



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: March 11, 2008  
Placement: Admin.  
Estimated Tme:  
Continued Item:  
If Yes, date from:  
Vote Required:

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**TO:** Board of Supervisors

**FROM:** Department Director(s) Contact Info: Michael F. Brown, County Executive Officer  
*Michael F. Brown*  
Ron Cortez, Deputy County Executive Officer, 568-2243

**SUBJECT:** Resolution of Hope Ranch Park Homes Association

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other 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) Direct staff to prepare an Ordinance, as described herein, pursuant to Vehicle Code Section 21107.7;
- D) Direct staff to notify all affected property owners as required by law; and  
Set a hearing for April 1, 2008 to consider the following:
- E) Consider the introduction (first reading) of the proposed Ordinance; and
- F) Continue the matter to April 8, 2008 for adoption (second reading) of the Ordinance.

**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 resolution, 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.

In conclusion, 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.

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

**Authored by:** Ron Cortez, County Executive Office

Hope Ranch Park Homes Association  
695 Via Tranquila  
Santa Barbara, California 93110-2296  
Phone 805 967-2376 Fax 805 967-8102

January 30, 2008

County of Santa Barbara  
Second District Supervisor's Office  
Attention: Ms. Mary E. O'Gorman  
105 E. Anapamu Street  
Santa Barbara, CA 93101

2008 FEB 28 AM 11:02:02  
COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS  
DISTRICT OF

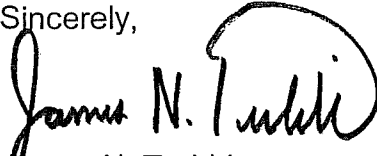
Dear Ms. O'Gorman:

As a follow up to the recent letter I had sent to you related to the enforcement of the vehicle code on Hope Ranch's private roads, your legal counsel requested that some modifications be made and the letter be resubmitted.

We have made the modifications requested and I am enclosing the revised letter. We're hopeful that this will enable the process to move forward to the establishment of an ordinance allowing for enforcement on our roadways.

If you should have any questions or require additional information, please don't hesitate to contact me.

Sincerely,

  
James N. Trebbin  
General Manager

This is a true certified copy of the original document on file or of record in my office. It bears the seal and signature, imprinted in purple ink, of the Clerk of the Board of Supervisors.



Clerk of the Board, Santa Barbara County, California

Date 2/28/08 by Deputy: 

RECEIVED

FEB 1 2008

DISTRICT OF

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.

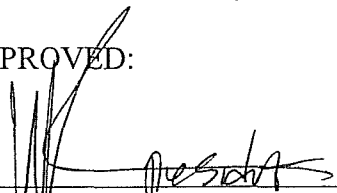
2. That the affected roads include the following, in their entirety, as depicted on the map attached hereto as Exhibit "A:"

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

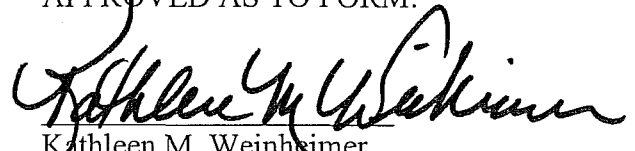
Llano Avenue  
Mariposa Drive  
Monte Drive  
Paloma Drive  
Ramitas Road  
Silvestre Road  
Soriente Road  
Via Abrigada  
Via Alrosa  
Via Alegre  
Via Bendita  
Via Carretas  
Via Cayente  
Via Corona  
Via Dichosa  
Via Esperanza  
Via Fruiteria  
Via Glorieta  
Via Hierba  
Via Huerto  
Via Presada  
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.

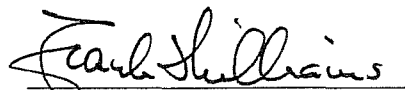
APPROVED:

  
Ward Ritter, President

APPROVED AS TO FORM:

  
Kathleen M. Weinheimer  
General Counsel

CERTIFIED:

  
Frank Williams, Secretary

**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.

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FEB 01 2008

DISTRICT 3

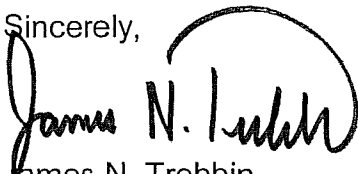
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Since the Association's Board of Directors is elected by the membership to represent their best interests and make decisions on their behalf, the Board felt that this matter did not require any kind of survey or vote of its constituency. With seven 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 loop at the end of the last name.

James N. Trebbin  
General Manager

cc: Ms. Mary O'Gorman