



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Board of Supervisors

FROM: Glenn Russell Ph.D., Director, 568-2085
Planning & Development, Development Review

DATE: July 7, 2016

RE: Pollyrich Farms Appeal of the Sierra Grande Rural Recreation Project
Conditional Use Permit; 16APL-00000-00005

The June 21, 2016 hearing for the Pollyrich Farms appeal of the Sierra Grande Rural Recreation project (13CUP-00000-000012) was continued to July 19, 2016. The continuance was to address information provided by the appellant's traffic engineer regarding comments he received during the hearing from the California Department of Transportation (Caltrans) concerning required improvements to the intersection of the project site's driveway access onto State Route 246 (SR 246). Caltrans has been contacted and their comments related to required access driveway improvements have been clarified. Additional information regarding the required intersection improvements is provided below.

This memo also updates P&D staff's analysis included in Board Agenda Letter prepared for the May 17, 2016 appeal hearing regarding appeal issue No. 5, which pertains to the evaluation of impacts associated with the construction of proposed driveway improvements. The memo also includes information regarding the Fire Department's requirements related to project's use of the Arizona crossing over the Santa Ynez River. In addition, it also includes a revised condition of approval related to the project's use of the river crossing.

Caltrans Requirements

Background. The Issue Summary (Section 4.1) and Project Description (Section 5.3) of the October 15, 2015 Planning Commission staff report prepared for the Sierra Grande Rural Recreation Project describe the driveway improvements that have been proposed at the intersection of the project site access driveway and SR 246. The proposed driveway improvements include the construction of a new driveway "flare" that would allow eastbound vehicles on SR 246 to safely decelerate before turning right onto the project site access driveway. Improvements to the driveway were requested by Caltrans due to the increase in its use by the public that would result from the implementation of the Sierra Grande project. Caltrans staff

reviewed an exhibit depicting a conceptual design of the driveway deceleration flare, and indicated via email in early 2015 that Caltrans was in “conceptual agreement” with the proposed driveway modifications (Attachment 6).

The October 15, 2015 Mitigated Negative Declaration (MND) prepared for the Sierra Grande project evaluated impacts that would result from the construction of the proposed deceleration flare and determined that its construction would impact two oak trees. This impact would be reduced to a less than significant level by replacing the impacted trees at a ratio of 10:1 (recommended condition of approval No. 3). The MND also determined that the construction of the driveway flare would not result in a substantial amount of grading; would result in minimal short-term air and greenhouse gas emissions; and would minimize the potential for project-related traffic safety impacts. A detailed drawing of the proposed driveway flare was included as MND Attachment Figure 2.5.

Additional Required Driveway Improvements. Information presented by the appellant to the Board of Supervisors at the June 21, 2016 appeal hearing indicated that Caltrans may require additional improvements to the intersection of the project site’s driveway access onto SR 246. Based on subsequent conversations with Caltrans, in addition to the proposed driveway deceleration flare, an additional driveway improvement would be required that would allow vehicles turning right out of the driveway to accelerate before merging into the eastbound traffic lane of SR 246. A letter from Caltrans dated June 28, 2016 (Attachment 3) provides additional information regarding the required improvements to the intersection of the driveway access and SR 246. The deceleration and acceleration flares would be located within the Caltrans SR 246 right-of-way and thus would not impact any agricultural land or require approval of private property owners. To implement the required driveway improvements, the applicant has agreed to revisions to the proposed Project Description (Condition of Approval No. 1) as follows to indicate that the project will construct both a vehicle deceleration driveway flare and a vehicle acceleration driveway flare. Recommended text changes regarding paving requirements for the driveway reflect Fire Department requirements described in their June 18, 2015 condition letter, which states that the driveway surface shall have an “all-weather or paved” surface.

The primary access for the project would be via an existing 20-foot wide private driveway that extends southward from Highway 246. The driveway is mostly paved and has an all-weather surface where it crosses the Santa Ynez River. The driveway is located within an existing nonexclusive 60-foot wide easement for ingress and egress purposes. The applicant is proposing to flare the existing driveway ~~entrance~~ edges to allow eastbound vehicle traffic to decelerate and make a safe turning movement into the project site, and to allow eastbound traffic leaving the project site and turning right onto Highway 246 to accelerate without affecting existing Highway 246 traffic flow. The proposed driveway flares would require Caltrans approval of an encroachment permit and must be completed and accepted by Caltrans prior to the start of project operation. Secondary emergency access would be provided via an exclusive 17- to 20-foot wide paved road and at-grade connection to U.S. Highway 101 located south of the Santa Rosa Road interchange.

The following change to the proposed Project Description (Condition of Approval No. 1) has also been made to describe proposed driveway construction activities:

Grading. Construction of the proposed zipline and ropes course would require less than one cubic yard of grading. The proposed driveway flares along Highway 246 would require minimal ground disturbance and would result in the installation of approximately ~~1,000~~ 2,000 square feet of asphalt paving. Construction of the driveway ~~taper~~ deceleration flare would require the removal of one 26-inch diameter oak tree and construction activities within the dripline of another 26-inch diameter oak tree. The construction of the driveway acceleration flare would have the potential to impact approximately two large landscape trees that are in poor to fair condition, and one small oak tree that has a trunk diameter of less than six inches measured at a location 4.5 feet above ground level.

Additional Driveway Flare Environmental Review. A conceptual design for the required driveway acceleration flare has been submitted by the applicant. The proposed driveway design and a message from Caltrans dated July 5, 2016 indicating conceptual support for the design is provided as Attachment 4 to this Memorandum.

Potential environmental impacts that could result from the construction of the required acceleration flare are evaluated in a revised MND dated June 27, 2016 (Attachment 2). In summary, the revised MND concludes that the construction of the driveway acceleration flare would not result in the removal of any protected trees that would require the planting of replacement trees. Construction of the driveway flares, however, could have the potential to result in short-term impacts to nesting birds if present near the driveway. This potentially significant impact would be reduced to a less than significant level with the implementation of condition of approval No. 4 (Pre-Construction Surveys for Nesting Birds). This mitigation measure was already part of the MND and was not added in response to the acceleration driveway flare revisions. The Revised MND also concluded that the project-related removal of trees located adjacent to the driveway would not result in a significant aesthetic impact; would not substantially increase project-related grading; would not result in substantial short-term emissions of criteria pollutants or greenhouse gases; and would further minimize the less than significant potential for project-related traffic safety impacts.

The MND has not been substantially revised so as to require recirculation: 1) No new, avoidable effect has been identified that requires the addition of new mitigation measures or project revisions to reduce the effect to insignificance; and 2) and the County has not made a determination that mitigation measures or project revisions will not reduce potential effects to less than significance and that new measures or revisions must be required. The revisions to the Project are revisions added after circulation which are not required by CEQA, which do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect.

Appeal Issue No. 5: Transportation/Circulation

The Board Agenda Letter dated May 17, 2016 identifies and responds to each of the appellant's issues identified in the appeal application, which was included as Attachment 2 to the May 17 Agenda Letter. Appeal Issue No. 5 addressed several topics, including a contention that the project's Final MND did not address the necessity for, or the impacts of, removing an oak tree to construct the proposed deceleration driveway flare.

The construction of both the proposed deceleration driveway flare and the required acceleration flare have been requested by Caltrans to improve traffic safety conditions at the project site's access driveway intersection with SR 246. The construction of the proposed deceleration flare would result in the removal of one 26-inch oak tree, and would impact but not remove another oak tree, both of which were analyzed and disclosed in the MND. Recommended mitigation measure/condition of approval (condition of approval No. 3j) requires that the two oak trees that would be removed and impacted by the construction of the driveway deceleration flare be replaced at a 10:1 ratio, resulting in planting a total of 20 replacement trees. Construction of the required acceleration flare could result in the impacts to two large non-native landscape trees that are in poor to fair condition, and impacts to one small oak tree, resulting from construction activities adjacent to those trees. The two landscape trees and the small oak tree are not protected trees and no replacement trees are required as mitigation due to potential construction-related impacts. As discussed in the Final MND dated June 27, 2016, the removal of one oak tree and potential impacts to approximately four other trees (depending upon the final design of the required acceleration flare) located adjacent to the project site access driveway would not remove a substantial amount of vegetation and would not adversely change the existing visual conditions in the project area that can be seen by the public while traveling along SR 246. Therefore, impacts to trees located adjacent to the project site access driveway would not result in a significant environmental impact related to scenic resources.

Fire Department Acceptance of the Santa Ynez River Crossing

On June 21, 2015, P&D staff confirmed with Steve Oaks, Fire Marshal, that the Fire Department will accept the current design of the project site access driveway's Arizona crossing over the Santa Ynez River and will not require the Arizona crossing to be widened. The Fire Department can accept minor variations in required access road widths provided that appropriate off-setting conditions exist or can be provided. For example, small reductions in the width of an access road may be accepted if appropriate vehicle turn outs are provided that allow a fire truck to pass a vehicle in areas where road width is reduced. In the vicinity of the access driveway's river crossing, the Fire Department has identified that there is adequate area within the 60-foot access easement to provide designated vehicle turn outs. Other off-setting conditions may also be considered and required in conjunction with the Department's review of the project and their approval of the required Emergency Response Plan and Fire Protection Certificates. The Project approval and environmental analysis does not include widening of the Arizona crossing and if widening is required in the future, additional analysis and approval would be required.

Access Driveway River Crossing Condition of Approval

As requested at the June 21, 2016 hearing, recommended condition of approval No. 31, regarding the use of the project site access driveway and the Arizona crossing, has been revised as follows:

- 31. Access Driveway River Crossing Use.** The project facilities, including the picnic and hiking services, shall be temporarily closed when: ~~a) it is raining; b) when a greater than 60% chance of rain has been predicted to occur in the project area over a 24-hour period; or c) when~~ a) water in the Santa Ynez River is flowing over the driveway river crossing; and/or b) there is an imminent chance of an electrical storm in the project region. The project shall remain closed until such time that the ~~three~~ two conditions described above no longer exist. The temporary closure shall include posting a temporary sign that states why the driveway and project site are closed. The sign shall also provide a phone number that can be called for additional information. The applicant/site operator shall make reasonable efforts, such as but not limited to phone calls, emails, and posting website information, to inform persons with reservations that the zipline and ropes course are temporarily closed due to weather conditions. **PLAN REQUIREMENTS AND TIMING:** The days that the zipline and ropes course facilities are closed due to weather conditions shall be reported for the calendar year (January 1 – December 31). Required quarterly and annual reports as required by Condition No. 9 (Annual Reporting Required) shall be submitted to P&D Permit Compliance within 45 days of the end of each reporting period.

MONITORING: P&D Permit Compliance shall review quarterly and annual reports, and compile information regarding when weather-related closures occurred.

Recommended Conditions of Approval

The recommended conditions of approval for the Sierra Grande Rural Recreation Project are included in this memorandum as Attachment 5.

Revised Recommended Actions for 13CUP-00000-00012

- a) Deny the appeal, Case No.16APL-00000-00005;
- b) Make the required revised findings for approval of the project specified in Attachment 1 of this Memorandum dated July 7, 2016, including CEQA findings;
- c) Adopt the Revised Final Mitigated Negative Declaration dated June 27, 2016 included as Attachment 2 to this Memorandum, and adopt the mitigation monitoring program contained in the conditions of approval included in this Memorandum dated July 7, 2016 as Attachment 5.

- d) Grant *de novo* approval of the project, Case No. 13CUP-00000-00012 subject to the conditions included in this Memorandum dated July 7, 2016 as Attachment 5.

Memo Attachments:

- 1) Revised Findings
- 2) Revised Final Mitigated Negative Declaration dated June 27, 2016
- 3) Caltrans Letter dated June 28, 2016
- 4) Conceptual driveway acceleration taper design and Caltrans email indicating conceptual support of revised plan.
- 5) Conditions of Approval with Attached Departmental Letters
- 6) Adam Fukushima email, California Department of Transportation, dated January 14, 2015