

## **ATTACHMENT 9: REVISED FINDINGS**

### **1.0 CEQA FINDINGS**

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

##### **1.1.1 Consideration of the Addendum and Full Disclosure**

The Board of Supervisors has considered the Addendum dated November 23, 2015, together with the previously certified Supplemental Final EIR (03-EIR-05), for the Rice Ranch Specific Plan project. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the Supplemental Final EIR (03-EIR-05) and the Orcutt Community Plan EIR (95-EIR-01), is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified Supplemental Final EIR (03-EIR-05) and the Orcutt Community Plan EIR (95-EIR-01), and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum are only minor technical changes or additions. Since none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated July 22, 2015, herein incorporated by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

##### **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.

These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment.

## **1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS**

The Addendum prepared for the project, dated November 23, 2015, addresses the following issues: Visual Resources, Air Quality, Biological Resources, Cultural Resources, Drainage, Fire Protection, Geologic Processes, Land Use and Agriculture, Noise, Public Services, Recreation, Risk and Hazardous Materials, Traffic, and Water Resources. The Addendum dated November 23, 2015, herein incorporated by reference, finds that the Supplemental Final EIR (03-EIR-05) and the Orcutt Community Plan EIR (95-EIR-01), as amended, may be used to fulfill the environmental review requirements of the current project. Since none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated July 22, 2015, herein incorporated by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 COMPREHENSIVE PLAN AMENDMENT FINDINGS**

In compliance with Section 35.104.060.A. of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

#### ***2.1.1 The request is in the interests of the general community welfare.***

The proposed comprehensive plan amendment would be in the public interest for the following reasons:

1. The project provides for the construction of 530 residential units and ancillary uses.
2. The project has been designed to be compatible with adjacent neighborhoods and is consistent with surrounding zoning and land use densities.
3. The project applicant will pay in lieu affordable housing fees, which will help meet the affordable housing needs of the County.
4. The project will increase sales and property tax revenues to the County.

5. The project carries out the Board of Supervisors' goal stated in the Orcutt Community Plan to provide housing while protecting open space on Key Site 12.
6. The project preserves the majority of the site as open space, which will protect the natural environment and provide a long-term recreational amenity for project residents, and the public.

***2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.***

As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report and Finding 2.4 below, and incorporated herein by reference, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Land Use & Development Code, Comprehensive Plan including the Orcutt Community Plan, and State planning and zoning laws.

***2.1.3. The request is consistent with good zoning and planning practices.***

Rezoning portions of the subject parcels from Recreation (REC) to Residential (PRD) will allow the subject parcel to be developed with two neighborhood parks and maintain the density of 725 single family residences. Additionally, rezoning a portion of the subject parcel from REC to PRD would ensure that the Grove neighborhood park is developed in the same location identified in the OCP. In addition, approval of the subject rezone will carry out the Board of Supervisors' goal for Key Site 12 to provide housing and developed park areas that meet the needs of the public while preserving the majority of the site for open space, protecting the natural environment, and providing long-term recreational amenities. Therefore, the request is a logical change to the map and consistent with good zoning and planning practices.

**2.2 REZONE FINDINGS (15RZN-00000-00008)**

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map, the review authority shall first make all of the following findings:

***2.2.1. The Request is in the Interest of the General Community Welfare.***

The project entails rezoning two areas within the Rice Ranch project site from REC to PRD. One area is located at the intersection of Bradley Road and Stubblefield Road, adjacent to the entrance to the Meadows neighborhood. The approved Rice Ranch project

provides a neighborhood park in this location. The proposed project includes four single family homes where the park would have been located. The revised project shifts the neighborhood park to the south, adjacent to the proposed community clubhouse. The “new” location for the Meadows neighborhood park would be rezoned to from PRD to REC.

The other area that would be rezoned from REC to PRD is the proposed location for the Grove neighborhood park. This area is currently zone REC, but the County’s decision to extend Stubblefield Road to Black Oak Road (subsequent to approval of the 2003 Plan) divided the park area into several smaller lots. As a result, the lots comprising the park area no longer meet the 1-acre minimum requirement of the REC zone. Therefore, the applicant is proposing to rezone the Grove neighborhood park to PRD.

Rezoning the subject parcels from Recreation (REC) to Residential (PRD) will allow the subject parcel to be developed with two neighborhood parks and maintain the density of 725 single family residences. Impacts resulting from the proposed development resulting from the proposed zone changes have been mitigated to the maximum extent feasible, as described in the CEQA Findings presented above.

Since 2003, the 26-acre Orcutt Community Park and the Oaks neighborhood park have been constructed within the project site by the developer. The Rice Ranch Specific Plan includes a total of five (5) private neighborhood parks that total 4.5 acres of developed parkland. Based on the County standard the proposed project would result in a surplus of 21 acres of developed parkland. In addition, approval of the subject rezone will carry out the Board of Supervisors’ goal for Key Site 12 to provide housing and developed neighborhood park space that meets the needs of the public while preserving the majority of the site for open space, protecting the natural environment, and providing long-term recreational amenities. Therefore, the rezone is consistent with this finding.

**2.2.2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.**

As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report and Finding 2.4 below, and incorporated herein by reference, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Land Use & Development Code, Comprehensive Plan including the Orcutt Community Plan, and State planning and zoning laws.

### **2.2.3. The request is consistent with good zoning and planning practices.**

Rezoning portions of the subject parcels from Recreation (REC) to Residential (PRD) will allow the subject parcel to be developed with two neighborhood parks and maintain the density of 725 single family residences. Additionally, rezoning a portion of the subject parcel from REC to PRD would ensure that the Grove neighborhood park is developed in the same location identified in the OCP. In addition, approval of the subject rezone will carry out the Board of Supervisors' goal for Key Site 12 to provide housing and developed park areas that meet the needs of the public while preserving the majority of the site for open space, protecting the natural environment, and providing long-term recreational amenities. Therefore, the request is a logical change to the map and consistent with good zoning and planning practices.

### **2.2.4 Additional findings required for sites zoned Planned Residential Development (PRD).**

In compliance with Subsection 35.104.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Rezone to the PRD zone, the review authority shall first make all of the following findings:

- 1. That the property is of the type and character which is appropriate for a planned residential development in compliance with the specific purpose and intent stated within Subsection 35.23.020.G (Planned Residential Development).**

As discussed in section 6.3.1.1 of the Planning Commission staff report, dated July 22, 2015, and incorporated herein by reference, the uses described in the proposed project for areas zoned PRD (i.e., small neighborhood park) are appropriate for the site and consistent with the Planned Residential Development uses. The project is considered to be a comprehensively planned development in that it clusters structural developments; provides open space, active and passive parks, hiking trails and bicycle paths; and incorporates innovative design features that are sensitive to surrounding environment while providing aesthetically desirable development.

- 2. That the property is within an Urban area as designated on the Comprehensive Plan maps.**

The subject parcel is located within the Urban Area of the Orcutt Community Planning area.

- 3. That the overall estimated population density which will result upon full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.**

The Comprehensive Plan and Orcutt Community Plan determined that the 560-acre project site would be adequate to accommodate 725 residential units. The project would also provide a substantial amount of open space area. Approximately 367 acres (66%) of the project area would be retained as open space/recreation area. As noted in Finding 2.2.3 above, the proposed location of development is within the identified development areas in accordance with the requirements of the Orcutt Community Plan. In addition, adequate public services are in place to serve the proposed project. Water services will be provided by the Golden State Water Company, and Sanitary Services will be provided by the Laguna County Sanitation District. Santa Barbara County Fire Station #22 will fire protection to the project site. This Fire Station is located in Tiffany Park, which is located approximately 1.5 mile northeast of the project site. Adequate police protection by the Santa Barbara County Sheriff's Department is available to serve the site. Therefore, the project is consistent with this finding.

- 4. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.**

As indicated in sections 6.2 and 6.3 of the Planning Commission staff report dated July 22, 2015, incorporated herein by reference, 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 and the Land Use and Development Code. Therefore, the project is consistent with this finding.

#### **2.2.5 Additional findings required for sites zoned Recreation (REC).**

In compliance with Subsection 35.104.090.G.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Rezone to the REC zone, the review authority shall first make all of the following findings:

- 1. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, (i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources).**

The neighborhood parks (including the park for the Meadows neighborhood) were reviewed in the Orcutt Community Plan EIR, and are a requirement for the Key Site 12 property. The previously designated 1.0-acre Meadows neighborhood park area that had been designated REC, located at the northwest corner of the Meadows neighborhood, would be relocated directly east of the proposed community clubhouse on Lot 590. The park will provide play courts, a shade pavilion, and a lawn for gatherings and will be sited and designed to minimize impacts to oak woodlands and maritime chaparral. Therefore, the level of development within the REC zoned area will be of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources and the project is consistent with this finding.

**2. The proposal will conform with all applicable policies of the Comprehensive Plan including the Parks, Recreational and Trails (non-motorized) maps.**

As indicated in sections 6.2 and 6.3 of the Planning Commission staff report dated July 22, 2015, incorporated herein by reference, 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 and the Land Use and Development Code. Therefore, the project is consistent with this finding.

**3. The proposed recreational activities are compatible with land uses on adjacent lots.**

The proposed Meadows neighborhood park will provide for play courts, a shade pavilion, and a lawn for gatherings and is a compatible land use with the residential land uses on adjacent lots. The Meadows neighborhood park was reviewed in the Orcutt Community Plan EIR, and is a requirement for the Key Site 12 property. Therefore, the project is consistent with this finding.

## **2.3 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:

**2.3.1 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 discussed in Sections 6.2, and 6.3 of the Planning Commission staff report, and incorporated herein by reference, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Comprehensive Plan.

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

The residential development identified in the proposed project would not result in the use of hazardous materials or processes that would have the potential to result in public health or safety impacts. The project site was determined to be an appropriate location for residential development during the adoption of the Orcutt Community Plan. All of the existing surrounding residential land uses were present at the time this determination was made. Residential uses on the project site would be sized and architecturally designed so that they would be compatible with surrounding residential land uses. Additionally, the proposed multi-family units in the Pine Creek and Meadows neighborhoods balance the need for higher density development with the need to maintain compatibility with the adjacent neighborhoods. The proposed residential development does 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. Potential land use compatibility conflicts of the project would be similar to the 2003 Plan 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. Therefore, the project is consistent with this finding.

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

The Public Works Roads Department has accepted the location and design of the proposed roads per the project plans. The project is conditioned so that the applicant is required to pay Fire Protection fees which support County Fire Department improvements. Additionally, adherence to conditions of approval that require the developer to obtain "Can and Will Serve" Letter from Laguna County Sanitation District would ensure that the LCSD has sufficient disposal capabilities for the project. The applicant has provided the County with evidence that the project would be served by supplemental water from the Golden State Water Company; therefore, there is an

adequate water supply, and a delivery system is in place to serve the project. Also, the project would be required to contribute to the County's traffic mitigation fee program (OTIP) which includes funding for additional improvements that would be required as the community builds out. The projects contribution to the OTIP fee program would reduce impacts associated with traffic generation as a result of project developments to a level less than significant. As discussed in Section 6.2 of the staff report, incorporated herein by reference, adequate public services exist to serve the Rice Ranch Specific Plan area. Therefore, the project is consistent with this finding.

## **2.4 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)**

**A. Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Rice Ranch Specific Plan Vesting Tentative Tract Map, Case No. 14TRM-00000-00001/TM 14,805 and 15TRM-00000-00005/TM 14,818:

**1. State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

Future residential development on the site provided for under 14TRM-00000-00001/TM 14,805 will be able to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. Additionally, the project includes 100 percent use of solar power for electrical energy use of the dwelling units. There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site. The Large Lot Conveyance Map (15TRM-00000-00005/TM 14,818) is for conveyance purposes only. No development is allowed by this map. Therefore, the project is consistent with this finding.

**2. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.**

As indicated in sections 6.2 and 6.3 of the Planning Commission staff report dated July 22, 2015, incorporated herein by reference, with the implementation of the recommended conditions of approval, and the proposed amendments to the General Plan, Specific Plan, and rezone the project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. 15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map. Adequate

ingress/egress, infrastructure and public and private services are available to serve the proposed lots of 14TRM-00000-00001/TM 14,805. The sizes of the exterior residential lots are consistent with that of the surrounding neighborhood and any future development will be required to be compatible with neighboring land uses. Therefore, the project is consistent with this finding.

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

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

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, incorporated herein by reference, following approval of the General Plan Amendment and rezone and with compliance with the project description and conditions of approval identified in Attachment 10, the project will be consistent with all applicable policies of the County's Comprehensive Plan, the Orcutt Community Plan, the Specific Plan (as proposed to be amended), the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map. As a result, no impacts will occur to the physical environment or to the level of service to the study area roadways and intersections. Thus, 15TRM-00000-00005/TM 14,818 is consistent with the general plan and specific plan policies that require protection of natural resources and a determination that adequate services exist to support new development. Additionally, the lot boundaries of 15TRM-00000-00005/TM 14,818 identify areas for future development and open space that follow the Vesting Tentative Tract Map lot boundaries for these same uses. As noted above, 14TRM-00000-00001/TM 14,805 will be consistent with County's Comprehensive Plan, and the Orcutt Community Plan, and the Specific Plan. Therefore, 15TRM-00000-00005/TM 14,818 is also consistent with the County's Comprehensive Plan, the Orcutt Community Plan, and the Specific Plan (as proposed to be amended).

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

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, incorporated herein by reference, following approval of the General Plan Amendment and rezone and with compliance with the project description and

conditions of approval identified in Attachment B, future residential improvements allowed under 14TRM-00000-00001/TM 14,805 will be consistent with the County's Comprehensive Plan, and the Orcutt Community Plan, and the Specific Plan (as proposed to be amended).

15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map. As a result, no impacts will occur to the physical environment or to the level of service to the study area roadways and intersections. Thus, 15TRM-00000-00005/TM 14,818 is consistent with the general plan and specific plan policies that require protection of natural resources and a determination that adequate services exist to support new development. Additionally, the lot boundaries of 15TRM-00000-00005/TM 14,818 identify areas for future development and open space that follow the Vesting Tentative Tract Map lot boundaries for these same uses. As noted above, 14TRM-00000-00001/TM 14,805 will be consistent with County's Comprehensive Plan, and the Orcutt Community Plan, and the Specific Plan. Therefore, 15TRM-00000-00005/TM 14,818 is also consistent with the County's Comprehensive Plan, the Orcutt Community Plan, and the Specific Plan (as proposed to be amended).

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

Potential impacts that could result from proposed grading operations allowed under 14TRM-00000-00001/TM 14,805, such as permanent changes to the topography would not be significant. Other grading-related impacts, such as increased erosion, impacts to sensitive habitat, plants and animals, and views of graded areas, will be reduced to a less than significant level through the implementation of conditions that require the implementation of an approved erosion control plan and landscape plan, and the restoration of degraded habitat areas that are located on the project site.

The project is located adjacent to a high fire hazard area. Proposed conditions of approval require that a secondary emergency access be provided, that a vegetation management plan be implemented by either the Orcutt Community Facilities District or the project's Homeowners Association, and that proposed landscaping is consistent with the approved vegetation management plan. Implementation of these conditions would reduce potentially significant wildfire impacts to a less than significant level.

The proposed project design would preserve the major drainage channel (Pine Canyon Creek) that is located on the site, and proposed conditions of approval require that other sensitive biological habitat areas be preserved. Proposed conditions of approval also require that significant impacts to biological

resources, including impacts to riparian and wetland habitat, chaparral vegetation and oak trees, be reduced to a less than significant level.

To ensure neighborhood compatibility, future single family residences will be required to be constructed in conformance with the approved Design Guidelines, and must be reviewed and approved by the Board of Architectural Review prior to Zoning Clearance and Building Permit issuance. Adequate public and private services are available to serve the project. As such, the site can be found physically suitable for the proposed subdivision.

15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map.

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

The Comprehensive Plan and Orcutt Community Plan determined that the 560-acre project site would be adequate to accommodate 725 residential units. The project would also provide a substantial amount of open space area. Approximately 367 acres (66%) of the project area would be retained as open space/recreation area. As noted in the finding above, the proposed location of development is within the identified development areas in accordance with the requirements of the Orcutt Community Plan. 15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map. Therefore, the proposed project site is suited for the proposed density of development.

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

The project will result in the temporary and permanent loss or reduction of several habitat types; however, the project has been sited and designed to avoid sensitive habitats to the maximum extent feasible. The project proposes designating over 66% of the site as public open space in accordance with the Open Space Plan of the Orcutt Community Plan to protect the identified resources. All native trees within the open space areas would be preserved and setback the required distances from development. The majority of trees within the areas of disturbance would be saved to the maximum extent possible. With implementation of mitigation measures adopted as conditions of approval, impacts to oak woodland habitat will be mitigated by replacing each oak tree of over 6-feet in height on a 10:1 basis. Additionally, with implementation of the applicant-proposed OSHMRIP as well as mitigation measures BIO-1.1. and BIO-4, the project will replace maritime

(sandhill) chaparral, oak woodland, wetland resources, and central coast scrub at ratios equal to or greater than the resources lost, providing further natural resource protection.

The project will also result in loss and potential degradation of wetland habitat, and in the loss of local populations of sensitive plant species. These impacts are substantially the same as the 2003 Plan through the implementation of the OSHMRIP which includes provisions for habitat restoration and landscape buffer areas. Mitigation Measure BIO 3.2a-1 outlines requirements for sensitive species (i.e., California red-legged frog, western spadefoot toad, American badger, and coast horned lizard) relocation, which will be conducted in accordance with Fish and Game standards. The OSHMRIP includes provisions that require the use of construction best management practices, including appropriate installation of protective fencing during construction activities.

Mitigation measures will be applied as project conditions to reduce other environmental impacts to insignificant levels. Therefore, the project will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

15TRM-00000-00005/TM 14,818 is for conveyance purposes only and will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The residential uses that would be developed on the site under 14TRM-00000-00001/TM 14,805 will not result in the use of hazardous materials or processes that would have the potential to result in significant public health impacts. Adequate water, utilities, and access are available to serve the proposed parcels. The project is not located within an area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, and Air Pollution Control District. The project's use of public sewers will reduce the potential for impacts to public water supplies to a less than significant level. Proposed conditions of approval will minimize construction-related air emissions, and project-related traffic will not result in impacts associated with localized increases in carbon monoxide concentrations. There are no identified or likely public health problems or hazards associated with the project. Therefore, with the implementation of proposed conditions of approval, the project will not result in serious public health problems.

15TRM-00000-00005/TM14,818 is for conveyance purposes only. No serious public health problems will result since no development is allowed by this map.

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

The project is conditioned to include easements for, and the development of, a public multi-use trail onsite. Easements exist on the project site for the purpose of access to oil well exploration and production activities on parcels located south of the project site. The project also includes trail easements consistent with the Orcutt Community Plan. The trails provide the public access to the project's integrated trail system. The open space areas set aside important biological resource areas of regional importance. The applicant, in coordination with the Parks Division, proposes minor adjustments to the existing open space areas and approved but un-built trail system. The re-alignments of the open space boundaries and future trails have been designed to minimize impacts to sensitive resources. The revised trail system will enhance the existing trail system by providing enjoyable, healthy exercise and recreational opportunities to the public. In summary, the proposed design of the subdivision will not adversely affect any public easement for access or other purposes.

**4. State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:**

**(a) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.**

The subject parcels proposed by 15TRM-00000-00005/TM 14,818 and 14TRM-00000-00001/TM 14,805 are not subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or any easements entered into pursuant to Section 51256.

**(b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).**

The project is not subject to an open-space easement.

**(c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**

Division 10.2 of the Public Resources Code implements the Agricultural Lands Stewardship Program of 1995; Chapter 4 of this Division specifies the provisions of the Agricultural Conservation Easement. The subject parcel is not subject to a agricultural conservation easement. Therefore, these provisions do not apply.

**(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.**

Chapter 4 of Part 2 of Division 2 of the Civil Code includes provisions for conservation easements. The subject parcel is not subject to a conservation easement. Therefore, these provisions do not apply.

**5. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed project will be required to obtain a Can and Will Serve Letter and will continue to be served by the Laguna County Sanitation District (LCSD). Adherence to condition of approval no. 6 in Attachment 10.2 will ensure that the project's wastewater will not cause the LCSD to be unable to meet the RWQCB limits. Therefore, the project will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

15TRM-00000-00005/ 14,818 will not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code because no development is allowed by this map.

**2.5. TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)**

**A. The following findings shall be cause for disapproval of a tentative map but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.**

**1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in**

**the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

Neither 14TRM-00000-00001/TM14,805 or 15TRM-00000-00005/TM14818 include any easements or rights-of-way across proposed county streets. Therefore, this finding can be made.

- 2. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.**

14TRM-00000-00001/TM 14,805 has been designed so that lots resulting from the tentative map will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division. 15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map.

- 3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.**

The parcels proposed in 14TRM-00000-00001/TM 14,805 are generally level or gently sloping and the subdivision and associated infrastructure improvements would not create steep or unsafe cut or fill slopes. 15TRM-00000-00005/ TM 14,818 is for conveyance purposes only. No development is allowed by this map.

- 4. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.**

No grading or construction work will be permitted prior to recordation of the tentative map. 15TRM-00000-00005/ TM 14,818 is for conveyance purposes only. No development is allowed by this map.

**5. Potential creation of hazard to life or property from floods, fire, or other catastrophe.**

The Tentative Tract Map 14TRM-00000-00001/TM 14,805 will not create any hazards to life or property from floods, fire, or other catastrophes. Future development will be required to meet County Fire Department standards for defensible space and water storage for fire suppression purposes. Additionally, the County Flood Control and Fire Departments have reviewed the project and have submitted conditions included in Attachment B. Further, the areas identified for development are not located within any identified flood zones and setbacks from adjacent creeks and drainages will ensure that life and property are protected from flood hazards. 15TRM-00000-00005/ TM 14, 818 will not cause serious public health problems because no development is allowed under the conditions of this map. Further, 15TRM-00000-00005/ TM 14, 818 is for conveyance purposes only and will not create any hazards to life or property from floods, fire, or other catastrophes.

**6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.**

As discussed in Sections 6.2, and 6.3 of the staff report, compliance with the project description and required conditions of approval will ensure that the design and improvements of the subdivisions and future development are consistent with the County's Comprehensive Plan, Orcutt Community Plan, the Specific Plan, and the Land Use Development Code. The Tentative Tract Map would not affect the alignment of a state highway.

15TRM-00000-00005/TM 14,818 is for conveyance purposes only. No development is allowed by this map.

**7. Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1.**

The project will not result in lots that have a ratio depth to width in excess of 3 to 1.

**8. Subdivision designs with lots backing up to watercourses.**

The proposed subdivisions will not result in lots backing up to watercourses.

**B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.**

Vesting Tentative tract Map (Case No. 14TRM-00000-00001/ 14, 805) is an integral part of the project evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the Planning Commission staff report dated July 22, 2015, herein incorporated by reference. As discussed in these sections, the subdivision and associated infrastructure improvements (as modified by the conditions of approval) are consistent with the County's Comprehensive Plan, Orcutt Community Plan, Rice Ranch Specific Plan, Zoning Ordinance, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.4.A above, herein incorporated by reference, discusses the Large Lot Conveyance Map and Vesting Tentative Tract Map's consistency with applicable provisions of the State Subdivision Map Act.

## **2.6 DEVELOPMENT PLAN FINDINGS**

**A. Findings required for all Preliminary or Final Development Plans.** In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

### **2.6.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.**

The 509-acre project site is adequate in size, shape, location and physical characteristics to accommodate the future development of up to 530 residences. Future development, including infrastructure improvements, would be limited to approximately 34% of the total project site and would be sited in areas that are generally free from physical constraints such as steep slopes or dense vegetation and areas with significant habitat or open space values. The project site was determined to be an appropriate location to accommodate the density and intensity of residential development during the adoption of the Orcutt Community Plan. All of the existing surrounding residential land uses were present at the time this determination was made. Further, the proposed project will not increase the buildout approved under the original Rice Ranch Specific Plan project. Areas with steep slopes are not being developed and are included in County owned open space.

The Specific Plan Design Guidelines provide site, landscape, and architectural guidance with provisions for residential development to be complementary to the surrounding residential community. Further, the Guidelines require that structures visible from public viewpoints will incorporate design features that avoid long, unarticulated facades. Finish materials, including glazing, would be of a low reflectivity to minimize glare.

Development will include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views. The maximum height proposed for a two-story home is 35 feet from the finished grade, and three story homes are prohibited.

To ensure neighborhood compatibility, future single family residences will be required to be in conformance with the approved Rice Ranch Specific Plan Design Guidelines, and will be reviewed and approved by the Board of Architectural Review prior to Zoning Clearance and Building Permit issuance. Therefore, the project is consistent with this finding.

#### **2.6.2 Adverse impacts will be mitigated to the maximum extent feasible.**

As discussed in detail in the Addendum to the Rice Ranch Specific Plan Supplemental Final EIR (03-EIR-05), the project will not result in new potentially significant impacts or increase the severity of impacts identified in the certified Final SEIR. All significant impacts identified in the previous SEIR were mitigated to the maximum extent feasible. The Board of Supervisors adopted Findings of Overriding Consideration for significant impacts associated with buildout under the Rice Ranch Specific Plan which could not be reduced to less than significant levels through incorporation of mitigation measures identified in the Supplemental Final EIR (03-EIR-05). The proposed project will not increase the buildout approved under the original Rice Ranch Specific Plan project. Therefore, this finding can be made.

#### **2.6.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Public Works Roads Department has reviewed the location and design of the proposed roads per the project plans and determined that they are adequately designed for the proposed project. The 2003 SEIR identified impacts to intersections that required signalization with implementation of the project as proposed. The intersections requiring signalization were: Patterson Road/Bradley Road, and Rice Ranch Road/Bradley Road. Since 2003 both the Patterson Road/Bradley Road and the Rice Ranch Road/Bradley Road intersections have been signalized. The Addendum prepared for the proposed project found that the study area roadway will continue to operate in the LOS A – C range under project-specific conditions, which is acceptable based on County standards. With the

exception of the extension of Sage Crest Drive through the Meadows neighborhood, all proposed roads will be privately installed and maintained. Therefore, the project is consistent with this finding.

**2.6.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.**

The project's gross and net water demands, as well as the facilities necessary to distribute water to the project site were evaluated in the environmental document 03-EIR-05 and the Addendum. As discussed in Section 6.2 of the Planning Commission staff report dated July 22, 2015, based on a finding by the Court of Appeal in *City of Santa Maria, et al v. Richard E. Adam, et al.* (2012) 211 Cal.App.4<sup>th</sup> 266, the Court determined that the Santa Maria Groundwater Basin is not currently in overdraft. Therefore, the requirement for long-term supplemental water supplies that do not result in further overdraft of the local groundwater basin from WAT-O-2 is not applicable at this time. Thus, the proposed project could be served by water from the Santa Maria groundwater basin. If the Santa Maria Groundwater Basin is determined to be in a state of overdraft prior to map recordation of any phase of the project, project condition of approval no. 38 (Attachment B.1) would require that the project would be served by the supplemental water obtained by the applicant. Sanitary Services will be provided by the Laguna County Sanitation District. Santa Barbara County Fire Station #22 will provide fire protection to the project site. This Fire Station is located in Tiffany Park, which is located approximately 1.5 mile northeast of the project site. Adequate police protection by the Santa Barbara County Sheriff's Department is available to serve the site. Therefore, the project is consistent with this finding.

**2.6.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.**

The proposed residential development project will not result in the use of hazardous materials or processes that would have the potential to result in public health or safety impacts. Potential land use compatibility conflicts of the project, such as short-term construction-related air quality impacts can be reduced to a less than significant level with the implementation of proposed conditions of approval.

In accordance with Development Standard RISK-O-3.2 and Key Site 12 Development Standard 12-7, an updated Comparative Route Assessment was prepared that evaluated the two main access roads for oil and gas production. The Assessment concludes that the continued use of Orcutt Hill Road for vehicles serving the oil field provides the least risk to the environment since larger trucks hauling hazardous materials cannot safely navigate the tight curves and undulating topography of the other access road. Further, previously

identified Mitigation Measure HAZ-1d requires the posting of signs along Orcutt Hill Road and notification to future Pine Creek multi-family and Valley View homeowners that Orcutt Hill Road would continue to be used for transportation of hazardous substances and petroleum products. Implementation of the Mitigation Measure HAZ-1d would ensure that impacts to the project development of the 2014 Plan from continued use of the Orcutt Hill Road would be less than significant, similar to the approved plan.

The project site was determined to be an appropriate location for residential development during the adoption of the Orcutt Community Plan. All of the existing surrounding residential land uses were present at the time this determination was made. Residential uses on the project site will be sized and architecturally designed to ensure compatibility with surrounding residential land uses. Additionally, the proposed multi-family units in the Pine Creek and Meadows neighborhoods balance the need for higher density development with the need to maintain compatibility with the adjacent neighborhood. The proposed residential development does not have the potential to generate factors such as smoke, odors or noise, which would be incompatible with the surrounding area or which could affect the comfort and convenience of residents or recreationalists in the surrounding area. Therefore, the proposed project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

**2.6.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.**

As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report, incorporated herein by reference, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the PRD and REC zone district standards. Therefore, the project is consistent with this finding.

**2.6.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.**

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

**2.6.8. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.**

The existing trail easements will be located within the open space areas which have been dedicated to the County. One of the existing easements will be used by the County Flood Control District for purposes of maintaining the Pine Canyon Creek flood way. The proposed project will not conflict with this easement or any of the existing trail and open space easements required for public access through the property. The applicant, in coordination with the Parks Division, proposes minor adjustments to the existing open space areas and approved but un-built trail system. The re-alignments of the open space boundaries and future trails have been designed to minimize impacts to sensitive resources. The revised trail system will enhance the existing trail system by providing enjoyable, healthy exercise and recreational opportunities to the public. The project will not conflict with any public use of a portion of the subject property. Therefore the project is consistent with this finding.

**B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.**

The project consists of a Final Development Plan, and does not involve a previously approved Preliminary Development Plan; therefore, the Board of Supervisors may consider the Final Development Plan as both a Preliminary and Final Development Plan.

**E. Additional findings required for sites zoned Planned Residential Development (PRD).**

**In compliance with Subsection 35.82.080.E.5 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan for sites zoned PRD the review authority shall first make all of the following findings:**

- 1. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including any applicable community or area plan policies.**

Development of the project is consistent with the density requirements of the Orcutt Community Plan which allows up to 825 units on this site. The current proposal is to develop 725 units. The project site was determined to be an appropriate location for residential development during the adoption of the Orcutt Community Plan. Areas with steep slopes and areas with significant habitat or open space values are not being developed and are included within proposed County owned open space. As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the PRD zone district standards. Therefore, the site is physically suitable for the proposed density of development as shown on the project plans.

**2. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions (CC&R's) to permanently care for and maintain public and common open spaces and recreational areas and facilities.**

Condition no. 20 of Attachment 10.2 requires that a long-term funding source for operations and maintenance of private facilities is identified, prior to recordation of Final Tract Map 14TRM-00000-00001. The project is conditioned so that all public open space areas will be dedicated to the county. Public facilities (i.e. community park, regional retention basins) will be maintained by the Orcutt Community Facilities District. The private open space areas including but not limited to the five neighborhood parks, manufactured slope areas adjacent to residential lots, and greenbelts, would be maintained by the Rice Ranch Homeowners Association. The common open space areas located within the Pine Creek and Meadows townhome neighborhoods would be maintained by the Pine Creek Homeowners Association and Meadows Homeowners Association, respectively. Maintenance and operations of retention Basin #1, located in the Valley View neighborhood, would be provided for by the Valley View Homeowners Association. Therefore, this finding can be made.

**3. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.**

The project proposes 0.3 less acres of development and a 0.95 acre reduction in open space compared to the approved 2003 Specific Plan, representing a slight decrease in open space relative to the 560-acre Specific Plan area. The proposed community clubhouse would result in the largest adjustment to the open space boundary. A majority of the adjustments to development envelopes within the Valley View and the Grove neighborhoods are associated with providing paved secondary access to improve emergency response times and to reduce the impacts of previously aligned routes. However, with implementation of the conditions of approval that require adherence to the restoration provision of the OSHMRIP, impacts to

sensitive biological resources from buildout of the project would be similar to the approved project. Only flood control facilities, trails, park facilities, and emergency fire access roads would be located within the proposed open space areas. No other development would be permitted within the open space areas. Even with the minor adjustments to the open space boundary, the project includes approximately 367.2 acres of public and private open space including 30.25 acres of public and private parks. These large open spaces make up approximately 66% of the overall project area. Therefore, this finding can be made.

## **2.7 DEVELOPMENT AGREEMENT FINDINGS**

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

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

As indicated in section 6.2 of the Planning Commission staff report dated July 22, 2015, with the implementation of the recommended conditions of approval and the proposed amendments to the General Plan, Specific Plan, and rezone, the project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. In order for the proposed Development Agreement to be consistent with the Specific Plan, the Specific Plan is also being amended in a parallel manner. Therefore the proposed Development Agreement is consistent with the Specific Plan, as amended as part of this Project. Therefore, the project is consistent with this finding.

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

The project's gross and net water demands, as well as the facilities necessary to distribute water to the project site were evaluated in the environmental document 03-EIR-05 and the Addendum. As discussed in Section 6.2 of the Planning Commission staff report dated July 22, 2015, based on a finding by the Court of Appeal in *City of Santa Maria, et al v. Richard E. Adam, et al.* (2012) 211 Cal.App.4<sup>th</sup> 266, the Court determined that the Santa Maria Groundwater Basin is not currently in overdraft. Therefore, the requirement for long-term supplemental water supplies that do not result in further overdraft of the local groundwater basin from WAT-O-2 is not applicable at this time. Thus, the proposed project could be served by water from the Santa Maria groundwater basin. If the Santa Maria Groundwater Basin is determined to be in a state of overdraft prior to map recordation of any phase of the project, project condition of approval no. 38 (Attachment B.1) would require that the project would be served by the supplemental water obtained by the applicant.

Government Code Section 66473.7 includes several factors for determining whether there is a sufficient water supply including that: 1) there is a historical record of available water supply of at least 20 years; and 2) the amount of water that the water supplier can reasonably rely on receiving from other water supply projects. The first factor noted above is satisfied as the Public Works Department, Water Agency has kept records of the Santa Maria groundwater basin for more than 20 years and the court determined the basin is no longer in overdraft. As discussed in the addendum, the applicant has a contract with the Golden State Water Company (GSWC) ensuring that the project could be served by supplemental water if the basin is determined to return to overdraft. Therefore, the applicant has demonstrated to the satisfaction of the County that the project has adequate water supplies and the project is consistent with this finding.

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

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

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

**a. The Development Agreement shall specify the following:**

**(1) The duration of the Agreement;**

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

**(2) The permitted uses of the property;**

Section 1.4 of the New Development Agreement specifies that the project approvals are attached as Exhibit C and incorporated by reference. The project approvals include the conditions of approval for the Large Lot Conveyance Map, Vesting Tentative Tract Map, Development Plan, Minor Conditional Use Permit and Road Naming associated with the amendments to the Rice Ranch Specific Plan. These approvals specify the permitted uses in the Rice Ranch Specific Plan area. These modifications are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

**(3) The density or intensity of use;**

Section 1.4 of the Development Agreement specifies that the project approvals are attached as Exhibit C and incorporated by reference. The project approvals include the conditions of approval for the Revised Specific Plan, and new Tentative Tract Map, Large Lot Conveyance Map, Development Plan, Rezone, Conditional Use

Permit, and Road Naming associated with the Rice Ranch Specific Plan project. These approvals specify the density of permitted uses allowed in the Rice Ranch Specific Plan area. The density and uses are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

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

Section 1.4 of the Development Agreement specifies that the project approvals are attached as Exhibit C and incorporated by reference. The project approvals include the conditions of approval for the Revised Specific Plan, and new Large Lot Conveyance Map, Tentative Tract Map, Development Plan, Rezone, Conditional Use Permit, and Road Naming associated with the Rice Ranch Specific Plan project. These approvals specify the height and size of the proposed buildings in the Rice Ranch Specific Plan area. These uses are consistent with the provisions allowed in the Land Use & Development Code. Therefore, the project is consistent with this finding.

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

Sections 1.5(a) states that the owner has dedicated approximately 336 acres of open space to the County, which dedication has been accepted by the County. The total amount of acreage offered for dedication to the County exceeds the open space provisions required in the Land Use & Development Code. Therefore, the project is consistent with this finding.

**b. The Development Agreement may include the following:**

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

The Development Agreement does not include provisions for conditions, terms, restrictions and requirements for subsequent discretionary actions, nor does it include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time. Section 3.1.1 of the

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

## **2.8 CONDITIONAL USE PERMIT FINDINGS**

### **2.8.1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.**

The 495.6 acre project site is adequate in size, shape, location and physical characteristics to accommodate the future development of up to 530 residences. The project site is bordered on the northeast, east, and west by existing development consisting of single family residences. Further, the location of development, including the proposed 8-foot retaining walls/fences or greater, is within the identified development areas in accordance with the requirements of the Orcutt Community Plan. Areas with steep slopes and areas with significant habitat or open space values are not being developed and are included in County owned open space. Therefore the project is consistent with this finding.

### **2.8.2. That adverse environmental impacts are mitigated to the maximum extent feasible.**

Significant adverse environmental impacts resulting from the project were identified by SEIR 03-EIR-05 and in the Addendum prepared for the proposed project dated November 23, 2015, herein incorporated by reference. Mitigation measures that were identified by the EIR and the Addendum have been included as conditions of approval to mitigate impacts to the maximum extent feasible. Therefore, the project is consistent with this finding.

### **2.8.3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Addendum prepared for the proposed project found that the study area roadway will continue to operate in the LOS A – C range under project-specific conditions, which is acceptable based on County standards. Construction of the walls/fences greater than eight feet in height on four residential lots will not have effects on the design or operation of the streets and highways. Therefore, the project is consistent with this finding.

**2.8.4. That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.**

The construction of the walls/fences over eight feet in height will not require additional public services. However, adequate public services are in place to serve the entire project. Water services will be provided by the Golden State Water Company, and Sanitary Services will be provided by the Laguna County Sanitation District. Santa Barbara County Fire Station #22 would serve the project site. This Fire Station is located in Tiffany Park, which is located approximately 1.5 mile northeast of the project site. Adequate police protection by the Santa Barbara County Sheriff's Department is available to serve the site. Therefore, the project is consistent with this finding.

**2.8.5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.**

As discussed in Finding 2.6.5 above and incorporated herein by reference, the proposed residential development project, including the development of walls and fences greater than eight feet in height, will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. Potential land use compatibility conflicts of the project, such as short-term construction-related air quality impacts can be reduced to a less than significant level with the implementation of proposed conditions of approval. The project site was determined to be an appropriate location for residential development during the adoption of the Orcutt Community Plan. All of the existing surrounding residential land uses were present at the time this determination was made. Therefore, the project is consistent with this finding.

**2.8.6. That the project is in conformance with the applicable provisions and policies of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report, and in Finding 2.6.6 and incorporated herein by reference, following approval of the General Plan Amendment and Rezone applications and adherence to conditions of approval, the project will conform to all applicable requirements of the Comprehensive Plan and the Orcutt Community Plan. Therefore, the project is consistent with this finding.

**2.8.7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.**

The project site is located in an urban area within the Orcutt Community Planning boundary. Therefore, this finding does not apply to the project.

**2.9 Land Exchange of Real Properties**

**2.9.1 Pursuant to Government Code Section § 25365, the Board of Supervisors may exchange real property with any person, firm, or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use. If the real properties to be exchanged are not of equal value, either party to the exchange may contribute cash or other real property assets, acceptable to the other party, to balance the transaction. The value of any private real property exchanged shall be equal to, or greater than, 75 percent of the value of the county property offered in exchange. The cash or other real property assets to be added to balance the transaction shall not be greater than 25 percent of the value of the county property proposed for exchange.**

The total acreage to be transferred to the County by the Applicant is 11.35 acres and the total acreage to be transferred to Applicant by County is 12.30 acres. The discrepancy in the exchange is 0.95 acres and it has been valued by an appraisal at \$8,500. Thus the value of the land to be acquired by the County is less than the land being disposed of; therefore, the Owner will make a payment of \$8,500 to the County for the difference in land value, which is not greater than 25 percent of the value of the County property proposed for exchange. The Board of Supervisors finds that the real property to be exchanged consisting of 12.30 acres is not required for County use because the real properties consisting of 11.35 acres acquired by the County are required for County use to ensure consistency with the Orcutt Community Plan Open Space requirements as well as to provide access to the property. Therefore this finding can be made.