



# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF 93101-2058  
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TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION  
HEARING OF MAY 16, 2012

**RE: Rice Ranch Recorded Map Modification and Specific Plan; 12RMM-00000-00001, 12ORD-00000-00010, 12SPP-00000-00001**

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

- a) **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) **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 issued zoning clearance prior to implementation of the Affordable Housing Provisions and;

to 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.

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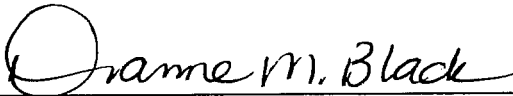
Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of May 16, 2012, Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of the staff report, dated May 8, 2012, 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 of the staff report, dated May 8, 2012), recommending that the Board of Supervisors adopt an Ordinance (12ORD-00000-00010) included as Attachment C of the staff report, dated May 8, 2012 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 the staff report, dated May 8, 2012.

Sincerely,



Dianne M. Black  
Secretary Planning Commission

cc: Case File: 12RMM-00000-00001, 12ORD-00000-00010, 12SPP-00000-00001  
Planning Commission File  
✓ Dianne M. Black, Director Development Review  
Owner/Agent: Jim LaLoggia, Rice Ranch Ventures, LLC, P.O. Box 2129, Nipomo, CA 93444  
Engineer/Surveyor: Wallace Associates, 4115 Broad Street, Ste. B5, San Luis Obispo, CA 93405  
Michael Ghizzoni, Chief Deputy County Counsel  
Dana Carmichael, Planner

**Attachments:**            **Attachment A – Findings**  
                                 **Attachment B – Conditions of Approval**  
                                 **Attachment C – Draft Ordinance/Resolution**

DMB/dmv

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## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS

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

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 182<sup>nd</sup> market rate units ~~throughout the development.~~ Following zoning Occupaney clearance of the 181<sup>st</sup> 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 occupaney 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 182<sup>nd</sup> market rate units ~~throughout the development.~~ Following zoning Occupaney clearance of the 181<sup>st</sup> 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 - 05

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: Cooney, Brown, Brooks, Valencia, Blough

NOES:

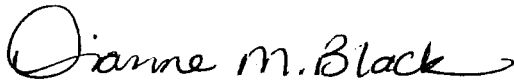
ABSTAIN:

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 182<sup>nd</sup> market rate units ~~throughout the development.~~ Following zoning Occupancy clearance of the 181<sup>st</sup> 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