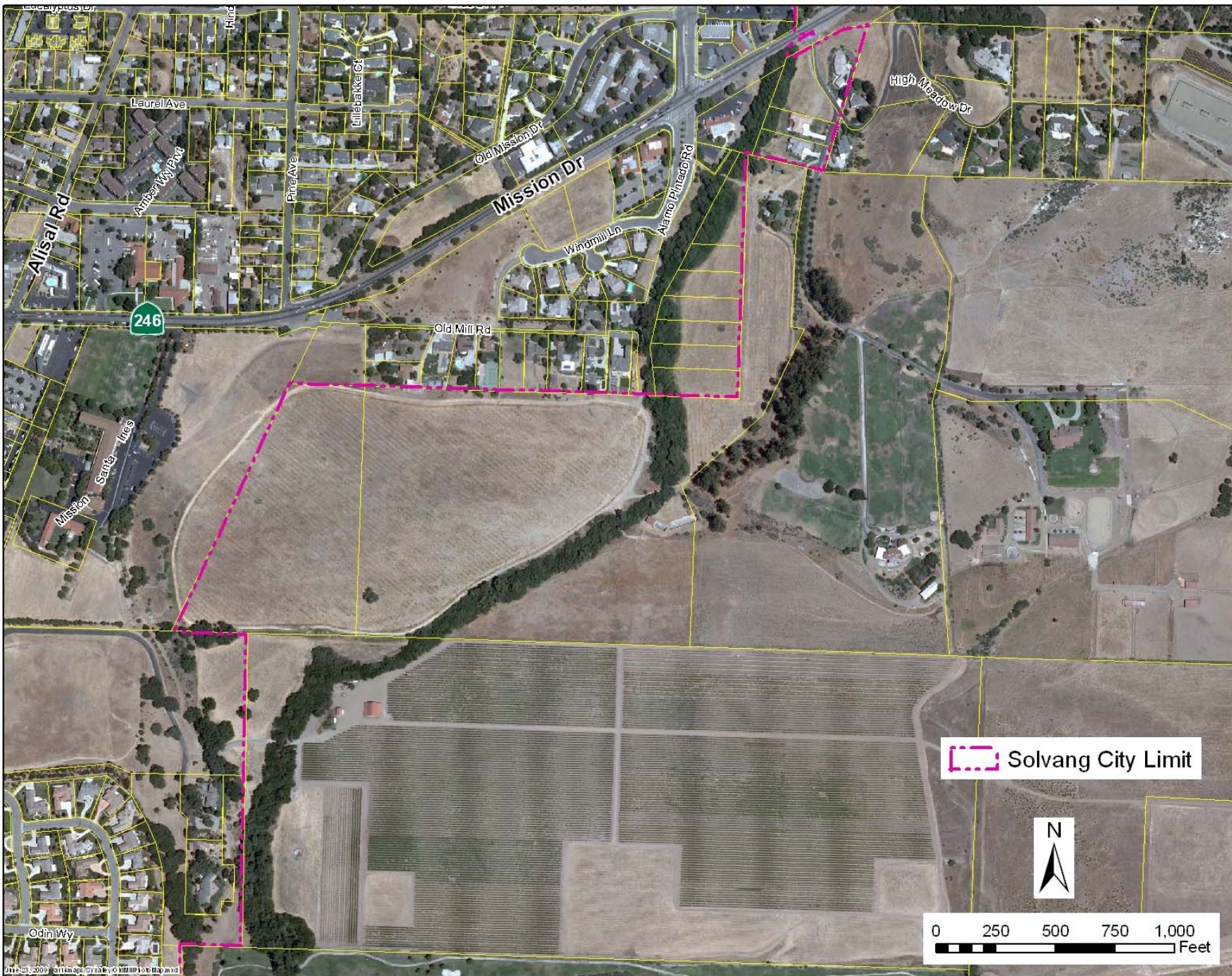



High Meadows HOA Appeal of Old Mill Tract Road 09APL-00000-00003 of 08LUP-00000-00143



County of Santa Barbara
Board of Supervisors
July 7, 2009

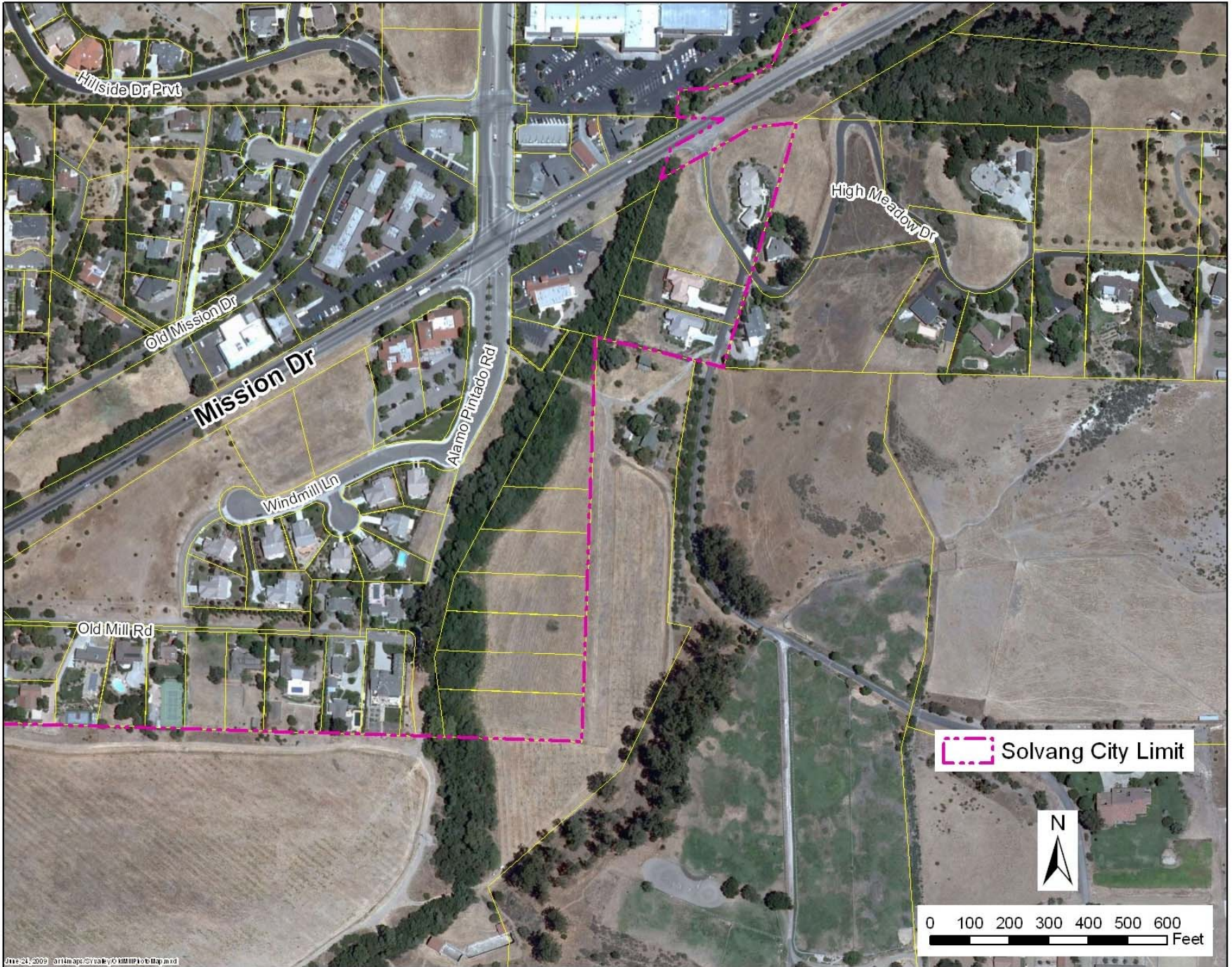


 Solvang City Limit

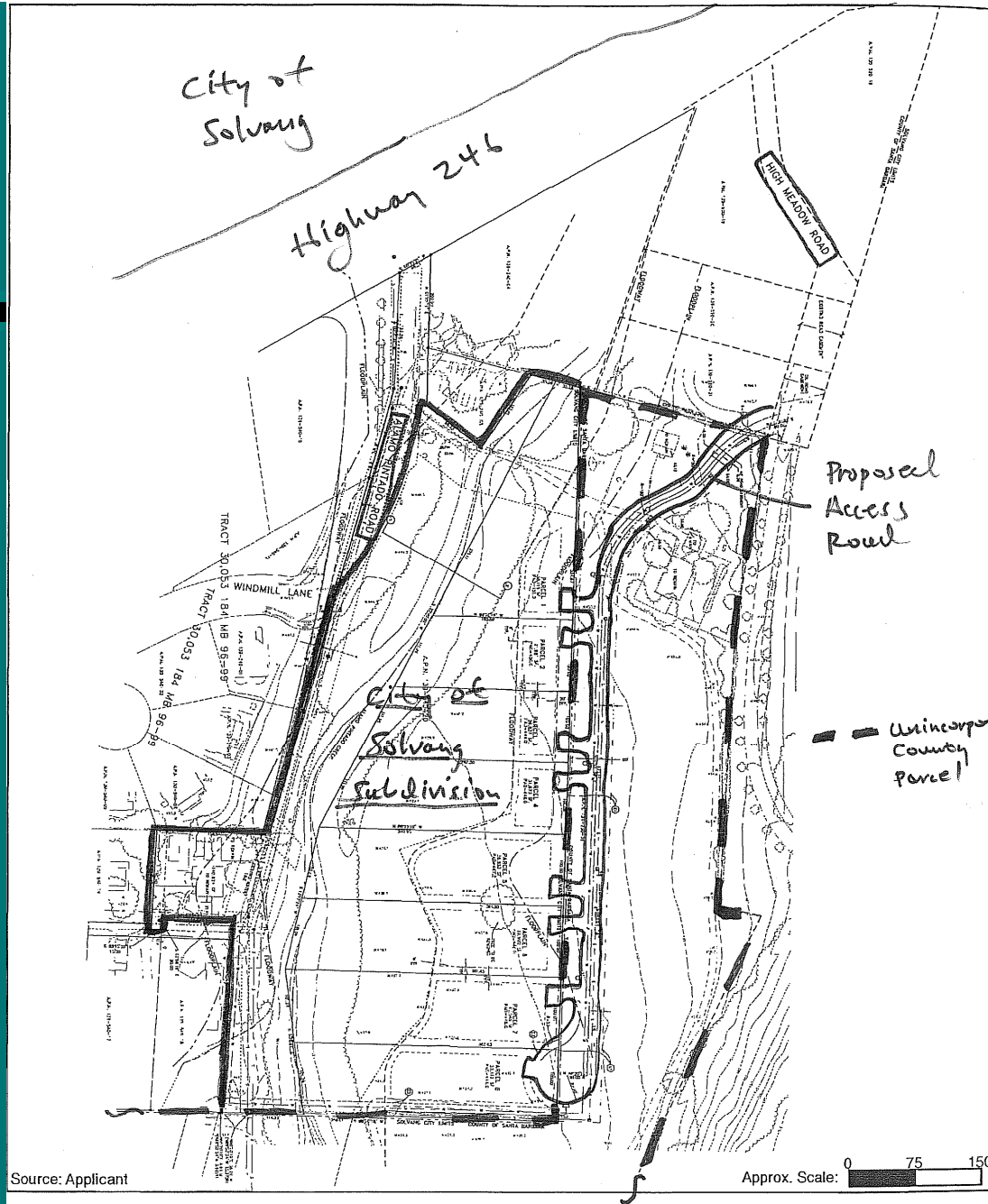


0 250 500 750 1,000 Feet

© 2009







Proposed Tract Map



Map
3



Issue Summary

- The High Meadows HOA appealed the Planning Commission approval on 01/29/09.
- On 01/21/09, the Planning Commission upheld the P&D approval of the project.
- P&D approved the subject permit for development of an approximately 22-foot wide, 1,300-foot long road and associated grading within an access easement.
- The project is a necessary adjunct to an approved subdivision within the jurisdiction of the City of Solvang.



Appeal Issues

The Planning Commission had incomplete knowledge of the Solvang EIR prior to the Commission appeal hearing:

Response

The Planning Commission considered the County-prepared Addendum (pursuant to CEQA Section 15164) to the City of Solvang EIR and voted 4-1 for de novo approval of the LUP. There was a break in the January 21, 2009 hearing of the item which allowed the EIR to be provided to the members of the Commission.



Appeal Issues (cont.)

The proposed project has growth-inducing impacts which would adversely affect County residents reliant on the existing access road:

Response

The proposed access road, which would provide access to seven undeveloped lots within the Solvang City limits, terminates in a cul-de-sac approximately 50 feet north of the southern boundary of the project site. Adjacent property is owned by the Santa Barbara Trust for Historic Preservation and California State Parks. The proposed road, as well as water and sewer service would be extended to the development within an existing easement. City of Solvang EIR Mitigation Scenario 3 – Elimination of Project Access from High Meadow Road is discussed in the Traffic and Transportation section, and as a Project Alternative. In order to minimize potentially significant growth-inducing effects of the subdivision project, the EIR required a five foot “denied-access” easement in favor of the City at the southern and eastern property boundaries. While the development of the proposed access road for use by approximately 20-25 persons (seven lots x approximately 3-4 persons per residence) would increase traffic on the existing private road and thereby adversely affect County residents, this impact was determined to be less than significant.



Appeal Issues (cont.)

Easements granted to the Santa Barbara Trust for Historic Preservation and the California State Parks have not been analyzed in the EIR:

Response

As a Responsible Agency, the County's jurisdiction is limited to review of the requisite LUP for grading of the access road. Disagreement between the applicant and appellants regarding the full extent of rights conveyed by the easement are civil in nature and need not be disclosed in order to obtain approval of an access road located within the depicted easement.



Appeal Issues (cont.)

The proposed subdivision is located on property that is located in a floodway and a floodplain and should not have been rezoned from an agricultural to a residential designation:

Response

Approval of the subdivision is outside of the County's jurisdiction as a Responsible Agency. With the exception of the bulb of the cul-de-sac (an approximately 3,600 sq.ft. area), the proposed access road is located outside of the Alamo Pintado Creek floodplain. While the subdivided property (zoned 20-R-1, City of Solvang) is located almost entirely within the floodplain, no structural development is proposed to be located within the floodway.



Appeal Issues (cont.)

The proposed access road would be used for both agricultural and residential purposes and would not provide a buffer zone between agricultural and residential uses, representing a significant, irreversible environmental change:

Response

The proposed access road, located on agriculturally zoned land (AG-II-40) within the unincorporated area of the County, would separate the agricultural field to the east (currently planted in olive trees) from the subdivision to the west. In comments submitted on the draft EIR, the former County Agricultural Land Use Planner acknowledged that the impacts from the loss of productive agricultural lands surrounding the subdivision project site were identified during the City's General Plan proceedings and addressed in a Statement of Over-Riding Considerations adopted as part of the General Plan approval (Lisa Bodrogi Memorandum, dated April 19, 2006).



Appeal Issues (cont.)

Traffic analysis is flawed, particularly with regard to the State Highway 246/High Meadow Road intersection. The County's Guidelines for Preparation of Traffic Studies should be applied to the proposed project:

Response

The proposed access road project includes a CEQA Section 15164 Addendum to the City of Solvang EIR, which incorporates Caltrans letter, dated August 20, 2008, stating that occupancy of proposed residential structures should be prohibited unless certain improvements are made at the intersection of State Route 246 and High Meadow Road. At the P/C hearing, Mr. Tully Clifford, Public Works Director for the City of Solvang testified that the City intends to make the required improvements. A study of the intersection, and required improvements, including funding and timing, is currently underway.

According to the EIR, the City of Solvang uses the County of Santa Barbara standards for evaluating the level of significance of project impacts. The Traffic and Transportation section of the EIR, prepared by Orosz Engineering Group, includes an analysis of the SR 246/Alamo Pintado intersection.



Appeal Issues (cont.)

The applicant's claim that construction of a bridge over Alamo Pintado Creek would not be permitted by County Flood Control or State Department of Fish & Game and would be too expensive is unsubstantiated. A bicycle bridge could be constructed within the existing easement:

Response

Approval of the subdivision, and imposition of conditions of approval unrelated to the access road, is outside of the County's jurisdiction as a Responsible Agency. The proposed project involves a Land Use Permit for the construction of an access road within the unincorporated area of the County. The proposed road would be located within an existing easement from the southern terminus of High Meadow Road, a privately maintained road. While an alternative access route avoiding High Meadow Road would greatly reduce adverse impacts of the subdivision on High Meadow Road residents, the subject LUP application includes no provision for construction of a bridge over Alamo Pintado Creek, nor does it require review of an alternative access requiring a new bridge.



Appeal Issues (cont.)

Testimony before the Planning Commission indicates that the “Trust” property has been purchased for use as a State Park which would be accessed via a bridge across Alamo Pintado Creek. This statement is inconsistent with the applicant’s claim that a bridge cannot be constructed in this location:

Response

See response above.



Appeal Issues (cont.)

The use of a private easement located in the unincorporated area of Santa Barbara County for the use of homeowners depending on that easement has not been adequately considered:

Response

See response above. Note that many private road easement matters are civil in nature and the County typically does not get involved with civil matters.



Appeal Issues (cont.)

The proposed access road does not meet State road standards, has no signage, is unpatrolled and will be utilized for a substantial amount of construction activity. Liability issues need to be addressed:

Response

The proposed access road would be located at the southern terminus of High Meadow Road, a private road. The road would be 22 feet in width and 1,300 feet in length. The volume of construction traffic estimated in the City of Solvang EIR, approximately 25-30 heavy trucks per day, could be accommodated by the proposed access road. The Commission's de novo approval of the LUP included the addition of a Condition of Approval requiring a Traffic Control Plan (See Traffic Control Plan Condition of Approval on the subject Land Use Permit (Attachment 3) and noted in Section A.3 above).



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OLD GRIST MILL

BUILT 1820 BY JOSEPH CHAPMAN, BOSTONIAN, DESERTER FROM PIRATE BOUCHARD WHO BURNED ORTEGA ADOBE, RANCHO DE REFUGIO. CHAPMAN ARRESTED, SENTENCED TO FIRING SQUAD BUT PAROLED TO MISSION SANTA INES. AS MASTER WORKMAN, BUILT THIS NEW ENGLAND TYPE GRIST MILL, AND DUPLICATE AT MISSION SAN GABRIEL. MARRIED GUADALUPE ORTEGA AT MISSION SANTA INES, FOUNDING IMPORTANT CALIFORNIA FAMILY.

MARKER PLACED BY CALIFORNIA CENTENNIALS COMMISSION IN COOPERATION WITH REGINA DEL MAR PARLOR, NO. 126, N. D. C. W. DEDICATED SEPTEMBER 9, 1950

06/09/2009



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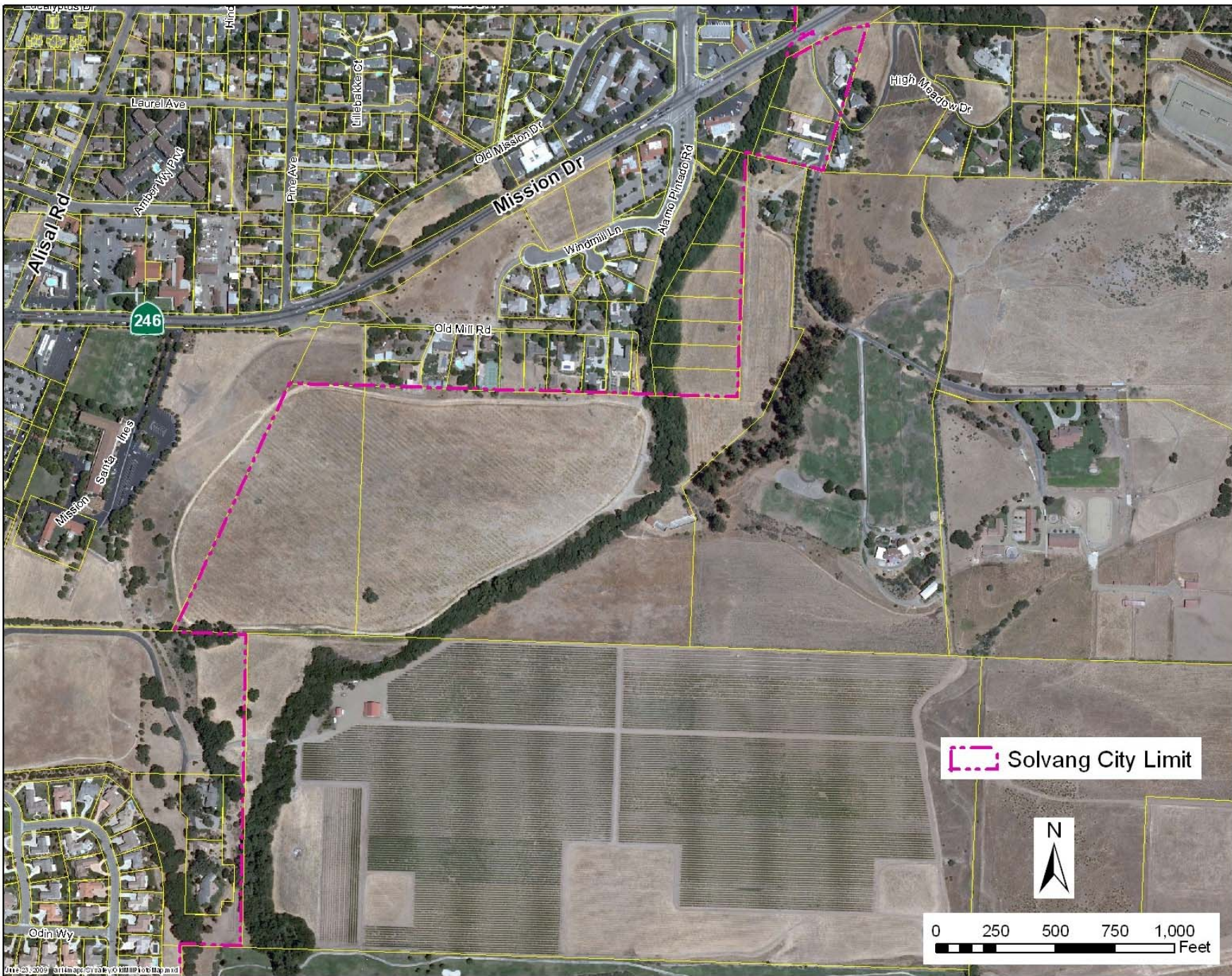


06/09/2009



Recommendation

- ◆ Staff recommends that the Board of Supervisors deny the appeal and approve the project, following the recommended actions contained in the Board Letter.



 Solvang City Limit



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Feet