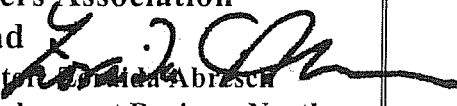


**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for High Meadow Home Owners Association**  
**Appeal of Old Mill Tract Road**



Hearing Date: January 21, 2009  
 Staff Report Date: December 19, 2008  
 Case Nos.: 08APL-00000-00026/  
 08LUP-00000-00143

Deputy Director: *[Signature]*  
 Division: Development Review - North

Staff Contact: Brian A. Tetley  
 Supervising Planner: John Karamitsos  
 Planner's Phone No.: (805) 934-6589

Environmental Document: Addendum to  
 Solvang EIR

**APPELLANT:**

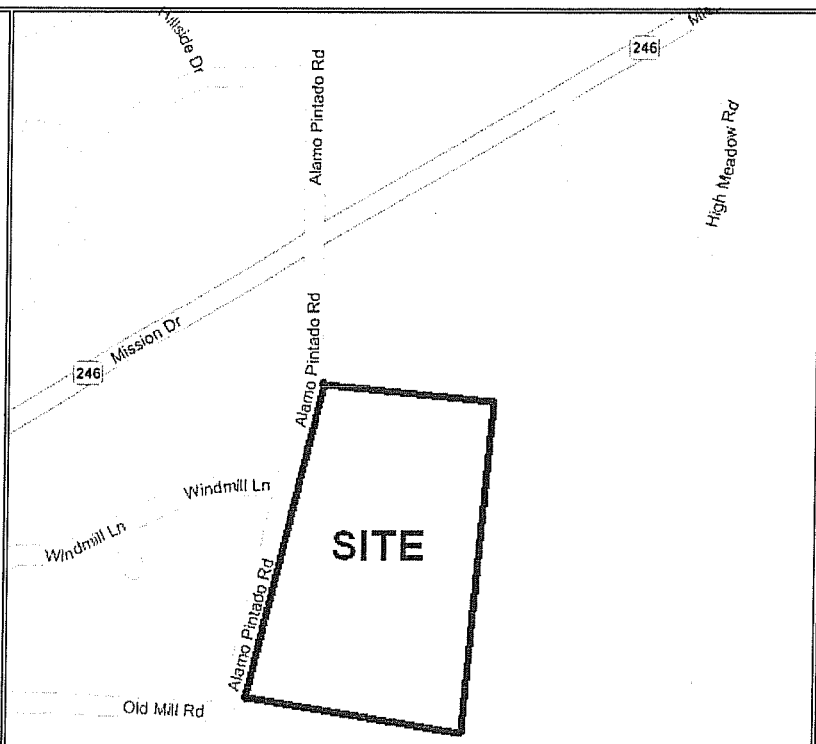
High Meadow Home Owners  
 Assoc.  
 Pat Sullivan & Mike Stinson  
 2140 High Meadow Road  
 Solvang, CA 93463  
 (805) 686-1925

**OWNER:**

Santa Barbara Trust for  
 Historic Preservation  
 123 East Canon Perdido St.  
 Santa Barbara, CA 93101

**APPLICANT:**

Aaron Peterson  
 1945 Old Mill Road  
 Solvang, CA 93463  
 (805) 698-4612



The project site is identified as APN 139-250-036, located at the southeast corner of Alamo Pintado Rd and Hwy 246, known as 480 Alamo Pintado Rd., Solvang area, Third Supervisorial District.

Land Use Permit Application Received: March 26, 2008  
 Land Use Permit Approval: June 4, 2008  
 Appeal Filed: June 16, 2008

**1.0 REQUEST**

Hearing on the request of the High Meadow Homeowners Association to consider Case No. 08APL-00000-00026 [application filed on June 16, 2008], to consider the Appeal of the Director's decision to approve a Land Use Permit, Case No. 08LUP-00000-00143, in compliance with Chapter 35.102 of the County Land Use and Development Code on property located in the 40-AL-O Zone; and to accept the Addendum to City of Solvang Environmental Impact Report (SCH # 2005081109) pursuant to the State Guidelines for Implementation of the California Environmental

Quality Act. There are no new significant environmental impacts as a result of this request. The original EIR identified no significant effects on the environment. The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 624 West Foster Road, Suite C, Santa Maria. The application involves AP No. 139-250-036, located at 480 Alamo Pintado Road, in the Solvang area, Third Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and deny the Appeal, Case No. 08APL-00000-00026 and approve the project, Case No. 08LUP-00000-00143 marked "Officially Accepted, County of Santa Barbara (January 21, 2009) County Planning Commission Exhibit 1," based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

- 2.1** Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings;
- 2.2** Deny the appeal no. 08APL-00000-00026, thereby upholding the Planning and Development Department's approval of Land Use Permit no. 08LUP-00000-00143; and,
- 2.3** Grant *de novo* approval of Land Use Permit no. 08LUP-00000-00143, as contained in Attachment B, and adopt the Addendum dated October 15, 2008.

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

## **3.0 JURISDICTION**

This project is being considered by the Planning Commission pursuant to Land Use and Development Code, Section 35.102.040.A.2.d., which states that decisions of the Director of P&D to conditionally approve an application for a Land Use Permit may be appealed to the Planning Commission.

## **4.0 ISSUE SUMMARY**

The County Planning Commission hearing is *de novo* and the commission shall affirm, reverse, or modify the decision of the Planning and Development (P&D) Department.

### **4.1 Project Summary**

#### **4.1.1 Land Use Permit**

A Land Use Permit (LUP) was approved on June 4, 2008 for the development of an approximately 22-foot wide, 1,300-foot long road with associated grading; and infrastructure easements. It was appealed by the High Meadow Home Owners Association on June 16, 2008. The appealed project would allow for a private road located on a lot (owned by the Santa Barbara Trust for Historic Preservation), within the unincorporated area of the County, which would serve an eight-lot residential subdivision, located within the City of Solvang.

#### **4.1.2 City of Solvang Project and EIR**

In order to access this newly created eight-lot subdivision and private road one must connect through High Meadow Road (a private road) that shares an easement with the High Meadow Home Owners Association (HMHOA). The City of Solvang approved seven vacant lots (one lot with an existing residence) and access routes, as home sites with full CEQA review in the form of an EIR (City of Solvang Resolution Number 06-764). The City of Solvang did contact P&D staff prior to the approval of the Tentative Parcel Map and requested comments, however no comments are on record.

Because the unincorporated parcel adjoins the City of Solvang parcel on the south and east, it can be reasonably foreseen to have potential for annexation and/or subdivision. As a result of these infrastructure easements and road extension, the potential for growth-inducing impacts exists. Therefore, the City of Solvang required that the Final Tract Map record a five foot denied access easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property. County Staff reviewed the City of Solvang's discussion on the potential growth-inducing impacts, and was satisfied with approving 08LUP-00000-00143.

#### **4.1.3 Caltrans Comments**

Currently, the City of Solvang holds an "in lieu of fee" submitted by the applicant for the future construction of a bike bridge over Alamo Pintado Creek adjacent to Hwy 246 as mitigated in the adopted EIR. The California Department of Transportation, Mr. Larry Newland has verbally contacted P&D staff in response to their needs for a bicycle pedestrian bridge and their supportiveness for a left hand turn channelization on Hwy 246. P&D staff has contacted Mr. Newland's staff, Chris Schafer, for further discussions,

Mr. Schafer has submitted a comment letter dated, August 20, 2008 (see Attachment F) regarding timing issues with the proposed installation of the bike path and left hand turn lane.

## 4.2 Points of Appeal

As stated by the Appellant, the appeal issues relate to development of the access roadway to serve the Old Mill subdivision approved by the City of Solvang.

The appellant specifically claims that: 1) the roadway easement is overburdened; 2) the EIR did not consider the additional impacts that a State park would create; 3) safety measures for mitigation of traffic impacts on Highway 246 were rescinded without a hearing; and 4) growth inducement due to road development.

The summarized grounds of appeal and responses are contained in Section 7.0, below.

P&D has also received 3 additional letters, by nearby property owners, Mr. Rosness dated June 20, 2008, and Mr. Heeg dated October 16, 2008 and October 27, 2008 addressing other potential issues related to the road including: 1) liability; 2) maintenance; 3) taxes; 4) hindrance to current property owners; and 5) heightened concerns with traffic congestion due to the operations of construction vehicles. The appeal application and subsequent letters can be found in Attachments C&D.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Commercial Agriculture, A-II-40, 40 acre minimum parcel size
Ordinance, Zone	Ordinance 661, 40-AL-O, Limited Agriculture with Oil Overlay, 40 acre minimum parcel size
Site Size	37.90 acres (gross and net)
Present Use & Development	Old Mill Grist site, no other development
Surrounding Uses/Zone(s)	<i>North: C-2, Commercial</i> <i>South: AG-II-40, Commercial Agriculture, 40 acres minimum parcel size</i> <i>East: 40-AL-O, Limited Agriculture, 40 acre minimum</i> <i>West: 20-R-1, Residential, 20,000 acre minimum parcel size</i>
Access	High Meadow Road (private road) via Hwy 246
Other Site Information	Parcel lies just outside 100 year flood way of Alamo Pintado Creek
Public Services	Water Supply: Solvang Municipal Water Sewage: Solvang Municipal Wastewater Fire: City of Solvang Fire Department

## **5.2 Project Description**

The project would allow for: 1) the development of an approximately 22-foot wide, 1,300-foot long road; and 2) infrastructure easements. The subject parcel is located in the unincorporated area of the County and would connect a section of private roadway to an approved eight-lot subdivision located within the City of Solvang. Earthwork would consist of 1,250 yd<sup>3</sup> of cut, 700 yd<sup>3</sup> of fill and 550 yd<sup>3</sup> of export. The proposed roadway serves an eight-lot subdivision within Solvang city limits. The City of Solvang approved the seven vacant lots and one existing developed lot as home sites with full CEQA review in the form of an EIR (City of Solvang Resolution Number 06-764). Because the County parcel adjoins the City of Solvang parcel on the south and east, it can be reasonably foreseen to have potential for annexation and/or subdivision, and as a result of these infrastructure easements and road extension, a potential for growth-inducing effects apply. The City of Solvang addressed growth inducing impacts resulting from the extending the proposed infrastructure easements and road into the unincorporated area by requiring that the Final Tract Map record a five foot denied access easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property.

The road would terminate in a cul-de-sac required to provide adequate turnaround for fire equipment, and solid waste collection vehicles. Construction permits would be required by both the City of Solvang and the County of Santa Barbara corresponding to jurisdictional boundaries. Access to the development would be provided from High Meadow Road through a privately held easement on and across a portion of the High Meadow Development and the Santa Barbara Trust for Historic Preservation property, which is part of the Mission of Santa Ines National Historic Landmark District with its primary purpose being to protect and preserve the Old Grist Mill. The Santa Barbara Trust for Historic Preservation is actively pursuing negotiations with the Department of Parks and Recreation to convey the land to the State for development as a State Historical Park. However nothing in the trust grant precludes the trust directors from selling the land. The project site is a 37.90-acre parcel zoned AG-II-40 and shown as Assessors Parcel Number 139-250-036, located at 480 Alamo Pintado Road in the Solvang area, Third Supervisorial District.

## **5.3 Parcel Validity**

The parcel on which the road would be located is recorded in Book 11, page 52 for Map no. 11,671, dated January 24, 1973 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

## **5.4 Background Information**

### **Chronological Background of the Project**

#### **2008**

June 4 - A Land Use Permit (LUP) was approved by Planning and Development staff for Santa Barbara Historic Trust Preservation, owner of APN: 139-250-036, for a private road in the unincorporated area of the County to serve an 8 lot subdivision within the City of Solvang.

June 16 - An appeal of the Land Use Permit was filed by Pat Sullivan and Mike Stinson on behalf of the High Meadow Home Owner Assoc. The appeal addresses several areas of neighborhood concerns (see previous section 4.2 and Attachment C).

June 16 - October 26 - Subsequent letter from concerned neighbors.

August 7, 2008 - Received email dated August 7, 2008 from Tully Clifford Public Works Director for the City of Solvang in concerning the City of Solvang's explanation of the determination for "in lieu of fees"(see Attachment F).

August 22, 2008 - Received letter dated, August 20, 2008, from Chris Schafer of Caltrans requesting that a condition of approval be included that prohibits occupancy unless certain improvements are made at the intersection of State Route 246 and High Meadow Road (included as Attachment E).

October 6, 2008 - Received letter dated October 3, 2008 from Tully Clifford Public Works Director for the City of Solvang in regards to City of Solvang's timeline for Highway 246 frontage improvements intersecting High Meadow Road (see Attachment F).

September 17, 2008 - Received letter from owner and developer of the eight-lot subdivided parcel in regards to traffic level of service for the intersection of High Meadow Road and Highway 246 and the corresponding mitigation measures for their project (see Attachment G).

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

The City of Solvang's Planning Commission and City Council have already reviewed and approved the Tentative Parcel Map (TPM), as an eight-lot subdivision and access routes in the form of an Environmental Impact Report (EIR), Resolution Number 06-764.

Planning & Development Department has found that that the previous environmental documents with an addendum (Attachment B) may be used to fulfill the environmental review requirements of the current project under CEQA Guidelines section 15164.

The road improvements located in the unincorporated area of the County are a necessary and acknowledged adjunct to the Old Mill Tract Map located within the jurisdiction of the City of Solvang. Impacts due to increased traffic affecting the performance of the High Meadow Road/Highway 246 intersection were addressed by mitigation measure D2 in the Final EIR (SCH 2005081109) adopted by the City of Solvang. Mitigation measure D2 requires roadway improvements, including a left-turn channel, to be constructed at the High Meadow Road/Highway 246 intersection. A condition of approval of County Land Use Permit would also require the construction of these improvements, which are also referenced in an August 20, 2008 letter from the California Department of Transportation.

## 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<b>LAND USE ELEMENT</b>	
<p><b>Land Use Development Policy 4:</b> <i>(Land Use Element, p.82) Prior to the issuance of a use permit, the County shall make the finding that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed project</i></p>	<p><b>Consistent:</b> The project site is adequate in size to serve a 1,300' long, 22' wide road with associated grading. All public and private services to serve the already approved eight-lot subdivision will be provided Solvang Municipal Water and Wastewater facilities. Construction of the subject road, and necessary intersection requirements required by Caltrans, are required to serve the approved subdivision.</p>
<p><b>Hillside and Watershed Protection Policy 1-3:</b> <i>Plans for development shall minimize cut and fill operations and be designed to fit the site topography, soils geology, hydrology and any other conditions to keep the grading at a minimum</i></p>	<p><b>Consistent:</b> The location where the road would be constructed is essentially level. Therefore, grading operations would be limited to over excavation and recompaction to create an adequate road design. There would be no alteration of existing topography due to grading cut and fill operations on slopes. Therefore, the proposed project is consistent with these policies.</p>
<b>AGRICULTURAL ELEMENT</b>	
<p><b>Santa Ynez Agriculture Policy:</b> <i>Agriculture should be preserved and protected as one of the primary economic bases of the Valley.</i></p> <p><b>Agricultural Element Goal I:</b> <i>Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged.</i></p> <p><b>Agricultural Element Goal II:</b> <i>Agricultural lands shall be protected from adverse urban influence.</i></p>	<p><b>Consistent:</b> A potential for growth-inducing effects and urban influences could cause an adverse effect on the agricultural viability to the subject parcel, however, the City of Solvang addressed growth inducing impacts resulting from the extending the proposed infrastructure easements and road into the unincorporated area by requiring that the Final Tract Map record a five foot denied access easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property. Currently, the subject parcel has 25 acres of planted olive trees with anticipated production capabilities within 4 - 5 years. SBHTP has the recorded easement rights to use the proposed new road as an</p>

	access, for agricultural use and emergencies, among other possibilities such as a future State Park. However, if and when SBTHP and the State decide that a State Park is a feasible use, the proposed State Park would have to undergo another discretionary process.
<b>CIRCULATION ELEMENT</b>	
<b>Circulation Element Policies:</b> (p. 180-185)	<b>Consistent:</b> Highway 246 is a State highway under State jurisdiction. The portion of Hwy 246 that would access the proposed road via High Meadow Rd. is on a parcel under the City of Solvang's jurisdiction. Caltrans recommendation through the processing of the previously approved 8 lot subdivision was for the applicant to install a left hand turn lane and new bike bridge path, however the City of Solvang has chosen to receive "in lieu of fees" for the construction of these items and to postpone improvements to a later date in order to correlate infrastructure improvements simultaneously with the other infrastructure improvements that are also to occur along Hwy 246. However, P&D has received a letter from Caltrans, dated, August 20 ,2008 for their continued recommendation of the infrastructure installation prior to Occupancy Clearance for the eight lot subdivision.

### 6.3 Compliance with Land Use and Development Code Requirements

The subject parcel is zoned Light Agriculture, 40-acres minimum lot area, with oil combining regulations (40-AL-O) under Ordinance 661. However, the applicant's request for a Land Use Permit to allow grading for the private roadway falls under current Land Use and Development Code (LUDC) requirements since the related section of Ordinance 661 has been repealed (Feb. 26, 2004 Ord. 3430). The roadway under the LUDC AG-II development standards is a permitted use, does not require setbacks, nor would it trigger any height limitations, and as such is in compliance with LUDC Section 35.21.50.

## 7.0 APPEALS ISSUES

### 7.1 Grounds for Appeal

In the materials and letters (Attachments C&D) the appellant asserts that the approved Land Use Permit approval would negatively impact the appellants' easement rights as well as create traffic circulation impacts. Specifically, the appellant asserts that:



**7.1.1** The roadway easement is overburdened.

**Staff Response:** Staff supports the City of Solvang's adopted EIR assessment. All other assessments (e.g. floodplain and traffic circulation issues) apply to the jurisdictional authority of California Department of Transportation (Caltrans) and the City of Solvang. The overburdening of the private road easement is civil in nature and the County typically does not get involved with civil matters.

**7.1.2** The EIR did not consider the additional impacts that a State park would create.

**Staff Response:** Staff supports the City of Solvang's adopted EIR assessment. All other assessments (e.g. floodplain and traffic circulation issues) apply to the jurisdictional authority of California Department of Transportation (Caltrans) and the City of Solvang. The concerns of the HMHOA and the possibility of a State Park on the SBHTP parcel are valid. However, if and when SBTHP and the State decide that a State Park is a feasible use, the proposed State Park would have to undergo another discretionary process. This would allow the HMHOA to participate in the decision making process at the time of application submittal through the final decision.

**7.1.3** Safety measures for mitigation of traffic impacts on Highway 246 were rescinded without a hearing.

**Staff Response:** Staff supports the City of Solvang's adopted EIR assessment. All other assessments (e.g. floodplain and traffic circulation issues) apply to the jurisdictional authority of California Department of Transportation (Caltrans) and the City of Solvang.

**7.1.4** Growth inducement due to road development.

**Staff Response:** Staff supports the City of Solvang's adopted EIR assessment, including a thorough discussion of growth-inducement impacts and mitigation.

## **8.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

## **9.0 ATTACHMENTS**

- A. Findings
- B. Land Use Permit 08LUP-00000-00143 with Addendum
- C. Appeal Application and Letter
- D. Public Letters
  - 1. Mr. Randy Rosness, dated June 20, 2008
  - 2. Mr. Kenneth Heeg, dated (a) October 16, 2008 & (b) October 27, 2008
- E. Caltrans letters dated February 14, 2008 and August 20, 2008
- F. City of Solvang
  - 1. Email dated August 7, 2008
  - 2. Letter dated, October 3, 2008
- G. Property owner and developer letter dated September 13, 2008
- H. Site Exhibit

## ATTACHMENT A: FINDINGS

### **1.0 CEQA FINDING**

#### **1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE**

The Planning Commission has considered the Addendum dated October 15, 2008 for the subject permit. The Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. There have been no substantial changes proposed to the project which will require major revisions to the EIR due to new significant environmental effects, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence. Thus, a subsequent EIR under CEQA Guidelines section 15162 is not necessary. The Addendum, together with the City of Solvang EIR (SCH # 2005081109), is adequate for this proposal.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 LAND USE PERMIT FINDINGS**

**Pursuant to Section 35.82.100.E.1 of the Santa Barbara County Land Use and Development Code, a Land Use Permit shall only be issued if all of the following findings can be made:**

- 2.1.1 That the proposed development conforms to 1) the applicable provisions of the Comprehensive Plan, including any applicable community or area plan, and the Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots)**

Land Use Permit 08LUP-00000-00143 (approved by staff on June 4, 2008) consists of a new 1,300' long road, 22' in width. As discussed in Sections 6.2 and 6.3 of this report, the project is consistent with all applicable Comprehensive Plan policies, as well as relevant 40-AL-O zoning regulations.

- 2.1.2 That the proposed development is located on a legally created lot.**

The project will be located on an existing legal lot, recorded in Book 11, page 52 for Map no. 11,671, dated January 24, 1973 in the office of the County Clerk & Recorder and as such is deemed a legally created parcel.

**2.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to uses, subdivisions, setbacks and any other applicable provisions of the Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses Structures and lots).**

The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Development Code. There are no zoning violations relating to the project site. As discussed in Section 6.3 of the Staff Report, the project is consistent with all requirements of the Santa Barbara County Land Use and Development Code.

**ATTACHMENT B: LAND USE PERMIT 08LUP-00000-00143 & CEQA 15164**  
**ADDENDUM**

# LAND USE PERMIT

Case No.: 08LUP-00000-00143 Planner: Tammy Weber Initials TW  
Project Name: Santa Barbara Trust and Historic Preservation Road/Old Mill Tract  
Project Address: 480 Alamo Pintado Rd., Solvang area  
A.P.N.: 139-250-036  
Zone District: AG-II-40



Planning & Development (P&D) grants final approval and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: June 4, 2008

APPEAL PERIOD BEGINS: June 5, 2008

APPEAL PERIOD ENDS: June 16, 2008

DATE OF PERMIT ISSUANCE: (if no appeal filed) June 17, 2008

**NOTE:** This final approval may be appealed to the Commission/Montecito Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner Tammy Weber at 934-6254 or by email at [tweber@co.santa-barbara.ca.us](mailto:tweber@co.santa-barbara.ca.us).

**PROJECT DESCRIPTION SUMMARY:** SEE ATTACHED

**PROJECT SPECIFIC CONDITIONS:**

**ASSOCIATED CASE NUMBERS:** City of Solvang subdivision project (res. #06-0764)

**PERMIT COMPLIANCE CASE:**

No  Yes; Permit Compliance Case (PMC) #: \_\_\_\_\_

**BOARD OF ARCHITECTURAL REVIEW (BAR):**  No  Yes; BAR Case #: \_\_\_\_\_

**TERMS OF PERMIT ISSUANCE:**

1. **Mailing and Posting Notice.** Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

2. **Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

**2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

**3. Date of Permit Issuance.** This Permit shall be deemed effective and issued on the **Date of Permit Issuance** as identified above, provided:

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The Affidavit of Posting Notice was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

**4. Time Limit.** Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

**NOTE:** This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Ginger Andersen, Penfield & Smith *Ginger Andersen* June 4, 2008  
Print Name Signature Date

Planning & Development Issuance by:

\_\_\_\_\_  
Planner

\_\_\_\_\_  
Date

## ATTACHMENT A PROJECT DESCRIPTION

1. **Project Description:** This Land Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of Planning and Development for conformity with this approval. Deviations from the project description or conditions of approval may require a modification to 08LUP-00000-00143 and further review.

**This Land Use Permit will allow for: 1) the construction of an approximately 22-foot wide, 1,300-foot long road; and 2) infrastructure easements. The subject parcel is located in the unincorporated area of the County and will connect two sections of private roadway approved by and located within the City of Solvang. Earthwork would consist of 1,250 cu. yds. of cut, 700 cu. yds. of fill and 550 cu. yds. of export. The proposed roadway serves an 8 lot subdivision within Solvang city limits. The City of Solvang approved the seven vacant lots as homesites with full CEQA review in the form of an EIR (Resolution Number 06-764). Because the County parcel adjoins the City of Solvang parcel on the south and east, it can be reasonably foreseen to have potential for annexation and/or subdivision, and as a result of these infrastructure easements and road extension, a potential for growth-inducing effects apply. The City of Solvang addressed growth inducing impacts resulting from the extending the proposed infrastructure easements and road into the unincorporated area by requiring that the Final Tract Map record a five foot denied access easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property.**

**The road would terminate in a cul-de-sac required to provide adequate turnaround for fire equipment, and solid waste collection vehicles. Construction permits would be required by both the City of Solvang and the County of Santa Barbara corresponding to jurisdictional boundaries. Access to the development would be provided from High Meadow Road through a privately held easement on and across the High Meadow Development and the Santa Barbara Trust for Historic Preservation property, which is part of the Mission of Santa Ines National Historic Landmark District with its primary purpose being to protect and preserve the Old Grist Mill. The Santa Barbara Trust for Historic Preservation is actively pursuing negotiations with the Department of Parks and Recreation to convey the land to the State for development as a State Historical Park. However nothing in the trust grant precludes the trust directors from selling the land. The project site is a 37.90-acre parcel zoned AG-II-40 and shown as Assessors Parcel Number 139-250-036, located at 480 Alamo Pintado Road in the Solvang area, Third Supervisorial District.**

The grading, development, use, and maintenance of the property, the size, shape arrangement, and location of structures, parking areas, and landscape areas, and the protection and preservation of resources shall conform to the project description above, the approved plans dated September 12, 2006 and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the conditions of approval hereto.





# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

TO: Decision-Makers

FROM: John Karamitsos, Supervising Planner  
Development Review Division - North

DATE: October 15, 2008

RE: **Old Mill Vesting Tentative Tract Map CEQA 15164 Addendum to Old Mill Vesting Tentative Tract Map EIR (SCH# 2005081109) Case Number 03-16; APN: 139-540-020, 1945 Old Mill Road**

CEQA Determination: Finding that CEQA section 15164 (Addendum) applies to the Old Mill Vesting Tentative Tract Map project. CEQA section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. The Old Mill Vesting Tentative Tract Map EIR (SCH# 2005081109) that was prepared for the proposed eight-way subdivision and certified by the City of Solvang, is hereby amended by this Addendum.

## PROJECT LOCATION

The project site consists of Assessor Parcel Number 139-250-036, consisting of approximately 37.91 acres, known as 480 Alamo Pintado Road, located approximately 600 feet south of the intersection of High Meadow Road and Highway 246, in the Santa Ynez area, Third Supervisorial District.

## BACKGROUND

The California Environmental Quality Act (CEQA) requires analysis and disclosure of environmental impacts that could occur as a result of project development. Hence, prior to the approval of the Old Mill Vesting Tentative Tract Map, the City of Solvang certified an EIR (SCH# 2005081109). The road improvements located in the unincorporated area of the County described in the project description below are a necessary and acknowledged adjunct to the Old Mill Tract Map located within the jurisdiction of the City of Solvang. Therefore, a Land Use Permit application (08LUP-00000-00143) is being processed by the County.

There are no substantial changes to the proposed project which involves a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. The project proposes the same uses at the same or lesser density than previously analyzed, the analysis contained within that EIR addresses the cumulative impacts that would be associated with the proposed project and identifies the mitigation measures that would mitigate

Development Review  
Building & Safety  
Energy, Administration  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000  
FAX: (805) 568-2030

Long Range Planning  
30 E. Figueroa St, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101  
Phone: (805) 568-3380  
FAX: (805) 568-2076

Building & Safety  
185 West Hwy 246, Ste 101  
Buellton, CA 93427  
Phone: (805) 686-5020  
FAX: (805) 686-5028

Development Review  
Building & Safety  
Agricultural Planning  
624 W. Foster Road  
Santa Maria, CA 93455  
Phone: (805) 934-6250  
FAX: (805) 934-6258

those impacts to the extent feasible.

CEQA is clear in its preference to use previously prepared environmental documents when anticipated project specific impacts have been clearly assessed. Section 15162 of the State CEQA Guidelines gives the criteria where a previously certified EIR can be used and when a new EIR should be prepared. Documentation of new and/or unanticipated impacts must be identified if a new EIR is to be prepared. This document has been prepared pursuant to State CEQA Guidelines Section 15164 and is referred to as an Addendum to an EIR. Where an EIR has been certified and a proposed project is consistent with the development anticipated by this aforementioned document, further environmental review is limited to effects upon the environment which are peculiar to the parcel or the project and which are not addressed as significant effects in the prior EIR.

## **PROPOSED PROJECT DESCRIPTION**

This Land Use Permit will allow for: 1) the construction of an approximately 22-foot wide, 1,300-foot long road; and 2) infrastructure easements. The subject parcel is located in the unincorporated area of the County and will connect two sections of private roadway approved by and located within the City of Solvang. Earthwork would consist of 1,250 cu. yds. of cut, 700 cu. yds. of fill and 550 cu. yds. of export. The proposed roadway serves an 8 lot subdivision within Solvang city limits. The City of Solvang approved the seven vacant lots as homesites with full CEQA review in the form of an EIR (Resolution Number 06-764).

The road would terminate in a cul-de-sac required to provide adequate turnaround for fire equipment, and solid waste collection vehicles. Construction permits would be required by both the City of Solvang and the County of Santa Barbara corresponding to jurisdictional boundaries. Access to the development would be provided from High Meadow Road through a privately held easement on and across the High Meadow Development and the Santa Barbara Trust for Historic Preservation property, which is part of the Mission of Santa Ines National Historic Landmark District with its primary purpose being to protect and preserve the Old Grist Mill. The Santa Barbara Trust for Historic Preservation is actively pursuing negotiations with the Department of Parks and Recreation to convey the land to the State for development as a State Historical Park. However nothing in the trust grant precludes the trust directors from selling the land.

## **PROJECT IMPACT ANALYSIS**

Impacts due to increased traffic affecting the performance of the High Meadow Road/Highway 246 intersection were addressed by mitigation measure D2 in the Final EIR (SCH 2005081109) adopted by the City of Solvang. Mitigation measure D2 requires roadway improvements, including a left-turn channel, to be constructed at the High Meadow Road/Highway 246 intersection. A condition of approval of County Land Use Permit would also require the construction of these improvements, which are also referenced in an August 20, 2008 letter from the California Department of Transportation (Attached). No new mitigation measures or alternatives have been identified, and, no new substantial changes to the project, the project site, the project setting, or circumstances surrounding the project that would require further environmental analysis.

## **FINDING**

It is the finding of the Planning & Development Department that the previous environmental documents as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164 and none of the conditions described in section 15162 have occurred, preparation of an EIR or Negative Declaration is not required.

**Processing of the Old Mill Tract Road (08LUP-00000-00143) may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.**

## **ATTACHMENT**

California Department of Transportation Letter dated August 20, 2008 (Attachment E)

ATTACHMENT C: APPEAL APPLICATION & LETTER

SITE ADDRESS: 480 Alamo Pintado Rd

ASSESSOR PARCEL NUMBER: 139-250-036

PARCEL SIZE (acres/sq.ft.): Gross 37.9 ac. Net \_\_\_\_\_

COMPREHENSIVE/COASTAL PLAN DESIGNATION: \_\_\_\_\_ ZONING: \_\_\_\_\_

Are there previous permits/applications?  no  yes numbers: \_\_\_\_\_  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents?  no  yes numbers: 2005081109

1. Appellant: High Meadow Home Owners Phone: 686 1925 FAX: \_\_\_\_\_

Mailing Address: 2140 High Meadow Solvang E-mail: m.stinson@qtc.net  
Street City State Zip

2. Owner: Aron Peterson Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: 1945 Old Mill Rd Solvang E-mail: \_\_\_\_\_  
Street City State Zip

3. Agent: Pennfield + Smith Phone: 925-2345 FAX: \_\_\_\_\_

Mailing Address: 210 Enos Dr Santa Barbara E-mail: \_\_\_\_\_  
Street City State Zip

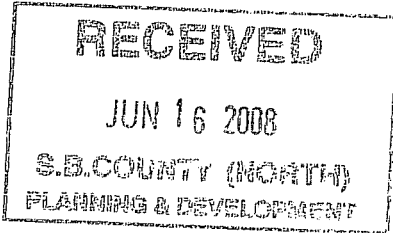
4. Attorney: NA Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail \_\_\_\_\_  
Street City State Zip

COUNTY USE ONLY

Case Numl 08APL-00000-00026 for 08LUP-00000-  
Supervisor 00143  
Applicable High Meadow Homeowners Association  
Project Pla 480 Alamo Pintado Road/139-250-036  
Zoning De AG-II-40  
Planner: Tammv Weber

Companion Case Number: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_  
Accepted for Processing \_\_\_\_\_  
Comp. Plan Designation \_\_\_\_\_



# COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION:  COUNTY  MONTECITO

RE: Project Title Old Mill Rd, LLC Grading

Case No. 08LUP-00000-00143

Date of Action 3/26/08

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? \_\_\_\_\_

Planning & Development Director decision

Zoning Administrator decision

### Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

1. Abuse of discretion
2. Additional use of the road was not discussed in EIR.
3. Deletion of safety mitigation without a hearing or coordination with Cal Trans

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

1. Easement is overburdened. Road is private which exits onto Hwy 246 @ Alamo Pintado EIR did not consider the additional impacts that a state park would create.
2. Safety measures for mitigation of traffic impacts on Hwy 246 were recommended without a hearing. Cal Trans said no "new traffic".
3. This road is "growth inducing" into prime farmland.

**Specific conditions imposed which I wish to appeal are (if applicable):**

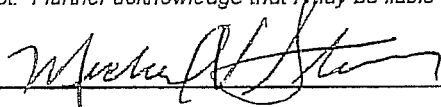
- a. Construction of seven new homes in flood plain.
- b. Transporting 2500 cu yds of fill over private road.
- c. Elimination of left turn pocket on Hwy 246.
- d. Elimination of bike bridge.
- e. Converting our private road to a public road.
- f. Have developer use his existing access onto Alamo Pintado Rd.
- g. See attachment A.

**Please include any other information you feel is relevant to this application.**

**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

MICHAEL V. STINSON  6-12-2008  
Date

Print name and sign - Firm  
Patricia A. Sullivan 6-12-08  
Date

Print name and sign - Preparer of this form

Print name and sign - Applicant

Print name and sign - Agent

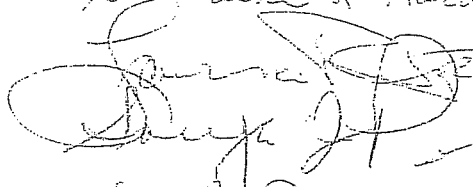
Print name and sign - Landowner



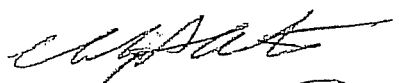
Attachment to Appeal to the Board of Supervisors/Planning Commission: Re; APN 139-540-023 Old Mill LLC 6-12-2008

Signature page: High Meadow Homeowners;

Michael V. Jensen 2140 High Meadow Rd.  
Cero P. Stinson 2140 High Meadow Rd.  
Edward P. ...  
William S. Hardy 2130 High Meadow Rd.  
Kesselin S. Hardy 2130 High Meadow Rd.

 Dawn J. P. 2012 High Meadow Rd.

Sheryl Rosner 2016 High Meadow Rd.  
Dennis G. ... 591 Ranch Rd.

 2128 High Meadow Rd.

Catherine Tracy Calani 2128 High Meadow Rd.

Sally Howell 2010 High Meadow Rd.

Robert L. Jensen 2010 HIGH MEADOW RD  
Mark Nedegard 2018 HIGH MEADOW RD

Martha Pedersen 2018 High Meadow Rd.

Heidi Gray 595 Ranch Road

Patricia Sullivan 570 Ranch Rd. Solvang

High Meadow Ranch;

Coyote Creek Ranch;

Charles Adams 560 Ranch Rd, Solvang  
Carr Adams 560 Ranch Rd Solvang

## Attachment A

The basis concern for the neighbors affected by the Old Mill LLC Project is twofold. (1) the intersection of Hwy 246 and High Meadow Road is difficult to access, is accident prone and requires mitigation, (2) the process of the Old Mill LLC Project through the city of Solvang was incomplete.

1. The Old Mill LLC project, located in the city of Solvang, obtained an easement through the Santa Barbara Trust for Historical Preservation (SBTHP) Property to access Hwy 246, a state highway. The property owned by SBTHP is in the county.

We strongly suggested to the city of Solvang that the Old Mill LLC Project be processed as a joint venture between the county and the city of Solvang, since both entities needed to approve the ultimate project, a 7 lot development that had an easement over the property owned by SBTHP. Our view was correct in that the county is now processing a request for an improved road over an easement that the SBTHP gave the Old Mill LLC Project. We also felt with the project being in the flood plain, county flood control would carefully scrutinize this issue in that the approved project must import in excess of 2,500 cubic yards of dirt to raise the lots above the flood plain.

The Solvang Planning Commission and the Solvang City Council approved a mitigation measure that required that Old Mill LLC to install a left-turn lane at the intersection of Hwy 246 and High Meadow Road as a condition of approval. Subsequently, the city of Solvang allowed Old Mill LLC to pay in lieu fees as opposed to putting in the left turn lane. Therefore the mitigation measure proposed by the applicant to satisfy the neighbors and approved by both the planning commission and city council of Solvang has been deleted. In addition, the city of Solvang also deleted the need for a bike lane that was a condition of approval.

In your finding, you point out the inevitability of further development by the SBTHP on the remainder of their approximate 28 acres, therefore further compounding the safety issue in accessing Hwy 246, which no longer has the mitigation measure proposed by Cal Trans and was agreed to by the applicant and the city. But it isn't only a potential development of houses on the SBTHP Property that can severely degrade the intersection of Hwy 246 and High Meadow Road, but the SBTHP has dialoged with the neighbors about a potential park on their property. Any park on this site would further compound the traffic problem and make reinstatement of the mitigation measure even more acute.

The PETERSON project purchased a easement from SBTHP which enabled them to move the building pads out of the immediate creek bed. However, this easement and the additional traffic, especially for a proposed park, was not

included in the EIR.

In the past, the county has required projects to address cumulative traffic effects on a road or intersection. We strongly suggest that a build out on the this property be considered as potential and therefore a traffic assessment of this project's impact on the intersection of US Hwy 246 and High Meadow Road be made.

We recommend that approval of the road improvement be continued until a cumulative traffic assessment is made and the mitigation measure approved by the city of Solvang and Cal Trans is installed.

## Old Mill LLC Project

08apl-00000-00026 for 08LUP-00000-00143

### Considerations for appeal;

1. **EIR** hearings conducted by the City of Solvang were **flawed**. During the public comment and expert testimony period an important fact was omitted from the EIR. The city nor the applicant informed us that the applicant had sold an easement over our easement and his easement to The Santa Barbara Trust For Historical Preservation. This fact was omitted from the EIR until the night of the final vote and was approved with the added easement. No one in the public had knowledge of this or a chance to challenge it until it was too late.
2. During the time in which the initial planning of this project and its eventual approval, one of the applicants sat on the planning commission, Mr. Aron Petersen of Old Mill LLC. There is the appearance if not in fact, that there has been a **Conflict of Interest**. The fact is that now, two years later the applicant Mr. Petersen is the head of the Solvang Planning Commission and has been further involved with making major changes to all the mitigation measures originally required by the EIR.
3. The addition of this extra easement is ” **Growth Inducing**”. Your application says it is not because of 5 foot restricted easement to the south. This does not eliminate the development of the Trusts property to the east which encompasses an additional 28 acres or so. As stated in your application the Trust is trying to sell the land to the State for a park but falling short of that the can sell it to anyone for development and subdivision as stated in your application. If that’s not growth inducing I don’t know what is. This has major consequences for all of the occupants of High Meadow Road., and this was all left out during the EIR.

4. The projects intersection is located in the County of Santa Barbara but the County did not participate in the process. During the EIR expert testimony from Cal Trans instructed the city that the LOS of the intersection of Highway 246 and High Meadow Road, was substandard for the project and had to be mitigated before the project could begin, and this was without any knowledge of the additional easement. The City of Solvang and its applicant/ planning commissioner have now decided to accept an “In Lieu Of Fee” and not require the applicant to make any of the Cal Trans recommended improvements. By doing this they have put all our lives at risk not to mention the liability they have accepted for the City of Solvang and the County of Santa Barbara.

5. The “Project Location” of 480 Alamo Pintado Road, in fact is not truly representative of its location. Old Mill Road in fact ends at the edge of Alamo Pintado Creek. This project is located on the other side of the non-accessible creek and is now I believe officially named Olive Lane. It has nothing in common with Old Mill Road except that the applicant/planning commissioner would like to have everyone believe that’s where it is located.

6. The S.B.T.H.P., the trust, a non profit organization, is selling easements to developers and allowing them to build houses right next door to the Gris Mill that they claim they are supposed to be preserving. In fact in your application it states, “However nothing in the trust grant precludes the trust directors from selling the land if it were considered to be beneficial to the primary goal of preserving the Old grist mill, (more housing???) The applicant’s land on one side of the street is zoned for housing, it is not a stretch to figure that the trust land could be re-zoned for houses in the future and you make reference to that in the application. It says, “Because the county parcel adjoins the City of Solvang parcel on

the south and east, it can be reasonably foreseen to have potential for annexation and/or subdivision.

The access for all these "Growth Inducing" projects can not be from High Meadow Rd.. As was recommended by many during the EIR process a bridge should be build from Alamo Pintado Road across the creek to access all of these grandiose proposed projects.

How can you state in this application that on one hand there is no growth inducing potential due to a five foot denied access on the south side and then in the same application tell us that the 28 or so acres belonging to the Trust, adjoining the applicant's project can be sold and is likely to be developed.

In conclusion there are many problems with this project and there has been no representation for the public from either the City or County Planning Commissions nor City Council. This project needs to be totally reconsidered now that we know the true scope of the Trust and the applicant's intentions for this land.

Sincerely,

Michael Stinson (High Meadow Home Owners Assoc.)

**ATTACHMENT D: PUBLIC LETTERS**

To Whom It May Concern:

20 June, 2008

My name is Randy Rosness, and I am the President of the **High Meadow Road Homeowners Association in SB County**. I am also the Executive Director of the "Not For Profit" Goleta Valley Community Center in Goleta. \*I will explain why I include this information about me as this story unfolds.

If you have ever wondered why the average citizen is frustrated with government, I'm going to share with you an example. If the following scenario were in Los Angeles, we'd call it "Chinatown" because it involves so many government and private entities. I have addressed this letter to "**Whom it may concern**" because it's still pretty unclear who IS concerned, and nobody is willing to step up to take responsibility in the details.

Here's what's happening at HMR/246/Alamo Pintado. Please see where you fit in:

1. Mr. Aron Petersen of the **Old Mill Rd. LLC** has been working on a 7-home housing project to be built in the **City of Solvang**. (Fine.)
2. The project will be built right on the **flood plain off of Alamo Pintado Creek**, an area that was **under water during El Nino** and floods about every 10-12 years. (Not so fine.) \*Please see Iowa/Missouri headlines the past 3 weeks.
3. Access to the "**City**" property-project is slated to come over a **small private road located in the "County" of Santa Barbara, High Meadow Road**. (Not so fine.)
4. **Easement over the County based private road** was only made possible by the "**Not For Profit**" **Santa Barbara Historical Land trust**. Now this may appear to be an *oxymoron*, a Not For Profit selling off easements for commercial enterprise, but I realize the freedom to do so in most cases. As Director of the Goleta Valley Community Center for 20 years, the Center can do things to make money to put back into the non-profit. However..... *In this case the SBHLT has exercised poor judgment in allowing the sale of this easement for a project that will adversely affect road safety and conditions on local residents and a small private road that exits onto HWY. 246.* (Not good, but this is only for the SBHLT. I'm just glad that Raging Waters isn't building down the road.)
5. *What makes the situation untenable is that the City of Solvang has bought into the idea that this easement will work for the current High Meadow Road Community with a 50% increase in traffic from the new homes alone, and a planned State Park (Not disclosed in the EIR) beyond the Old Grist Mill.* (Not Fine! Dangerous and too large in scope.) \*See Raging Waters comment. #4
6. The EIR for the Old Mill project calls for mitigation to the portion of Highway that meets High Meadow Road including a left hand turn lane and bicycle lane. (Wise.)
7. Mr. Petersen agreed to these recommendations only to have the City of Solvang "waive" them, allow his project to proceed, and then **retain the funding** from Mr. Petersen for the work to be done! (Not fine! What's up with this?!) Note: \*Staff at the City seem to be under the **LOGICAL** impression that access to this property will come from 480 Alamo Pintado Road. Such is not the case.



Summation: RE: 08APL-00000-00026 for 08LUP-00000-00143

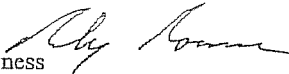
A **builder** has manipulated access and easements over a **small private road** from a **respected non-profit** that didn't concern itself with its immediate neighbors, to complete a **housing project** located within the **City of Solvang**, but only accessible from a **County road**, adjacent to a **flood plain**, with **future plans** to include a **State Park!** The **City of Solvang** waives a **mitigation requirement**, against the direction and input of **Caltrans**, and **retains the paid fees** for other use. **Meanwhile**, the **City of Solvang, the County of Santa Barbara, Caltrans, and the High Meadow Road Homeowners Association** take on **huge liability risk factors** by **allowing, encouraging, and/or authorizing** this/these projects to proceed **without proper alterations** to address the **inherent dangers** associated with getting onto and off of Highway 246, an already dangerous task for existing residents.

In light of all of this, we have to ask ourselves; after the housing project is completed, or if a State Park is built, and there is a drunken accident (or ANY kind of accident) on High Meadow Road or at the intersection of HMR and 246, who is liable? I've already listed the parties involved, and I don't want the HMR HOA to be the bottom line.

This is a project that should still be under scrutiny because of the conditions heretofore mentioned. Our Association understands, to some degree, the roles played by each entity; City of Solvang, County of SB, and Caltrans, for insight and approval of the builder's plans and goals done in an orderly and safe fashion. The HMR HOA is in a position of having to wait out the process while submitting our concerns to the government agencies. Please listen to what we are saying, and think about this project and the projects to come; how will they affect current residents? What will the environmental impacts be? What are the safety concerns for traffic? And then, how do all of these things fit together? Do you have a project that everyone can live with or is someone going to be answering the phone down the line.

Thanks for your time. My principle goal is to address the safety at High Meadow and Hwy 246. The Caltrans recommendations cannot be left out of the equation. I will be mailing this out to as many people as I can think of who have a role in what's happened or what might happen.

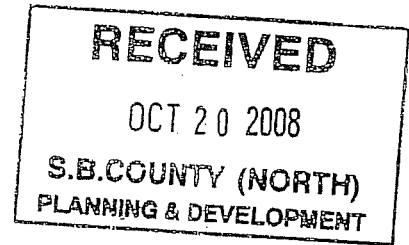
Very truly,

  
Randy Rosness  
President: HMR HOA

595 Ranch Road  
Solvang, CA 93463-2980

October 16, 2008

John Karamitsos, Supervising Planner  
Santa Barbara County Planning Department  
624 W. Foster Road  
Santa Maria, CA 93455



Subject: Appeal of Road Easement / Grading permit in the vicinity of High Meadow Road / Ranch Road for the pending Old Mill LLC Project

Dear Mr. Karamitsos,

We (the undersigned) would like to provide additional concerns and information that need to be addressed in this appeal.

This letter represents 2 homes/properties located on Ranch Road. 595 Ranch Road is one property owned by myself Kenneth Heeg, writer of this letter, and Mr. Herbert Geary. The other property, 591 Ranch Road is owned by Shawn and Denise Gran.

Both properties include actual property that Ranch Road is physically located on. We understood this to be a private road, used and shared by only a few residents from the Ranches, with minimal potential growth. We pay taxes on this property although it is shared by others in the community. The maintenance of this road has been shared by all of the users up until now as far as I am aware.

We are concerned about the future of Ranch Road in terms of both the Road Easement / Grading permit, as well as the Old Mill LLC Project with regard to the following:

- why should we as the property owners be paying the taxes on property that we have no say in? Aron Peterson seems to be able to grant easement agreements according to any personal benefit he deems fit, and our road seems to be changing to a public road from a private road for the benefit and convenience of the City of Solvang and Aron Peterson, without any input from the residents who live here. We should not have to pay taxes for property that we do not have any say in or control over.
- who is to determine how the road maintenance is to be handled in the future? How will appropriate sharing of road maintenance be managed? Example: I am the first home along Ranch Road and only use a few hundred feet of the road – why should I contribute to any maintenance beyond my driveway?
- Who is ultimately responsible in terms of liability if a person is badly injured or killed on Ranch Road where the road lies on one individual's property? Is it the person or party who grants the easement across the property? The property owner cannot be responsible when they have no say in who has the rights of ingress and egress across their own property.

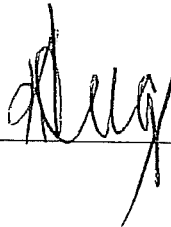
It is important to keep in mind that the Petersen project will need to haul hundreds if not thousands of truck loads of dirt to that flood plain to be able to put homes there that qualify for flood insurance. These trucks have much potential to damage our road and possibly be involved in an accident. These concerns must be addressed in this appeal.

The Gran's have an additional concern. They have four children, including a special needs child. In addition to driving three children to school in Solvang, there is also a daily school bus pick up and drop off at the home. "Driving out of" or "backing out of" the Gran's driveway is already a challenge because of the incline, and existing vehicles and traffic from two directions. The project is proposing to remove a portion of the Gran's driveway to be able to widen and grade the proposed access to Mr. Peterson's project. This will create a very dangerous traffic situation caused by a driveway with a very steep incline encroaching on a (proposed) three-way intersection. This has the potential of being an extremely dangerous traffic situation and needs to be re-evaluated before proceeding. It is important to keep in mind that for every home sharing these roads and intersections there are generally 2 or 3 vehicles residing there, plus guests, contractors, mail service, various deliveries, utilities and city government vehicles per home that will be adding a huge burden to what is already a very busy private road.

If further development is going to take place that requires using Ranch Road and the expansion (widening, etc.) of Ranch Road, we propose that the City of Solvang or the County of Santa Barbara purchase the private property that Ranch Road crosses. Then the maintenance, liability and traffic rights become the responsibility of the City or County. These responsibilities should be those of government as opposed to being the burden of private property owners. If this is not an acceptable solution, then a new bridge needs to be considered across Alamo Pintado Creek that would make better use of the existing intersection of Hwy 246 and Alamo Pintado Road, as well as Alamo Pintado Road itself.

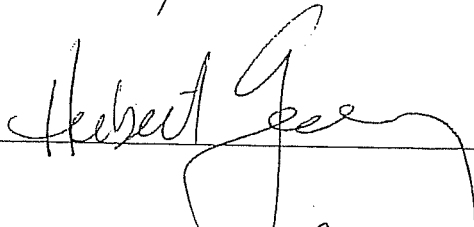
Sincerely,

Kenneth E. Heeg  
595 Ranch Road



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Herbert Geary  
595 Ranch Road



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Shawn Gran  
591 Ranch Road



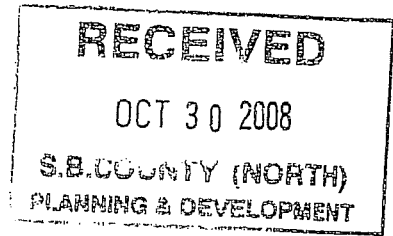
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Denise Gran  
591 Ranch Road



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595 Ranch Road  
Solvang, CA 93463-2980



October 27, 2008

Chris Shaeffer  
Caltrans District 5, Development Review  
Department of Transportation  
50 Higuera Street  
San Luis Obispo, CA 93401-5415

Dear Chris Shaeffer,

Subject: Appeal of Road Easement / Grading permit in the vicinity of High Meadow Road / Ranch Road for the pending Old Mill LLC Project

Thank you for submitting your letter (copy enclosed) to the Santa Barbara County Planning Department regarding the improvements that need to be made at the intersection of State Route 246 and High Meadow Road.

Your letter uses the phrase "a condition of approval be included that prohibits occupancy unless certain improvements are made". I think that this needs to be re-evaluated, and this "condition of approval" needs to be achieved "prior to the beginning of construction of said residential development".

As your letter states "project occupancy will intensify the daily turning movements into High Meadow Road", but this will pale in comparison to the vehicles involved in the construction of this project. The number of vehicles hauling building materials, the vehicles carrying workers and utility installers etc. will be much greater than the project occupancy traffic. And that is without even considering the hundreds of truck loads of dirt that will need to be hauled into this flood plain if it is to be made inhabitable.

Please reconsider amending this condition of approval to be required prior to the beginning of said development, as this intersection currently cannot support the degradation of the operational integrity that the construction of this project will cause.

Your attention to this matter is greatly appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ken Heeg". The signature is stylized and written in a cursive-like font.

Kenneth E. Heeg  
Telephone: 805-688-3458  
CC: John Karamitsos, Supervising Planner, Santa Barbara County Planning Department

**ATTACHMENT E: CALTRANS LETTERS**

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05>



*Flex your power!  
Be energy efficient!*

February 14, 2008

RECEIVED

FEB 18

05-SB-246-30.5/31.0  
0507 6MC 0238

P&S Santa Maria

Old Mill Road, LLC  
c/o Penfield & Smith  
Attn: Thomas Rowe, PE  
210 E. Enos Drive, Suite A  
Santa Maria, CA 93454

Dear Tom:

I am writing this letter to explain the need for the timing and necessity of the bicycle-pedestrian bridge for the Old Mill Road estates project (Tract Case Number 03-16) that is also conditioned to construct left-turn channelization on Highway 246.

Brianna Daniels (Penfield & Smith) and Gary Riches (developer) called to ask that I write a clarification for the Attorney at the City of Solvang. The reason for this is that I stated in my letter dated May 2007,

"B. Associated Project- Bicycle/Pedestrian Bridge

1. An important feature of the existing roadway is the existing standard width shoulder, currently at 8 feet. Your project proposes to decrease this to 4 feet along a bridge that has non-standard, metal tube bridge rails (outdated Type 9-11). As such, a performance bond shall be provided in the amount of \$2,000,000 that insures said project is ready to bid/build. The bond will expire upon issuance of Encroachment Permit (for Bridge project) or other agreed upon timeline. The bond shall be made out to the City of Solvang for the express purposes of bicycle bridge studies, design, and construction
2. The Bridge will require Departmental review through the Inter Governmental Review Development Review process with the City as the Lead Agency. The Bridge will need to meet all bicycle path design standards (see HDM Chapter 1000). "

You are proposing to build a left-turn lane. The left turn lane is necessary to safely and efficiently allow left turn movements into your tract on Old Mill Road while allowing through traffic to travel unimpeded. Where the left turn lane ends, the highway begins to taper back to the existing lane configuration. The bridge currently has two 12 foot lanes with 8 foot shoulders. The left turn lane taper will take the existing bridge configuration and reduce the shoulders to nearly 4 feet. So the proposed left turn lane requires that the bridge shoulders be reduced from 8 feet to 4 feet. The proposed 4 foot bridge shoulder is located at the terminus of the City's bike path which is no less than 8 feet wide. To

accommodate the bicycle and pedestrian population on the existing path a bridge needs to be built or the bridge needs to be widened to provide adequate egress. In conclusion, the installation of the turn lane requires the construction of a bike bridge or widening the highway bridge.

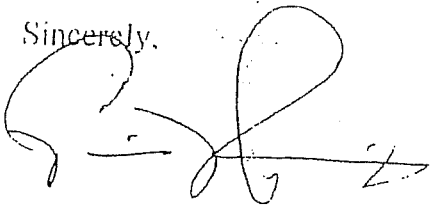
In my conversations with you and Tully Clifford the best way to accomplish the construction of the bike bridge was to have the developer fund the studies, design, permitting, and construction of the bridge through the City. Furthermore, Tully's June 26, 2007 letter to the developer explained that the City would consider an in-lieu fee for the bike bridge where the City acts as the lead agency to provide studies, permitting, right of way transactions, and construction. The City would be a more appropriate lead since the bike bridge would likely involve obtaining easements. Caltrans will not allow the construction of the proposed left turn lane without the construction of the bike bridge. The construction of the bike bridge should be underway when the permit to construct the left turn lane is issued.

Another important consideration is that Caltrans must approve a fact sheet for exception to mandatory design standards before your permit will be issued. The fact sheet is a legal, engineering document that provides an explanation for the proposed non-standard shoulder width. If the bike bridge is in State right of way it must be designed to meet standards in the Caltrans Highway Design Manual.

Caltrans is supportive of the left turn lane so long as the bike bridge is constructed and a Caltrans fact sheet for mandatory design standards is approved.

If you have any questions please call me at (805) 549-3830 or email me at [peter.hendrix@dot.ca.gov](mailto:peter.hendrix@dot.ca.gov). Please use permit number (0507 6MC 0238) in any correspondence.

Sincerely,

A handwritten signature in black ink, appearing to be 'Peter Hendrix', with a horizontal line extending to the right and a small flourish at the end.

Peter Hendrix, PE

cc: Tully Clifford, City of Solvang





**ATTACHMENT F: CITY OF SOLVANG CORRESPONDENCE**

**From:** Tully Clifford [tullyc@cityofsolvang.com]  
**Sent:** Thursday, August 07, 2008 2:23 PM  
**To:** Weber, Tammy  
**Subject:** Old Mill Estates

**Attachments:** Old Mill Bike Bridge.pdf

The following is information relating to the Old Mill Estates development and the requirement to build a bicycle/pedestrian bridge and to construct left turn channelization on SR 246.

This email highlights one of the conditions of approval for Old Mill LLC Vesting Tentative Tract Map Case Number 03-16 VTTM 30,069 APN 139-540-023, approved by the Solvang City Council on October 23, 2006, as follows:

*Prior to recordation of the final map, the applicant will fund the design, engineering and construction of the roadway improvements necessary to provide a westbound left turn channel at the intersection of High Meadow Road and State Highway 246. The lane striping will provide for a center left turn channel westbound on Highway 246 at the High Meadow Road intersection to provide a safe turning movement. The improvement requires minimal pavement widening to achieve a 4-foot shoulder on both sides of the Highway. The provision of a 4-foot shoulder instead of the standard 8-foot shoulder will require a design exception approval from Caltrans. A Caltrans standard 4-foot shoulder design can be implemented. The applicant will also fund the design, permitting and construction of the City CIP project for the bicycle bridge over Alamo Pintado Creek. The City will determine the location and timing of the bike bridge construction.*

It seems that these two conditions are somewhat linked and may be problematic from the perspective of the California Department of Transportation (Caltrans). We had discussions with the applicant and Caltrans regarding difficulties associated with the construction of the left turn channelization and the bike bridge. The City of Solvang had initially assumed that the bike bridge could be attached to the existing bridge across Alamo Pintado Creek. However, the City determined that the reactive concrete on the bridge would not permit that option and Caltrans would not allow the bridge to be merely striped on the existing facility. I have attached a letter from Caltrans stating that a new bridge needs to be built or the existing bridge needs to be widened.

The City would like the bike bridge to be built in a location that would enable it to be retained should there be any work undertaken on the existing bridge across Alamo Pintado Creek. In essence, we would like the eight foot wide bike bridge constructed 12 feet to the north of the existing bridge. We completed an agreement for the bike bridge to be built at the developer's expense within a reasonable time given the need to work with various government agencies to obtain permits and approvals. Due to the uncertainty associated with our intersection improvements at Alamo Pintado Road/SR 246 the City accepted an in lieu payment for the bridge construction. The City will construct the bridge at a suitable time in accordance with the intersection improvements. The project study report for the intersection improvements have shown that we will need to remove or expand the existing bridge and the bicycle bridge will be incorporated as part of the design. At this time we do not have an exact schedule for the Alamo Pintado/SR 246 intersection improvements. However, we are actively pursuing design and environmental studies and we are pursuing funding alternatives.

The City of Solvang feels delaying the construction of the bike lane and left turn channelization will not cause a safety hazard. If the situation is not as we assumed it would be we would work with Caltrans to facilitate the construction of the left turn channelization and the bike bridge, even if it means the bike bridge will need to be demolished as part of the intersection improvement project.

Please let me know if additional information or a clarification is required.

Tully Clifford  
Public Works Director  
City of Solvang  
805 688-5575 ext 222

Public Comment: None

City Manager responded that he would send letters asking for action on the first complaint.

6. CASE #03-16, TRACT NO. 30,069 – FINAL MAP – OLD MILL ESTATES

Staff report by Public Works Director

- ❖ Project's tentative vesting map was approved at the October 23, 2007 Council meeting with 23 conditions for approval
- ❖ Normally the final map approval would be approved on the Consent Calendar, however it was infeasible for one of the conditions for approval to be completed
- ❖ Due to potential changes for future improvements by Cal Trans in the area, it was not feasible at this time to construct the bicycle bridge
- ❖ Seeking Council approval for developer to make an in-lieu payment for this improvement

Council Member Richardson inquired how the cost was determined and if escalation costs had been considered. Public Works Director responded that a consultant had developed the cost and that it would be difficult to determine escalation costs with the completion date unknown.

Council Member Palmer asked the City Attorney to explain the legal issues involved. City Attorney responded that state law would not allow the City to make the developer pay the full cost of these improvements. If the developer is unable to make a contract with Cal Trans to complete the project, the City would have the choice of waiving the condition altogether, or exercise our power of eminent domain to take the property and do the improvements ourselves. We cannot hold up the recordation of the map for approval and I applaud the staff for coming up with the payment in-lieu option so they City does get something.

Aaron Petersen

- ❖ Understand the impacts of the decision
- ❖ Due to planned intersection improvements by Cal Trans it was not possible to meet this condition
- ❖ This has been a long process, not complaining, but hope Council will approve action

8. DISPOSITION OF EXISTING ALISAL ROAD RESTROOM

Staff report by Public Works Director

- ❖ Reviewed various options
- ❖ Unable to provide estimates as some selections could involve more than one of the suggestions

Council Members discussed individually the vision they have for this area.

City Manager mentioned that a contractor is on board building the new restroom and time wise and economically it would be a benefit to have them do the demolition. City Attorney responded that the contract amendment is not on the agenda, but could be brought back for consideration.

Public Comment:

Linda Johansen

- ❖ Would love to see this continue as part of the downtown beautification project
- ❖ It is a perfect spot for a kiosk to provide information for aiding the tourists to find their way around town

Mary Harris

- ❖ A method for providing information in this area would be very helpful
- ❖ Providing seating and a shady area in this part of the town would make a big improvement

John Walker

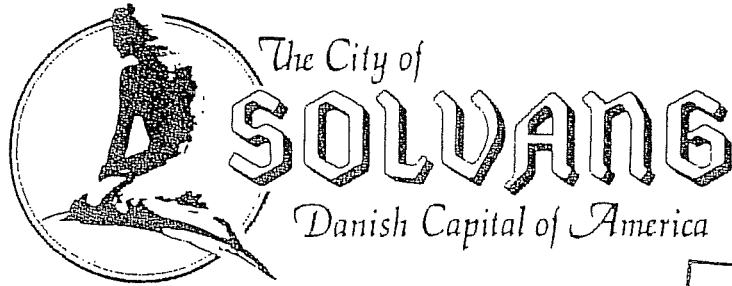
- ❖ Many ways to raise money for enhancing this area

City Manager responded that there are a lot of different aspects to consider such as donations for benches and improvements.

**Motion** was made by Council Member Richardson, seconded by Council Member Boyle to move ahead with Option C, which includes an attractive fountain/rest area with a pergola to provide shade, an unmanned information center to provide information for tourists and a concession stand. City Manager responded that the City Code prohibits selling items in the TRC zone. Council Member Richardson removed the concession stand from his motion. Council Member Boyle modified the motion to have staff return to Council with a conceptual recommendation and costs. **Motion carried** with a roll call vote of 5 ayes.

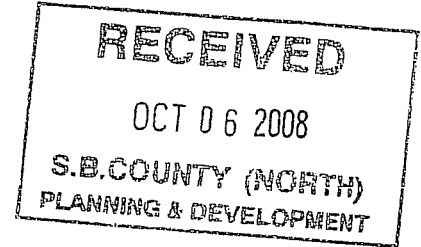
City Attorney referring to the Purchasing Policy Resolution that had been approved earlier in the evening noted the demolition could be done within the constraints of the funds for the restroom construction project and the purchasing policy on the approval of the City Manager. He also noted that on the handicapped parking issue, staff would check into the ADA requirements

Tammy Weber



October 3, 2008

County of Santa Barbara Planning and Development  
624 West Foster Road  
Santa Maria, CA 93455



Attn: Ms. Tammy Weber

RE: Mission Drive (SR 246) and Alamo Pintado Road Intersection Improvement Project

Dear Ms. Weber:

At the request of Aaron Petersen, I am providing you with information relative to the City of Solvang's above referenced project. As background, the City of Solvang and its consultant, Quincy Engineering, have been working in concert with Caltrans on alternatives for intersection improvements including widening of the bridge over Alamo Pintado Creek since October of 2005. During this process a seven lot subdivision was approved by the City of Solvang with access off of High Meadow Road, which is in the project study area. This project is anticipated to contribute eight trips in the peak hour.

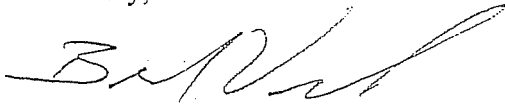
At the April 14, 2008 City Council meeting Tract Map 30,0069, Old Mill Estates, was approved by the City Council after declaration that the immediate construction of a left turn lane on SR246 for access to High Meadow Road, road restriping to accommodate the turn lane, and a bicycle bridge along State Route 246 to cross Alamo Pintado Creek was infeasible and accepted an in lieu payment of \$269,441 for the future construction in accordance with California Government Code Section 66462.5. These funds are allocated in a reserved account and can only be used for that purpose. The Final Map was recorded by Santa Barbara County on August 29, 2008. I have enclosed a copy of the portion of the minutes from the City Council meeting for your information.

As mentioned above the City has been working closely with Caltrans to determine the preferred alternative for traffic circulation improvements and funding alternatives. We anticipate construction of improvements will begin within three years, but are affected by fiscal and environmental constraints.

---

If you would like to discuss the matter further please do not hesitate to contact me at 688-5575.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Vidro". The signature is fluid and cursive, with the first name "Brad" and last name "Vidro" clearly distinguishable.

Brad Vidro  
City Manager

cc: Tully Clifford, Public Works Director  
Maryann Slutsky, County Counsel

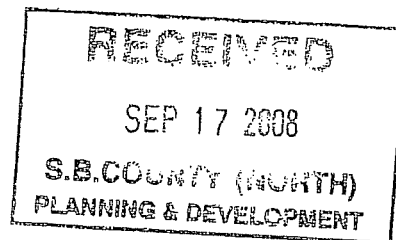
**ATTACHMENT G: PROPERTY OWNER AND DEVELOPER CORRESPONDENCE**



Tammy Weber

September 13, 2008

Aaron Petersen  
1945 Old Mill Road  
Solvang, Ca. 93463



Re: Traffic at #246 and High Meadow Road, Solvang

Enclosed please find a copy of the EIR for our project. See specifically the Traffic and Transportation section on pages IV-D1 through IV-D9.

Page IV D-1, bottom of the page, states the crash rate for the intersection is below the statewide average for this kind of intersection. I know perceptions are different, but these are the facts. Perhaps this is why Cal Trans has never improved this intersection with a turn lane.

Regarding traffic level of service, Page IV D-3 states that this intersection is currently at a (Level of Service) LOS D. The county and city desire an LOS C. Also, this intersection "would be expected" to operate at a future LOS E at PM Peak Hour Operation, see page IV D5.

Please note that the EIR states that my subdivision is for 8 lots, only 7 have access from High Meadow Road, lot number 8 is an existing house that I live in and is accessed only from Old Mill Road, not High Meadow Road. Originally, our request was for 8 homes off High Meadow Road, plus one on Old Mill Road, but Solvang's Planning Commission reduced this to 7. This should make our impacts even less.

The key point for us is found on page IV D8, Tables D4 and D5, which clearly state that while the intersection is at a LOS D, and at LOS E (during peak PM times), that my project does not raise or impact this level of service. In fact, the EIR concludes, "The project contribution to the cumulative condition is less than significant". (Last Para., page IV-D8). The Tables show "No Impact", for Existing Plus Project Conditions (Table D4) and "No Impact" for Future Operating Conditions Plus Project, (Table D5).

Nevertheless, because the level of service is now at Level D, and in the future (not because of my project, just because of future area growth) will be at Level E, any impact my project has, no matter how small (see Tables D4 and D5), is considered SIGNIFICANT, (top of page IV-D9).

I have highlighted these facts and conclusions to show that while my project, under a strict interpretation of the EIR, has a "significant impact" on the intersection, it is only because the intersection is currently impacted and operates at a level D. My project does not cause this level of service to rise, and in fact has very little impact at all (Tables D4 and D5). Also, the crash data at the intersection is currently under the statewide average and does not increase with my project.

However, because under state law we had to mitigate our traffic somehow, we agreed to install a left hand turn lane from #246 to High Meadow Road. Note that many of the neighbors wanted a "merge lane" from High Meadow Road onto west bound #246, not a turn lane from #246. The main issue for many is "getting out" from High Meadow Road to the west, not "getting in" from the east (see the record for testimony). In fact the only accident cited by many neighbors is one where the High Meadow occupant was turning west onto #246 and was "T-Boned". As terrible as that accident was, a turn lane would not have helped in that situation. Nevertheless, to mitigate the situation, and to appease the neighbors, we agreed to install a left turn lane.

Here is where the process became difficult. Because of the narrow width of the existing #246 auto bridge, and because there exists a Class 1 Bike lane to the east of the bridge, we also had to agree to either pay for (not install) a new bike lane bridge over the Alamo Pintado Creek, or widen the existing #246 auto bridge. Currently there is 8-foot shoulders used for pedestrians over the bridge, and the installation of a westbound left turn lane would narrow the north shoulder to 4 feet. While Cal Trans finds that a 4-foot shoulder is acceptable in many circumstances, (with a design exception) in this instance we were told a design exception would probably not be granted. The reason cited is because of the existing bike lane to the east of the bridge. Prior to our applying to Cal Trans for a "design exception", the City of Solvang concluded that they would rather see a separate bike bridge, and that perhaps it should be moved further to the north along the Alamo Pintado Creek. We brought our engineers and contractors to the site, met with City employees, and discovered that the City did not have an easement further to the north for a bike bridge.

With this conclusion, we looked at placing a new bike bridge along side the existing auto bridge, separated only by a few feet so as to remain within the Cal Trans right of way. The problem with this solution is that once a pedestrian (on bike or by foot)

crosses a new bridge in this area, the situation is not improved. An aerial of the area shows there are two additional driveways exiting highway #246 just west of the existing auto bridge and where the new bike bridge could go. Furthermore, just past these driveways is Solvang's only gas station with no curb, gutter, or apron, along #246, just a 150-foot open driveway area. Cars at all three of these businesses exit and enter highway #246 in all directions and speeds. Additionally, there is a right hand turn lane for cars turning north on Alamo Pintado Road, which forces the existing striped "bike lane" between the west bound traffic and the right hand turn lane. This intersection is a mess. The City of Solvang has been working with Cal Trans to study this intersection with the plan to improve it with a new bridge and/or traffic control at Alamo Pintado and Highway #246. Because of this, the City did not necessarily want a new bike bridge in the Cal Trans right of way and along side the existing auto bridge. The City prefers the alternative of moving the bike bridge to the north. As noted above, the City does not currently have any easements in this area.

Here's the Catch 22: we can not install the turn lane without Cal Trans' approval, and Cal Trans will not give us approval to install the turn lane until the bike bridge is built. (Note: we are only conditioned to fund the bike bridge, not build it, see Conditions of Approval, Mitigation D2). The City of Solvang has concluded it does not want the bike bridge built at this time and perhaps not even in the Cal Trans right of way along highway #246.

Because of these facts, the City of Solvang conditioned our project on; 1. The installation of a left hand turn lane onto High Meadow Road, and 2. The funding, permitting and designing of a new bike bridge, it also stated that "in the event WE are unable to obtain approval from Cal Trans to construct the roadway improvements, or from other property owners to construct the bicycle bridge... Gov't Code Section 66462.5 would apply. (See Condition D2, page 6 of 26 of Final Conditions of Approval). Thus, we entered into such an agreement, with the City agreeing to take in-lieu fees for the two improvements and to act as the lead agency for both projects.

Under Gov't Code Section 66462.5, we paid almost \$300,000.00 to fund the projects. Cal Trans was made aware of this "in-lieu fee" arraignment regarding the bike bridge, and agreed the "City would be the more appropriate lead sine the bike bridge would likely involve obtaining easements." (See letter dated February 14, 2008.) Cal Trans also stated that the bike bridge should be

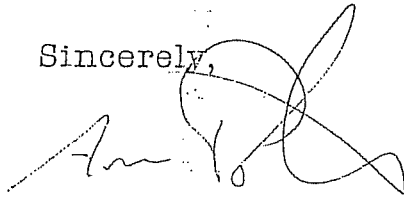
under way prior to the permitting and construction of the turn lane.

As you are aware, the City wants to wait to construct the bike bridge until they finish their study of the area, and Cal Trans will not let us install the turn lane until the bridge is built. We have paid the correct in-lieu fees, recorded our map, and are ready to start construction of the access road. County Planning staff agreed to the construction of the access road, but the neighbors have appealed this land use decision, and here we are.

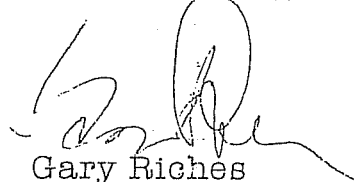
We are hoping that the County will work with Cal Trans and the City to get this matter resolved. Note that our project is only 7 homes, and the EIR concluded that there is "no impact" to the intersection directly from our project. Note that this intersection is currently at a level of service D, and will remain at level of service D, even with our project. Note that a westbound left hand turn lane does not solve many of the concerns of the neighbors, and that the accident rate at this intersection, whatever the perceptions, is below state averages. Note that the City has our money to build both projects, and that our map is recoded and that our project lies in the City of Solvang.

We are asking the Planning Commission to reject the appeal of the neighbors, and allow our Solvang City 7-lot subdivision to go forward.

Sincerely,



Aaron Petersen



Gary Riches  
Old Mill Road LLC

**ATTACHMENT H: SITE EXHIBIT**

City of Solvang

Highway 246

HIGH MEADOW ROAD

Proposed Access Road

City of Solvang Subdivision

Unincorporated County Parcel

Source: Applicant

Approx. Scale: 0 75 150

# Proposed Tract Map



Map 3