



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: Planning &
Development
Department No.: 053
For Agenda Of: December 13, 2011
Placement: Administrative
Estimated Time: 30 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, PhD., Director 568-2085
Director(s) Planning and Development
Contact Info: Doug Anthony, Deputy Director 568-2046
Development Review Division, North County

SUBJECT: **Accept Offer of a Dedication of Public Open Space in fee; and a Grant of Public Trail Easements from Rice Ranch Ventures, LLC (“Grantor”) to the County of Santa Barbara (Grantee) in the Orcutt area.**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Hearing to consider rescinding the County’s 2005 rejection, and now accepting an Offer to: 1) dedicate Public Open Space in fee; and 2) grant Public Trail Easements from Rice Ranch (“Grantor”) to the County of Santa Barbara (“Grantee”). The open space dedications would be for Assessor Parcel Numbers 101-380-001 and -003, 101-390-001, and 101-400-003; and the grant of trail easements would be located on Assessor’s Parcel Numbers 101-380-002 and -004, and 101-400-001 and -002, located on the south side of Rice Ranch Road within Key Site 12 of the Orcutt Community Plan area, Fourth Supervisorial District.

1. After considering the Final Environmental Impact Report for the Orcutt Community Plan and the Final Supplemental EIR for the Rice Ranch Project, determine and find, pursuant to 14 CCR 15162(a), that no subsequent Environmental Impact Report (EIR) or Negative Declaration is required for this action because: (1) no substantial changes to the open space dedications and grant of trail easements are proposed which would require revisions to the Rice Ranch Final Supplemental EIR (03-EIR-05) to the Orcutt Community Plan Final EIR (95-EIR-01); (2) no substantial changes have occurred with respect to the circumstances under which the open space dedications and grant of trail easements are offered which would require revisions to the 03-EIR-05 Supplement to 95-EIR-01; and (3) no new information of substantial importance concerning the significant effects or

mitigation measures of the Orcutt Community Plan and/or the Rice Ranch Specific Plan, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final Supplemental EIR was certified in 2003, has been received that requires a subsequent EIR or Negative Declaration.

2. Adopt the resolution to 1) rescind the County’s 2005 rejection of the subject dedication of open space and grant of trail easement; 2) accept the Fee Dedication of Public Open Space; and 3) accept the Grant of Public Trail Easement (Attachment A, Resolution);
3. Authorize the Chair to sign the Resolution for the Grant of Open Space and the Grant of Trail Easements (Attachment A, Resolution); and direct recordation.

Summary Text:

The open-space dedication and trail easements were initially offered to the County of Santa Barbara as part of the Map Recordation process for the Rice Ranch Specific Plan and Master Tract Maps. The Board of Supervisors rejected the dedication and easements in 2005, but reserved the right to accept them at a future date when the developer completed build-out of the tract’s infrastructure. This rejection allowed the County to delay the financial burden of maintaining the open space and trails until such time that the subdivision lots are created with the final residential tract maps, thereby providing tax revenue to the Orcutt Community Facilities District for maintenance. Today there is a concern about any further delays in accepting the offers to dedicate because the Rice Ranch project is experiencing financial difficulty. Timely action to accept the offers of dedication is recommended to ensure such dedication occurs smoothly. Additionally, there is renewed interest in the community to utilize the trail network.

The proposed acquisition would transfer approximately 306 acres of open space from private ownership to the County of Santa Barbara, and provide public trail easements across developable areas on the following Specific Plan Master Map Lots:

Open Space dedication:

Lot 1, APN 101-380-001:	78.52 acres
Lot 2, APN 101-390-001:	61.88 acres
Lot 3, APN 101-400-003:	47.56 acres
<u>Lot 4, APN 101-380-003:</u>	<u>118.30 acres</u>
TOTAL	306.26 acres

Grant of Trail Easements:

- Lot A, APN 101-380-002
- Lot D, APN 101-400-001
- Lot E, APN 101-400-002
- Lot F, APN 101-380-004

Preservation of the open space would be consistent with the County of Santa Barbara Comprehensive Plan, including the Orcutt Community Plan. Preservation of this open space would set aside important biological resource areas of regional importance. The preservation of a portion of the site is in the best

interest of the County because, in its unimproved state, it has scenic and biological value and will provide direct benefits to the residents of the Rice Ranch subdivision. The Rice Ranch residents will directly benefit from the trails through: 1) direct access between their residences and the existing 26 acre Community Park onsite; and 2) an integrated trail system, both of which will provide enjoyable, healthy exercise and recreational opportunities directly accessible to them without the need to drive in a motor vehicle.

Background:

The Board of Supervisors adopted the Orcutt Community Plan (OCP) in 1997. The OCP identifies Key Site 12 as the area to accommodate the majority of residential development (up to 825 units – Policy KS12-1), and requires approval of a Specific Plan that includes dedication of parks and public easements for hiking trails (Policy KS12-12-2 and DevStd KS12-1).

The Board of Supervisors approved the Rice Ranch Specific Plan in December of 2003 (Ordinance No. 4520), and the Rice Ranch Tract Map (no. 14,636). These approvals included conditions that required the applicant to offer to dedicate the open-space areas in fee and public easements for multiple-use trails (conditions 11M and 15M, respectively). However, the Board of Supervisors rejected the offers of dedication in fee for Lots 1 – 4 as open space, and the trail easements when it approved the Recordation of approved Final Master Tract Map on September 27, 2005, Rice Ranch, a large lot conveyance map encompassing Key Site 12 of the Orcutt Community Plan. As part of that action, the Board of Supervisors delayed its acceptance of the offers to dedicate, as explained above.

On December 5, 2011, the Planning Commission will consider if the offers to dedicate the open space, in fee, and trail easements are consistent with the Santa Barbara County Comprehensive Plan, through a Government Code Section 65402(c) consistency process. Staff has recommended in favor of such determination.

California Environmental Quality Act (CEQA):

The Board of Supervisors adoption of the Orcutt Community Plan (OCP) in July 1997 included certification of 95-EIR-01, the Final OCP EIR. The Plan and the EIR, as well as the adopted Findings and Statement of Overriding Considerations include precise standards and requirements for the development of Key Site 12 and a detailed plan for the provision of parks, recreation, and trails on Key Site 12 and other locations within the Orcutt Planning Area.

The Board of Supervisors approval of the Rice Ranch Specific Plan (and associated permits) on December 9, 2003, included certification of the Rice Ranch Final Supplemental EIR (03-EIR-05) to 95-EIR-01. This EIR included all applicable requirements of the OCP, and: 1) addressed all substantial changes with respect to the circumstances of the project; and 2) new information of substantial importance concerning the significant effects and mitigation measures of the Orcutt Community Plan. The approved project included a requirement for the Offer of the Dedication of Open Space and Grant of Trail Easements which are the subject of the attached Resolution. Acceptance of the open space dedication and trail easements were considered in both documents.

On September 27, 2005, the Board of Supervisors approved the Final Rice Ranch Large Lot Conveyance Map (Tract Map 14,636) specified in the Specific Plan. As part of this action, the Board

rejected the offers of open space dedication and grant of trail easements. The Board's decision to accept the open space dedication and grant of trail easements does not cause environmental effects not previously considered and is more protective of the environment than rejection of the dedication and easements.

Pursuant to Section 15162(a), no additional environmental review is required for the proposed action.

Fiscal and Facilities Impacts:

Budgeted: Yes

The cost of processing the Acceptance of Open Space and Trail Easement is budgeted in the Permitting and Compliance Program of the Development Review Division – North on page D-316 of the adopted budget for Fiscal Year 2011/2012. There are no facilities impacts. Estimated staff time to prepare for and attend the hearing is approximately 25 hours for an estimated cost of \$4,616.00.

The estimated annual expense of maintaining the open space would be approximately \$60,000 per year. This cost would be incurred by the Parks Department.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order and copies of the legal notice and proof of publication to Planning & Development, Hearing Support Section, Attention: David Villalobos.

Attachments:

- A. Board Resolution for the Rescission of Previous Rejection; Fee Dedication; and Grant of Trail Easements (including Attachments depicting the affected parcels and location of trail easements).
- B. Minute Order Board of Supervisors Consideration of Recommendations regarding the Final Tract Map No. 14,636, Rice Ranch; dated September 27, 2005.
- C. P&D Memorandum to Planning Commission re: 11GOV-00000-00015, Government Code Consistency Determination, dated December 5, 2011.

Authored by:

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