

APPEAL TO THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board  
County Administration Building  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

2009 JAN 20 AM 9:56  
COUNTY OF SANTA BARBARA  
CLERK OF THE BOARD

RE: Project Title OLD MILL TRACT  
Case Number 08APL-00000-00026  
Tract/ APN Number 139-250-036  
Date of action taken by Planning Commission, Zoning Administrator, or Surveyor 1-21-2009

I hereby appeal the DENIAL of the PLANNING COMMISSION  
(approval/ approval with conditions/ or denial) (Planning Commission/ Zoning Administrator/ or County Surveyor)

Please state specifically wherein the decision of the Planning Commission, Zoning Administrator, or Surveyor is not in accord with the purposes of the appropriate zoning ordinance (one of either Articles I, II, III, or IV), or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission, Zoning Administrator, or Surveyor. {References: Article I, 21-71.4; Article II 35-182.3, 2; Article III 25-327.2, 2; Article IV 35-475.3, 2}

Attach additional documentation, or state below the reason(s) for this appeal.

SEE ATTACHED

Specific conditions being appealed are:

Name of Appellant (please print): HIGH MEADOW HOME OWNERS ASSOC. MIKE STANSON  
PAT SULLIVAN

Address: 2140 HIGH MEADOW RD.  
(Street, Apt #) SOLVANG, CA. 93463 805-570-5400  
(City/ State/ Zip Code) (Telephone)

Appellant is (check one):  Applicant  Agent for Applicant  Third Party  Agent for Third Party

Fee \$ 443.00 {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: Michael Stanson Pat Sullivan Date: 1-29-09

FOR OFFICE USE ONLY

Hearing set for: \_\_\_\_\_ Date Received: \_\_\_\_\_ By: \_\_\_\_\_ File No. \_\_\_\_\_

**APPEAL TO THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA  
OLD MILL TRACT 08APL-00000-00026**

January 29, 2009

Dear Board Members,

The following facts are the reasons that our appeal should be heard and upheld.

Some of these facts deal solely with the Land Use permit in the County and its impacts. Other facts deal with the related impacts this permit's approval would have on County residents who are being affected by a City of Solvang project. The two are unavoidably interconnected and have great bearing on each other.

1. The Planning Commissioners had no knowledge of the Solvang EIR prior to the hearing. They were only supplied a partial copy of the EIR during their lunch break. A full understanding of the complete EIR is extremely important to understand the full impact of this permit.
2. This project has always had growth inducing potential as acknowledged by the Co of SB Planning Commission. There are many opportunities for this project to cause further growth and cause harm to County residents who rely on the use of this road.
3. As a part of this project, easements have been granted to the Santa

Barbara Trust for Historic Preservation. This easement has in turn been given to the State of California as part of the State Parks System. Yet, neither the effect of these easements nor traffic is analyzed in any EIR.

4. This area is a known floodway and floodplain. This parcel has always been farmed, since the time of the Mission. It was not until Solvang became a City and adopted its General Plan that the area east of Alamo Pintado Creek became part of the City at the request of the landowner. Part of the parcel was rezoned for residential use. That said, given the constraints upon the area, the zoning itself is flawed. Unless it is proven that the area can be developed without adversely affecting other lives and property the plan should be abandoned. This alternative should have been adequately addressed in the EIR and was not. It also did not get adequate consideration in our appeal to the Co of SB Planning Commission.

5. One of the basic planning principles is to have a buffer zone between residential and agricultural property. This project shares an entry road with Ag therefore does not have a buffer zone.

The Santa Ynez Draft Community Plan states in 7.3 Significant Irreversible Environmental Effects CEQA Guidelines 15126.2 (c) requires a discussion of any significant irreversible environmental changes which would be caused by the proposed project should it be implemented. Such significant irreversible environmental changes may include the following:

- Primary impacts and, particularly secondary impacts (such as highway improvement which provides access to a previously inaccessible area) that generally commit future generations to similar

uses.

- Irreversible damage which may result from environmental accidents associated with the project.

6. Part of the problem caused by this growth-inducing project is the traffic at the intersection of Highway 246 and High Meadow Road. In a letter dated April 5, 2006 (letter 20 attached) from the Department of Transportation it states, "In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly." Currently the intersection of Alamo Pintado and Highway 246 is operating at Level D. However, the High Meadow intersection is +or- 500 ft. east of the intersection. This intersection has no traffic controls and therefore has constant flow from the east bound 246 traffic and the left turning Alamo Pintado traffic. Traffic should be measured at this intersection for the correct LOS. Additionally, in a letter dated Sept. 13, 2005 from the Dept of Transportation (letter 21 attached) it states "In order to ensure the traffic study in the Draft EIR includes the information needed by the Department to analyze impacts (both cumulative and project specific), it is recommended that the analysis is prepared in accordance with the Department's "Guide for the preparation of traffic studies." This has not been done. No traffic study has been done that includes the cumulative effects of a State Park, park maintenance, emergency and ADA vehicles, and park attendees in addition to the eight houses.

7. The developer states that building a bridge is too expensive and/or would not be permitted by the Dept. of Fish and Game or flood control. There is not data to support this claim.

The condition for a bike bridge over Alamo Pintado Bridge was eliminated. In a letter from Cal Trans dated June 2008 from Richard Krumholz (letter 22 attached) it stated "we note that the application did not contain a bike bridge design proposal. There is room for a bike bridge on the existing easement. The City of Solvang has allowed the applicant to post an "In Lieu of Fee" instead of mitigating the traffic impacts required by the approved EIR. The City says that improvements would conflict with their future improvements. There is no plan on the table for any improvements that can be expected any time soon. The City also has admitted that it doesn't have the funding for such a project and under the present economic downturn it is likely not have to have them for many years to come.

8. On Jan 21, 2009, Mr. Jackman stated in the hearing before the Planning Commission that the State has purchased the Trust land for a State park. When asked how the patrons would get to this area across the Alamo Pintado Creek he stated the Trust would build a bridge. How can that bridge be constructed if the applicant can't build one?

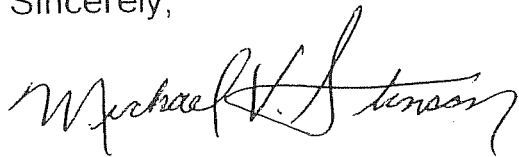
9. How can a private easement designed and written to service our homes, located in the County of Santa Barbara and paid for by the homeowners, be taken over by the City of Solvang and the State of California with so little consideration for us or protection from the County of Santa Barbara.

10. The new State Park road has no traffic control, no speed limit and no signage. Who will patrol the road during the proposed construction period and after occupation, Park Rangers? The road doesn't meet any kind of State road standards and is going to have 2,000 loads of dirt and hundreds

of other work vehicles operating over it. Additionally who will be liable for traffic accidents that occur here, as of now, The County, The State and the City of Solvang, the Trust?

In conclusion, if this appeal is denied it will cause irreparable harm to us your County residents. It will place citizen's lives in danger on the highway and on High Meadow Road. It will lower our property value. It will make the County liable for a whole array of lawsuits from accidental death to flood damage. This most of all is not good government. In a time that our citizens are looking to regain trust in our public servants, this is a poor example of the needed change.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael V. Stinson". The signature is written in a cursive style with a large, prominent initial "M".

Michael V. Stinson

DEPARTMENT OF TRANSPORTATION  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805. 549-3101  
FAX (805. 549-3077  
TDD (805. 549-3259  
<http://www.dot.ca.gov/dist05/>

*Filed to Foote  
4/12/06*



**letter 20**

*Flex your power!  
Be energy efficient!*

**RECEIVED**

SB-246-PM29.88  
SCH#2005081109

April 5, 2006

**APR 06 2006**

**CITY OF SOLVANG**

Shelley Stahl  
City of Solvang  
P. O. Box 107  
Solvang CA 93464-0107

**OLD MILL ROAD VESTING TENTATIVE TRACT MAP-DEIR**

Dear Ms. Stahl:

The California Department of Transportation (Department) District 5, Development Review, has reviewed the above-referenced documents and offers the following comments for your consideration:

- 1. Page II-4 of the executive summary refers to High Mountain Road. This should be High Meadow Road. 20.1
- 2. It appears that the computer output (SYNCHRO) for traffic analysis has been modified from showing the actual level of service being below the C/D cusp, which distorts the actual impacts to the highway system. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly. 20.2
- 3. Proposed improvements to SR 246 should be compatible with the Alamo Pintado Creek Bridge Widening project (05-0N680 ), including alterations to the existing bike lane which is located at the north side of the highway and ends at this location. The LOS of this intersection should agree for both the proposed development and the City sponsored highway project. 20.3
- 4. Because of the intersections close proximity to town, it is recommended that bicycle and pedestrian access be addressed. 20.4
- 5. As a reminder and as acknowledged in the NOP, a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) will be required before the project can be built. The Department has no concerns as long as the CLOMR is obtained. 20.5

DEPARTMENT OF TRANSPORTATION  
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9/15/05 - 1:55



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letter 21

September 13, 2005

SB-246-PM29.88  
SCH#2005081109

David Foote  
City of Solvang  
P. O. Box 107  
Solvang CA 93464-0107

OLD MILL ROAD VESTING TENTATIVE TRACT MAP-NOP

Dear Mr. Foote:

The California Department of Transportation (Department) District 5, Development Review, has reviewed the above-referenced documents and offers the following comments for your consideration:

1. Page 21 Item (d) of the initial study states, "The intersection of High Meadow Road and State Route 246 poses a safety hazard for vehicles entering and leaving the project. The entrance is very close to the intersection of Alamo Pintado Road and State Highway 246". The EIR needs to provide a detailed discussion on this topic including mitigation measures. The EIR also needs to include a detailed Traffic Study. The current photolog shows the intersection of SR 246 & High Meadow Road does not have left or right turn channelization. Traffic Operations recommends that this project construct left turn channelization or functional equivalent as a condition of approval. 21.1
2. In order to ensure the traffic study in the Draft EIR includes the information needed by the Department to analyze impacts (both cumulative and project-specific), it is recommended that the analysis be prepared in accordance with the Department's "Guide for the Preparation of Traffic Impact Studies." A copy of the guidelines is available on the Caltrans Website at [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_guidelines\\_procedures.htm](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_guidelines_procedures.htm). 21.2
3. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly. 21.3

RECEIVED  
SEP 15 2005  
CITY OF SOLVANG

boxed 9/15/05



## DEPARTMENT OF TRANSPORTATION

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LETTER # 22

June 2, 2008

Mr. Michael Stinson  
2140 High Meadow Road  
Solvang, CA 93463

05-SB-246-30.36

Dear Mr. Stinson:

INTERSECTION OF HWY 246 AND HIGH MEADOW ROAD/OLD MILL LLC PROJECT

This is in response to your recent correspondence to the California Department of Transportation (Caltrans) regarding the City of Solvang's (City) recent decision concerning the application of Old Mill LLC (applicant), for Vesting Tentative Tract Map, City Case No. 03-16 VTTM 30,069 APN 139-540-023.

The City has apparently waived its previous requirements for the applicant to construct highway improvements at the intersection of Highway 246 (Mission Drive) and High Meadow Road and has instead required the applicant to pay an in-lieu fee. The applicant has since withdrawn its encroachment permit application with Caltrans for these improvements. We note that the application did not contain a bike bridge design proposal.

We are committed to continue a dialogue with the City with the expectation that traffic impacts will be addressed prior to occupancy of any homes that might be developed by the applicant. We have yet to receive a response from the City Public Works Department to our May 8, 2008 request for written clarification about their waiver of the requirement to construct highway improvements and how impacts of the applicant's proposed development will be addressed.

If you have any questions or would like to discuss this matter further, you may contact Steve Senel, District Encroachment Permit Engineer, at (805) 549-3206.

Sincerely,

RICHARD KRUMHOLZ  
District Director

- c. Tully Clifford, Public Works Director, City of Solvang
- Shelley Stahl, Director of Planning and Community Development, City of Solvang