><i>Goal 4: Preserve the Affordable Housing Stock and Cultivate Financial Resources</i></p> <p><i>Policy 4.1: Preserve the affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement. Participate in available Federal and State housing subsidy and assistance programs and use the County's own resources in order to leverage maximum funding for the provision of affordable housing.</i></p>	<p>Consistent: The proposed project would allow the applicant to begin construction of the onsite affordable units following zoning clearance issuance for 25% of the market rate units (181 units). The proposed project would not change the applicant's requirement that 146 affordable units be provided on-site as detailed in Conditions 49 and 50 of TM 14,430. Therefore, the proposed project is consistent with Housing Element Goals 2, 3, 4, and Policies 2.1, 3.1, 4.1.</p>

REQUIREMENT	DISCUSSION
Orcutt Community Plan Key Site 12 Development Standards	
<p><i>Policy KS12-2: Key Site 12 shall be developed subject to a Specific Plan (Government Code Section 65450) which includes the following dedications and improvements. Any proposed development on Key Site 12 shall comply with the following development standards:</i></p> <p><i>A. All required affordable units shall be developed onsite.</i></p> <p><i>B. The developer shall dedicate an additional 5-acre park and a minimum of four 1-acre neighborhood parks. These park sites and the park adjacent to the school (previously dedicated) shall be developed to Parks Department specifications. These parks may be wholly or partially located in the open space area.</i></p> <p><i>C. Bikeways and trails shall be developed to County Standards within the previously dedicated public trail easements. One of these trails shall be a historic nature trail that includes educational interpretive signs describing the history of this site and the historic features once found on this site.</i></p>	<p>Consistent: The Rice Ranch project would remain conditioned to provide onsite affordable units. The proposed project would allow for these units to be constructed following zoning clearance issuance of 25% of the market rate units (rather than concurrent throughout the development of the site). The proposed number of parks and the development of bikeways and trails have been approved as part of the approved Rice Ranch Specific Plan. The proposed project would not alter the location or number of parks, bikeways, or trails. Therefore, the project is consistent with Orcutt Community Plan Key Site 12 Policy KS12-2.</p>

6.3 Zoning: Land Use and Development Code Compliance

The proposed project would be consistent with the requirements of the Countywide Land Use Development Code including the provisions for building height, setbacks and parking. There are no outstanding violations associated with the subject property. As such, the property is in compliance with all applicable zoning regulations.

6.4 Subdivision/Development Review Committee

Since the proposed project would amend only the timing to construct onsite affordable units, and not the substance of any Condition of Approval, the Subdivision/Development Review Committee did not review the proposed project. The proposed project was reviewed by the Long Range Planning Division of Planning and Development as well as the Housing & Community Development Department.

6.5 Design Review

Since the proposed project would amend only the timing to construct onsite affordable units, and not the substance of any Condition of Approval, the Board of Architectural Review did not review the proposed project.

7.0 APPEALS PROCEDURE

Ordinance Amendments recommended for approval or denial are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
- C. Draft Ordinance/Resolution
- D. Original TM 14,430 Conditions of Approval
- E. Board of Supervisors Letter dated 11/27/07 Re: MOU
- F. Site Plan
- G. Rice Ranch SEIR Link: (www.sbcountyplanning.org/projects/12SPP-00000-00001RiceRanch/SEIR.cfm)
- H. Rice Ranch Specific Plan Link: (www.sbcountyplanning.org/projects/12SPP-00000-00001RiceRanch/Documents/rr_specific_plan_12_2003_final_errata.pdf)

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

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

The Board of Supervisors finds that the previous environmental document prepared for the project, (03-EIR-05), may be used to fulfill the environmental review requirements for this project, (Case Nos. 12RMM-00000-00001, 12ORD-00000-00010, 12SPP-00000-00001). The project is a modification of the project reviewed in the previously adopted environmental document to change the timing and rate of construction of the required onsite affordable units, and there are no amendments to the substance of any condition of approval. The project modification does not propose any substantial changes in the project or to the circumstances under which the project is undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project, as noted in the staff report. Therefore, the Board of Supervisors finds that no new CEQA document is required and that the project modification does not trigger subsequent environmental review under State CEQA Guidelines Section 15162.

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, there has been a significant downturn in the housing market, particularly in the central coast area. Postponing the requirement to construct onsite affordable units until the time that 25% of the market rate units (181 units) have received zoning clearance issuance will allow the applicant to continue to build and sell additional dwelling units at the market rate, and as a result, keep the project viable. 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 by the Board of Supervisors at the request of the present fee owners of the property. No additional undue 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.

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;

The proposed modification to condition no. 50 of Tract Map 14,430 does not conflict 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;

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 25% 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 6.0 of the staff report dated May 8, 2012, 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 25% 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).

Deferring construction of the required affordable units until 25% 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. Therefore, the project is consistent with this finding.

ATTACHMENT B: Conditions of Approval

Rice Ranch Recorded Map Modification
Case No. 12RMM-00000-00001 for TM 14,430

Date: May 16, 2012

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-H, dated May 16, 2012, 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 Jim LaLoggia, agent for Rice Ranch Ventures, LLC, to consider Case Nos. 12RMM-00000-00001, 12ORD-00000-00010, and 12SPP-00000-00001 for approval to modify condition No. 50 of TM 14,430 and to amend Section 4.3.2 Affordable Housing – Implementation and Monitoring of the approved Rice Ranch Specific Plan (97-SP-001) to allow for 25% of the market rate units up to 181 units to be issued zoning clearance prior to implementation of the Affordable Housing Provisions.

The proposed revisions are as follows (revisions are indicated in ~~strikethrough~~ and underline):

50. Construction of the affordable units shall ~~be concurrent~~ commence with the construction of the 182nd market rate units ~~throughout the development.~~ Following zoning occupancy clearance of the 181st 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. for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units. PLAN REQUIREMENTS & TIMING: Prior to ~~any final map recordation~~ of the map modification, this requirement shall be included in an amended the “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.

Rice Ranch Specific Plan (approved December 9, 2003), Section 4.3-Affordable Housing

4.3.2 Implementation and Monitoring

Construction of the affordable units shall be concurrent commence with the construction of the 182nd market rate units throughout the development. Following zoning Occupancy clearance of the 181st 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. for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units.

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 12RMM-00000-00001, 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 (12SPP-00000-00001), and amending the recorded "Agreements to Provide Affordable Housing Units).
- 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.

6. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

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, 4.3.2 – IMPLEMENTATION AND MONITORING TO ALLOW FOR 25% OF THE MARKET RATE UNITS UP TO 181 UNITS TO BE ISSUED OCCUPANCY CLEARANCE PRIOR TO IMPLEMENTATION OF THE AFFORDABLE HOUSING PROVISIONS.

RESOLUTION NO.: 12 - _____

CASE NO.: 12ORD-00000-00010

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. Due to the downturn in the housing market, the County Planning Commission now finds to recommend that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00010) amending Section 4.3, Affordable Housing, 4.3.2 – Implementation and Monitoring of the Rice Ranch Specific Plan (97-SP-001) to defer the requirement to construct affordable units until 25% of the market rate units (181 units) have received occupancy clearance.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Santa Barbara County Land Use and Development Code, the Santa Barbara County Comprehensive Plan (including the Community and Area Plans), and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare as it will allow the applicant to continue developing the Rice Ranch project while keeping the project economically viable.
- E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was 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. 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 May 8, 2012.

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 16th day of May, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

MICHAEL COONEY, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Chief Assistant County Counsel

EXHIBITS:

1. 12ORD-00000-00010

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SPECIFIC PLAN FOR THE RICE RANCH PROJECT, APNs 101-380-001, -002, -003; 101-390-001, -003, -007; 101-400-001, -002, -003; 101-440-029, LOCATED ON THE SOUTH SIDE OF STUBBLEFIELD ROAD AND RICE RANCH ROAD IN THE ORCUTT AREA, FOURTH SUPERVISORIAL DISTRICT.

Case No. 12ORD-00000-00010

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 4.3.2, Affordable Housing – Implementation and Monitoring, of the Rice Ranch Specific Plan (97-SP-001) as follows:

4.3.2 Implementation and Monitoring

Construction of the affordable units shall ~~be concurrent~~ commence with the construction of the 182nd market rate units ~~throughout the development.~~ Following zoning Occupancy clearance of the 181st 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. for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units.

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 _____, 2012, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

DOREEN FARR
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D

Conditions of Approval for Tract Map (TM 14,430)

1. This Tract Map is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibits R, dated September 24, 2003, and conditions of approval set forth below. 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.

The project description is as follows:

Tract Map 14,430: Tentative Tract Map (TTM) 14,430, is a part of the project and would be processed concurrently with the Rice Ranch Specific Plan. The three existing parcels onsite would be divided into 467 lots for residential, open space, recreational, and school uses.

Design Components.

Trails: The Specific Plan proposes an approximately 8-mile network of interconnecting multiple use trails that would provide access from the residential development to neighboring foothills as well as the Orcutt regional trail system, as required by OCP Key Site 12 Design Standard KS 12-1. The trails would be offered for dedication to the County. Some trail alignments have been modified from those proposed in the OCP to avoid impacts to significant biological habitat. Consistent with the Orcutt Multi-Use Trails Plan, a trail staging area would be located within the proposed Community Park providing parking, restroom facilities, and information on regional trails and area historical significance.

School Sites: The Rice Ranch Specific Plan includes two school sites totaling 12 acres designated for future educational development within the Oaks neighborhood: a 10.6-acre parcel along Rice Ranch Road, adjacent to and west of the existing Pine Grove Elementary School; and a 1.4-acre parcel south of, and adjacent to, the Pine Grove School. This 1.4-acre parcel is proposed to facilitate access to Pine Grove School's kindergarten facility. The properties would be offered for dedication to the Orcutt Union School District (OUSD) upon recordation of TM 14,636.

Fuel Modification: The Specific Plan includes requirements for the clearance of brush between structures and natural open space to reduce the hazards of fire on developed properties. A 100-foot vegetation management zone between proposed structures and natural open space would be maintained. A 30-foot clear zone between a structure and open space would be required pursuant to County of Santa Barbara Fire Department standards (irrigated landscaping and mature trees limbed up to 6 feet or more, or one third of the tree's height, would be excluded from this clearing). A selective or "mosaic" clearance of brush 70 feet beyond the vegetation clear zone would be recommended (i.e., removal of vegetation between shrubs or shrub-clusters equal to the height of the shrub, with emphasis on protecting rare plants). Specifics of fuel modification requirements are contained in the OSHMP.

Infrastructure/Access Components. This section describes infrastructure including roadways, and trails and grading) proposed with the project.

Grading: Grading for tract and park development, including roads and building pads for homes, is estimated at approximately 1,306,500 cubic yards (678,000 cubic yards of cut and

628,500 cubic yards of fill). However, through the use of over excavation and compaction the site is estimated to balance and no soil would be exported. The Rice Ranch Specific Plan includes best-practices to minimize grading. For example, homes on slopes greater than 15% would be encouraged to use stepped foundations or benching to minimize grading. Intense grading should be limited to areas of building construction, landscape structures, and driveways. Slopes would be contoured to the extent possible to provide smooth transitions between the proposed grading and the adjacent land forms. Retaining walls outside of the building footprint generally would not exceed 6 feet in height.

Water: The total demand (net consumptive use) of the project is estimated to be 336 AFY. As the project applicant has reserved up to 350 AFY of the State Water Project yield held by the California Cities Water Company (CCWC) supplemental SWP supplies would serve all of the estimated demand. California Cities Water Company has an existing 1.5-million gallon storage tank located on 3 acres enclosed by the Specific Plan area, as well as water distribution lines adjacent to the site in Rice Ranch Road, Stubblefield, and Bradley roads, with sufficient capacity to serve the project.

Wastewater: Sewer service for the Rice Ranch project would be provided by the Laguna Sanitation District. The proposed onsite collection system is comprised of 6-inch and 8-inch diameter gravity sewer lines in the public roads serving the individual units. A 10-inch line would be constructed along Rice Ranch Road to connect to the existing Graciosa line.

Drainage: Drainage from the site would be directed to two on-site detention basins and one off-site basin located off of Bradley Road. Stormwater from the proposed project would not go into the existing storm drains along Rice Ranch Road. In the event that Basin 'B' is not completely operational at the initiation of project grading for the Grove, Meadow, and eastern Oaks neighborhoods, a temporary detention basin would be constructed at the western end of the Meadows neighborhood, at the southeast corner of the intersection of Bradley Road and Stubblefield Road.

Circulation: Bradley Road at Stubblefield Road would be the main entrance for the Rice Ranch Specific Plan area. Additional access to the project area would be located at two points along Rice Ranch Road and near the eastern terminus of Stubblefield Road. The Rice Ranch Specific Plan proposes a mix of rural streets, local streets, and larger collector streets for internal vehicular circulation. The project site would also include facilities for non-motorized transportation, including a Class II bikeway pedestrian walkways, and a trail system.

Mitigation Measures from SEIR 03-EIR-005

Biological Resources

- BIO-1.5a** Disturbance to native habitats associated with fire management activities shall be minimized by incorporating a 100-foot vegetation management zone into the siting, design and construction on lots that are adjacent to native habitats. In addition, accessory structures and/or guesthouses on lots that abut fire fuel management areas shall be prohibited if the placement of such structures would encroach into the foot vegetation management zone. **Plan Requirements and Timing:** A 100-foot vegetation management zone shall be identified on all Development Plans, Grading Plans and Fuel Management Plans for all lots adjacent to fire fuel management areas assuring that all accessory structures and/or guesthouses on lots adjacent to these areas, comply with the vegetation management plan. This information shall be provided to affected homeowners by the project developer or applicant. Development and grading plans shall be reviewed and approved by P&D prior to final map recordation, and land use clearance for the

Final Development Plan for each development phase. **MONITORING:** Structural setbacks shall be finalized by P&D during the plan review process for each neighborhood. P&D Permit Compliance shall monitor during construction.

3. **3.2a-1** The Environmental Quality Assurance Plan (EQAP) biologist shall conduct pre-construction surveys throughout areas that would be disturbed to determine presence or absence of sensitive species (i.e., California red-legged frog, western spadefoot toad, American badger, coast horned lizard). Any sensitive species identified shall be captured and relocated to the nearest suitable habitat.
 - (a) The biologist shall also be present on site during initial site preparation and ground disturbance activities (i.e., vegetation removal, grading) during each phase of the project to ensure that sensitive species are not present in the project area.
 - (b) The presence of any state or federally-listed species would require consultation with the CDFG or USFWS, respectively, before capture and relocation would potentially occur. Biologists handling or surveying for listed species shall have all necessary Endangered Species Act permits or authorizations.
 - (c) For the American badger, inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.

If active dens are detected, badgers shall be discouraged from using these dens prior to the mass grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would potentially cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use. If newly active badger dens are found during construction activities, all work in that area shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.

Plan Requirements and Timing The EQAP biologist shall conduct surveys prior to approval of a Land Use Permit for grading. Surveys for raptor nests on site shall be conducted prior to final approval of site plans to maintain a 500-foot “no construction disturbance zone” extending from each active nest site during construction activity. The EQAP biologist shall submit the results of the above surveys to P&D for review and approval. **MONITORING:** The EQAP biologist shall be responsible for compliance monitoring, including monitoring initial ground disturbing activities and periodically throughout the construction period for each phase of the project. The EQAP biologist shall prepare a final monitoring report for the County.

Drainage/Flooding

4. **HYDRO/WQ-2a** In the event that Basin ‘B’ is not completely operational at initiation of project grading for the Grove, Meadow, and eastern Oaks neighborhoods, a detention basin shall be constructed at the western end of the Meadows neighborhood, at the southeast corner of the intersection of Bradley Road and Stubblefield Road (Lots 147-149, 549). The basin shall be constructed in accordance with standard conditions of County Flood Control. Once Basin ‘B’ is built and operational the applicant shall redirect the project’s storm water flows collected from the Grove, Meadow, and eastern Oaks neighborhoods to Basin ‘B.’ **Plan Requirements and Timing:** The final drainage plans for the Grove, Meadows or eastern portion of the Oaks neighborhood shall depict how the stormwater flows will be retained. The

final drainage plan shall be reviewed and approved by County Flood Control and P&D prior to map recordation of any part of the Grove, Meadows, or eastern Oaks neighborhoods. If needed, the detention basin shall be operational prior to approval of a Land Use Permit for the first residential structure in the Grove, Meadows, or eastern portion of the Oaks neighborhood. **MONITORING:** County Flood Control shall inspect for all requirements prior to the issuance of the first land use permit for residential structures.

5. **HYDRO/WQ-2b** All onsite detention basins shall be fenced consistent with County Flood Control specifications. Fencing would not be required in the community park turf open play area, located west of the soccer fields and east of the freshwater marsh buffer. **Plan Requirements and Timing:** The final drainage plans and retention basin plans shall include fencing specifications and shall be reviewed and approved by County Flood Control and Building and Safety prior to map recordation. **MONITORING:** P&D shall inspect all requirements prior to issuance of the first land use permit for residential structures.
6. **HDRO/WQ-2c** Open space receptor drains shall be constructed to accommodate a 25-year storm event with a positive overland escape design for a 100-year storm flow event. **Plan Requirements and Timing:** The final drainage plan shall be reviewed and approved by County Flood Control and Building and Safety prior to map recordation. **MONITORING:** County Flood Control and P&D shall inspect for all requirements prior to issuance of the first land use permit for residential structures.
7. **HYDRO/WQ-3b.2** Dog waste pollution minimization shall be implemented in the vicinity of Pine Canyon Creek. Mutt-mitt dispensers shall be installed at the Community Park and the trails along Pine Canyon Creek. An educational display/sign shall be installed which provides information about Santa Barbara County Project Clean Water. The display shall include information pertaining to dog waste and surface water pollution prevention. **Plan Requirements and Timing:** Prior to map recordation for each phase of development, surface water pollution prevention measures shall be graphically depicted on the drainage plan, subject to P&D and County Flood Control review and approval. Surface water pollution prevention measures shall be implemented prior to issuance of the first land use permit for residential structures. **MONITORING:** P&D shall inspect for all requirements prior to issuance of the first land use permit for residential structures.

Geological Resources

8. **GEO-1b** In accordance with recommendations by Allan E. Seward Engineering Geology, Inc. (2002b), soils in the southern Meadows neighborhood, adjacent to Pine Canyon Creek, shall be overexcavated to a depth of 15 feet in alluvial areas and 3 to 7 feet in the Orcutt Sand deposits. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. **Plan Requirements:** Overexcavation depths shall be listed on the grading plan to be reviewed and approved by the County Flood Control District and P&D prior to map recordation and final development plan clearance for the Meadows neighborhood. **Timing:** These measures shall be implemented during construction. **MONITORING:** P&D shall verify compliance with this measure through plan check and site inspections.
9. **GEO-1c** In accordance with recommendations by Allan E. Seward Engineering Geology, Inc. (2002a), surficial sediments shall be overexcavated to avoid settlement caused by compressible soils. Such excavations shall include, but are not limited to, removal of 3 to 12 feet in areas mapped as Orcutt Sand, removal of 5 to 15 feet in areas mapped as alluvium, and removal of existing artificial fill materials, such as beneath existing roadways. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. **Plan**

Requirements: Excavation depths shall be listed on the grading plan to be reviewed and approved by the County Flood Control District and P&D prior to map recordation for each phase of development. **Timing:** These measures shall be implemented during construction. **MONITORING:** P&D shall verify compliance with this measure through plan check and site inspections.

10. **GEO-1d** The following shall be included in the Final Grading and Drainage Plan to prevent erosion induced siltation of on-site and off-site drainages:
- a. Temporary berms and sedimentation traps, such as silt fencing, straw bales, and sand bags, shall be installed in association with project grading to minimize erosion of soils and sedimentation of Pine Canyon Creek and other drainages. The sedimentation basins and traps shall be cleaned periodically and the silt shall be removed and disposed of in a location approved by P&D.
 - b. Nonpaved areas shall be revegetated or restored (i.e., geotextile binding fabrics) immediately after grading, to minimize erosion and to reestablish soil structure and fertility. Revegetation shall include drought-resistant, fast-growing, vegetation that would quickly stabilize exposed ground surfaces. All landscape plans shall be reviewed by P&D to ensure revegetation of graded areas consisting of sandy soils.
 - c. Existing large stands of trees and natural flood channels shall be preserved to minimize erosion, to the maximum extent feasible.
 - d. Runoff shall not be directed across exposed slopes. All surface runoff shall be conveyed in culverts and diverted to the nearest drainage channel. Where such measures are feasible and would not substantially increase erosion, vegetated earthen channels should be substituted for culverts.
 - e. Energy dissipaters shall be installed at the end of drainpipe outlets to minimize erosion during storm events, most notably at storm drain and detention basin outlets into Pine Canyon Creek. Such dissipaters shall be designed to minimize damage to creek vegetation and avoid the use of unnatural materials such as concrete, grouted rock and asphalt rubble. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control.
 - f. Where feasible, all open space / undeveloped area drainages located upstream of the project (e.g., upstream of Lot 314 of the Pine Creek neighborhood) shall be provided with sedimentation and runoff velocity-reduction drainage structures or devices to minimize erosion of soils into natural and man-made flood control drainages.
 - g. Drainage outlets into natural creek channels (e.g., from detention basins into Pine Canyon Creek) shall be constructed in such a manner that causes outlet flow to approximate the general direction of natural stream flow.
 - h. Grading shall not occur during the wet season (November 1-April 15) unless erosion control measures found adequate by P&D and the Public Works Department are implemented.
 - i. Site grading shall be completed such that permanent drainage away from foundations and slabs is provided and so that water shall not pond near proposed structures or pavements.
 - j. New trails shall be aligned with existing dirt roads/trails, to the greatest extent possible, to minimize additional ground disturbance.

- k. Storm drain trenches, which would locally traverse otherwise undisturbed/undeveloped areas, shall be completed in segments of no more than 500 feet in length, backfilling each phase before initiating the subsequent phase, to reduce exposure and potential erosion of stockpiled soil. Temporary berms and sedimentation traps shall be installed in association with trenching to minimize erosion of soils and sedimentation of Pine Canyon Creek and other drainages.

Plan Requirements: Erosion control components shall be listed on the grading plan to be reviewed and approved by the County Flood Control District and P&D prior to map recordation for each phase of development. **Timing:** These measures shall be implemented prior to the issuance of a Land Use Permit for grading. **MONITORING:** P&D shall verify compliance with this measure through plan check and site inspections.

11. **GEO-2a** In accordance with recommendations by Allan E. Seward Engineering Geology, Inc. (2002a, 2002b), mechanically stabilized earth (MSE) fill slopes shall be constructed, in combination with revegetation, to prevent slope failures in non-cohesive sandy soils. MSE fill slopes include use of geogrids, mats, or retaining walls. Revegetation shall include planting, hydroseeding, and/or hydromulch in order to quickly establish vegetation on fill slopes. Such stabilization techniques shall be utilized not only for proposed fill slopes, but also over cut slopes to prevent erosion and failure of natural materials. MSE stability fills shall be constructed with back drains over proposed cut slopes. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all slope construction activities. **Plan Requirements:** MSE slope specifications shall be listed and the slopes requiring such engineering shall be identified on the grading plan to be reviewed and approved by the County Flood Control District and P&D prior to map recordation for each phase of development. **Timing:** These measures shall be implemented during construction. **MONITORING:** P&D shall verify compliance with this measure through plan check and site inspections.

Land Use

12. **LU-1.1a** The following buyer notification shall be included for all lots within 1,000 feet of agriculturally zoned land: *"This property is located adjacent to property utilized for agricultural purposes. Through enactment of an ordinance adding Section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance."* This notification would apply to all homes within the Grove and Meadow neighborhoods. It would also apply to homes in the Valley View neighborhood within 1,000 feet of the southern boundary of the Specific Plan area. **Plan Requirements and Timing:** The applicant shall submit the buyer notification to Planning and Development for approval prior to recordation of any final map. The buyer notification shall be recorded with the final map for the Grove, Meadows and Valley View neighborhoods. **MONITORING:** Planning and Development and the County Surveyor would ensure recordation.

Noise

13. **NOI-2.1** A Truth-in-Sales notice, describing potential nuisance noise from ongoing oil operations and aircraft overflight, shall be required for all new homes within the Rice Ranch Specific Plan. **Plan Requirements:** Notice shall be provided to all potential home buyers. **Timing:** The applicant shall submit the buyer notification to Planning and Development for approval prior to recordation of any final map. The buyer notification shall be recorded on a separate information sheet with the final map. **MONITORING:** P&D shall ensure that the notice is prepared and circulated during home sales.

14. **NOI-3.1** Construction activity for site preparation and for future development shall be limited to the hours of 8 AM to 5 PM, Monday through Friday. No construction shall occur on State Holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities (e.g., interior painting) are not subject to these restrictions. **Plan Requirements:** Construction timing shall be included as a note on all grading and construction plans to Planning & Development for review and approval prior to final map recordation. **Timing:** Signs shall be in place prior to the beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.
15. **NOI-3.5** Temporary noise barriers shall be used and relocated as needed to block line-of-sight between the construction equipment and the Pine Grove Elementary School, when school is in session, to reduce effects of construction noise on classrooms and play areas below 65 dBA CNEL. **Plan Requirements and Timing:** The sound walls shall be depicted on the final grading plan, and reviewed and approved by P&D prior to map recordation. The measure shall be implemented during construction. **MONITORING:** P&D shall perform site inspections to ensure compliance.

Public Services

16. **PS-3.1.1** Prior to recordation of the final tract map, a Can-and-Will-Serve letter from the Laguna County Sanitation District shall be submitted by the applicant to P&D which specifies that: 1) The project's wastewater shall not cause the LCSD to be unable to meet the RWQCB limits; 2) Adequate treatment and disposal capabilities exist to serve the project; and 3) Existing, or planned and funded, transmission lines have available capacity to serve the project. **Plan Requirements and Timing:** The sewer trunk lines as specified in Can-and-Will-Serve letter shall be constructed concurrent with residential construction and shall be in place prior to issuance of the first residential certificate of occupancy. **MONITORING:** Permit Compliance shall field inspect for compliance.
17. **PS-4.1** The applicant shall prepare a water infrastructure plan, delineating on and off-site improvements that would be required to effectively provide water service to the site and demonstrating that the proposed water system meets applicable quality and pressure standards and demonstrate no net increase in groundwater consumption, to the satisfaction of P&D. **Plan Requirements and Timing:** The plan shall be submitted to Public Works and P&D for review and approval prior map recordation. **MONITORING:** Water infrastructure shall be inspected by the Public Works Department for conformance with approved plans.
18. **PS-4.2** The applicant shall pay a fair share toward CCWC's planned new water storage tanks to be located on the Rice Ranch site, which would be designed to address cumulative needs for projects in the area. **Plan Requirements:** The location of the proposed water tanks shall be shown on the grading and site plans and submitted to Public Works and P&D for review and approval prior to map recordation. **Timing:** The water tank plan shall be submitted to P&D for review and approval prior to map recordation. **MONITORING:** The water tanks shall be inspected by the Public Works Department and P&D to ensure compliance with approved plans.

Recreation

19. **REC-1.7** The applicant shall post a bond for the completion of the neighborhood park sites. All improvements shall conform to County Parks Department specifications. **Plan**

requirements: The property owner shall complete the park improvements prior to issuance of occupancy for the first residence in the neighborhood in which the park is located. Specific park design shall occur with the preparation of Development Plans for the corresponding neighborhoods. **Timing:** The bonds for the neighborhood park sites shall be posted prior to final map recordation for that neighborhood. The final building and grading plans shall be reviewed and approved by the County Parks Department and P&D prior to approval of land use clearance for the Grove, Meadows, Oaks and Valley View Final Development Plans. **MONITORING:** The County of Santa Barbara shall site inspect to ensure compliance with building plans prior to each development phase occupancy clearance.

20. **REC-1.9** The Specific Plan shall include a landscape, open space management, and habitat protection plan approved by P&D and County Parks. This plan shall:
- (a). Identify methods for the long term management, protection and enhancement of habitats within the open space onsite, including protection of wildlife corridors;
 - (b). Identify methods to protect and enhance habitats including, but not limited to, installation of landscape buffers of native trees and shrubs, restoration of degraded habitats, use of fencing to protect wildlife corridors, use of signs, etc;
 - (c). Include habitat restoration of sandhill chaparral with focus on rare plants;
 - (d). Design development in open space areas to maintain habitat continuity between grassland, oak woodland, sandhill chaparral, and coastal sage scrub;
 - (e). Include unified landscape themes protecting and enhancing open space corridors and the site's semi-rural character through use of native trees, plants, and other appropriate species;
 - (f). Include perimeter landscaping, including center and roadside median plantings and street trees. This landscaping shall be of sufficient density to break up building masses and partially screen development and rear yards from surrounding roads and neighborhoods. The project landscaping plants shall be oriented toward maintaining the semi-rural character of the site (i.e. use of natives and informal plantings) and provide screening while maintaining key view corridors; and
 - (g). Ensure that the open space "neck" in the eastern mesa is a minimum of 200 feet wide.

Plan Requirements and Timing The final OSHMRIP, including the Landscape Plan, shall be prepared by a Planning and Development qualified biologist and reviewed by P&D prior to the Board of Supervisors final approval of the Specific Plan. Prior to Master Map recordation, McCadden Development LLC, or its successor in interest, shall submit to P&D for review and approval habitat restoration and landscape plans that depict areas identified in the OSHMRIP to be restored as either Master or Neighborhood restoration areas, and shall file a receipt of evidence of posting performance securities for each area that are acceptable to P&D. All aspects of the Plan shall be implemented as approved, or modified by the County Biologist. Master open space habitat restoration plantings shall be completed per the timing specified in the OSHMRIP. Neighborhood restoration areas, and perimeter and street frontage landscaping, that is a part of the landscape theme for individual neighborhoods shall be depicted on the neighborhood landscape plans. These neighborhood landscape plans shall be prepared by the project developer and submitted to P&D for review and approval prior to land use clearance for each neighborhood Final Development Plan. Prior to map recordation, the

developer for the individual neighborhood shall file a receipt of evidence of posting a performance security that is acceptable to P&D. **MONITORING:** The County shall periodically inspect the landscaping area in the field over time to ensure habitat vegetation establishment and compliance with approved plans, or as modified by the County Biologist. The County shall determine successful completion of habitat restoration and when cessation of maintenance can occur, per the criteria in the OSHMRIP.

Risk of Upset/Hazardous Materials

21. **HAZ-1a.2** Full disclosure of the previous use of the site as an oil field shall be recorded as a Notice to Property Owner for all potential homebuyers. The Notice to Property Owner shall include the well location, verification of abandonment by DOGGR, and a description of required setbacks from the well. **Plan Requirements:** The Notice to Property Owner shall be recorded at the time of map recordation. **Timing:** The wording of the Notice to Property Owner shall be reviewed and approved by P&D prior to map recordation for each phase of development. **MONITORING:** P&D shall confirm such recordation of the Notice to Property Owner.
22. **HAZ-1c** A monitor trained in identification of contaminated soil shall be present for at least part of each day during site grading excavations, to determine if previously unidentified contaminated soil has been encountered. The monitor shall make this determination based on visual signs of discolored soil, olfactory indications, dialogue with grading contractors, and/or positive readings on a photoionization detector or organic vapor analyzer. The monitor shall be current with respect to Cal OSHA 40-hour training for hazardous materials. Grading shall cease in previously undocumented contaminated areas, pending appropriate assessment and remediation of contaminated materials. **Plan Requirements:** This requirement shall be identified as a note on the grading plan for each development plan. A scope of work and contract between the applicant/contractor and the contamination specialist monitor shall be provided to P&D prior to issuance of a Land Use Permit for grading. **Timing** The grading plan and contract shall be reviewed and approved by P&D prior to final map recordation for each neighborhood. **MONITORING:** P&D shall inspect during construction to verify compliance with condition. A construction monitoring report shall be provided for P&D review and approval prior to each development phase.

Transportation

23. **TRANS-1.1** The applicant shall pay transportation fees to the County to offset project contributions to cumulative impacts on traffic, circulation systems maintenance, including the project's fair share of offsite improvements in an amount determined by the County Public Works/Transportation Division, based on adopted fee schedules at the time of payment. **Plan Requirements and Timing:** Prior to final map recordation of each neighborhood, the applicant shall submit appropriate transportation fees for that neighborhood. **MONITORING:** Compliance shall be monitored by P&D.
24. **TRANS-1.2** Class II and III bike lanes and routes shall be established in accordance with the specific plan and tentative tract map. Bicycle paths and bicycle lanes shall meet County design standards for width, surfacing, markings, and signage. **Plan Requirements:** Prior to final map recordation of each neighborhood, final bike lane specifications shall be reviewed and approved by P&D and Public Works Roads Division to ensure consistency with the Specific Plan. **Timing:** Bike lane construction and marking shall be implemented concurrent with road construction. **MONITORING:** P&D shall monitor bike lane construction prior to issuance of the first Land Use Permit for residential structures by neighborhood.

25. **TRANS-1.3** The applicant shall provide their fair share contribution toward regional transit needs through the provision of a bus stop/bench facilities or payment of an in-lieu fee for the bus stop/bench facilities, as determined by P&D in consultation with the Santa Maria Area Transit (SMAT). **Plan Requirements:** Prior to map recordation of each neighborhood, the applicant shall submit an agreement for provisions of transit mitigation, as determined by P&D in consultation with SMAT. **Timing:** The applicant shall provide agreed to transit mitigation as follows: facilities shall be constructed prior to first occupancy permit, by neighborhood; or fees shall be paid prior to each neighborhood final map recordation. **MONITORING:** P&D shall field verify installation as to plan.
26. **TRANS-5.1.** Developer shall engineer and construct all portions of the Stillwell Road extension that lie within its approved map boundaries. If it is determined that the Designated Remainder is owned by the developer at the time of recordation of the Grove or the Meadow final map, and such remainder encompasses any additional portion of the Stillwell Road extension, then the applicant shall post a performance security for the construction of that portion of the road prior to recordation. **Plan Requirements and Timing:** Prior to final map recordation for the Grove or the Meadow neighborhoods, the applicant shall post a performance security acceptable to the Road Division and P&D; and shall complete the road construction prior to occupancy of the first residence in the Grove neighborhood. **Monitoring:** P&D shall verify that the performance security is posted and road is constructed.
27. **TRANS-5.2** The applicant shall contribute to the OTIP fee program an amount as specified by the County Public Works Transportation Division for transportation improvement fees, calculated on a per peak hour trip basis, to be combined with County, State and federal funds for future (cumulative) improvements required at Clark Avenue/U.S. 101 interchange (including signal installation). Funding for improvements shall be paid prior to each neighborhood final map recordation. Implementation of the improvements scheduled for the Clark Avenue/U.S. 101 interchange would result in this location's inclusion in the Congestion Management Program Annual Monitoring Program. **MONITORING:** Compliance shall be monitored by P&D.

Water Resources

28. **WR-1.1** The applicant shall provide a final agreement for County review and approval identifying the long-term sources of water to be used to serve the project. **Plan Requirements:** The applicant shall provide a final agreement to Planning and Development for review and approval indicating compliance with OCP Policies WAT-O-2 and OCP Development Standards WAT-O-2.1, -2.2, and -2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can & Will Serve Letters from Cal Cities does not exceed the Cal Cities State Water annual safe yield unless the County, or a court of competent jurisdiction determines that the Santa Maria Groundwater Basin is not in an overdraft situation. **Timing:** Prior to recordation of a final tract map authorizing residential construction, the applicant shall provide a final contract to Planning and Development for the provision of long-term water sufficient to serve the project consistent with the OCP Policy and Development Standards cited above. **MONITORING:** P&D shall review final contract.

Conditions Unique to Tentative Tract Map 14,430

29. Prior to recordation of the tentative map and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to

be recorded with the final map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.

30. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved map.
31. Five copies of the map to finalize the tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
32. If the subdivision is to be recorded by units, additional conditions on the tentative map may be imposed by the Planning Commission pursuant to Government Code Section 66456.1.
33. Prior to recordation of the map, the applicant shall record CC&R's for the Master Homeowners Association for the Rice Ranch Specific Plan Area, that provide for shared maintenance responsibilities by all parcels for areas not accepted by the County or areas which are proposed for private common use, including emergency vehicle access, subject to approvals from Flood Control, P&D and County Counsel: the County may be made party to the CC&R's as they relate to the maintenance of the retention basin. The CC&R's shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. Sub-area CC&R's shall be recorded with each neighborhood final map.
34. If, prior to the Board action on the map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
35. Prior to recordation of a final map for each neighborhood, on site public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map for each neighborhood accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
36. Electrical utilities shall be installed underground.

37. Prior to recordation of the map, the property shall be annexed to the North County Lighting District and CSA 5.
38. Permits for development, including grading, shall be issued only if the development is in conformance with Rezone 03RZN-003, TM 14,636, Development Plans 03DVP-00000-00009, -00010, -00011, -00012, -00013, -00014, and the Development Agreement.
39. Prior to the recordation of Tract Map 14, 430 the map shall reflect easements for public emergency access, if not already shown on TM 14,636.

County Rules and Regulations

40. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from P&D. The Land Use Permit must be issued prior to implementation of any component of the project and/or commencement of any use specified by the permit. The Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission or Board of Supervisors. Before a Land Use Permit will be issued by P&D, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in P&D.
41. Prior to approval of a Land Use Permit by P&D, the applicant shall obtain final Board of Architectural Review approval for each residence.
42. Any unnamed road within the project boundary shall be named in accordance with Article V Road Naming Ordinance requirements prior to recordation of the Final Map.
43. Compliance with Departmental letters required as follows:
 - a. APCD letter dated May 7, 2003
 - b. Fire Department letter dated September 4, 2003
 - c. County Parks letter dated December 9, 2003
 - d. County Transportation letter dated October 14, 2003
 - e. Environmental Health Services letter dated May 16, 2003
 - f. County Flood Control letter dated September 17, 2003
44. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, as each neighborhood is developed, the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of a Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-

compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

45. Prior to approval of a Land Use Permit for each neighborhood, the applicant shall pay all applicable P&D permit processing fees in full.
46. Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
47. Developer shall defend, indemnify and hold harmless the County or its agents, 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 the Parcel Map. In the event that the County fails promptly to notify the 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.
48. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
49. 73 dwelling units (10% of the total number of proposed units) shall be provided at sale prices affordable to low-income with an affordability target of 75% of median income, consistent with the Housing Element and the Housing Element Implementation Guidelines. **Plan Requirements and Timing:** Prior to Final Tract Map recordation, the applicant or project developer shall enter into and record an Agreement to provide affordable housing with the County of Santa Barbara, agreeing to provide 73 affordable units at sale prices affordable to low-income households, as required by the Housing Element and Housing Element Implementation Guidelines for the Santa Maria Housing Market Area. The Agreement to Provide shall require that purchasers of the affordable units execute a Restrictive Covenant and Pre-emptive Right which shall be recorded against the units at the time of purchase. The Agreement and Covenant shall specify that the affordable units remain affordable for a period of 30 years unless preempted by state or federal programs and shall be based upon the County's model agreement and covenant. Both shall be subject to review and approval by Planning & Development, Housing and Community Development and County Counsel. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective renters shall be determined by the County or its designee. An intent to reside statement shall be required for potential purchasers of the affordable units. The maximum sales price for the affordable units shall not exceed the maximum levels established by the Board of Supervisors, consistent with the provisions of the Housing Element.

The applicant for the Rice Ranch project shall include an additional 10% of the units approved for Work Force Housing. These units would be available only to first time homebuyers whose earnings place them above qualification for moderate income units as defined in the County's existing Affordable Housing Program, but who earn less than 150% of median area income. Of these 73 additional units, 50 would be priced to be affordable to individuals and families

that earn up to 120% of median area income; 23 units would be price restricted to be affordable to individuals and families that earn up to 150% of median area income. **Plan Requirements and Timing:** Prior to Final Tract recordation, the applicant or project developer shall enter into and record an Agreement to Provide Affordable Housing with the County of Santa Barbara, agreeing to provide 73 affordable units at sale prices affordable to individuals and families that earn up to 120% of median area income as provided by the Housing Element and Housing Element Implementation Guidelines for the Santa Maria Housing Market Area, and 23 units at sale prices affordable to 150% of median area income. The Agreement to Provide shall require that purchasers of the affordable units execute a Restrictive Covenant and Pre-emptive Right which shall be recorded against the units at the time of purchase. These units would be dispersed throughout the Meadow and Pine Creek condominium areas. The Agreement and Covenant shall specify that the affordable units remain affordable for a period of 30 years unless preempted by state or federal programs and shall be sold to qualified households at prices as established by the Board of Supervisors.

50. Construction of the affordable units shall be concurrent with the construction of the market rate units throughout the development. Occupancy clearance for no more than 10% of the market rate units shall be allowed prior to occupancy clearance for the same percentage of the affordable units. **PLAN REQUIREMENTS & TIMING:** Prior to any final map recordation, this requirement shall be included in the “Agreement to Provide Affordable Housing” and shall be printed on all grading and building plans. **MONITORING:** Permit Compliance staff shall ensure compliance during construction
51. **Tentative Map:** No development pursuant to this TM 14,430 may occur except in compliance with the approved Specific Plan and final development plan(s).
52. Reserved for future conditions if necessary. Left intentionally blank.
53. Left intentionally blank.
54. Left intentionally blank.
55. Left intentionally blank.
56. Left intentionally blank.



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Opportunity Employer

December 9, 2003

Supersedes Condition Letter
Dated 9/3/03

TO: John Zorovich, Development Review Planner
Planning & Development

FROM: Claude Garciacelay, Park Planner *[Signature]*

RE: **Rice Ranch / KS-12 Orcutt**
TM 14,636 / TM 14,430 / 97-SP-007 / 03-RZN-003
03-DVP-009, -010, -011, -012, -013, -014
APN: 101-010-013; 101-020-004; 105-140-016

County Parks recommends the following condition(s) to the approval of the above referenced project(s):

Fee Condition on subdivision/residential unit development:

Pursuant to the provisions of Santa Barbara County Ordinance 4317 (Quimby Ordinance) and the appurtenant fee resolution for the recreational demand area, the applicant will be required to pay a fee for each newly generated lot or dwelling unit for the purpose of providing park and recreational facilities within the recreational demand area.

Based on the current fee schedule, the Quimby fee for each dwelling unit is \$3,030.00. Fees are due prior to land use clearance for the construction of each residential unit and shall be based on the fee schedule in effect when paid. Fee schedules are subject to adjustment on an annual basis. Please contact this office prior to payment to verify and determine the fee required. This office will not accept or process a check received prior to project approval.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to: Santa Barbara County Parks, Rocky Nook Park, 610 Mission Canyon Road, Santa Barbara, CA 93105; or in the North County at Waller Park, 300 Goodwin Road, Santa Maria, CA 93455.

Community Park, Open Space and Trails (03-DVP-009):

The applicant shall offer to dedicate to the County the Community Park, Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan and as revised by the Planning Commission, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the Large Lot Conveyance Map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

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The applicant has proposed that a portion of trail RR-9 be located on adjacent KS-7, owned by the applicant, to facilitate the development of The Grove neighborhood. The applicant shall dedicate this trail easement on KS-7 to the County in conformance with and to connect with the required trail element of KS-12 for this portion of trail RR-9. The applicant shall dedicate, through a grant of easement, those off-site sections of trail RR-9 to the County so as to record concurrently with the recordation of the Large Lot Conveyance Map. Should the offsite dedication become not feasible, the applicant shall modify The Grove development to accommodate trail RR-9 completely on KS-12 and dedicate to the County with the other on site dedications.

The applicant's offer of in fee dedication of the community park and open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration/management thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area wide Community Facilities District, shall be in place prior to map recordation for the Large Lot Conveyance Map.

Bonds shall be posted prior to recordation of the final map for the large lot conveyance to secure the construction of the community park, open space/habitat restoration and trail improvements; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the community park, open space and trails. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the community park improvements, open space/habitat restoration areas and trails as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the facilities as proposed in the October 2002 Draft Specific Plan/OSHMP, as revised by the Planning Commission, with the addition of an approximately two acre secured dog off-leash area within the park as requested by the Park Commission, and a bridge span rated to accommodate park maintenance vehicles as requested by County Parks. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction of the public park, open space/habitat restoration areas and trails including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at KS-12.

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Valley View Neighborhood (03-DVP-010):

The applicant shall offer to dedicate to the County the Neighborhood Park, Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the final map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

The applicant's offer of in fee dedication of the neighborhood park and open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration and fuel modification/management zones thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area wide Community Facilities District, shall be in place prior to final map recordation for the Valley View Neighborhood.

Bonds shall be posted prior to recordation of the final map for the Valley View Neighborhood to secure the construction of the neighborhood park, any open space/habitat restoration and trail improvements, and establishment of fuel modification/management zone; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the neighborhood park, open space and trails and fuel modification/management zones. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the park improvements, open space/habitat restoration areas and trails and as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the public facilities as proposed in the October 2002 Draft Specific Plan/OSHMP for the Valley View Neighborhood. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction and development of the public neighborhood park, open space/habitat restoration areas and trails, and fuel modification/management zones including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at the Valley View Neighborhood.

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Pine Creek Neighborhood (03-DYP-011):

The applicant shall offer to dedicate to the County the Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the final map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

The applicant's offer of in fee dedication of the open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration and fuel modification/management zones thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area wide Community Facilities District, shall be in place prior to final map recordation for the Pine Creek Neighborhood.

Bonds shall be posted prior to recordation of the final map for the Pine Creek Neighborhood to secure the construction of any open space/habitat restoration and trail improvements, and establishment of fuel modification/management zone; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the open space and trails and fuel modification/management zones. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the improvements to the open space/habitat restoration areas and trails and as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the public facilities as proposed in the October 2002 Draft Specific Plan/OSHMP for the Pine Creek Neighborhood. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction and development of the public open space/habitat restoration areas and trails, and fuel modification/management zones including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at the Pine Creek Neighborhood.

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Oaks Neighborhood (03-DVP-012):

The applicant shall offer to dedicate to the County the Neighborhood Park, Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the final map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

The applicant's offer of in fee dedication of the neighborhood park and open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration and fuel modification/management zones thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area wide Community Facilities District, shall be in place prior to final map recordation for the Oaks Neighborhood.

Bonds shall be posted prior to recordation of the final map for the Oaks Neighborhood to secure the construction of the neighborhood park, any open space/habitat restoration and trail improvements, and establishment of fuel modification/management zone; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the neighborhood park, open space and trails and fuel modification/management zones. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the park improvements, open space/habitat restoration areas and trails and as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the public facilities as proposed in the October 2002 Draft Specific Plan/OSHMP for the Oaks Neighborhood. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction and development of the public neighborhood park, open space/habitat restoration areas and trails, and fuel modification/management zones including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at the Oaks Neighborhood.

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Meadows Neighborhood (03-DVP-013):

The applicant shall offer to dedicate to the County the Neighborhood Park, Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the final map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

The applicant's offer of in fee dedication of the neighborhood park and open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration and fuel modification/management zones thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area-wide Community Facilities District, shall be in place prior to final map recordation for the Meadows Neighborhood.

Bonds shall be posted prior to recordation of the final map for the Meadows Neighborhood to secure the construction of the neighborhood park, any open space/habitat restoration and trail improvements, and establishment of fuel modification/management zone; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the neighborhood park, open space and trails and fuel modification/management zones. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the park improvements, open space/habitat restoration areas and trails and as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the public facilities as proposed in the October 2002 Draft Specific Plan/OSHMP for the Meadows Neighborhood. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction and development of the public neighborhood park, open space/habitat restoration areas and trails, and fuel modification/management zones including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at the Meadows Neighborhood.

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Grove Neighborhood (03-DVP-014):

The applicant shall offer to dedicate to the County the Neighborhood Park, Open Space and Trail areas generally as indicated in the October 2002 draft Specific Plan, and pursuant to the escrow agreement between the applicant and the County. Said dedication shall be made concurrently with the recordation of the final map for the property, and shall be in conformance with property transfer requirements from the County Real Property Division.

The applicant's offer of in fee dedication of the neighborhood park and open space areas to the County shall identify maintenance responsibility and establish a funding source for on-going maintenance of the landscaping, improvements and open space habitat restoration and fuel modification/management zones thereon subsequent to the expiration of the developer's responsibility for initial construction and/or establishment maintenance per the SEIR mitigations. Agreements for initial maintenance responsibilities and provisions for on-going funding and maintenance, proposed by the developer to be the area wide Community Facilities District, shall be in place prior to final map recordation for the Grove Neighborhood.

Bonds shall be posted prior to recordation of the final map for the Grove Neighborhood to secure the construction of the neighborhood park, any open space/habitat restoration and trail improvements, and establishment of fuel modification/management zone; and to secure the developer's responsibility for initial construction and/or establishment maintenance period per the SEIR mitigations. The bond amount shall be based on an estimate of probable construction and maintenance cost as approved by County Parks. The bond for construction will be released upon County Park's approval and acceptance of the improvements to the neighborhood park, open space and trails and fuel modification/management zones. The maintenance bond will be released upon expiration of the developer's required initial construction/establishment maintenance period and acceptance of maintenance by County Parks.

The applicant shall construct the park improvements, open space/habitat restoration areas and trails and as required to meet the intent of the development standards for Key Site 12 in the Orcutt Community Plan and the mitigation measures of the SEIR and generally the public facilities as proposed in the October 2002 Draft Specific Plan/OSHMP for the Grove Neighborhood. A final design plan shall be approved by County Parks and P&D and final construction plans shall be reviewed and approved by County Parks prior to land use clearance for development.

Construction and development of the public neighborhood park, open space/habitat restoration areas and trails, and fuel modification/management zones including all amenities shall be complete, approved and accepted by County Parks prior to the issuance of occupancy permits for the first residence at the Grove Neighborhood.

John Zorovich
Rice Ranch - Orcutt
December 9, 2003
Page 8

cc: County Surveyor

Randy Wheeler
McCadden Development, LLC
1130 E. Clark Ave., Ste 150-283
Orcutt, CA 93455

Mary Rose
Mary Rose & Associates
815 De La Vina St., Ste. C
Santa Barbara, CA 93101



Santa Barbara County
Air Pollution Control District

May 7, 2003

John Zorovich, Project Planner
County of Santa Barbara
Planning & Development Dept.
Development Review Division—North County
624 W. Foster Road
Santa Maria, CA 93455

RE: Rice Ranch Specific Plan: Recommended Conditions

Dear John,

The APCD recommends that the following conditions, consistent with the air quality policies and development standards of the Orcutt Community Plan, and the air quality mitigation measures required by the final Supplemental EIR for this project, be incorporated into the Land Use Permits for the above mentioned project.

1. Prior to land use clearance for grading or structural development, the applicant shall record as notes on the grading plan the following dust control requirements to keep fugitive dust generated during all earthmoving and ground disturbing activities to a minimum:
 - During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
 - If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.

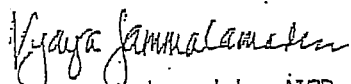
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MAY 15 2003

- Building siting and orientation to reduce energy use.
 - Landscaped summer shading and wind protection measures to increase energy efficiency.
 - Use of concrete or other non-polluting, permeable materials for parking lots instead of asphalt.
 - Installation of energy efficient appliances and lighting.
 - Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals.
 - Provision of sidewalks, safe parking lot crossings for students, and school building entrances designed to favor pedestrians and bicyclists rather than cars.
 - Provision of traffic calming measures and mid-block crossings on adjacent streets to encourage bicycle and pedestrian access to schools and parks from adjacent residential development.
 - Provision of on-site bikeways between buildings, theft-proof and well-lighted bicycle storage facilities with convenient access to school building entrances.
 - Installation of covered bus stops and enhancements.
 - Provision of a prominently located display kiosk with air quality and alternative transportation educational materials at school cafeteria.
4. Proposed building plans should include green building materials and pollution prevention practices recommended by the IBRC, such as:
- At least 50% of exterior of local masonry; plaster or cementitious siding; recycled, salvaged or certified sustainably harvested wood; recycled roofing material or combination cement-fiber roofing; 30-year rated life on minimum 50% of roof.
 - At least 50% interior floor of tile, stone, finished concrete; cork or natural linoleum, carpet and pad (tacked) of recycled content or natural content, minimal finishes.
 - All insulation to be 100% recycled content, wet-blown, and/or cellulose with UL fire retardant.
 - The use of light colored water based paint and roofing materials.
 - At least 80% of interior and exterior paints and finishes to be water-based or low VOC and adhesives to be solvent-free.

Please call me at 961-8893 or contact me by e-mail vlj@sbcapcd.org, if you have questions.

Sincerely,



Vijaya Jammalamadaka, AICP
Air Quality Specialist
Technology and Environmental Assessment Division

cc: TEA Chron File

- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.
2. **Prior to land use clearance for grading or structural development**, the applicant shall record an agreement to comply with the following conditions which shall be adhered to during project grading and construction to reduce emissions from construction equipment:
- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
 - The engine size of construction equipment shall be the minimum practical size.
 - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
 - Construction equipment shall be maintained in-tune per the manufacturer's specifications.
 - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
 - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
 - Diesel catalytic converters shall be installed, if available.
 - Diesel particulate emissions shall be reduced using EPA or California certified and or verified control technologies like particulate traps.
 - Diesel powered equipment should be replaced by electric equipment whenever feasible.
 - Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
3. **Prior to approval of building permits**, P&D shall ensure that the Innovative Building Review Committee (IBRC) has reviewed the proposed building plans and provided recommendations on increasing energy efficiencies in project design. The following energy conserving measures shall be incorporated into project building plans unless the developer provides evidence, to the satisfaction of IBRC or P&D staff, that incorporation of a specific measure is not feasible:
- Duct system within the building thermal envelope, or insulated to R-8.
 - Passive cooling strategies: Passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes.
 - Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors.
 - Natural lighting in buildings.

Memorandum

RECEIVED

SEP 10 2003



Date: September 4, 2003

To: John Zorovich
Planning & Development
Santa Maria

From: Maynard Yeaw, Captain *MYE*
Fire Department

Subject: APN: 101-010-013; Case #: TM 14,430; Site: Rice Ranch Project.

This Memorandum supercedes the previous Memorandum dated November 14, 2001

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO MAP RECORDATION, THE FOLLOWING CONDITIONS MUST BE MET:

1. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Road width shall be a minimum of 36 feet.

The emergency secondary access roads shall be shown on the final map. CC&Rs shall hold the homeowners, through an association or community facilities district, if formed, responsible for maintenance of this access for the life of the project.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET:

2. High Fire Hazard Area Requirements must be met. Refer to Santa Barbara County Fire Department.
3. A fire hydrant shall be installed every 500 feet. The hydrants shall be located per fire department specifications and shall flow 750 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants,

valves, main lines and lateral lines shall be approved by the fire department. The system shall be tested by the fire department to ensure compliance with recognized standards.

~~-----PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET:-----~~

4. The applicant will be required to pay a new development impact fee. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

Checks shall be made payable to the Santa Barbara County Fire Department and shall be paid at the Building and Safety Division of the Planning and Development Department.

Mitigation fees are subject to change prior to issuance of building permit.

Estimated fees calculated as follows:

Mitigation Fee at \$.20 per square foot
Orcutt Fees at \$578.00 per single family residence

Final occupancy clearance inspection will not be scheduled unless fees have been paid. If a project is denied on the initial inspection, then a second inspection will be arranged with the inspector assigned to the project. This could result in additional delays.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

As always, if you have any questions or require further information please call 681-5500.

AE:reb

c: APN/Chron



October 14, 2003

TO: John Zorovich, Planner
Development Review

OCT 15 2003

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: Revised Conditions of Approval (10/14/03)
Rice Ranch
TM 14,430, 97-SP-007, 03DVP-00000-00009, -00010, -00011, -00012, -00013, -00014
APN: 101-010-013, 101-020-004 & 105-140-016 / Orcutt
725 Residential Lots, Rice Ranch Road

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip, for the purpose of funding transportation facilities within the Orcutt Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$1,948,038 (494 new single-family residential units * (\$2,557/unit + \$267/EDU (Landscaped Median Fee) + \$230/EDU (Bikeway Fee) + (231 Condominiums * (\$1,405/unit + \$267/EDU (Landscaped Median Fee) + \$230/EDU (Bikeway Fee))). Fees are due prior to map recordation and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 2400 Professional Parkway, Suite 150, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Standard Conditions of Approval

2. The applicant shall comply with all Standard Conditions For Tentative Tract Map Approval, dated January 1991.

Sight Distance

3. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Driveways/Drive Aisles

4. Prior to land use clearance or tract/parcel map approval the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic Section.

Street Sections/Pavement Traffic Index

5. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic Section.

All proposed improvements shall transition in existing improvements in a manner acceptable to the Public Works Traffic and Permit Sections.

6. Prior to recordation of the Final Map, the applicant must apply for annexation of the tract into County Service Area No. 5, and pay all fee's and costs for advertising public hearings in connection therewith.
7. Prior to recordation of the Final Map or Zoning Clearance, the applicant shall engineer and post a surety acceptable to County Counsel for the construction of standard concrete curb, gutter, sidewalk and up to 18 feet of matching asphalt paving for all proposed public roads and applicable project frontages. Improvements shall be based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards and shall include any necessary off-site transitions.

Signals

6. Prior to recordation of Phase I the developer shall design, and prior to occupancy of the first residence of Phase I the developer shall construct, a signal at the Patterson Road/Bradley Road intersection to the satisfaction of the Public Works Traffic Section. This improvement shall be credited towards the developer's transportation impact fees for the above referenced phase.

Encroachment/Excavation Permit

7. Prior to Recordation and/or zoning clearance, the developer shall apply for an encroachment permit for any proposed work within the County right of way. This shall include, but is not limited to, all road construction, driveways and utility connections

The developer shall comply will all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
2400 Profession Parkway, Suite 150
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

- 8. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
- 9. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
- 10. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Signing/Striping

- 11. Prior to issuance of grading permit or tract/parcel map approval, an approved signing and striping plan shall be included with the street improvement plans prepared for the project.
- 12. Prior to Final Map recordation, applicant shall engineer and post a security for the construction of frontage improvements along Rice Ranch Road, Bradley Road and Stubblefield Road. All improvements shall be designed to the satisfaction of the County Traffic Section, and County Counsel, to include curb, gutter, and sidewalk. The improvements shall transition into existing improvements in a manner acceptable to the County Traffic Section. Construction of these improvements shall be completed prior to occupancy

Street Lights

- 13. As authorized by the Board of Supervisors Resolution No. 81-229, before the approval of any Final Subdivision Map, or Precise Plan in planned developments or of any Conditional Use Permit, Conditional Exception or Variance involving land development, the Developer or owner must provide a Road Lighting Plan to the Department of Public Works for approval

The plan must have the approval of the public utility or the public agency involved.

The Road Lighting Plan must show the location of each road light, the mounting height, luminaire arm length, the luminaire type, lamp type and lumen rating and conform to the Residential Road Standards as follows unless approved otherwise by the Public Works Traffic or Permit Sections.

- a. On all residential roads, the space between road lights on the same road will be not less than 180 feet, nor more than 240 feet measured along the centerline of the road. Minimum lamp size must be 5,800 lumen High Pressure Sodium Vapor lights.
- b. Whenever possible road lights must be placed on lot lines and at intersections.

Residential and commercial road lighting poles may be required to be of an ornamental type acceptable to the Public Works Department and meeting the current standards filed by the utility company concerned in writing, with the Public Works Department.

A written statement showing the number of lights, the amount of lumens and the monthly and yearly costs must accompany the Road Lighting Plan.

The Developer or owner, prior to final approval of occupancy, must deposit a check with the Public Works Department, payable to the County of Santa Barbara, sufficient in amount to maintain and energize the street lights shown of the approved lighting plan, from the requested date for occupancy clearance, up to the date the first charges or benefit assessments will be made or levied upon the property being developed.

All electrical equipment and installation must conform to the applicable standards of the following:

- a. Electrical safety orders of the Division of Industrial Relations, State of California
- b. Rules for overhead electric line construction, General Rule No. 95 of the California Public Utilities Commission.

Road lighting provided under Highway Lighting Districts or County Service Areas must only be installed in the right of way, roads, or other areas dedicated to the public.

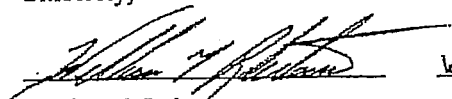
The Department of Public Works may require increased illumination where it is found necessary for traffic or pedestrian safety, due to special circumstances affecting such areas.

Stillwell Road Extension

14. Prior to final recordation of the Grove neighborhood the developer shall engineer, and prior to occupancy of the first residence of the Grove neighborhood the developer shall construct, all portions of the Stillwell Road extension that lie within its approved map boundaries. If it is determined that the Designated Remainder is owned by the developer at the time of recordation of the Grove final map, and such remainder encompasses any additional portion of the Stillwell Road extension, then the applicant shall post a performance security, acceptable to the Road Division and P&D, for the construction of that portion of the road prior to final recordation.

If you have any questions, please contact me at 739-8785.

Sincerely,


William T. Robertson
10/14/03
Date

cc: TM 14,430
Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department
L:\Traffic\Winword\Planning\Orcutt\Rice Ranch Tract Map TM 14,430-Cond.doc

COUNTY OF SANTA BARBARA.
DEPARTMENT OF PUBLIC WORKS



Standard Conditions For
Tentative Tract Map Approval

1. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722; the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Details contained in Appendix 4 of the Engineering Design Standards Manual.
2. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
3. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works the road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
4. The structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R" Values from Test Method 301-F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5, the minimum section will be 0.2 feet A.C. and 0.5 feet A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.30 feet A.C. and 0.50 feet Class 2 Base.
5. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of the clear zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within the development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.
6. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field in accordance with the plan and profile drawings signed by the Director of Public Works.
7. Prior to approval of plan and profile drawings by the Department of Public Works the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the road right of way.
8. Hydrologic studies indicating drainage flows to be anticipated from the entire watershed within which the

development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities will be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.

9. Developer shall furnish and install any required road name signs, traffic control signs, *and striping* to County standards. *All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.*
10. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
11. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
12. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the tract boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
13. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
 1. Sewer System
 2. Water Distribution System
 3. Gas Distribution System
 4. Storm Drains required by Flood Control

Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.

14. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.
15. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than that necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.

16. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 26, 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.
17. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date. The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.
18. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 24416 and connected to each dwelling unit where houses are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.
19. After sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".
20. *On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing street lights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed street lights or fire hydrants placed behind the sidewalk.*
21. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
22. Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
23. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals on all subdivision streets.
24. Chain link fences, if required by the Resource Management Department or Flood Control, shall be constructed to CalTrans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.
25. Developer shall post Security and provide plan checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.
26. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed.

27. The developer's engineer *of record, as specified in these conditions*, shall certify to the Public Works Department *prior to release of any securities* that all private streets within the subject development are constructed according to approved plans prior to occupancy of any dwelling unit within the tract, *and that all rough grading has been completed in substantial conformance with the tract grading plan.*
28. Upon completion of construction and prior to occupancy, the entire road right of way abutting this project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
29. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways.
30. All roads shall be kept clear of mud *and/or other construction debris* during construction.
31. The Developer will be responsible for any fees required for materials retesting.
32. The Developer may be required by the Public Works Department to overlay *or chip seal a road, as determined by the Public Works Department*, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
33. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
34. A Preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
35. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
36. Grading shall be designed so that natural drainage from off-tract property is not obstructed.
37. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter which does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.
38. No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.
39. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, or to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before any grading is finalized.

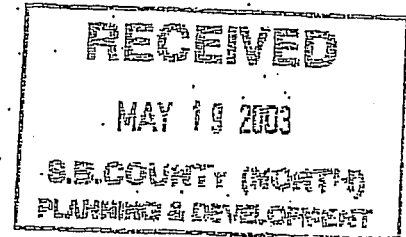
40. The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.
41. All debris, litter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works Department.
42. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, an acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
43. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phases are built out. *This condition shall also apply to Lot Sale Subdivisions.*
44. *On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.*
45. *Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction which he deems necessary to certify those aspects of construction requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on the tract plans should be retained as the Engineer of Record.*
46. *Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.*

PUBLIC Health DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 + Santa Maria, CA 93455-1340
805/346-8460 + FAX 805/346-8485

Roger Haroux, MPA Director
Elliot Schulman, MD, MPH Health Officer/Medical Director



TO: John Zorovich, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: May 16, 2003

SUBJECT: Case No. TM 14,430 03DVP-00000-00009, 10, 11, 12, 13 & 14 ... Orcutt Area

Applicant: McCadden Development, LLC.
3030 Old Ranch Parkway #450
Seal Beach, CA. 90740

Property Location: Assessor's Parcel No. 101-010-013, 105-140-016 & 101-020-004,
zoned PD/PRD, located south of the intersection of Bradley Road and
Stillwell Road.

TM 14,430, 03DVP-00009, 10, 11, 12, 13 & 14 represents a request to subdivide an existing two parcels into 509 lots for residential, open space, recreational and school uses. In addition, 494 single-family dwellings, two detention basins, a community park, four neighborhood parks and potential expansion to an existing school site are contemplated.

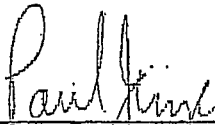
Domestic water supply is proposed to be provided by the Cal-Cities Water Company. The project will be served by expansion of the existing waterlines and storage. An additional two water tanks and extension of water mains would be required.

Sewage disposal is proposed to be provided by the Laguna County Sanitation District. A sewer main extension to each of the proposed neighborhoods is required as well as annexation to the sanitary district.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, Environmental Health Services shall approve written notice from the Cal-Cities Water Company indicating that said company can and will provide domestic water service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the company and Environmental Health Services.
2. Prior to Recordation, Environmental Health Services shall approve written notice from Laguna County Sanitation District indicating that said sanitary district can and will provided municipal sewage collection and disposal upon demand and without exception and that all financial arrangements guaranteeing extension of such service have been made to the satisfaction of the sanitary district and Environmental Health Services.

3. Prior to Recordation, annexation to the Laguna County Sanitation District shall be completed.
4. Prior to Issuance of Zoning Clearance, Environmental Health Services shall receive written notice from the Santa Barbara Coastal Vector Control District indicating that a Mosquito Management Plan or service contract to control the breeding of mosquitoes in the retention basin proposed for this project has been approved.
5. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.



Paul E. Jenzen, REHS
Senior Environmental Health Specialist

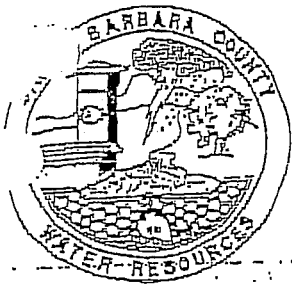
cc: Applicant
Agent, Randy Wheeler, McCadden Development Company, 1130 E. Clark Ave., Suite 150-283,
Orcutt, CA. 93455
Cal-Cities Water Company
Martin Wilder, Laguna County Sanitation District
Mitch Bernstein, Santa Barbara Coastal Vector Control District
Office of the County Surveyor
Zoraida Abresch, Planning & Development Building Div, Santa Maria

Santa Barbara County Flood Control & Water Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101
(805) 568-3440 Fax: (805) 568-3434
Web: <http://www.countyofsb.org/pwd/water>

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director



September 17, 2003

Planning Commission
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

SEP 18 2003

Ref: TM 14,430; Rice Ranch
APN: 101-010-013, 105-140-016/Orcutt

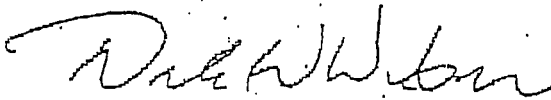
Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions:

1. Prior to recordation, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to recordation, the applicant shall submit a copy of the final map to the District for review and approval. Said Map shall include the following: a) an informational sheet which indicates the limits of the 100 year floodplain and floodway as shown on the current FEMA Flood Insurance Rate Map (FIRM) or as calculated by a registered civil engineer. b) a minimum 50-foot development setback from the District approved top of bank of Pine Canyon Creek.
3. Prior to recordation, the applicant shall submit preliminary grading/drainage plans, improvement plans and landscape plans to the District for review. Said plans shall include the following: a) Regional Retention Basins "B" & "D" as identified in the Orcutt Community Plan, and/or private on-site retention basin(s), b) finish floor elevations shall be elevated a minimum of 2 feet above the 100 year base flood elevation of Pine Canyon Creek, c) underground storm drains which convey runoff from development directly to the retention basin(s).
4. Prior to recordation, the applicant shall pay the applicable Orcutt Regional Drainage Facility Development Impact Fees, and shall participate in a Community Facilities District, or other funding source, which will generate adequate revenue for the construction and maintenance of the Regional Basin(s).
5. Prior to recordation, the applicant shall enter into a maintenance agreement with the District to assure perpetual maintenance of the drainage improvements required for the Tract. The CC & R's for the tract shall be reviewed by the District and shall provide for the maintenance of the drainage improvements.
6. Prior to issuance of Land Use Clearance, the applicant shall submit final grading/drainage plans and drainage calculations, improvement plans and landscape plans to the District for review and approval.

7. Prior to issuance of Building Permits, all regional drainage basins and drainage improvements shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer.
8. All drainage improvements required as part of the above conditions shall be constructed in accordance with approved plans and certified by a Registered Civil Engineer prior to issuance of occupancy clearance.
9. The applicant will be required to pay the current plan check fee deposit at the time the final map and/or grading and drainage plans are submitted for District review and approval.

Sincerely,



Dale W. Weber, P.E.
Development Engineer

cc: John Zorovich, Planning & Development
McCadden Development LLC, 3030 Old Ranch Parkway, Ste. 450, Seal Beach, CA 90740
Cannon & Associates, 364 Pacific Street, San Luis Obispo, CA 93401

ATTACHMENT E



BOARD OF SUPERVISORS AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Housing and
Community
Development
Department No.: 055
For Agenda Of: 11/27/2007
Placement: Administrative
Estimated Tme:
Continued Item: Yes
If Yes, date from: 11/20/2007
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Torell, CPA 568-3520
Director(s)
Contact Info: Susan Everett 568-2014
SUBJECT: Memorandum of Understanding for Rice Ranch Project Case Numbers 03RZN-00000-00003, 97-SP-001, TM 14,430, TM 14,636, 03ORD-00000-00008, 03DVP-00000-00009, -00010, -00011, -00012, -00013, -00014, Orcutt Community, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions: Approve and execute the attached *Memorandum of Understanding for Rice Ranch* (Attachment A) for Rice Ranch Housing Development.

Summary Text:

The attached Memorandum of Understanding outlines an agreement between the County of Santa Barbara and Rice Ranch Ventures, LLC in which the Developer agrees:

- to construct 73 affordable *workforce* units concurrent with the construction of market rate units throughout the development, and
- to construct 73 affordable *low income* units concurrent with the construction of market rate units throughout the development **unless plans and entitlements are amended and in-lieu fees are paid**, and if such in-lieu fees are approved and paid,
- **to identify acceptable potential sites** where these paid in-lieu fees can be spent for construction of *low income* affordable units if the appropriate amendments are made to developer's plans and entitlements.

Background:

Consistent with the conditions of approval for the Rice Ranch project, the County has executed and recorded two Agreements to provide Affordable Housing: instrument numbers 2007-0067891, (Agreement to Provide Affordable Low Income Housing) and 2007-0067891 (Agreement to Provide Affordable Workforce Housing) recorded on September 20, 2007.

The approved Rice Ranch project allows for construction of seven hundred and twenty five (725) residential units, seventy three (73) of which are designated *workforce affordable units* available to families earning less than 150% of median area income and seventy three (73) are designated *low income units* for families earning less than 80% of median income.

Workforce units - Condition of Approval item number 50 of TM 14,430 requires developer to construct 73 Restricted units with 50 of the units in the 120% medium income level and 23 units in the 150% medium income range whose marketing and sale must be concurrent with the construction of the market rate units throughout the development.

Low Income units - The Developer is also required to construct 73 units affordable to low-income with an affordability target of 75% of median income concurrent with the construction of market rate as required by condition of approval number 49 of TM 14,430. The affordable units must be constructed concurrent with the construction of market rate units with occupancy clearance for no more than 10% of the market rate units be allowed prior to occupancy clearance for the same percentage of the affordable units.

The recorded Agreements to Provide allow the Rice Ranch project to move forward with development according the existing conditions of approval that include construction of 73 workforce and 73 low income units on-site. The attached MOU does not change the developer's requirement that 146 affordable units be provided on-site. At a future date, the Developer intends to apply to the County to amend plans and entitlements currently requiring the construction of low income affordable units in Rice Ranch be built on-site and instead to pay in-lieu fees. Construction of the 73 units affordable to low-income will not be required if an amendment to the plans and entitlements is approved; however, amendment of the conditions for Rice Ranch is not the subject of the attached MOU.

The primary purpose of the attached MOU is to clarify the meaning of Conditions 49 and 50 in the Development Agreement for Rice Ranch. This will facilitate construction of the market rate and workforce units while Rice Ranch Ventures, LLC processes the necessary applications to pay in-lieu fees for the required low income units.

Special Instructions:

- Execute the Memorandum of Understanding and return to Susan Everett in the Housing and Community Development Department.

Attachments:

Attachment A: Memorandum of Understanding Rice Ranch

Authored by: Susan Everett, Senior Planner, Housing and Community Development

MEMORANDUM OF UNDERSTANDING

RICE RANCH

Project Case Numbers 03RZN-00000-00003, 97-SP-001, TM 14,430, TM 14,636, 03ORD-00000-00008

03DVP-00000-0009,-00010, 00011,-00012,-00013,-00014

This Memorandum of Understanding (MOU) between the County of Santa Barbara (hereinafter "County") and Rice Ranch Ventures, LLC (hereinafter "Developer") is made and entered into on this date set forth below.

The Developer proposes to develop a residential development consisting of 725 units as described in the above listed project case numbers. Said development is further identified as located along the south side Stubblefield and Rice Ranch Road in the south portion of Orcutt Community, fourth Supervisorial District and is to be called Rice Ranch (the Subject Property) and is more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes.

RECITALS

WHEREAS, County has determined that the granting of approval for Rice Ranch on December 3, 2003 requires as a condition of approval that Developer provide affordable housing.

WHEREAS, Condition of Approval number 50 of TM 14,430 requires developer to construct affordable units concurrent with the construction of market rate units with occupancy clearance for no more than 10% of the market rate units be allowed prior to occupancy clearance for the same percentage of the affordable units.

WHEREAS, Developer desires to comply with condition of approval number 50 of TM14, 430 by constructing, marketing, and sale of 73 Workforce units, 50 of the units in the 120% medium income level and 23 units at the 150% medium income range all concurrently with construction, marketing and sale of market rate units.

WHEREAS, In addition, Developer and County propose that occupancy clearance for no more than 10% of the market rate be granted prior to occupancy clearance for the same percentage of the affordable units. These units will be committed to the 30 year resale control provision of the Housing Element and will be recorded under an "Agreement to Provide Affordable Workforce Housing" agreement.

WHEREAS, The County's current Housing Element Development Standard 1.2.7 allows developers of projects outside of the Coastal Zone to satisfy their inclusionary housing requirement through payment of in-lieu fees.

WHEREAS, The Developer intends to apply to the County to amend certain plans and entitlements that currently require that affordable low income units in the Rice Ranch Project be built on site. Specifically Developer intends to apply to amend: the Orcutt Community Plan KS12-2, the Rice Ranch Development Agreement sections 3.2.3 and Exhibits A-5 and A-9, the Rice Ranch Specific Plan section 4-3, Development plan condition 57, and Condition number 49 of TM 14, 430 to pay in lieu fee instead of building on site low income affordable units thereby providing capital to the affordable housing program to assist in other housing projects.

NOW, THEREFORE the parties hereto agree as follows:

1. Developer agrees to build 73 Restricted units in Pine Creek with 50 of the units in the 120% medium income level and 23 units in the 150% medium income range as determined by the Santa Barbara County Housing and Community Development Developer will submit to County an Agreement to Provide consistent with the above provisions which will be recorded under separate agreement prior to Map Recordation. Construction, marketing and sale of the above described units shall be concurrent with the construction of the market rate units throughout the development. The County will not grant final occupancy clearance for more than 10% of the market rate prior to occupancy of the same percentage of these workforce affordable units.
2. Developer agrees that after the construction of the 73 units affordable to the work force and a proportionate share of market rate units, it will construct 73 units affordable to low-income with an affordability target of 75% of median income concurrent with the construction of market rate as required by condition of approval number 49 of TM 14,430. Occupancy clearance for no more that 10% of the market rate shall be allowed prior to occupancy of the same percentage of these low-income affordable units. These low-income affordable units need not be constructed if the amendments to the plans and entitlements referred to in paragraph #4 below have been approved.
3. Developer agrees to work with the County to identify potential sites for affordable units that in-lieu fees from the Rice Ranch Project could be spent. This may involve working with the County to establish a project in conjunction with a local non-project housing developer in which to direct those fees to assure that the housing product is developed on a timely manner. Both the Developer and the county recognize that these in-lieu funds may be better used with matching funds to develop more low-income rental units than those that would have been provided on the subject property.
4. Nothing in this Agreement shall obligate or bind the County, the Santa Barbara Planning Commission, the Santa Barbara County Board of Supervisors, or any county agencies, departments, commissions, agents, officers, or employees to exercise its/his/her discretionary authority in any particular way or fashion, take or consider a particular legislative action, or to delegate any discretionary authority, to issue any county discretionary land use entitlement, or issue any County approvals in regard to any project

of the Developer or other project, or in any proceedings related to such project or on any application for such project.

5. Authority and Capacity. Developer and Developers's signator(ies) each warrant and represent that each has full authority and capacity to enter into this agreement.
6. Negotiated Agreement. This agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this contract within the meaning of California Civil Code section 1654.
7. Independent Advice. Each party hereby represents and warrants that in executing this agreement it does so with full knowledge of the rights and duties it may have with respect to the other. Each party also represents and warrants that it has received independent legal advice from its attorney with respect to the matters set forth in this agreement and the rights and duties arising out of this agreement, or that such party willingly foregoes any such consultation.
8. No Reliance on Representations. Each party hereby represents and warrants that it is not relying, and has not relied, upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this contract may hereunder turn out to be other than, or different from the facts now known to such party as true, or believed by such party to be true.

IN WITNESS WHEREOF, the parties have entered into this agreement on the date appearing below.

COUNTY OF SANTA BARBARA

DATED: _____ BY: _____

Brooks Firestone
Chair Board of Supervisors

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

BY: _____ BY: _____

John Torell, Director
Housing and Community Development Department

RICE RANCH VENTURES, LLC,
a Delaware limited liability company

By: Troxler Residential Ventures 31, LLC,
a Delaware limited liability company
its Managing Member

By: Troxler Ventures Partners III, LLC,
a California limited liability company
its Operating Member

By: _____
BRYAN PAYNE TROXLER, as Settlor
and Trustee of the Troxler Family Trust,
dated January 7, 1993, amended and
completely restated December 3, 1996
its Sole Member

Attest:

Bryan P. Troxler
Manager, Troxler Ventures Partners III, LLC

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

BY: _____

Mary McMaster
Deputy County Counsel

ATTACHMENT F

