



**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: Public Works
Department No.: 054
For Agenda Of: October 19, 2010
Placement: Set Hearing
Estimated Time: 45 Minutes on
December 7, 2010
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Scott McGolpin, Public Works Director, 568-3010
Contact Info: Dace Morgan, Deputy Director, Transportation 568-3064
SUBJECT: **Vehicle Code Enforcement of Private Roads in Hope Ranch Community, Second Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Santa Barbara County Board of Supervisors:

- A. Set a public hearing for December 7, 2010 (45 minutes total; 30 minutes staff) to:
 1. Consider the introduction (first reading) of an Ordinance (Attachment 1) amending Chapter 23 of the Santa Barbara County Code pertaining to the ability to enforce the Vehicle Code on select private roads in Hope Ranch.
 2. Review the Traffic Engineering Report submitted by Penfield and Smith pertaining to the implementation and enforcement of traffic control devices on select private roads in Hope Ranch.
- B. Set a public hearing for December 14, 2010 on the Administrative Agenda to:
 1. Approve and authorize the Chair to adopt (second reading) an Ordinance amending Chapter 23 of the Santa Barbara County Code, pertaining to the ability to enforce the Vehicle Code on select private roads in Hope Ranch.
 2. Approve the findings in the Traffic Engineering Report submitted by Penfield and Smith pertaining to the implementation and enforcement of traffic control devices on select private roads in Hope Ranch.

- C. Approve the Project and Categorical Exemption pursuant to the County's California Environmental Quality Act (CEQA) guidelines under section 15301 for implementation of the enforcement on private roads in the Hope Ranch community, as described herein.

Summary Text:

The County received a request from the Hope Ranch Park Homes Association Board of Directors, to adopt an Ordinance to permit the enforcement of the California Vehicle Code on private roads in the Hope Ranch area. California Vehicle Code Section 21107.7 provides authority for the application of the Vehicle Code to private roads by ordinance of the Board of Supervisors. The Public Works Department requests that your Board adopt an Ordinance and approve the Traffic Engineering Report, to allow the enforcement of the California Vehicle Code on select private roads in the Hope Ranch area.

Background:

California Vehicle Code Section 21107.7 provides authority for the application of the Vehicle Code to private roads by ordinance of the Board of Supervisors. There are statutory requirements for ordinance adoption under 21107.7:

1. The Board must find 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 highway, 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, and ten (10) days prior written notice to all owners in the development must be provided.
4. Standardized signs must be placed advising of Vehicle Code application to the roads.

In January 2008, the County received a certified Resolution from the Board of Directors of the Hope Ranch Park Homes Association, requesting that the County Board of Supervisors adopt an Ordinance permitting the enforcement of the California Vehicle Code on the private roads of the Hope Ranch community, pursuant to California Vehicle Code Section 21107.7.

In order for traffic control devices on the private roads to be enforceable, a traffic engineering report must be submitted, and traffic signs, markings, and devices that conform to the uniform standards of the California Department of Transportation, must be in place and approved by the Director of Public Works. The traffic engineering report shall follow State standards for setting speed limits and the installation of stop control devices.

In November 2009, the Santa Barbara County Traffic Engineering Committee reviewed the Hope Ranch – Speed Survey and Traffic Engineering Support Services report, provided by the engineering firm of Penfield and Smith for the Hope Ranch Park Homes Association. The Traffic Engineering Committee voted unanimously to accept its findings.

Pending your Board's adoption of the Ordinance, the Director of Public Works or his designee shall inspect the traffic control devices installed by the Hope Ranch Park Homes Association on the private roads that are designated as enforceable. Once the Director has accepted the traffic control devices, he will notify the Hope Ranch Park Homes Association and the California Highway Patrol.

Although Vehicle Code Section 21107.7 provides authority for the application of the Vehicle Code to private roads by ordinance of the Board of Supervisors, it states explicitly that the State shall have no duty to patrol the roads designated in any such ordinance. Vehicle Code Section 2400 establishes the California Highway Patrol's authority to enforce the Vehicle Code on any highway of the State. It is the responsibility of the Hope Ranch Park Homes Association to contract with the California Highway Patrol for enforcement of the Vehicle Code, if desired. The agreement for enforcement on the private roads in Hope Ranch will be between the Hope Ranch Park Homes Association and the California Highway Patrol; there will be no cost to the County for enforcement.

Fiscal and Facilities Impacts:

Budgeted: N/A

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$ -	\$ -
Total	\$ -	\$ -

Narrative:

All costs for enforcement of the Vehicle Code by the California Highway Patrol, including traffic studies, pavement markings, and traffic sign installation, repair, and maintenance, including graffiti removal, will be the responsibility of the Hope Ranch Park Home Association.

Special Instructions:

- 1) Clerk of the Board shall complete noticing for the Ordinance in the Santa Barbara News Press, 10 days prior to the hearing.
- 2) Please return one copy of the signed Ordinance, with a certified, stamped minute order to Gary Smart, Public Works Department, Engineering Section, ext. 3308.

Attachments:

- Attachment 1 – Ordinance for the Enforcement of Private Roads in Hope Ranch
- Attachment 2 – Vicinity Map of Hope Ranch
- Attachment 3 – Request from the Board of Directors of the Hope Ranch Park Home Association
- Attachment 4 – Hope Ranch – Speed Survey and Traffic Engineering Support Services
- Attachment 5 – Categorical Exemptions

Authored by:

Gary Smart, Traffic Engineer, ext. 3308