



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: April 15, 2008
Placement: Admin.
Estimated Tme:
Continued Item:
If Yes, date from:
Vote Required:

TO: Board of Supervisors

FROM: Department Michael F. Brown, County Executive Officer
Director
Contact Info: John Baker, Assistant CEO/Planning and Development Director,
568-2085

SUBJECT: Resolution of Hope Ranch Park Homes Association

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

- A) Receive and file report from staff;
- B) Approve request for application of the California Vehicle Code to private roads from the Hope Ranch Park Homes Association per letter and associated resolution dated January 17, 2008;
- C) Approve a Resolution, as described herein, pursuant to Vehicle Code Section 21107.7; and
- D) Direct staff to prepare an Ordinance as described here in, pursuant to Vehicle Code Section 21107.7;

Summary Text:

Vehicle Code section 21107.7 provides authority for the application of the Vehicle Code to private roads by ordinance of the Board of Supervisors, but explicitly states that the state shall have no duty to patrol the roads designated in any such ordinance.

A request has been made by Hope Ranch Park Homes Association (“HRPHA”) that your Board adopt such an Ordinance for their benefit. A certified copy of a Resolution of the HRPHA Board of Directors has been received and a copy is attached to this report. The Resolution is legally adequate to fulfill the requirements of section 21107.7. The list of roads set forth in the HRPHA resolution are all private roads within the Hope Ranch community. It is the responsibility of HRPHA to contract for enforcement of the Vehicle Code by the CHP at their sole expense, if enforcement is desired. Attached is the a letter from Mr. Trebbin, General Manager, Hope Ranch Park Homes Association, outlining public outreach efforts by their Board of Directors.

The Santa Barbara County Sheriff's department, County Counsel's Office, Risk Management, and the Public Works department were consulted. The responses were positive. The Sheriff's department does not object to such an agreement since primary traffic enforcement responsibility on County roads is already under the purview of the CHP. In addition, the other departments noted that all sections of the Vehicle Code become applicable, including those requiring engineering reports to support enforceable speed limits. No additional liability would be taken on by the County in making the Vehicle Code applicable to these private roads and the character of the roads as private property will not be changed. Finally, it is proposed that an agreement will be reached between HRPHA and the CHP for enforcement of the Vehicle Code, and that there will be no cost to the County resulting from passage of the ordinance.

In order for enforceable speed limits to be set, a traffic engineering report must be conducted at the expense of HRPHA, and uniform traffic control signs installed. The signs would also be installed at the sole expense of the HRPHA. After the engineering report is prepared, your Board would set speed limits and authorize HRPHA to install traffic control signs and devices by ordinance, similar to the manner in which speed limits are set on existing county roads. These private roads are not eligible for the use of public funds for signage, engineering, administration or maintenance.

These are the statutory requirements for ordinance adoption under section 21107.7:

1. The Board must find that that the privately owned roads are not generally held open for use of the public, but that by reason of their proximity to or connection with highways, the interests of (a) any residents residing along the roads, and (b) the motoring public, will best be served by application of the provisions of the Vehicle Code to those roads.
2. A petition must be filed by a majority of the owners of the private roads, or by at least a majority of the board of directors of a common interest development responsible for maintaining the road.
3. A public hearing must be held with 10 days' prior written notice to all owners in the development.
4. Standardized signs must be placed advising of Vehicle Code application to the roads.

The application of the Vehicle Code to private roads not open to the public is authorized by section 21107.7. All sections of the Vehicle Code become applicable, including those requiring engineering reports to support enforceable speed limits.

The attached resolution states the intention of the Board of Supervisors to adopt an ordinance that applies the provisions of the Vehicle Code to private roads in the Hope Ranch area. In order for the ordinance to be brought forward, a traffic study, funded by HRPHA, must be completed to establish appropriate limits on vehicular speeds. Once that study has been completed, staff will return with the proper ordinance

Attachments: Resolution of Hope Ranch Park Homes Association dated January 17, 2008
Letter from Mr. Trebbin dated February 1, 2008
Resolution

Authored by: John Baker, County Executive Office

Hope Ranch Park Homes Association

695 Via Tranquila
Santa Barbara, California 93110-2296
Phone 805 967-2376 Fax 805 967-8102

February 1, 2008

County Of Santa Barbara
Deputy County Administrator
Attention: Ron Cortez
105 E. Anapamu Street
Santa Barbara, CA 93101

Dear Mr. Cortez:

In response to your request for additional information related to the establishment of an ordinance to allow enforcement of the vehicle code on Hope Ranch's private roads, please note the following:

- An article appeared in the Association's August 2007 newsletter announcing to the membership the intent of the Board of Directors to have the CHP begin enforcing the vehicle code on our private roads. We received no member objections in response to this announcement.
- On September 13, 2007, an agenda was posted for a meeting of the Association's Board of Directors which listed this topic as an item for discussion. We had no members attend this meeting, nor did we receive any feedback from the membership related to the subject of discussion.
- On November 19, 2007 a budget was mailed to all members for the 2008 fiscal year. A line item in the budget identified the expenditures that were anticipated to be made for the CHP enforcement of the vehicle code on the Association's roadways. We received no member response to the costs that were identified for this activity.
- On January 17, 2008, an agenda was posted for a meeting of the Association's Board of Directors which listed this topic as an item for discussion. One member attended the meeting to listen to the discussion, but had no input to provide to the Board on the matter. No other feedback from the membership was received.

RECEIVED

FEB 1 2008

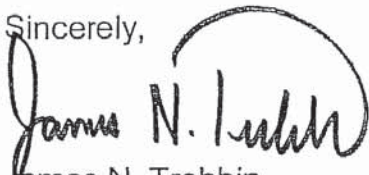
DISTRICT

Since the Association's Board of Directors is elected by the membership to represent their best interests and make decisions on their behalf, the Board felt that this matter did not require any kind of survey or vote of its constituency. With seven hundred and eighty seven members, we are much different than many smaller local homeowner associations when it comes to membership involvement in the decision making process.

It is our understanding that the statutes related to this matter allow the Association to make this type of decision without a petition or vote of the membership. We are hopeful that the unanimous vote of the Board of Directors along with the information provided above will be sufficient to move this process forward without further delay.

If you should have any questions, or would like to discuss this matter further, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "James N. Trebbin". The signature is written in a cursive style with a large, sweeping initial "J" and a distinct "N".

James N. Trebbin
General Manager

cc: Ms. Mary O'Gorman

RESOLUTION OF THE BOARD OF DIRECTORS
HOPE RANCH PARK HOMES ASSOCIATION

WHEREAS, the Hope Ranch Park Homes Association is a nonprofit, mutual benefit corporation organized and operating under the laws of the State of California, and

WHEREAS, the Hope Ranch Park Homes Association is governed by a seven member Board of Directors, duly elected in accordance with the provisions of California Civil Code Section 1350 et. seq., known as the "Davis-Stirling Common Interest Development Act," and

WHEREAS, pursuant to the Covenants, Conditions and Restrictions applicable to the properties in Hope Ranch, the Board of Directors is charged with the operation, maintenance, and security of the private road system in Hope Ranch, and

WHEREAS, the Board of Directors has received requests from a number of residents of Hope Ranch who are concerned about dangerous conditions on the private roads due to drivers' disregard of the California Vehicle Code regulations.

NOW, THEREFORE, the Board of Directors, at a duly noticed meeting held on January 17, 2008 at the Hope Ranch office, 695 Via Tranquila, Santa Barbara, California, unanimously adopted the following:

1. That the Board of Directors, on behalf of the members of Hope Ranch Park Homes Association, hereby requests the Board of Supervisors of Santa Barbara County to adopt an ordinance permitting law enforcement to enforce the California Vehicle Code on the private roads of the Hope Ranch community pursuant to California Vehicle Code Section 21107.7.

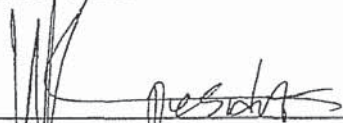
2. That the affected roads include the following, in their entirety, as depicted on the map attached hereto as Exhibit "A:"

Alisa Road
Camino Medio
Canon Road
Cantera Avenue
Carosam Road
Corta Road
Creciente Drive
Cresta Avenue
Cuervo Avenue
Estrella Drive
La Ladera Road
Lago Drive
Laguna Blanca Drive

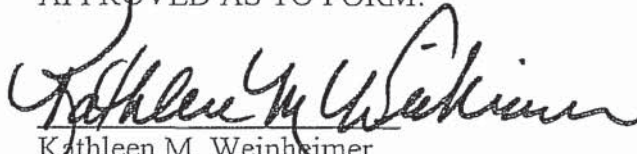
Llano Avenue
Mariposa Drive
Monte Drive
Paloma Drive
Ramitas Road
Silvestre Road
Soriente Road
Via Abrigada
Via Alrosa
Via Alegre
Via Bendita
Via Carretas
Via Cayente
Via Corona
Via Dichosa
Via Esperanza
Via Fruiteria
Via Glorieta
Via Hierba
Via Huerto
Via Presada
Via Roblada
Via Rosita
Via Sinuosa
Via Tranquila
Via Trepadora
Via Vistosa
Vieja Drive

The above Resolution of the Board of Directors of the Hope Ranch Park Homes Association was put to a vote of the Board on January 17, 2008 on a motion by Frank Williams, seconded by Rick Wells. It was passed with a unanimous vote of 7-0.

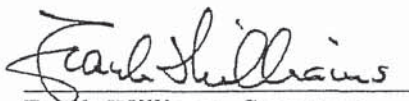
APPROVED:


Ward Ritter, President

APPROVED AS TO FORM:


Kathleen M. Weinheimer
General Counsel

CERTIFIED:


Frank Williams, Secretary

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, CALIFORNIA, PURSUANT TO SECTION 21107.7 OF THE CALIFORNIA VEHICLE CODE, MAKING THE CODE APPLICABLE TO THE HOPE RANCH ROAD SYSTEM, A PRIVATELY-OWNED ROAD SYSTEM

Resolution No. _____

WHEREAS, the Hope Ranch area contains a privately-owned road system within the unincorporated area of the County of Santa Barbara, maintained by its common owners and not generally held open for use of the public for vehicular travel. Because of their connection with, and proximity to, public streets and highways, the interest of the residents living along these roads and the motoring public will be best served by application of the provisions of the California Vehicle Code to these roads; and

WHEREAS, the Board of Directors of the Hope Ranch Park Homes Association, the owner of said Hope Ranch road system with the responsibility of maintaining it, has requested this action with the concurrence of the residents residing along this road system; and

WHEREAS, a public hearing has been held pursuant to the law on this matter, with notice to the affected residents as provided in Section 21107.7; and

WHEREAS, the Board of Supervisors of the County of Santa Barbara hereby finds and declares as follows:

SECTION 1. That the Hope Ranch Road System, as herein defined, is a privately-owned and maintained road system.

SECTION 2. That the affected roads, collectively known herein as the “Hope Ranch Road System,” include the following, in their entirety:

- Alisa Road
- Camino Medio
- Canon Road
- Cantera Avenue
- Carosam Road
- Corta Road
- Creciente Drive
- Cresta Avenue

Cuervo Avenue
Estrella Drive
La Ladera Road
Lago Drive
Laguna Blanca Drive
Llano Avenue
Mariposa Drive
Monte Drive
Paloma Drive
Ramitas Road
Silvestre Road
Soriente Road
Via Abrigada
Via Alrosa
Via Alegre
Via Bendita
Via Carretas
Via Cayente
Via Corona
Via Dichosa
Via Esperanza
Via Fruiteria
Via Glorieta
Via Hierba
Via Huerto
Via Presada
Via Roblada
Via Rosita
Via Sinuosa
Via Tranquila
Via Trepadora
Via Vistosa
Vieja Drive

SECTION 3. That this road system is not generally held open for use by the public for vehicular travel, but by reason of its proximity to and connection with highways, the interests of the residents residing along the road system and the motoring public will be best served by application of the provisions of California Vehicle Code thereto.

SECTION 4. That a majority of the Board of Directors of the Hope Ranch Park Homes Association, collective owner and maintainer of the Hope Ranch Road System, has filed a petition pursuant to Section 21107.7, requesting the application of the California Vehicle Code to the Hope Ranch Road System.

NOW, THEREFORE, the Board of Supervisors does resolve as follows:

1. That the recitations set forth above are true and correct.
2. That pursuant to Section 21107.7 of the California Vehicle Code, the California Vehicle Code is hereby ordered applied to the privately-owned and maintained road system herein described as the Hope Ranch Road System, conditioned on the performance of a Traffic Engineering Study by a qualified engineer, the adoption of any recommendations contained in said Study, and the installation of traffic control devices and markings complying with the Manual on Uniform Traffic Control Devices, all to the satisfaction of the County Road Commissioner, all at the sole expense of the Hope Ranch Park Homes Association.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
DANIEL WALLACE
COUNTY COUNSEL

Approved as to Form:
ROBERT W. GEIS,
Auditor -Controller

By: _____
Michael R. Ledbetter
Deputy County Counsel

By: _____