
Final

***Old Mill Vesting
Tentative Tract Map***

***Environmental Impact
Report- Responses to
Comments Volume***

Prepared for:

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COMMUNITY DEVELOPMENT
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Final – Response to Comments volume

Old Mill Vesting Tentative Tract Map

Environmental Impact Report

SCH # 2005081109

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A. FINAL EIR

This environmental impact report (EIR), consisting of this volume, the Final EIR and Responses to Comments, and the Draft EIR published in February 2006, assesses the environmental impacts of the proposed Old Mill Vesting Tentative Tract Map (APN #139-540-023), a project under consideration by the City of Solvang (City). This EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970 (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (14 California Code Regulations, §15000 et seq.) as amended in 1997 and the City's *Local Guidelines for Implementing the California Environmental Quality Act (2001)*.

The project is a request of the applicant, Old Mill LLC, to consider the approval of a residential subdivision of nine parcels.

The purposes of this EIR are:

- To serve as an informational document which examines the likely environmental impacts of this project,
- To identify those environmental impacts that could be potentially significant if the project is approved,
- To develop mitigation measures to reduce significant impacts to the extent feasible,
- To identify feasible alternatives to the project that could avoid or reduce significant impacts,
- To provide a means for citizens to participate in the decision-making process.

A significant environmental effect is defined in CEQA as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed development. Section I-Project Description in the Draft EIR describes CEQA requirements for impact analysis and disclosure. Section II-Executive Summary outlines the types of impacts and mitigation measures for this project.

The Draft EIR was circulated for agency and public review during a 45-day public review period ending April 19, 2006. The City conducted a public hearing before the Planning Commission to take public comment on the Draft EIR on March 6, 2006. Comments received by the City on the Draft EIR were reviewed by the City, and responses to comments are included in this Final EIR Response to Comments (RTC) volume. The Draft EIR and this RTC volume constitute the Final EIR. Copies of the Draft and Final EIR are available at the office of the City of Solvang Community Development Department located at 411 Second Street in Solvang.

The Final EIR will be forwarded to the City Planning Commission for consideration under the provisions of CEQA and a recommendation to the City Council. If the EIR is certified and adopted by the City Council, it may then proceed to make decisions on the discretionary actions required for approval. The mitigation measures identified in the EIR would be included as conditions of project approval and implemented and monitored under a Mitigation Monitoring Program.

It is not the purpose of an EIR to recommend either approval or denial of a project. CEQA requires the decision-makers to make a decision with knowledge of the potential environmental impacts of the project, and to balance the benefits of the proposed project against its potential environmental impacts. Although the EIR does not dictate the ultimate decision on the project, the decision-makers must consider the information in the EIR and address each significant effect identified in the EIR. For significant adverse environmental effects on cultural resources, traffic, agricultural resources, water quality and flooding, construction air quality impacts, growth inducement and

- Section IV-D page 5 has been corrected to indicate single family residential as the cited trip generation category.
- Section II page 5 has been corrected to identify High Meadow Road.
- Section IV-H page 3 has been modified to include clarifying information about the Santa Barbara Trust for Historic Preservation's plans for the State to establish a Historic Park at the grist Mill site. This information does not change the impacts or conclusions of the DEIR.

The corrections and added information do not constitute new information that would change the nature of impacts or introduce significant new issues. In the case of the proposed turn lane, the DIER anticipated similar resolution as one mitigation strategy. The supplemental flood study does not change the conclusions of the DEIR.

B. List of Comment Letters Received by the City at the end of the April 5, 2006 deadline for comments on the DEIR

1. Loehr
2. Santa Barbara Trust for Historic Preservation
3. Pinassi
4. Sullivan
5. Hardy
6. Kelly
7. Kovol
8. Semonsen
9. Farr
10. Adam
11. Women's Environmental Watch
12. Agriculture Commissioner's Office
13. McKinnon
14. Orchard
15. N. Orchard
16. National Trust for Historic Preservation
17. Howell and other High Meadow Road residents
18. Pinassi
19. Evarts
20. Caltrans
21. Caltrans
22. Nedegaard
23. L. Popkin
24. H. G. Adam
25. Rosness
26. Stinson
27. L. Popkin
28. S. Popkin
29. Vellekamp
30. Received after the end of the comment period: Santa Ynez River Water Conservation District

Changes to the Draft EIR

Table P-1 Surrounding Zoning and Land Use		
	Zoning	Use
North:	C-2, Retail Commercial	Highway 246, and commercial development areas
East:	County of Santa Barbara agriculturally zoned land	Agricultural Use
South:	County of Santa Barbara agriculturally zoned land	Agricultural Use
West:	20-R-1, Residential, 20,000 square foot minimum parcel size	Mission Meadows Residential Development; Old Mill Road single family residences.

D. PROJECT SCOPE AND PHYSICAL FEATURES

The request of the applicant, Old Mill Road LLC, is for consideration of a Vesting Tentative Tract Map to divide a 9.24-acre parcel into nine (9) eight (8) single-family residential lots in the 20-R-1 Zone District.

The majority of the parcel lies on the eastern side of Alamo Pintado creek, where ~~eight (8)~~ seven (7) new single-family residential parcels are proposed (within the City of Solvang municipal boundary), ranging in size from ~~21,981~~ 21,474 square feet to ~~40,645~~ 43,236 square feet. Currently one (1) single-family residence exists on the western side of Alamo Pintado Creek (within County of Santa Barbara unincorporated area). The existing residence within the proposed tract would remain on a 3.23-acre lot. No new development is proposed on the western side of Alamo Pintado Creek. Access to the development would be provided from High Meadow Road through a privately held easement on and across the High Meadow Development and the property owned by The Santa Barbara Trust for Historic Preservation.

Proposed Tract Improvements:

A new 24-ft wide road will be constructed with a cul-de-sac end, as required to provide adequate turnaround for fire equipment, and solid waste collection vehicles. The majority of the road will be placed in a private easement located within the County of Santa Barbara, and secured by the Applicant. The new road will obtain the necessary construction permits from both the City of Solvang and the County of Santa Barbara according to the corresponding jurisdiction.

The applicant has developed a preliminary lane striping and road widening plan for the Highway 246 / High Meadow Road intersection with input for Caltrans (refer to FEIR Appendix A letter) as shown on FEIR map 3b. This proposal provides for a center left turn channel westbound on Highway 246 at the High Meadow intersection to provide a safe turning movement. The proposal requires minimal pavement widening to achieve a 4 foot shoulder on both sides of the highway. The provision of a 4 foot shoulder instead of the standard 8 foot shoulder will require a design exception approval from Caltrans, however, this is not an unusual design exception and Caltrans has a standard 4 foot shoulder design that can be implemented.

To construct the development, approximately 20,000 yards of fill material will be required to establish building pad elevations up out of the 100-year floodplain in accordance with FEMA, County Flood Control and City requirements. The pads will be constructed at a minimum of 1.5-ft above the 100-year water surface elevation, and the finished floor of each structure should be 2.0-ft above the 100-year water surface elevation. The development proposes to construct a retaining wall approximately 1-ft off the regulatory floodway line, varying in height from zero (0) to ~~ten (10)~~ six

A. SUMMARY OF IMPACTS

The City of Solvang determined that the proposed project could potentially result in significant environmental effects and required the preparation of this Environmental Impact Report (EIR). Pursuant to CEQA, this EIR focused primarily on those subjects identified as potentially significant by the City during preparation of its Initial Study on the project (Appendix A). The study areas below comprise the topics primarily analyzed in this EIR:

- Agricultural Resources
- Traffic
- Cultural Resources
- Biological Resources
- Flooding and Water Quality
- Growth Inducing Effects
- Air Quality

The environmental impacts and suggested mitigation measures are presented in Table S. This table is organized in terms of the level of project impact after mitigation. Class I impacts are unavoidable adverse significant impacts. If the County certifies the EIR and proceeds with the project, Section 15093(b) of the State *CEQA Guidelines* requires the County to make findings of overriding consideration when Class I impacts are present indicating that specific economic, legal, social, technological or other benefits of the proposed project outweigh the unavoidable adverse environmental effects.

Class II impacts are significant impacts which can be mitigated to a level of insignificance. Section 15091(a)(1) of the State *CEQA Guidelines* requires that findings be made indicating that changes or alterations have been required in the project to avoid or substantially lessen Class II impacts. Class III impacts are adverse, but not significant impacts that do not require mitigation. Class IV impacts are beneficial impacts resulting from implementing the project.

The project would have no significant, unavoidable impacts. Impacts are potentially significant but can be mitigated to less than significant levels by implementing the mitigation measures presented on **Table S** and discussed in the EIR.

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact A1</p> <p>Grading and excavation for utilities in the proposed access road could disturb artifacts both historic (<i>adobe</i>) and prehistoric that have been covered by alluvium and / or human activities in the past. This impact is potentially significant.</p>	<p>Mitigation A1</p> <p>To reduce potentially significant impacts to <u>historic (<i>adobe</i>) and prehistoric</u> cultural resources on the site, a pre-construction limited phase 2 subsurface survey shall be conducted:</p> <ul style="list-style-type: none"> • The program for subsurface investigation shall be developed by an archaeologist. The program shall include additional archival research. • The program shall determine the significance of any recovered resources and identify appropriate mitigation measures to ensure the effects on these resources are less than significant. 	<p>Less than significant</p>
<p>Impact A2</p> <p>Excavation within the project site has some potential to disturb prehistoric artifacts that could be significant resources.</p>	<p>Mitigation A2</p> <p>To avoid or reduce potential impacts to resources that could be significant, a qualified archaeologist shall monitor all excavation into natural grade within the alluvial plain portion of the site.</p>	<p>Less than significant</p>

**Table S: SUMMARY OF ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact B2</p> <p>The potential for the project to impact existing or future agricultural activities on adjoining land to the south along proposed Lot 8 lands is adverse and potentially significant due to the removal of up to one acre of farmable land from production.</p>	<p>Mitigation B2-a</p> <p>In order to minimize the potential need for an agricultural buffer (setback) on farmland that could take that land out of agricultural production, the project shall incorporate a solid fence, subject to City BAR approval on final height and materials, along the south boundary of lot 8 and across the end of street stubs contiguous to agricultural land unless a waiver to the satisfaction of the City is obtained from the adjacent property owner(s). The fencing shall be designed and installed to protect farmland from intrusion by residents for the life of the project. In addition to the installation of a landscape screen as part of the project description, the minimum residence setback from the south property line of lot 8 shall be 30 feet.</p>	
	<p>Mitigation B2-b</p> <p>The following "Buyer Notification" applicable to lot 8 shall be recorded on a separate information sheet on the Final Map:</p> <p>"Important Buyer Notification: This property is located adjacent to property in the County of Santa Barbara that is zoned for agriculture and is located in an area that has been planned for agricultural use. The County Board of Supervisors has determined that is in the public interest to preserve agricultural lands and operations within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. Through enactment of an ordinance adding section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust and chemicals will not be deemed a nuisance."</p>	

Impact C1

Discharge into surface waters or alteration of water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution are potentially significant.

Mitigation C1 a-c

a. Install Best Management Practices (BMP) to prevent metals and/or hydrocarbons from entering the creek from the proposed development.

b. Submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

c. Provide for an onsite private drainage system, with accompanying hydrologic calculations for City review, to convey storm flows to Alamo Pintado Creek.

Less than significant

Impact C2

The risk of retaining wall failure due to scour and undermining leading to wall failure though remote is a potentially significant impact.

Mitigation C2

To ensure public safety in the event of a major flood, the final engineering design of the proposed retaining wall along the floodway shall be signed by the project geotechnical, civil and structural engineers certifying that the wall design accounts for maximum stream velocities, scour potential and other relevant forces acting upon the wall.

Impact D2

The project contribution to the cumulative traffic condition is a significant impact because the intersection operation at State Highway 246 and High Mountain Meadow Road will fall to LOS E.

Mitigation D2

~~To mitigate the project's contribution to cumulatively significant impacts to the Highway 246 / High Meadow Road intersection, the project shall contribute a pro-rata share of the projected (and yet to be determined) cost of the planned roadway improvement project which is anticipated to include a center left turn lane to bring the intersection operation to LOS C. The resulting impact would be less than significant.~~ To mitigate the project's contribution to cumulatively significant impacts to the Highway 246 / High Meadow Road intersection, the project shall obtain approval from Caltrans and construct the roadway improvements necessary to provide a westbound left turn channel at the intersection of High Meadow Road. The applicant shall also fund the design, permitting and construction of the City CIP project for the bicycle bridge over Alamo Pintado Creek. In the event the project applicant is unable to obtain approval from Caltrans to construct the roadway improvements, prior to approval of the final map, the project applicant shall enter into an agreement with the City pursuant to Gov't Code Section 66462.5(c) to complete the improvements pursuant to Gov't Code Section 66462 at such time as the City acquires interest in the land that will permit the improvements to be made. The residual impact would be less than significant.

Less than significant

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact F2</p> <p>Implementation of the proposed project would result in the establishment of residential lots within the Alamo Pintado Creek riparian corridor that could have direct and indirect adverse affects on the riparian habitat. This is considered to be a potentially significant impact</p>	<p>Mitigation F2</p> <p>a. The proposed project shall be modified to establish a 20-foot wide riparian habitat setback and restoration area measured from the outside edge of the existing riparian habitat. The developer shall record an open space agreement and / or deed restriction with the City of Solvang establishing the 20-foot setback. No development or vegetation removal (except non-native invasive plant species removal per F-2b below) shall occur within the riparian area habitat or setback area.</p> <p>b. A riparian habitat restoration / buffer zone mitigation and monitoring plan shall be prepared by a City approved biologist and funded by the applicant, for the dedicated riparian habitat setback area. The restoration plan shall include at a minimum a detailed planting plan for the setback area, specific plant species palette that includes only native riparian species indigenous to the region, a non-native species removal plan, success criteria to achieve a minimum survival of 75 percent of all plantings after five years, a five-year monitoring and maintenance program and contingency measures to ensure meeting the success criteria. The outside edge of the riparian habitat setback area shall be fenced with a split rail or similar open style fence, approved by the Board of Architectural Review, to delineate the restoration area and no development zone.</p>	<p>Less than significant</p>

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact E2</p> <p>The proposed project has potential to generate substantial localized increases in PM concentrations during construction. The existing adjacent residence most likely to be exposed to such impacts is east of proposed Parcel 1. Without proper controls on fugitive dust emissions during site preparation activities, PM₁₀ and/or PM_{2.5} concentrations at that location could temporarily exceed applicable AAQS a potentially significant impact.</p>	<p>Mitigation E2</p> <p>To mitigate potentially significant short-term construction impacts related to PM concentrations, project construction measures shall control fugitive-dust-generated PM impacts at the nearest off-site receivers as follows:</p> <p>During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down areas of exposed (un-vegetated) soil in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.</p> <p>Minimize the amount of disturbed area (e.g., associated with underground placement of utility lines) and reduce on site vehicle speeds to 15 miles per hour or less.</p> <p>Install gravel pads at all vehicular access points to prevent tracking of mud on to public roads.</p> <p>Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.</p> <p>All unloading and stockpiling of fill materials shall be performed in the southeastern portion of the project, as far from the nearest existing off-site homes as possible, except where to do so would necessitate substantial additional disturbance/movement of such materials beyond that which would be required if the activity were to be performed elsewhere.</p> <p>Avoid dust-generating site preparation activities on Parcels 1 through 3 when local winds exceed 15 miles per hour oriented in a direction generally towards the adjacent off-site home (i.e., generally from the south-southwest).</p> <p>After clearing and earth moving is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.</p>	<p>Less Than Significant</p>

Table S1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact H1: The extension of road and infrastructure easements and improvements within the County to serve the Proposed Project is growth-inducing because the parcel adjoining the Proposed Project on the south and east can be reasonably foreseen to have potential for annexation and / or subdivision as a result of these infrastructure easements and road extension.</p>	<p>Mitigation H1: To reduce the potentially significant growth inducing effects of the proposed infrastructure easements and road located in the County, the Final Tract Map shall record a five foot "denied access" easement in favor of the City on the southern boundary of the tract and extending along the east side of the proposed access road on the adjoining property. The easement shall be stipulated to allow for recreational and agricultural access only.</p>	<p>Less than significant</p>

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact B1</p> <p>Conversion of prime agricultural soils was found in the General Plan Land Use CEQA document to have a significant and unavoidable impact on agricultural resources because this site, among others, have prime agricultural soils that would be irreversibly converted to other use. Due to this previous finding and adoption of related statements of overriding considerations related to the conversion of prime agricultural soils to urban use and the fact that the proposed project land use is consistent with the adopted Land Use Plan for which such findings were made, the development of the site for residential uses is considered an adverse but less than significant impact on agricultural resources.</p>	<p>Mitigation B1</p> <p>None required.</p>	<p>Less than significant</p>
<p>Impact B3</p> <p>The conversion of the proposed project site's 3.8 acres of prime agricultural land combined with the potential loss of agricultural viability for the adjoining 3.2 acres of Class III farm land is less than significant based on the state farmland conversion rating system criteria.</p>	<p>Mitigation</p> <p>None required.</p>	<p>Less than significant</p>

Table S1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

<p>Impact B4 Evidence of a trend toward agricultural land conversion in the Santa Ynez valley notwithstanding, the Project would not contribute to a cumulatively significant impact on agricultural resources due to its location within the urban boundary and consistency with previously adopted land use plans.</p>	<p>Mitigation None required.</p>	<p>Less than significant</p>
<p>Impact D1 At an addition of 8 peak hour trips, the project does not exceed the City impact threshold for a significant intersection impact even though the contribution of added trips is to an intersection operating at LOS D.</p>	<p>Mitigation C1 None Required</p>	<p>Less than significant</p>
<p>Impact D3 The construction traffic associated with the project would result in similar impacts to the roadway system as the project, but for a shorter and limited time frame. This temporary impact would also be less than significant based on City impact significance thresholds.</p>	<p>Mitigation D3 To reduce less than significant impacts to the existing road system associated with construction traffic, project heavy truck traffic involved in the fill import process shall be limited to the hours of 8:30 AM to 2 PM.</p>	
<p>Impact F1 Implementation of the proposed project would result in the loss of cropland habitat. This is considered to be a less than significant impact.</p>	<p>Mitigation F1 None required.</p>	<p>Less than significant</p>
<p>Impact E1 Criteria Air pollutant emissions would remain well below the APCD-derived significance thresholds applied in this analysis, resulting in a less than significant impact.</p>	<p>Mitigation E1 None required.</p>	<p>Less than significant</p>

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact G1 Due to the geologic and soils setting, and the relatively minor types of land disturbance required to implement development of the site, the Project would not contribute to any cumulatively significant effect on geology or soils.</p>	<p>Mitigation G1 The project plans shall incorporate and implement all the recommendations outlined in the project Soils Engineering Report prepared by Earth Systems Pacific, dated November 29, 2004, including but not limited to site preparation, grading, utility trenches, foundations, slab-on-grade and exterior flatwork, retaining walls, pavement sections and drainage around improvements. Additional conditions may be imposed by the City Engineer.</p>	<p>Less than significant</p>

Impact G2

Impacts related to visual resources are limited to the potential for limited glare, color and material compatibility with surrounding features.

Mitigation G2

Prior to approval of any Land Use and/or Building Permits, the Board of Architectural Review shall approve the architectural design, materials, and colors, building heights and landscape of all new residential and accessory structures subject to the specific standards set forth in the EIR to ensure neighborhood compatibility, and in particular the Grist Mill, as follows:

Less than significant

- All exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. All proposed lighting shall be reviewed and approved by the Board of Architectural Review.

- The retaining walls shall be in tones compatible with surrounding terrain using textured materials or construction methods, which create a textured effect. The wall shall be designed to include pilasters, capping and proper architectural transition due to the varying grade heights. Native vegetation to screen retaining walls and views from the Grist Mill shall be planted and maintained by the homeowner.

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact G3</p> <p>Future development of the single-family residences and access road could create some temporary noise conditions within 800 feet of construction equipment that may exceed State Model Noise Ordinance noise thresholds for construction noise.</p>	<p>Mitigation G3</p> <p>Hours of construction shall be limited to 7:30 am to 5:30 pm weekdays. No construction shall be allowed on Saturday, Sunday, State or National holidays except as approved in writing by the Public Works Director, or designee, or in the case of an emergency for the immediate preservation of life, health, or property. Notwithstanding the foregoing, an individual property owner or tenant solely, (not including any volunteer or paid construction crew) in addition to the above permissible hours of construction may also construct, repair, or remodel his or her real property or any structure on such property, pursuant to obtaining the required permits, during the hours 5:30 p.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on Saturday, Sunday and National legal holidays. All noise or sounds associated with the construction, gardening and/or maintenance activities of said property shall not create any inconvenience or annoyance to the general public beyond the boundary lines of the property.</p>	

B. IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the State CEQA Guidelines states that for the preparation of EIRs, a discussion of any significant irreversible environmental changes which would be involved in the proposed action be provided. These irreversible environmental changes include: uses of non-renewable resources during the construction and operation phases of the Project, the commitment of future generations to the proposed uses, and any irreversible alterations that would occur from development of the Project site.

In the short term, site preparation, including grading, road construction and infrastructure would create traffic, noise and dust impacts on the area around the site that are temporary.

In the long term, the following effects would occur throughout the life of the Project:

- Increased surface street traffic.
- Increased demand for water.
- Increased stormwater runoff.
- Loss of soils suited for agriculture and natural visual character
- Increase in ambient light levels.
- Increased noise

C. GROWTH INDUCING IMPACTS

The State CEQA Guidelines (Section 15126.2(d)) requires an EIR to discuss how a proposed project could directly or indirectly lead to economic, population, or housing growth. A project may be growth-inducing if it removes obstacles to growth, extends community service facilities or infrastructure, or encourages other activities or precedents which cause significant growth or impacts to the environment. The potential growth-inducing impacts of the Proposed Project are discussed in terms of these factors in Section IV-H of the EIR. The project was determined to not be growth-inducing.

D. SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

Section V of the EIR examined the following alternatives to the Proposed Project:

- No Project
- Alternative site access from Alamo Pintado Road
- Reduced Scale Alternative
- Alternative Sites

Under CEQA, the purpose for examining alternatives is to provide decision-makers with a basis for a reasoned choice in ways to reduce or eliminate significant environmental impacts. However, it is shown in Section V that there are no feasible options that avoid or substantially reduce the impacts identified in Section IV as significant but mitigable to less than significant levels. The environmentally superior project would be the proposed project because both a reduced scale alternative project and alternate sites were deemed infeasible for all or some of the following reasons, and were rejected accordingly: failing to meet the basic project objectives, economic limitations (applicant does not own a comparable alternative site), lack of a substantial environmental benefit to provide a nexus for reduced density, and unsuitable site conditions such as parcel size and potential to increase flooding.

E. SUMMARY OF CUMULATIVE IMPACTS

Cumulative impacts are two or more individual effects that, when considered together are considerable or compound to increase other environmental impacts. The individual effects may be changes resulting from a single project or several projects. Not all aspects of the project would lead to cumulative effects. Specifically, geologic and hazard impacts are site specific and not cumulative.

Each study topic in Section IV of the EIR included discussion of cumulative impacts. The projections of future conditions were based on community projections and a list of near-term projects that satisfy the state CEQA Guidelines Section 15130 dealing with cumulative impacts and are contained in Table D5 of the EIR.

The following **Table S-2** tabulates the types of cumulative impacts for each study topic in the EIR. The designation 'N/A' means not applicable because no significant cumulative impacts were identified. LTS means "less than significant".

Table S-2. Summary of Cumulative Impacts

Topic	Significant Impact?	Impact after Mitigation
Flooding/Water Quality	no	N/A
Traffic	yes	LTS
Public Services	no	N/A
Cultural Resources	no	N/A
Visual Resources	no	N/A
Biological Resources	no	N/A
Noise	no	N/A
Air Quality	no	N/A
Agriculture and Land Use	no	N/A

Table D3

Future Conditions Peak Hour Intersection Operation

Location	Type of Control	PM Peak Hour (ICU or Delay)
Highway 246 at Alamo Pintado Road	Traffic Signal	0.80/LOS C/D
Highway 246 at High Meadow Road	One-Way STOP	36.4 sec delay per veh/LOS E

As seen above, the intersection of High Meadow Road and Highway 246 would be expected to operate at LOS E during the PM peak hour under future traffic conditions. Under these conditions, the Alamo Pintado Road intersection is operating at the upper end of the acceptable level of service limits set by the City and Caltrans. The High Meadow Road intersection continues to operate below acceptable limits.

3. Traffic Impacts

Impact Thresholds

The City of Solvang utilizes the County of Santa Barbara standards for evaluating the level of significance of project impacts. For existing plus project level impacts, a significant impact is considered when an intersection level of service change exceeds one of the following conditions. The City has set a LOS of C as the target goal for weekday peak hours.

Significant Changes in Levels of Service	
Intersection Level of Service (Including Project)	Increase in volume to capacity ratio or trips greater than
LOS A	0.20
LOS B	0.15
LOS C	0.10
LOS D	15 trips
LOS E	10 trips
LOS F	5 trips

Project Traffic Impact Analysis

The proposed project consists of a total of eight single family residential lots. To estimate the traffic that could be generated by the project, the Institute of Transportation Engineers (ITE) produces a reference documenting trip generation rates for a variety of land uses. For this project, ITE has identified the following trip rates for ~~townhome/condominiums~~ single family residential land use (ITE Code 210):

- 9.57 trips per unit on a Daily Basis
- 1.01 trips per unit during the PM Peak Hour (63% in, 37% out)

For this project, the trips that could be expected to be added to the surrounding street system would total 76 Daily Trips; with 8 PM Peak Hour trips. Based on the residential nature of the project, the traffic volumes were assigned to the local street system toward shopping, educational and work related destinations. In general, 65% of the project traffic was assigned to the west and north south toward the downtown area and Buellton/Highway 101. The remaining 35% of the traffic was to the east toward the High School, town of Santa Ynez and Highway 154/Santa Barbara. The distribution of project traffic is graphically depicted on Figure D3.

However, due to that fact that the project is contributing to an existing and cumulative condition that is, and will be, at a below-standard level of service, under CEQA, the cumulative impact would be considered significant.

Impact D2- The project contribution to the cumulative traffic condition is a significant impact because the intersection operation at State Highway 246 and High Mountain Road will fall to LOS E.

Construction Traffic

During the construction of the homes and site preparation, the daily traffic volumes for construction traffic are similar to the proposed project, 76 ADT. Additional heavy truck traffic for dirt import (20,000 yards) and concrete, lumber, and other building materials would vary over the course of the site development. The peak times would be during the import of the dirt for the project. During this time, 25-30 heavy trucks per day or 50-60 truck trips would be expected to arrive and depart the project site.

Impact D3- The construction traffic associated with the project would result in similar impacts to the roadway system as the project, but for a shorter and limited time frame. This temporary impact would also be less than significant based on City impact significance thresholds.

4. Mitigation Measures

As described above, the Highway 246 / Alamo Pintado PSR may potentially include a center turn lane extending to High Meadow Road. The final design and implementation timing for this improvement project is not certain and may not be reasonable foreseeable. As a result, three potential mitigation scenarios to address the projects impacts to the cumulatively significant impact on the High Meadow Road / Highway 246 intersection are presented below. To avoid confusion, only mitigation scenario 1 is presented in Table S- Impact and Mitigation Summary in Section II of the EIR.

A. Mitigation Scenario 1- Intersection Improvements with a Center Left Turn Lane

While the project does not result in a significant impact at this intersection (see impact D1 above), mitigation measures are still required by the City to mitigate the existing base and future base (cumulative) conditions poor intersection level of service. With the addition of a center left turn lane, the future plus project intersection level of service would improve to LOS C. This mitigation scenario assumes the improvements will include the left turn lane and are foreseeable in the near future.

If the ultimate PSR improvement for the intersection of High Meadow Road and Highway 246 contains a left turn lane, and the project would be required contribute its fair share toward the improvement, the turn lane would serve to mitigate cumulatively significant impacts. The City has a traffic impact fee program, but does not have a process that would result in a mitigation fee for the PSR defined project.

The applicant has developed a preliminary lane striping and road widening plan for the Highway 246 / High Meadow Road intersection with input for Caltrans (refer to FEIR Appendix A letter) as shown on FEIR map 3b. This proposal provides for a center left turn channel westbound on Highway 246 at the High Meadow intersection to provide a safe turning movement. The proposal requires minimal pavement widening to achieve a 4 foot shoulder on both sides of the highway. The provision of a 4 foot shoulder instead of the standard 8 foot shoulder will require a design exception approval from Caltrans, however, this is not an unusual design exception and Caltrans has a standard 4 foot shoulder design that can be implemented. Therefore this appears to be a feasible and adequate traffic mitigation to reduce Impact D2 to less than significant levels.

The proposed striping plan would limit the existing westbound bike lane on the bridge to 4 feet wide. Essentially this would require riders to merge with traffic as a class 3 bike route before (or at) the bridge instead of merging as they do now after (or on the west side) of the bridge. This would create a condition that is less safe for riders. Mitigation D2 below has been modified to require that the applicant fully fund the design, permitting and construction of a bike bridge over the creek before release of the land use

clearance for the first lot in the Tract. This would ensure that the highway lane improvements, the bike bridge, and the construction of residences are all concurrent and no unsafe condition on the bridge will result. The bike bridge over the creek is a project on the City's current Capital Improvement Project list. The city has investigated various alignments for the bridge including routes north of the bridge that connects into the commercial development there. It is recognized that getting bicyclists out of the Alamo Pintado / Hwy 246 intersection is desirable. Because the route is not determined, the impacts of this mitigation measure cannot be identified and would be addressed in the CEQA document for the bike bridge project by the City.

Mitigation Measure D2: To mitigate the project's contribution to cumulatively significant impacts to the Highway 246 / High Meadow Road intersection, the project shall obtain approval from Caltrans and construct the roadway improvements necessary to provide a westbound left turn channel at the intersection of High Meadow Road. The residual impact would be less than significant. ~~contribute a pro rata share of the projected (and yet to be determined) cost of the planned roadway improvement project which is anticipated to include a center left turn lane to bring the intersection operation to LOS C. The resulting impact would be less than significant.~~ The applicant shall also fund the design, permitting and construction of the City CIP project for the bicycle bridge over Alamo Pintado Creek. In the event the project applicant is unable to obtain approval from Caltrans to construct the roadway improvements, prior to approval of the final map, the project applicant shall enter into an agreement with the City pursuant to Gov't Code Section 66462.5(c) to complete the improvements pursuant to Gov't Code Section 66462 at such time as the City acquires interest in the land that will permit the improvements to be made.

Mitigation Implementation / Monitoring

- 1) Performance Standard: ~~The project applicant shall provide payment of the stipulated amount~~ obtain permits and construct the left turn channel in Highway 246. The applicant shall fully fund the bicycle bridge over Alamo Pintado Creek CIP Project as determined by the City.
- 2) Contingency Measure: As a condition of Tract approval, the inability to meet this requirement would preclude recordation of the Final Map.
- 3) Implementation Responsibility: City Public Works Department shall ensure bridge cost is paid and fees are collected, permits are secured from Caltrans at applicant's expense. Applicant shall fund construction.
- 4) Implementation Schedule: Highway 246 permits prior to City approval of Tract improvement plans, Implementation of both the highway improvements and bridge shall be prior to release of land use clearance for the first residential lot. Prior to Final Map recordation.
- 5) Monitoring Method: None required.

Impact Significance After Implementation of Mitigation Measure: ~~The project's pro rata financial contribution to planned intersection improvements will reduce the project's contribution~~ construction of the left turn channel would reduce to a significant cumulative impact to less than significant.

B. Mitigation Scenario 2- Intersection Improvements Indeterminate and Not Foreseeable

This mitigation scenario is presented in view of the current indeterminate nature of the PSR and funding source for the improvements. Under this scenario, it is assumed the PSR process and allocation of funding is not reasonably foreseeable. In that case, there is no identifiable feasible mitigation for the project's contribution to a cumulatively significant impact. As a result, under this scenario the cumulative traffic impact would be significant and unavoidable.

C. Mitigation Scenario 3- Elimination of Project Access from High Meadow Road

This mitigation scenario is presented because it would avoid project impacts on the High Meadow Road / Highway 246 intersection. In this scenario the project would construct a bridge over Alamo Pintado Creek from Alamo Pintado Road to access the Proposed Project and emergency only ingress / egress provided from the project to High Meadow Road via an easement. Alternatively, the scenario could further be

The Trust also indicates² that the primary access to the planned State Historic Park would be from the end of Alamo Pintado Road on the west side of the creek on an existing County Road easement. This area would be used by persons willing to walk a distance to the Mill and would be limited to a 10 car parking area. The Trust envisions the primary access to the Mill as through the Mission grounds. The easement proposed at the end of the project cul-de sac is intended for agricultural access, as well as emergency vehicle access and access for disabled persons. Therefore agricultural vehicles would no longer use the Arizona creek crossing. The project access road would also maintain access to the existing residence to be used for a caretaker / ranger. The timing of the potential State acquisition is at least one year out.

The parcel is currently zoned agriculture (40-AL-O) and does not appear to be subdividable with a minimum parcel size of 40 acres, under County zoning. Therefore, unless a lot line adjustment with adjoining parcels were approved by the County to maintain the 40 acre minimum parcel size with the 3.2 acre portion separated as an annexation lot, the proposed project is recognized to have limited potential to directly induce growth on to this property.

The presence of prime agricultural soils and an apparently viable agricultural parcel of close to 30 net farmable acres (subtracting out Alamo Pintado Creek, which bisects it), and specific County and City policies to preserve and protect prime agricultural land pose regulatory obstacles to annexation and / or subdivision of this parcel, as does the Trust mission of protecting the old grist mill. However, the fact of the Proposed Project creating road and infrastructure extensions within the County to serve the project has the inherent potential to be growth inducing, even acknowledging the obstacles to ultimate approval. This is largely due to the fact that the obstacles to approval of an annexation or subdivision are not primarily physical, but regulatory. Therefore, the growth inducing effect of the proposed project upon lands to the south is determined to be potentially significant.

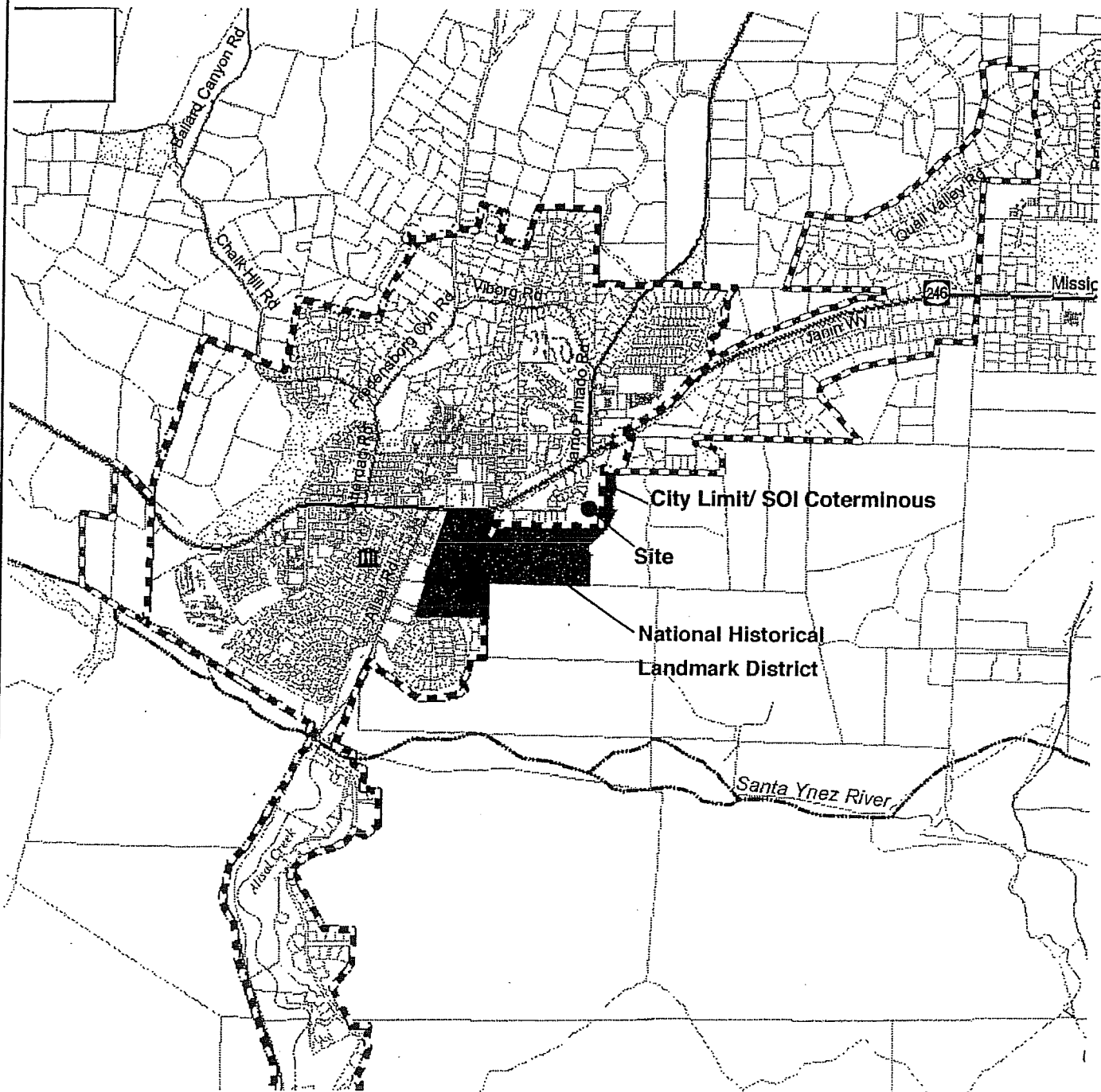
The potential to induce growth to the east beyond the immediately adjoining parcel is substantially diminished by the fact that the annexation of this adjacent parcel would necessarily need to precede further annexation east.

Likewise, growth to the north is precluded because existing residential subdivisions already have been developed there. The proposed project sewer main is not designed to accommodate any future flow and ends at the south boundary of proposed lot 1. The sewer line for the proposed project would not remove an impediment to growth and would not be likely to be extended to serve other areas in the SOI, however the creation of an easement outside the City for the purpose of sewer line would be considered growth inducing.

The proposed water main line is proposed to extend to the city limit line north of the site to link the existing City water main that extends under Alamo Pintado Creek to serve the four existing residence on the east side of the creek and within the city limits. This would provide looped service lines which is standard engineering practice and desirable to achieve flows adequate for fire suppression, however, the fact of its extension and underlying easement is potentially growth inducing for lands to the east.

The improvements that will be constructed with the project will generally be limited to those related to project needs. The improvements would not increase capacity to a degree that a direct impediment to growth is removed.

² Personal communication with Jarrell Jackman, Director, Santa Barbara Trust for Historic Preservation, March 14, 2006



Source: City of Solvang General Plan

City of Solvang Sphere of Influence Line Boundary

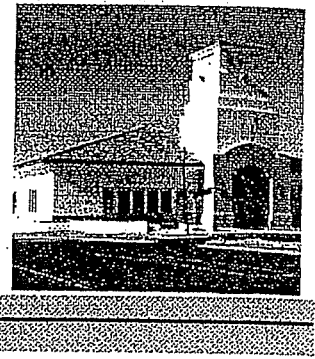


Map
10

Responses to Comments

Michael W. Loehr

letter 1



City of Solvang
Planning Department

Response: Aaron Petersen EIR

I have the following concerns regarding the EIR for the development next to the Old Mission Santa Ines Mills:

1. The EIR and the project should report on and should reflect the importance of the NATIONAL HISTORIC DISTRICT. There are so few districts on the West Coast. 1.1
2. The EIR and the project should provide FULL Visual protection from the Mills so that the interruptive setting of the Mills remain intact. The Visual from the Mission itself should be analyzed and this project should not be impacted. 1.2
3. The project should identify the boundary of the Historic .
4. Data from the Fourth Aqueduct serving the Mills should be reflect in the EIR. See the Governors Award for Historic Preservation given to the High School students. 1.3
5. Height limits and architectural review around the Mills should be reviewed. 1.4

Thank you for the opportunity to comment on this project. I do have ownership within 300 feet of project boundaries.

Michael W. Loehr
2105 Village Lane
Solvang
805 688-5382

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Responses to Letter 1

- 1.1 Refer to pages III-5 and IV-A1 of the EIR.
- 1.2 The Initial Study prepared by the City (Appendix A of the DEIR) correctly noted that the location of the proposed development is such that views from the Mission and the National Historic Landmark District lands would not be adversely affected by the proposed project. Refer to response 14.4 and revised mitigation measure G2.
- 1.3 The NHLD boundary has been added to Map 10 in the FEIR.
- 1.4 The Phase 1 Archaeological Survey and records check done for the EIR (section IV- A) did not identify the aqueduct as occurring on the project site, therefore no potential impact was identified. It is acknowledged that the location aqueduct system has been analyzed in the past and that the actual location of some parts are not known.
- 1.5 See the Appendix A Initial Study page 7 and Mitigation measure G2.



**SANTA BARBARA TRUST FOR
HISTORIC PRESERVATION**

Post Office Box 388
Santa Barbara, California 93102-0388
(805) 965-0093 (805) 966-9719 FAX (805) 568-1999
www.sbthp.org

letter 2

To Encourage the Preservation of Historic Buildings and Sites in the County of Santa Barbara

April 14, 2006

City of Solvang
Attn: Shelley Stahl
Planning & Community Development Director
1644 Oak Street
Solvang, CA 93463

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RE: Draft Environmental Impact Report for the Old Mill Vesting Tentative Tract Map,
APN: 139-540-020, Petersen Property

Ladies and Gentlemen:

After reviewing the Draft environmental impact referenced above, we believe that the document is inadequate in that it has failed to address a number of important issues. The following is a list of concerns that we have with the current analysis of impacts:

Flood Control Issues:

1. There are a couple of minor discrepancies in the details of the road construction. The topographic map on the Preliminary Rough Grading Plan indicates the road as being designed with a swale that will carry water down the middle of the road. The detail of a Typical Lot Cross-section indicates a crowned road with curbs and gutters. The swale design would have a greater carrying capacity. An alternative to both designs would be to tip the entire road towards the Trust property. This would eliminate muddy runoff from the High Meadow hillside and keep the water from running down the middle of the road. 2.1
2. There is a lack of detail for the swale or ditch that is designed to carry water from the project to Alamo Pintado Creek. The Trust would like to see more detail of this drainage feature and request the hydrologic calculations that determine flow to make sure that the design is adequate. 2.2
3. We are concerned that the proposed addition of substantial amounts of fill material in the flood zone will accelerate high water flows as they pass the development and enter Trust property. We feel the current document fails to adequately address the change in flow velocities. We need to see a better discussion of the impacts of the fill on creek flows. 2.3

Response to Letter 2

- 2.1 Comment noted. The Fire Chief reviewed the tract Map at the Design Review Committee meeting and required the widths and cul-de-sac shown on the plan. The final engineering plans will be subject to City review and approval. The review will ensure the engineered design complies with City standards and appropriate engineering practice for the setting. The drainage conveyance appears to be able to be constructed in a number of ways, none of which appear to create significant impacts.
- 2.2 Refer to 2.1. According to the preliminary grading plans and the Tentative Tract Map, drainage will be conveyed from the project to Alamo Pintado Creek by individual swales located between the proposed homes. Mitigation C1 has been clarified in the FEIR to require a drainage report for the project which will present the applicant's hydrologic calculations and address swale, curb, gutter, and storm drainage pipe design. The City will require that these swales be adequately sized to convey runoff to the Creek without causing downstream erosion. The drainage report would be submitted to the City's Planning Department for review prior to issuance of construction permits.
- 2.3 Refer to the supplemental Hydrologic Study prepared by Boyle engineering and included in the FEIR RTC volume Appendix B. This study demonstrates that the DEIR conclusions were correct with respect to flood levels and velocity. The impact of the proposed fill on creek velocity is described in the expanded flood plain analysis. The Army Corps of Engineers HEC-RAS model was used to evaluate impact of the project on upstream and downstream reaches of Alamo Pintado Creek. As described in the expanded flood plain analysis, no impact in peak flows during major storm events is expected downstream of the proposed project. The use of energy dissipation in the Creek is not recommended, as it could increase potential for flooding upstream of the project by creating a surcharged or "backwater" condition.

We believe that there may be a need for an energy dissipation structure within the proposed development. Currently the discussion of the very important issue of flood impacts is inadequate. Any change in the course of Alamo Pintado Creek could potentially have an adverse impact on the Grist Mill building that is located less than 20 feet from the active stream channel. The inclusion of an Energy Dissipater in the project design might protect the Grist Mill structure from erosion due to any realignment of the creek as a result of the new construction. An Energy Dissipater may reduce or prevent erosion and other damage to the mills and other cultural resources downstream from the proposed project.

2.4

In order for the Trust to protect its interest in the Santa Inés Mission Mills we request that an adequate flood study be prepared (at the applicant's expense) to demonstrate whether or not the proposed Project will not adversely effect the Trust property as a result of project design. This study should include hydrologic calculations to determine flow that can be used to analyze the adequacy of the drainage system and related features.

2.5

Vegetation Management Issues:

The proposed project will bring new challenges related to managing the vegetation in the area. This is not adequately discussed as it relates managing the vegetation for fire protection. We have the following concerns:

1. There is no discussion of setbacks to address the required fire clearance brought on by the development. There is no discussion of how the surrounding vegetation will be protected from the ignition sources which will be brought in by the inhabitants of the development. What vegetation clearances will be provided for in the development and how will the development comply with the County Fire Clearance Standards? The Trust wants to ensure that no new fire clearance mandates will impact trust land and thus the vegetation types we are responsible to protect.
2. The EIR does not address the addition of non-native plants in the development. How will the development address the issue of the introduction of non-native species to the adjacent riparian areas owned by the Trust? Many non-Native plants can easily invade and damage riparian zones. It is the desire of the Trust to protect the riparian community within its boundaries. The potential introduction of non-native residential planting needs to be dealt with in the EIR.

2.6

2.7

- 2.4 Refer to 2.1, 2.2, and 2.3.
- 2.5 Refer to 2.3
- 2.6 The project is subject to City Fire Department regulation, not the County Fire Department. The Fire Department does not view residential landscape as a high risk combustible material requiring special measures.
- 2.7 The concern raised by the commenter is adequately addressed in Mitigation Measure F2 which includes a dedicated creek setback area planted with native plants and all exotic plants removed. The riparian area will be monitored for five years.

Scenic Impact Issues:

The proposed project EIR does not adequately discuss the potential scenic impacts on the adjacent National Historic Landmark District.

The EIR needs to address the view shed impacts on the Trust property. The National Historic Landmark District was created to recognize the importance of the Mission era history of the land adjacent to the proposed development. The addition of such things as night lighting, non historic structures and automobile traffic on the edge of this important historic site is potentially very damaging to the visual qualities of the "District". The EIR needs to address this very significant potential impact and provide mitigations.

2.8

Furthermore the Trust wants to insure that lighting will not adversely impact tenants of the existing ranch house on the Trust property. In order to demonstrate the impacts of proposed lighting, a more detailed design and analysis of the proposed project lighting should be presented in the EIR.

The Trust is concerned that the EIR does not adequately address the height of the project. In an agreement between the Trust and Mr. Peterson, landscaping is required visually screening his housing development from the mills and the remainder of our property. The EIR needs to determine whether or not it is feasible to adequately screen his property from the Trust's. In order to demonstrate this, a view shed analysis illustrating the height of the proposed structures vis-à-vis the proposed landscape screening needs to be developed.

2.9

Cultural Resources:

The Phase 1 Archaeological Survey recommended subsurface testing in the vicinity of the intersection of the proposed project access road and High Meadow Road (Hannahs 2006:12). The proposed testing is to determine the presence or absence of an adobe structure that was allegedly located in that portion of the Trust's property. It is also recommended that additional archival research be conducted to determine the age of the structure, function of the structure, owner and/or occupants of the structure, etc. The archival work and subsurface testing should be performed before final project approval. If the remains of the adobe do exist and the structure itself or person or event associated with the site are determined to be potentially significant, it may affect the design and/or location of the proposed access road.

2.10

- 2.8 Refer to responses 1.3 and 1.5. The FEIR revises Mitigation Measure G2 to include Board of Architectural Review approval of proposed tract building heights and landscape to ensure the project is compatible with its setting, e.g. the NHLD.
- 2.9 Refer to 2.8
- 2.10 The FEIR mitigation measure A1 is clarified to specifically note the Phase 2 work includes the adobe.

City of Solvang

April 14, 2006

Page Four

The EIR does recommend that phase 2 testing shall be conducted prior to project construction; however, it implies the testing is to mitigate the presence of two prehistoric artifacts encountered during the phase 1 survey and not the location of the purported adobe. The EIR also recommends that additional archival research is done but it does not indicate for what purpose. It should be clear that the recommended phase 2 testing is designed to determine the presence or absence of the adobe described in the phase 1 (Hannahs 2006:12).

2.10 Cont.

In addition to the potential for the presence of the adobe identified in the Phase 1 Archaeological Survey there are several known cultural resources on the Trust property immediately adjacent to the project parcel. The Trust parcel (APN 139-250-35) represents 37.91 acres of the 94-65 acre Mission Santa Inés National Historic Landmark District. Within the Trust parcel the fulling mill, grist mill, small reservoir, large reservoir, and the agricultural field west of the Alamo Pintado Creek have been identified as contributing elements to the National Historic Landmark Designation. These resources are located immediately south of the proposed project and adjacent to Alamo Pintado Creek. It is imperative that the EIR demonstrate that the final project design will have no adverse impacts to these resources as a result of accelerated erosion, flooding, or any other project-related activities.

2.11

Other Land Impacts;

The EIR does not address the potential need for Safety Services access mandates. It is unclear if additional mandates such as Fire Service mandates are being considered in the proposal. It seems to Trust reviewers that the proposal does not allow adequate road access to meet fire agency standards of road width and alternative access. Such needs may have added impacts on Trust Lands and therefore need to be clearly stated. If roads must be larger or an alternative access is created and maintained due to fire agency standards this could have a significant and negative impact on Trust land. We request a further discussion on this be added to the final EIR.

2.12

Thank you for your consideration of our comments.

Sincerely,



Jarrell C. Jackman, Ph.D.
Executive Director

2.11 Refer to 2.3.

2.12 The City Fire Department has specific roadway design standards. The project applicant has designed the project to meet those standards (refer to EIR Appendix A - Initial Study page 21). Further, during the construction document phase of the development, the Fire Department reviews all driveways, road widths and locations of fire suppression systems for compliance. These two procedures would ensure that the Fire Department/Emergency Services requirements are met.

Dear Planning Commissioners:

I am one of the persons, who is concerned about the old Mill Development Project's use of High Meadow's entrance's as egress and ingress from Hwy. 246.

3.1

I have already experienced the terror of the dangers associated with trying to make a left hand turn from the High Meadow Road onto Hwy 246. My car was demolished and my dog killed. Speed and congestion are the adversaries. The 55 mile per hour sign was at the beginning of the High Meadow Road. The residents of High Meadow tried to alleviate some of their problem by asking the Highway Department to move the sign further to the East. If you will notice the sign was moved quite a distance to the East from it's original place at the entrance to High Meadow. The residents had high hopes that this would help them with their problem; theoretically the speed limit was reduced from 55 miles per hour to 45 miles per hour. However, there was no change. Drivers continued their habitual race.

I served on the transportation section of the Advisory Committee, which had input into the General Plan. I learn many things about planning and transportation theory and policy and beside having a strong personal interest in the High Meadow entrance and road I'm also concern about, how this would effect the policies of the Hwy 246 corridor and the flow of traffic. Estimates seem to indicate that with build out of the Santa Ynez Valley, you will exceed your own capacity for Solvang and the entire Ynez Valley. In one study it was suggested that the policy capacity of Hwy. 246 could or will allow communities to develop only 40% of their current billout and with Sacramento's edict, a greater population is envisioned. Will the money be there for capital improvement in the future? Do you want a four lane road as part of the ambience of Solvang? In planning the planner must be cognizant of short term goals and long term goals. I can not see any beneficial goals, other than for the developer. The community gets nothing but a greater interference in the flow of traffic.

3.2

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Response to Letter 3

- 3.1 The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246, refer to FEIR Map 3b. The implementation of the measure would mitigate the cumulative traffic impact identified in the DEIR to a less than significant level. The left turn movement from High Meadow to Highway 246 is not identified in the DEIR as a significant impact requiring mitigation, see DEIR pages IV-D8 and D9. Refer to FEIR pages I-4, IV-D9 and 10 and FEIR Mitigation D2.
- 3.2 The project generated traffic volumes along Highway 246 total 76 ADT (50 to the west and 26 ADT to the east). With the existing ADT for Highway 246 in the vicinity being 19,400 vehicles, the project added traffic is less than 0.5% of the ADT. The daily variation of traffic on a highway of this type is 5-15%. Therefore, the project would have no impact on the Highway operation on a daily traffic basis. This information was not included in the EIR due to its insignificance. This information is only provided here to address a comment on the EIR.

(2)

It would seem that this property would ideally be suited for open space and part of a green belt surrounding , Solvang. I say this because it has many features, which would prevent it from being economically viable. It is in the flood plane and is a significant wildlife resource for the citizens of Solvang. The EIR does not give an adequate study of the biological impact to the area. All riparian vegetation should be protected by set backs and open space. All denuded vegetation, which is removed at anytime should be replanted. A study of the displacement of flood flows due to the placement of fill in the flood zone to elevate finished floors in anticipation of water levels, should be performed. It has been pointed out that this could increase the magnitude of flooding in down stream areas. It is suggested that the use of non-structured flood protection measures be use as protection, not a large unsightly wall. All riparian vegetation should be protected by the use of set backs, overlays and open space.

3.3
3.4

As stated previously, traffic is a problem with use of High Meadow Dr. and junction Hwy. 246 and it is not inconceivable to insure the flow of traffic and to control the capacity on Hwy 246, that the "Access to adjacent property may be controlled so as to enhance capacity and safety.

Sincerely yours,

Lorna Pinassi

3.3 For adequate mitigation of impacts to riparian resources refer to Mitigation Measure F2. The comment suggests the Draft EIR did not adequately address biological resources and recommends protection of riparian habitat through set backs and open space. The Biological Resources section of the Draft EIR clearly established the existing conditions of the project site and evaluated potential impacts on riparian habitat. The commenter is referred to response 2.7. All finished floors, as proposed, would be located a minimum of 1 foot above the flood plain. Based on the expanded flood plain analysis, the project would not impact downstream peak flows or flooding during major storm events. Refer to response 2.3 related to flooding.

Response to Letter 4

4.1 This comment is not related to the EIR.

III The Environmental Impact Report does not reflect all plans and policies

Section III, entitled Environmental Setting states "according to State CEQA Guidelines Appendix G, a project impact may be deemed significant if it would, among other things, conflict with adopted General Plan designations or *policies*..." Environmental Settings, p. III-1. While the author of this report, Mr. Foote, made clear the requirements, he fails to address a policy adopted by the City of Solvang on May 9, 2005, and found quite easily on the City of Solvang's website.

On May 9, 2005 the Solvang City Council approved the adoption of the Santa Barbara County Multi-Jurisdictional Hazard Mitigation Plan; a plan exactly what its title infers. While this plan outlines potential hazards and hazardous areas that require consideration before development approval, the Environmental Impact Report has not analyzed nor acknowledged the plan.

Thus, the Environmental Impact Report is not complete and cannot be considered for final approval.

After the Environmental Impact Report is factually complete and addresses the potential issues in their entirety, the Planning Commission has a duty to re-open the report for further public comment. While time is one factor to be considered in balancing the hardships and interests of the parties and the public, any type of decision without public comment would abridge the rights of the citizens of this community and substantially outweigh the burden of delay on a developer.

IV. Permitting construction in a floodplain is against public policy

As our nation witnessed the devastation imposed by Hurricane Katrina and its impact on New Orleans, the public was made aware of the dangers in building in a floodplain. History repeating itself by allowing the building of this project in the floodplain of Alamo Pintado Creek would suggest that the Planning Commission either believe that a retaining wall would immunize Mill Creek Project residents from flood waters or demonstrate an arrogance by individuals repugnant to the meaning of public service. Here in California our own lands have been subject to flooding as the weather patterns are changing. Nevertheless, the City of Solvang Safety Element is discussed briefly providing that the project would not "create significant impacts, individually or cumulatively, on flooding." Environmental Setting, p III-3.

4.2

4.3

- 4.2 The applicable legal standard for development in the floodplain and floodway in Solvang is Title 13 – Flood Control. Sections 13-1-7 to 13-1-9 deal with development in the floodplain, which is allowable under certain conditions. Section 13-1-10 deals with development in the floodway, which is not proposed for this project.
- 4.3 The FEIR (Appendix A) expanded flood plain analysis has been prepared and no impact is expected on downstream or upstream flooding during major storm events. Refer to response 2.3.

While the City of Solvang's policy may not find building in a floodplain significant, the historical flooding pattern of this area should warn against the danger of tempting nature's natural course. Actually, the city of Solvang agreed to a plan that recognizes the consequences of natural disasters and the need to reduce the impacts of natural disasters. This is the MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN. I have attached pertinent pages to these comments.

Additionally, the Environmental Impact Report states that the project will "place fill within the floodplain of Alamo Pintado Creek", "will contribute additional water runoff", and "will be constructed in the 100-year floodplain." Environmental Setting, p. IV-C1 The EIR did provide that "flooding and potential risk should be evaluated." Supra.

Approval of the project without requirement of an additional environmental assessment for this issue alone would be against the public policy to provide for the general safety and welfare. This Draft EIR cannot go forward in its process without this waiver.

Further, the EIR discusses a discretionary action, which may be investigated involving seeking FEMA's approval for the removal of the requirement for flood insurance by the homeowners. This statement again suggests a discretionary action that violates public policy. While the EIR provides that removal of flood insurance requirement is discretionary, the Department of Transportation in their letter dated September 13, 2005 states that "A CLOMR from FEMA will be required before the project can be built." If the project cannot be built without such waiver, the Planning Commission cannot recommend approval without breaching its duty to public safety.

FEMA requires a hydrology assessment in order to evaluate impacts on neighboring parcels. There is no such assessment in this EIR.

V. An Environmental Assessment is necessary to determine the impact on the riparian habitat

The EIR states repeatedly "potentially significant impact" thereafter alleviating the impact as "less than significant" with a few short sentences. The two criteria are diametrically opposed and the author does not succinctly describe the environment of the areas to be affected by or created by the proposed action. 10 CFR 1022; 16 USC 1531; 40 CFR 1508.27(b)(9);

For example, to mitigate environmental impact, Mr. Foote suggests a twenty-foot buffer which is smaller than most Solvang living rooms. To suggest that a local deer, weighing about 300 pounds could live comfortably along the creek in a twenty-foot corridor would suggest that the author has not considered the reality of this type of existence.

4.4

4.5

21

4.4 FEMA has reviewed and accepted the CLOMR request for the proposed project.

4.5 The comment suggests the Draft EIR did not succinctly describe the affected environment and questions the adequacy of the riparian habitat set back mitigation measures. The commenter is referred to the Biological Resources setting section that establishes the existing conditions of the proposed project site as cropland and riparian habitat. It is common CEQA practice as part of the full disclosure process to make statements that determine potential impacts before mitigation as potentially significant. This evaluation and statement provides the foundation for requiring mitigation measures under CEQA that are appropriate for identified impacts that would then reduce a potentially significant impact to a less than significant level. This does not set up a diametrically opposed scenario as the commenter suggests but follows standard CEQA logic in compliance with the CEQA Statutes and Guidelines. The proposed project would only directly impact the cropland habitat and does not propose any direct impacts on the riparian habitat. Mitigation F2 is adequate mitigation for the level of impact identified and would increase and buffer the existing riparian habitat from the new development. It is not expected or intended that deer or other wildlife would inhabit only the 20-foot enhanced area. The mitigation would provide for an increase in habitat values and functions over the available Alamo Pintado Creek riparian corridor that under existing conditions likely provides the basis for wildlife use and movement opportunities through the area. The 20 foot creek setback is the same as imposed by previous City Planning Commission actions on similar projects. The deer are not constrained by the 20 foot width but would be expected to use the entire riparian corridor which is over 100 feet wide.

American Badgers do live along the Santa Ynez River and while the ecologist did not report seeing one on his visit, his limited scope of assessment does not meet the requirement. There were no vernal pools present when the ecologist visited the site. A biologic survey was not performed and should be required.

4.6

The existence of vernal pools was dismissed as non-existent yet to date several can be seen in the riparian area. While the Alamo Pintado Creek is not the subject of this report, the impact on this waterway must be addressed, as impacts to riparian habitat must be assessed.

4.7

The proposed grading and landfill on prime agricultural soil will dramatically alter the flood plane. This will directly affect those properties downstream, especially the Grist Mill, a key element of the National Historic Landmark site. The floodwaters that have historically spread over the Peterson and Land Trust property will be channeled and concentrated downstream. The Grist Mill, which had floodwaters at its door in the 1998 floods, will surely not escape in the future.

4.8

Any changes will alter the configuration of the creek and the channeling of the waters and all such changes are not "less than significant" rather they do pose a significant impact which must be addressed. These issues cannot be ignored. The EIR should reflect a Class I impact.

4.9

VI. Traffic:

A major concern for many of the adjacent landowners is traffic onto Hwy 246. Once public comments were closed, the Commission discussed various elements of the EIR. The traffic was given the most consideration, and the "consensus was that a left turn lane would solve the problem. Actually, it would not. There is no room for one. The south side of the bridge over Alamo Pintado Creek is adjacent to the High Meadow entrance and a portion of the north side of the bridge is opposite the High Meadow entrance leaving no room to widen the road. There is a constant stream of traffic approaching High Meadow Road from the west which does not give many opportunities to make a left hand turn from High Meadow Road. The City of Solvang has received money to do an engineering study to widen the bridge over Alamo Pintado Creek on Highway 246 on the north side to add a right turn lane and a bicycle lane, which will make exiting to the west even more perilous. Additional homes would only aggravate the problem at "all") traffic times. Caltrans has responded that any additional traffic on High Meadow road is a Class I impact.

4.10

- 4.6 The commenter states that a biological survey was not performed and suggests the American badger and vernal pools should be evaluated. The commenter is incorrect regarding the lack of a biologic survey of the project site. A biological resources field survey and review of the available background information was used to adequately establish the existing conditions of the project site and evaluate potential project impacts. The rock and shale soils and regular cultivation of the project area do not allow for the establishment of large burrowing animals such as the American badger that requires friable soils (typically very sandy soils) and an available small mammal prey base (also reduced from regular cultivation). The Draft EIR adequately addressed the American badger in this regards. Field survey, observations of surface soils, and review of several years of aerial photographs provided strong evidence that there are no vernal pools on the project site and none would be expected along the alluvial flood plain soils of Alamo Pintado Creek.
- 4.7 The commenter suggests vernal pools can be seen in the riparian area and that impacts on Alamo Pintado Creek and riparian habitat must be addressed. Field survey, observations of surface soils, and review of several years of aerial photographs provided strong evidence that there are no vernal pools on the project site and none would be expected along the alluvial flood plain soils of Alamo Pintado Creek. Vernal pools are seasonal ponds that area typically in topographic depressions with a water restricting soil horizon fed principally by rainfall that are static water features isolated from creeks and flowing water. Any pools observed in the riparian area as the commenter suggests would be features of the flowing creek and would not be considered vernal pools. Regarding impacts on riparian habitat, the commenter is referred to EIR section IV-F and mitigation measure F2 that describes the potential impacts and requires a riparian habitat restoration plan for the average 20-foot increase in riparian habitat along the project reach of Alamo Pintado Creek.
- 4.8 Refer to responses 2.3 and 4.3.
- 4.9 Refer to response 2.3
- 4.10 The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the issue raised by the commenter. The designs of the proposed left turn lane provided by the applicant depict a left turn lane that meets Caltrans requirements as stated in the Caltrans DEIR comment letter. Caltrans notes that without the left turn lane, the project traffic may trigger a Class 1 impact.

VII. Easement rights

The current landowners own Dominate Rights on the High Meadow Road easement. None of them have suporned their rights. The planned use of the High Meadow Road is a change in the use of the easement, it violates the purpose of the easement, and it overburdens the easement. Permitting the use for this proposed development would lower the standard for property rights. This cannot be permitted.

4.11

VIII Agriculture:

The proposed project is totally on prime agricultural land. By converting the land to residential use it reduces the viability of the adjoining parcels for agriculture. There is no buffer between the proposed residences and modern farming practices. Without a buffer there is bound to be conflict, with Ag the loser. The creek and the floodway is the natural buffer and it should not be violated.

4.12

IX Conclusion

The City of Solvang's Planning Commission has a duty to protect the public interest of its residents and not provide a rubber stamp to a project which if approved will have a significant impact on traffic, environmentally protected and threatened species, put public safety at issue based upon the project location and its impact, and finally (although not addressed herein) threaten the existence of the Santa Ines Mission Grist Mill a nationally recognized historical landmark. As public servants, "the planning commission members," have a paramount duty to set aside "their" personal bias, avoid a direct or indirect conflict of interest, and preserve the quality of life for our community.

In closing, the purpose of this letter is to recognize that the EIR is required for responsible development that enhances the community and supports its character.

Sincerely,



Patricia Sullivan
2020 High Meadow Road
PO Box 502
Solvang, Ca. 93464

4.11 The comment is not an EIR issue.

4.12 Refer to sections IV-B and IV-H of the EIR and letter 12 from the County Agricultural Commissioner's office indicating concurrence with the EIR conclusions related to conversion of agricultural land.

Summerland area, was declared a federal disaster area. (Floodplain Information Montecito Streams Vicinity of Montecito, Santa Barbara County, California)

1978 Flood Summary - Storms in February and March of 1978 caused inundation of agricultural areas, mudslides, and millions of dollars of damage. (1993 Precipitation Report and Hydrology Methods) (Presidential Disaster Declaration)

1980 Floods Summary Storms in February, 1980 caused severe flooding mudslides and high tides throughout the County. (Presidential Disaster Declaration)

1982 – 1983 Flooding - During 1982 – 1983, several parts of southern California received over 200% of normal rainfall during what was the strongest El Niño event of record. Santa Barbara County had widespread slope destabilization and coastal flooding. (2 Presidential Disaster Declarations)

1992 Flood Summary - The 1992 – 1993 rainy season was one of the wettest recorded in Santa Barbara County, areas of the County received 180% to 209% normal rainfall. One of the County's highest short-duration rainfall intensities was recorded during 1993; 1-¼-inches fell in fifteen minutes at the Buellton Fire Station. Following a 25-year storm event that occurred in late March, Santa Barbara was declared a federal disaster area with 12 creeks substantially damaged along with several detention basins and residences. Santa Barbara County received approximately \$1.4 million in disaster recovery funds from FEMA. (1993 Precipitation Report and Hydrology Methods) (Presidential Disaster Declaration)

1995 Flood Summary - The floods of 1995 brought widespread flooding to Santa Barbara County. The most severe flooding occurred on the South Coast while the rest of the County was largely spared from serious damages. On the South Coast, the 1995 Flood was more severe and wide spread than either the 1969 or 1967 floods. Flooding occurred on most major streams from Goleta to Montecito. Estimated public and private damages were around \$100 million and the area was declared a federal disaster area. (1995 Floods)

January 1995 - Flooding occurred on most major channels in Goleta, Santa Barbara, Montecito, and Carpinteria. Approximately 510 structures were reported flooded and/or damaged along the South Coast, with a total cost resulting from public and private damages of approximately \$50,000,000. All modes of transportation in and out of the South Coast were cut off for several hours; some modes of transportation were not restored for several days. (1995 Floods) (Presidential Disaster Declaration)

March 1995 - During the March 10th 1995 storm, major flooding occurred again in the areas of Goleta, Santa Barbara, and Montecito. More than 300 structures were reported flooded and/or damaged; many of the same structures flooded or damaged during the January 1995 storm event. Approximately 30 million dollars of public and private property were damaged during the storm. Once again, all modes of transportation in and out of the South Coast were cut off for several hours. (1995 Floods) (Presidential Disaster Declaration)

1998 Flood Summary – February 1998 brought several record-breaking rainfalls with 50-year storm event intensities. The City of Santa Barbara recorded its wettest month in history, 21.36-inches of rainfall. By the end of the month, many areas in the County had received 600% of normal February

rainfall. Flood related damages within Santa Barbara occurred during three major storm periods: February 1-4, February 6-9, and February 22-24. The cost to repair extensive flood damage to public and private property was estimated at \$15 million. Just like in 1995, transportation throughout the County was disrupted through closures of roads, the Santa Barbara Airport, and train service. Flood damage was spread throughout the County and the County was declared a Federal Disaster Area on February 9. (Presidential Disaster Declaration)

Although the February storms had higher annual rainfalls, flooding in 1998 was considered less severe than other historical events due to flood control improvements, such as Cachuma Reservoir, and channel and debris dam maintenance performed by the County. (1998 Flood Report) Damage locations, amounts and public assistance requests from FEMA for past Presidential Disaster Declarations are included as Appendix 4-C.

Location and Extent/Probability of Occurrence and Magnitude

In regions such as Santa Barbara, without extended periods of below-freezing temperatures, floods usually occur during the season of highest precipitations or during heavy rainfalls after long dry spells. Due to the Mediterranean climate of Santa Barbara County and the variability of rainfall, stream flow throughout the County is highly variable and directly impacted from rainfall with little snowmelt or base flow from headwaters. Most streams in the County are dry during the summer months. Many streams in the County have flows that rise and fall in response to precipitation. Watercourses can experience a high amount of sedimentation during wet years and high amounts of vegetative growth during dry and moderate years.

The drainages in the southern part of the County are characterized by high intensity, short duration runoff events, due to the relatively short distance from the top of the Santa Ynez Mountains to the Pacific Ocean. The drainages in the northern part of the County are contained in the upper mountain areas, but broaden out into level valley floors. The drainages in the northern part of the County are generally characterized by longer duration and less intense storms than the southern coastal areas. The majority of streams in Santa Barbara County only flow during winter months.

In addition to building damage due to flooding there are numerous undersized culverts, low water crossings and low capacity bridges throughout the County that cause flooding problems. A few of the "hot spots" are listed below.

Low Water Crossing

McLaughlin Road (Outskirts of Lompoc on Santa Ynez River)

Orcutt-Garey Road (Outskirts of Santa Maria on unnamed intermittent stream)

Refugio Road (Several crossings causing closing road in frequent events –connecting Gaviota Coast to Santa Ynez valley – major emergency access road for fire and other hazards)

Tepusquet Road (Outskirts of Santa Maria – Sisquoc)

Low Capacity Bridges (Bridge Capacity)

Lompoc-Casmalia (connects Lompoc to Santa Maria through Vandenburg AFB – bridge has no capacity – disrupts emergency access)

Table 4.3-3

Santa Barbara County Flooding Hazards

Flooding Type	Characteristics	Hazard to County
Overflow of streams	<ul style="list-style-type: none"> • Flooding occurs in response to heavy rainfall events when streams, rivers, creeks, and drainage channels overtop their banks and low-lying areas with poor drainage become inundated. • Factors such as fires in the watersheds, structures or fill materials in flood-prone areas, debris build-up, and development of impervious surfaces (roads, parking lots, rooftops), increase an area's vulnerability to flooding. • A common measure of an area's susceptibility to flooding is the calculation of the '100-year flood,' which is a flood event that statistically has a chance of one percent of being equaled or exceeded in any given year. 	<ul style="list-style-type: none"> • Portions of the County are subject to flooding due to flash flooding, urban flooding, river channel overflow, and downstream flooding. • The County historically has also been vulnerable to storm surge inundation associated with tropical storms.
Tsunami/Coastal Surge	<ul style="list-style-type: none"> • Large waves generated by earthquakes, landslides, volcanic eruptions, and impacts of cosmic bodies. 	<ul style="list-style-type: none"> • The Cities of Santa Barbara and Carpinteria are located on or near several offshore geological faults, the more prominent faults being the Mesa Fault, the Santa Ynez Fault in the mountains, and the Santa Rosa Fault. There are other unnamed faults in the offshore area of the Channel Islands. These faults have been active in the past and can subject the entire area to seismic action at any time.
Dam/Levee Breach Inundation	<ul style="list-style-type: none"> • Flooding that occurs as a result of structural failure. Sources of dam failure include erosion of face or foundation of the dam, improper siting, rapidly rising floodwater, structural design flaws, landslides flowing into a reservoir, or terrorist actions. • Inundation can also be caused by seismic activity. A seismically induced wave can overtop the dam. • Will cause loss of life, damage to property, and displacement of people residing in the inundation path. • Damage to electric generating facilities and transmission lines could impact life support systems in communities outside the immediate hazard area. 	<ul style="list-style-type: none"> • The cities of Lompoc, Santa Barbara and Carpinteria, and portions of Santa Maria, Buellton, and Solvang are subject to potential dam failure. • There are nine major dams in the County; Alisal Creek, Bradbury, Dos Pueblos, Gibraltar, Glen Anne, Juncal, Ortega, Rancho Del Ciervo, and Twitchell. • Bradbury dam has the largest concern of failure because floodwaters from this dam would affect Cachuma Village, Solvang, Buellton, Lompoc City, Lompoc Valley and south Vandenberg AFB. • Failure of the remaining 8 dams, would affect portions of populated cities and communities, forest and agricultural lands, roads, and highways could be inundated.

then used to determine the appropriate level of damage utilizing FEMA's Federal Insurance Administration depth damage functions for both building and content damage. A type of structure was assumed for all land use types to determine the appropriate percentage. Utilizing these percentages the total damage for both building and contents was determined for each jurisdiction and for each use type. The complete flood loss estimation table, including all formulas and assumptions is included as Appendix 4-D.

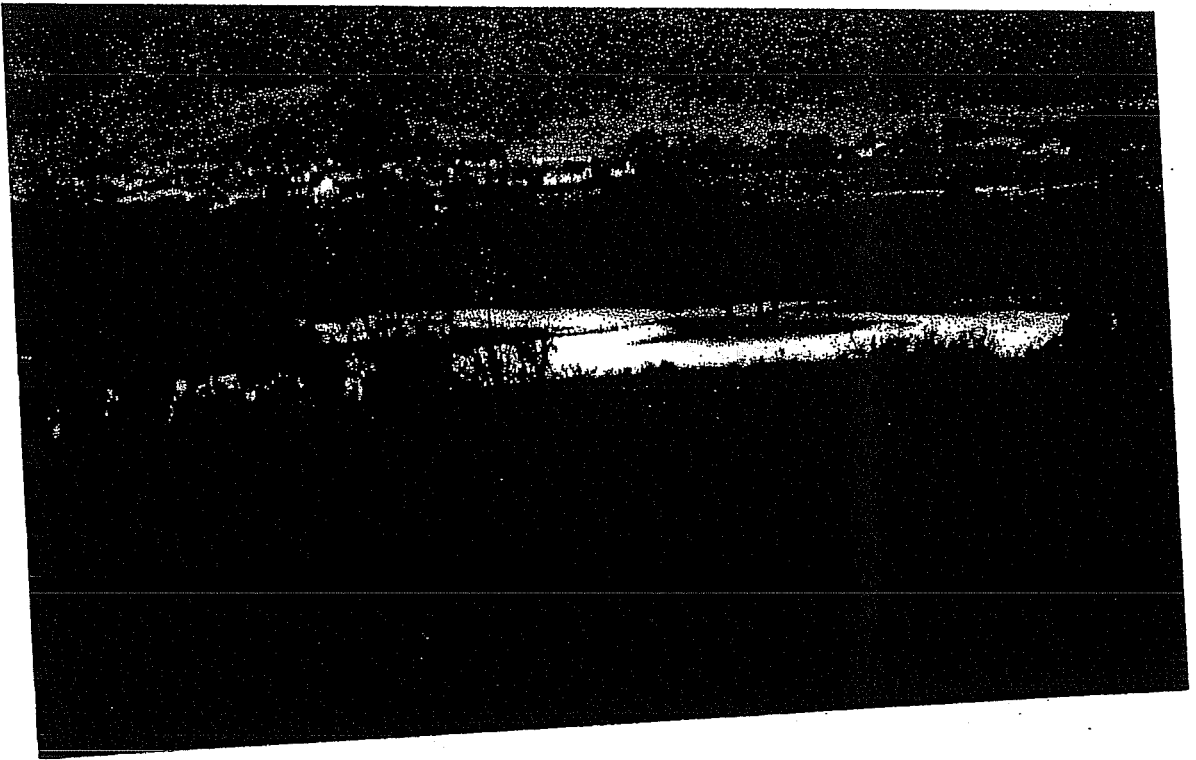
Table 4.3-5 and 4.3-6 provide a breakdown of potential losses to residential land commercial property and total exposure for critical facilities and infrastructure, respectively, by jurisdiction. Approximately 34,000 people may be at risk from the 100-year flood hazard and over \$600 million dollars in residential property damage and over \$4 billion in commercial property damage. Total exposure to infrastructure and critical facilities in the 100-year floodplain was estimated at over \$4 billion dollars, as well, based on available data. It is important to note that the methods used for exposure analysis and loss estimation are based on limited data and several assumptions (e.g. population and buildings being evenly distributed across census tracts). For the cities of Solvang and Buellton, no damage to critical facilities and infrastructure was identified. For the City of Guadalupe, no risk is identified for flooding, since the analysis is based on mapped flood hazard areas. It should not be assumed that there are no risks in these areas for these types of facilities and infrastructure. Rather, the analysis shows that relative to the other jurisdictions the risk is much lower.

**Table 4.3-5
Population Exposure and Potential Loss Estimates from 100Year Flood Hazard by Jurisdiction**

Jurisdiction	Exposed Population	Residential Buildings at Risk		Commercial Buildings at Risk	
		Building Count	Estimated Building and Contents Loss (x\$1000)	Building Count	Estimated Building and Contents Loss (x\$1000)
Santa Barbara County, unincorporated	11,120	1023	178,000	1320	1,878,600
City of Buellton	15	137	5,224	69	222,600
City of Carpinteria	2,632	1500	134,200	21	13,900
City of Goleta	4,114	584	51,400	313	320,200
City of Guadalupe	0*	0	0	0*	0
City of Lompoc	3,827	178	17,200	73	98,500
City of Santa Barbara	9,689	1717	188,500	725	1,725,000
City of Santa Maria	2,554	441	28,000	84	65,900
City of Solvang	28	22	2,300	13	12,000
Total	33,979	5,602	604,284		4,336,700

* Guadalupe has no mapped 100 year flood hazard areas

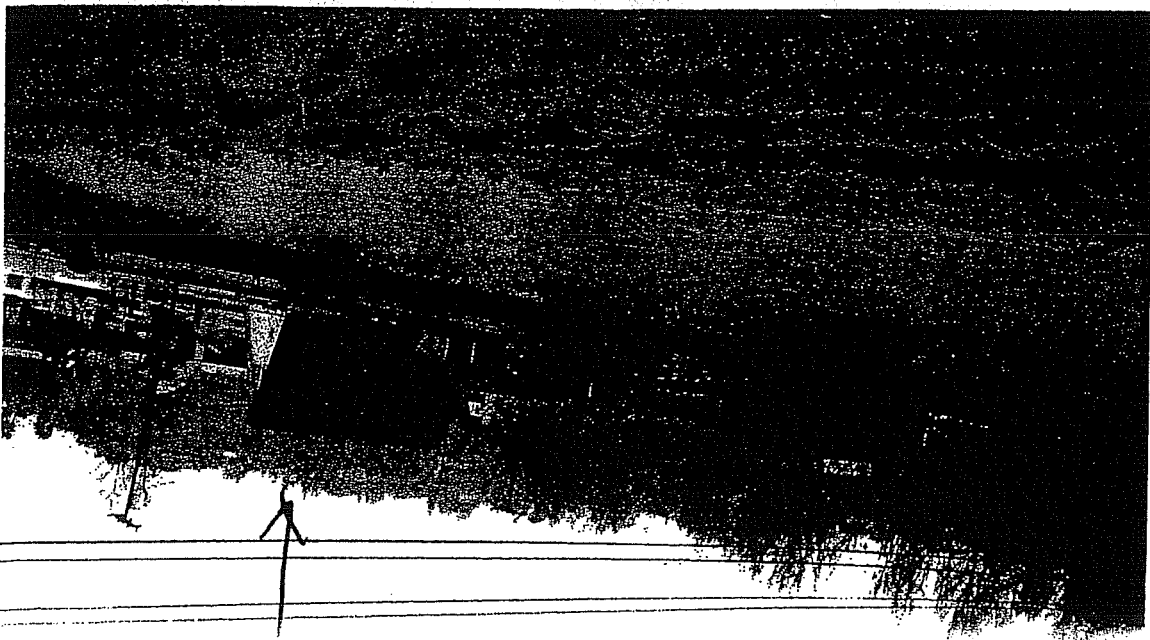
Note: Commercial loss estimates include Industrial and Agricultural buildings and contents



Flooded up to Mississipi Bluff



Peterson Project



A P B

Solvang Planning Commission
Re: Old Mill LLC Vesting Tentative Track Map

letter 5

Dear Commissioners:

5.1

At the public hearing on March 6, 2006 I gave a verbal testimony of my concern regarding the potential increase of traffic on High Meadow Road residing in the County.

We presently have ten residential homes with the possibility of three more parcels to be developed. At the bottom of the hill there is a "Y" junction of High Meadow Road with various easements to Highway 246 where the County of Santa Barbara and the City of Solvang merge. The City of Solvang recently approved four parcels on which there are three new homes already built. We also have two resident ranches from the South. That makes of total of fifteen residences merging at that intersection, with a possible four more in the future making nineteen. (I am only counting residences not total cars per residence.)

Now that the Solvang Planning Commission wants to approve eight more homes that will use High Meadow Road, that will make it twenty seven residences using a small private road.

The first impact for me would be to get through the maze at the "Y" junction with all of the driveways, then take my chances to exit onto Highway 246 due to a total of twenty seven residences utilizing High Meadow Road. It will create a traffic hazard, plus impossible to exit or enter safely onto Highway 246. Therefore the developer should come up with another way to access their project.

Sincerely,

William S. Hardy
William S. Hardy
2130 High Meadow Road
Solvang, CA 93463

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Response to letter 5

- 5.1 The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the issue raised by the commenter.

City of Solvang
Shelly Stahl
Planning and Community Director
1644 Oak Street
Solvang, Ca 93463

April 13, 2006

letter6

APR 14 2006

By: 

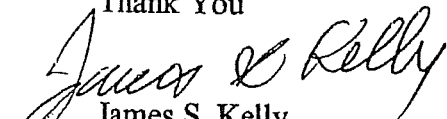
RE: Case #03-16 VTTM 30,069
Draft EIR for Old Mill LLC
Vesting Map

The following are my comments relative to the above mentioned project:

6.1

1. The owners of Old Mill LLC have entered into a reciprocal easement agreement with the adjacent land owners, namely, The Santa Barbara Historical Preservation for the Land Trust. The owners of Old Mill LLC now have an easement over the Trust's Property to access High Meadow Road and in return have granted the Trust an easement over High Meadow Road which they previously did not have. The result is that both properties now have vehicular access to HWY 246 at the intersection of High Meadows Road.
2. The problem is that the above mentioned EIR does not identify any traffic associated with the Trust's property resulting from this reciprocal easement agreement, even though there is a historical monument, The Grist Mill, located on the Trust's Property which now has access to vehicular traffic which it previously did not have.
3. If the intersection of HWY 246 and High Meadows Road is at level E and the addition of 6-8 new homes from Old Mill's Project keeps it at E, what is the level when you add in the dimension of vehicular traffic from the Historical Grist Mill. This must have a cumulative effect.
4. Whether the Old Mill Project is approved, the Historical Grist Mill has an easement and access to vehicular traffic now. What is the level and potential impact? It must be included in the EIR. In essence, the EIR failed to identify the end product of Old Mill's project, which has to include the traffic to the Historical Grist Mill.

Thank You



James S. Kelly
2020 Us Hwy 246
Box 502
Solvang, Ca 93464

Response to Letter 6

- 6.1 The Historic Grist Mill would not create a traffic demand in its current state. Should organized tours begin, access is planned to be through Alamo Pintado Road, with emergency and handicap access only through High Meadow Road. Refer also to added FEIR text on page IV-H3.

19 April 2006
Shelly Stahl
Planning Development Director
City of Solvang
Solvang, CA 93463

letter 7

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APR 19 2006

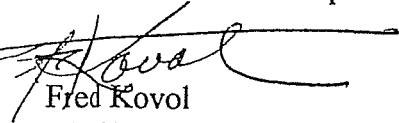
CITY OF SOLVANG ✓

Re: Draft EIR for the Old Mill LLC Vesting Tentative Tract Map
Case no. 0306, VTTM 30069

Dear Mrs. Stahl,

I have the following issues/concerns:

1. Maps 3 & 4 and the map after p. 26 of the IES are examples of non readable documents and do not meet the standards for a Draft EIR. No wall is ever shown in a plane view – this does not allow for proper review of the project and is a defect in the EIR. Therefore, the Draft EIR should be redone and the process started over. 7.1
2. The easement granted by the Santa Barbara Trust for Historic Preservation to the Old Mill LLC may not be legal within the guidelines of the Trust's 501(c)3 incorporation and should be ruled upon before the Tentative Map process is started. 7.2
3. Adding a one-way left turn pocket will not add safety to access into High Meadow but make the traffic flow more unsafe. Picture the west bound left turn lane at Mission Drive and Alisal which traffic daily is observed entering the lane as far back as the library making the egress from the Vet's hall parking lot unsafe. Some drivers will drive the yellow line west to get to the High Meadow proposed left turn pocket. The Highway 246 future bridge enlargement over Alamo Pintado creek may further reduce the safety for traffic flow from High Meadow. Proper evaluation is required and lacking from the EIR. 7.3
4. The current easement behind the Bank via an Arizona Crossing for access to the Trust property (Grist mill and house) is through proposed parcel 1 and an existing parcel. Can vehicles use the easement as it crosses at right angles to the proposed road granted by the Trust for access to the proposed 8 parcels? Will anyone be able to use the Arizona Crossing? This needs to be addressed in the EIR. 7.4
5. If the Trust sells the property to the State of California and it becomes a state park, will the easement behind the Bank via the Arizona Crossing be used as a maintenance road and/or an access for visitors to the park? If not, how can this be assured? And if the Trust retains the property and develops it as what is being proposed for the state park or other development, will the Arizona Crossing be used for a maintenance road and/or visitor road? If not, how can this be assured? Either way, use of the Arizona Crossing should be addressed in the EIR. 7.5
6. Will the proposed 1250 foot wall in times of higher water flow cause an erosion or other problem on the west side of the Alamo Pintado Creek along Alamo Pintado Road south of Highway 246? An analysis should be required on the effect of water flow at one foot elevations from the Creek bottom up to the floodway contour and made part of the EIR. 7.6
7. A tentative map should not lock-in connection fees and should be so stated.


Fred Kovol
1676 Nordentoft Way
Solvang 93463-2115

Response to Letter 7

- 7.1 Figure P-1 in the DEIR depicts the location of the proposed wall in cross section view for a typical lot that shows the wall located at the edge of the floodway. To aid in comprehension the EIR text has been clarified in the FEIR to state the proposed wall is on the floodway line and FEIR Map 3a has been clarified identify the wall location.
- 7.2 The commenter appears to be seeking a court ruling on a legal issue, which is not in the purview of the EIR.
- 7.3 A properly design left turn lane would not experience the same characteristics that are described by the commenter. The example given is for a left turn lane that evolves out of a center two-way left turn lane. Should vehicular traffic cross over a double yellow stripe head-on into on-coming traffic, those motorists would be violating numerous California Vehicle Code laws. Further, there is a much smaller number of vehicles turning left into High Meadow (4-5 during the peak hour plus two from this project) from westbound Highway 246 than at the Mission / Alisal intersection.
- 7.4 An easement for vehicular access provides for all parties listed on the easement documentation. It is unknown if the easement is exclusive for a given property or not. Should additional properties wish to access an existing easement, it is beyond the scope of this EIR, however additional information in page IV-H3 of the FEIR may clarify and address the comment.
- 7.5 Additional information in page IV-H3 of the FEIR may clarify and address the comment.
- 7.6 The expanded flood plain analysis addresses effects of the proposed project on flood levels and channel velocity. Refer to response 2.3.



April 19, 2006

Comments

Draft Environmental Impact Report
Old Mill Road Vesting Tentative Tract Map

Shelley Stahl
City of Solvang
PO Box 107
Solvang, CA 93464

As a local wildlife biologist I have several comments and concerns with the Old Mill Road Draft EIR. Within section F of the EIR (Biological Resources) it states that a biologist (David Wolff) conducted a general field reconnaissance of the site on November 9, 2005. He lists a number of birds seen onsite but does not indicate whether there was any streamflow at the time of the survey or whether he looked for any fish, reptiles or amphibians. Given the dense riparian within the project site and its direct connection to the nearby Santa Ynez River system, Alamo Pintado Creek has the potential to support a number of sensitive species including steelhead trout, two-striped garter snake and CA red-legged frogs. As stated in the Department of Fish and Game letter from Morgan Wehtje dated 9/19/05:

“A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variation in use of the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.”

In my opinion there is a very good chance of CA red-legged frogs existing in Alamo Pintado Creek and protocol surveys for this federally threatened species requires several day and night surveys conducted during the months of May through September. A brief one-day field survey done in November does not even begin to comply with the CA Fish and Game requirements for species-specific surveys.

The CNDDDB search done for the EIR identifies 15 plant species and 12 wildlife species within a 10 mile radius around the City of Solvang but the EIR appears to discount their potential for occurring on the project site because “None of these recorded occurrences are within the City of Solvang.” There are two problems with this statement, first the project site is on the outskirts of the city and is adjacent/connected to some excellent habitat. Second, biologists know that the CNDDDB does not always contain the most up-to-date information and they need to check with local biologists and do the species-specific field surveys if the habitat warrants it.

Thank you!
Sincerely,

Vince Semonsen
Wildlife Biologist

1810 Sunset Avenue
Santa Barbara, CA 93101
805-687-0249

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8.1

8.2

8.3

Response to letter 8

- 8.1-3 The commenter expresses the opinion that Alamo Pintado Creek could support several special-status wildlife species, and suggests species-specific surveys should be conducted to adequately address these species for the Draft EIR. The Draft EIR Biological Resources section provided an adequate evaluation of special-status species in a manner commensurate with the proposed project and the potential for impacts on species that would be exclusive to the riparian and creek habitats. The proposed project will have no direct impact on the riparian habitat and the proposed developed portions in cropland do not represent potential or suitable habitat for the aquatic species discussed by the commenter. As such, species-specific surveys are not required for creek species to adequately evaluate the proposed project. Regarding indirect impacts on riparian habitat, the commenter is referred to Biological Resources section IV-F that describes the potential indirect impacts and requires a riparian habitat restoration plan for the minimum 20-foot increase in riparian habitat along the project reach of Alamo Pintado Creek.

April 17, 2006

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Ms. Shelly Stahl
City of Solvang
Community Development Department
Solvang, CA

Dear Ms. Stahl,

I would like to offer the following comments on the Old Mill Vesting Tentative Tract Map Environmental Impact Report (EIR).

Page 1-4 How many truck trips will it take to bring in the 20,000 cubic yards of fill? Has this number been calculated into the short term traffic impacts during the construction phase? What percentage of the 1,250 foot retaining wall will be over five feet high? Will there be other retaining walls needed for this project? If so, please state their length, height and location on the site map. Please explain what a Conditional Letter of Map Revision (CLOMR) from FEMA is and specifically what it is requesting. Please include a schematic showing how the retaining wall will be constructed to withstand shaking from earthquakes and floodwater scouring. Please include a recent hydrology report which shows calculations for various types of flows under different conditions and how the flows would be affected by the presence of the retaining wall. It should also explain what would happen if debris blocked the creek channel at various points and floodwaters were backed up for some time.

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9.4

Page 1-5 If the water and sewer lines have to be bored under Alamo Pintado creek, the environmental impacts to do with that project should be evaluated as a part of this EIR as well, including all comments regarding those potential impacts made by the California Department of Fish and Game. What does it mean when you say the "drainage structures will be sized for the 100 year post developed condition"? Regarding the necessary discretionary actions that need to be taken, have all the necessary easements from all pertinent parties for the new access road already been obtained? If not, when will that occur?

9.4

Page 11-3 The long term impacts to agriculture have not been adequately ascertained or mitigated both on the subject property as well as the adjacent parcels. Because this property has been actively farmed the past few years and has prime soils makes the impact much greater. Also, the impact of building homes immediately adjacent to many

9.5

Response to letter 9

- 9.1 The number of trucks delivering the anticipated fill dirt for the project is described in the "Construction Traffic" sub-section of the "Transportation Section" of the DEIR. Mitigation measure D-3 in the DEIR discusses mitigation measures to off-set the potential project impacts to a less than significant level.
- 9.2 The revised project Tract Map (Map 3a in the FEIR) has the wall at about 3 to 6 1/2 feet tall.
- 9.3 Refer to response 2.3. The wall must be engineered by law to conform with the Uniform Building Code seismic safety criteria.
- 9.4 The Department of Fish and Game did not comment on the proposed boring. The boring would not adversely affect the creek because it avoids the surface waters and vegetation. The drainage structure will be sized to accommodate the runoff from the developed project in a 100 year storm event. All easements must be shown on the Final Tract Map prior to clearance from the City for recording the Map. The details of the negotiations between the applicant and the Trust are not public at this time.
- 9.5 Refer to response 4.12.

acres of actively farmed land puts more development pressure on those lands, as well. A fence of undetermined type and height which could be waived by the adjacent property owner does nothing to mitigate the potential conflicts between an active agricultural use on one property and the comfort and convenience of the future homeowners of this development. Issues such as pesticide drift, unpleasant odors and animal waste could cause serious conflicts despite a "Buyer Notification". Building setbacks are also insufficient. The current mitigations are inadequate.

Page II-4 Where has a retaining wall for flood control of this length and height been successfully constructed before? Mitigation D2 is inadequate. How can the developer provide a "pro rata" share of a traffic improvement project which has yet to be determined and the cost of which is unknown? Also, if a traffic improvement project will not be constructed until far into the future, how does that mitigate an impact which will occur much sooner? The traffic impacts which will occur from opening up access to the Historic Trust for Preservation parcels also needs to be included in this EIR.

Page II-5 Where is the 20 foot wide riparian habitat setback in relation to the retaining wall? If this setback area runs across the rear of the future lots, how do you implement and monitor compliance for mitigations in the setback area on private property?

Page II-7 The extension of the road and infrastructure is clearly growth inducing. Mitigation H1 is inadequate. A five foot "denied access" easement in favor of the City of Solvang could be removed at any future noticed hearing of the city council at any time. This growth inducing impact remains Class I, significant and unmitigable. The loss of seven acres of farmland, more than half of it prime soils, is still a significant loss for the county and local agriculture. The state farmland conversion rating system criteria for small parcels does not adequately measure the loss. At this rate, the "piecemeal" conversion of small farms will never show a significant impact, even though cumulatively it will be quite significant. Where is the mitigation for this?

Thank you for the opportunity to comment.

Sincerely,



Doreen Farr

President, Valley Alliance
975 Fredensborg Canyon Road
Solvang, CA 93463

9.6

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9.8

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9.10

Response to letter 10

- 10.1 Refer to response 4.12.
- 10.2 The number of construction trucks is documented in the EIR in the Transportation section titled "Construction Traffic". The Fire Department requires emergency access is to be maintained at all times, including during construction. Mitigation measure D3 contains requirements that truck traffic only occur after the AM peak traffic and before the PM peak traffic. The impact notes that the overall truck volume would not exceed level of services standard and the mitigation measure notes that the time stipulation is intended to further reduce impacts found to be less than significance under applicable standards. . The proposed turn lane on Highway 246 would mitigate the traffic impacts at the intersection identified in the EIR.
- 10.3 Air quality and noise impacts of construction traffic are discussed on pages IV-E9 and G6 of the DEIR.

10.4

11-10

G3

Noise from that direction tends to travel at long distance due to the river valley, we hear noise from Solvang city quite loudly and clearly, generally the construction noise of the houses that are being built currently sound like they are in our yard.

10.5

111-4

Consistency to land use. Ag land is most consistent with land use as it is adjacent to a vineyard, and horse ranches, and is naturally separated from the city by the Alamo Pintado creek. All the property to the south and west is currently Ag property. I disagree that a buffer is enough, certainly not a fence. Winds, chemicals, flies, dust, farming equipment noise all go over fences. **Distance is the best barrier as a buffer.**

10.6

The proximity to the Historic site is also a land use inconsistency and will detract from the overall historic significance.

10.7

The safety of the homes and adjacent homes is in question. A retaining wall is proposed, however there is no planned engineering within this EIR.

10.8

Undermining and flooding to the houses and property on the opposite side of the bank from proposed houses is a serious issue. There is no data or research that indicates the risk to neighbors on opposite side and down stream of projects, as the water will most likely be traveling faster since it will be contained and will most likely bounce across the stream onto opposing neighbors, undermining their property. What happens upstream can ruin something downstream, the faster water and the change of direction of water can adversely affect downstream property owners.

10.9

The addition of these houses has an adverse effect on the natural habitat for animals, with advent of the new house built off of High meadow we have seen and increase in animal activity. especially opossum, coyotes and deer on our ranch, we like wild life however, we don't like wildlife forced out of developed areas to be concentrated in the remaining open space, which places the burden of wildlife on adjacent farms and ranches. Opossums are dangerous to our horse's health. The deer eat our plants and bring other diseases. This will also affect the surrounding vineyards. With all the houses next to the creek, the wild life will not have open access to the food and water currently provided by the Alamo Pintado Creek.

10.10

111-5

The project is planned to go over two existing easements, one of the easements serves three houses and two horse ranches and the road is only 200 ft long and twenty feet wide. This is a crowded fire lane road already. **Additional traffic will really congest this tiny road and make access extremely difficult especially for emergency services.**

Response the letter 11

- 11.1 Refer to response 2.3.
- 11.2 Refer to responses 4.5, 2.7 and 10.9. Mitigation C2 requires a scouring analysis by a qualified civil or geotechnical engineer to determine the appropriate footing depth for the retaining wall. This will allow the City to confirm that the retaining wall design is adequate to prevent damage to the proposed homes. This would provide additional confirmation that the 20-foot setback is adequate from the perspective of structural safety.
- 11.3 Refer to responses 4.10, 7.3 and 9.7.
- 11.4 Comment noted.

- 11-10 G3 Noise from that direction tends to travel at long distance due to the river valley, we hear noise from Solvang city quite loudly and clearly, generally the construction noise of the houses that are being built currently sound like they are in our yard. 10.4
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- 10.4 At relatively low ambient noise levels, both short episodic bursts of noise as well as running equipment are quite noticeable at some distance, however, the level of noise is not forecast to come close to the limit allowed for temporary construction noise under the City Noise Element Policies.
- 10.5 Refer to response 4.12.
- 10.6 The proposed project is consistent with the zoning of the property. Measure G2 addresses visual compatibility.
- 10.7 Refer to response 2.3.
- 10.8 Refer to response 2.3. The FEIR expanded flood plain analysis has been prepared. The impact on flood levels across the creek from the proposed project is discussed in the analysis. Impact to structures is expected to be less than significant. Flood plain elevations adjacent to the proposed project will increase less than 0.5 feet.
- 10.9 The commenter suggests the project will reduce habitat available for common wildlife species, hinder wildlife access to Alamo Pintado Creek, and force wildlife onto their ranch creating a nuisance. As stated in the Draft EIR Biological Resources section, the development would occur in the cropland habitat that because of the ongoing disturbance from regular cultivation does not represent a substantial resource for native plants and wildlife. Under existing conditions, the Alamo Pintado Creek riparian corridor likely serves wildlife for food, cover, and movement through the area. Protection and expansion of the riparian habitat would further the wildlife values on the project site and provide for the protection of a movement corridor for wildlife through the riparian area to minimize dispersal of wildlife onto neighboring lands where food and cover are less available. The subject area being developed is an open cultivated field and would not displace substantial wildlife. The EIR measure F2 requires a creek setback and riparian planting plan to maintain and enhance the viability of the creek as a wildlife corridor.
- 10.10 The basic design of High Meadow Road is adequate to serve the existing number of residential properties in addition to the proposed project. The City Public Works Department and Fire Department have reviewed the roadway widths proposed with the project and have determined that they meet the City Standards. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns. Refer to EIR section IV-D and responses 4.10 and 7.3.

The accumulative impact is significant because of the other developments in progress and the proximity to 246 and High school. The overall impact on 246 is overwhelming. The cars travel at a rate of speed through the Alamo Pintado intersection coming from the west that currently getting onto 246 is dangerous, cars coming from the west may not even be to the light and when pulling out from High meadow onto 246 they are upon you with deadly speed. **We have personally been nearly hit several times in the last couple of years.**

Other concerns and observations;

In the meeting of March 6, 2006 we were appalled that the planning commission seemed more concerned with the applicant's feasibility than the overall safety and existing property concerns of the citizens involved. Several times the applicant's feasibility was voiced as a concern from the board.

What is the quality of fill dirt? The dirt needs to be free of contaminants, especially next to stream bed.



Charles Adam



Cindy Adam

10.11

10.11 The feasibility of a proposed mitigation or alternative is of key concern as CEQA requires only feasible measures and alternatives be discussed and implemented. It would be the responsibility of the building official inspecting the permitted grading work to observe the nature of the fill and if contamination is suspected to halt construction and notify the appropriate regulatory agencies .



letter 11

April 19, 2006

RECEIVED
APR 19 2006
CITY OF SOLVANG ✓

Shelly Stahl, Director of Planning
Solvang Planning and Development
Solvang, California

RE: OLD MILL LLC PROJECT

Dear Ms. Stahl:

Our organization would like to voice a few concerns about the housing development project proposed in the area of High Meadow Rd and Hwy. 246 ,within the boundaries of the City of Solvang.

Firstly is the environmental concern regarding flooding. By proposing to bring up the level of the construction site above the flood plain, the wall to protect this fill area is on the dividing line between the flood plain and the flood way with the narrowest point being 120 feet from Alamo Pintado Creek. There is potential for the flood water being directed westerly toward Mission Meadows development and there is the potential for damage to Alamo Pintado Creek itself. This is apparently not considered in the draft EIR.

Further, the issue of set back for construction of homes from the proposed wall is noted as 20 feet – the S.B. County requirement of 50 feet would appear to be more appropriate distance. In addition, the type or appropriate maintenance of the land below the wall belonging to the homeowners has not been described in detail in the EIR.

The existing traffic problems on Highway 246 close to this project of heavy congestion at peak hours is one that merits further analysis. The necessary mitigation measures for the safe ingress and egress for all residents of High Meadow Road should be clearly stated and **implemented** concurrently with the evolution of the project.

Lastly, the importance of Alamo Pintado Creek as a waterway and habitat area must receive the most stringent environmental scrutiny possible.

Thank you your attention,

Carol Herrera, President
Cc: W.E. Watch Board of Directors
Supervisor Brooks Firestone
Eugene Boyle, Mayor of Solvang

11.1
11.2
11.3
11.4

Response the letter 11

- 11.1 Refer to response 2.3.
- 11.2 Refer to responses 4.5, 2.7 and 10.9. Mitigation C2 requires a scouring analysis by a qualified civil or geotechnical engineer to determine the appropriate footing depth for the retaining wall. This will allow the City to confirm that the retaining wall design is adequate to prevent damage to the proposed homes. This would provide additional confirmation that the 20-foot setback is adequate from the perspective of structural safety.
- 11.3 Refer to responses 4.10, 7.3 and 9.7.
- 11.4 Comment noted.

AGRICULTURAL COMMISSIONER'S OFFICE
COUNTY OF SANTA BARBARA

MEMORANDUM

TO: Shelley Stahl, Planning Director Sent via FAX to: 693-1070
City of Solvang

FROM: Lisa Bodrogi, Agricultural Land Use Planner

DATE: April 19, 2006

SUBJECT: Old Mill LLC, Vesting Tentative Tract Map

Thank you for the opportunity to comment on the Old Mill Tentative Tract Map proposed in the City of Solvang. The Draft EIR provided a comprehensive and thorough analysis of the environmental issues affecting the agricultural resources on the property. The analysis regarding agricultural resources covered the issues in detail from physical conditions, surrounding agricultural activities, and pesticide laws and regulation. The review of the impacts based upon the County's environmental thresholds as well as the Land Evaluation and Site Assessment model was sound. The City is commended for your acuteness to agriculture as a resource.

12.1

Records in our office represent the project site actively farmed in two separate holding. The northern portion reflecting 3.76 acres of squash cultivation and the southern portion is comprised of 4.7 acres of rotational crops. These fields span the development site and property to the east. The EIR indicates that the property east of the project site is owned by the Historic Land Trust who periodically leases their property for farming but does not rely on the production for income. Based upon the proposal we acknowledge that the likelihood is remote that these fields within the immediate project area will continue to be leased for cultivation, resulting in a loss of agricultural productivity. However, the EIR indicates that this loss of agricultural lands was previously addressed in the City's General Plan through the adoption of overriding considerations. As such, we acknowledge that the impacts on agriculture resulting from development of the site for residential uses have already been addressed.

12.2

We also agree that the existing riparian corridor and the addition of a fence and landscape screening further protect agricultural lands further south of the site and appreciate the City's acknowledgement of agricultural buffers.

12.3

It is the mission of the Agricultural Commissioner's Office to improve and protect agriculture, natural resources, and the quality of life in Santa Barbara County. Please feel free to give me a call if I can be of further assistance at 934-6200.

I look forward to working with you again in the future.

RECEIVED

APR 19 2006

CITY OF SOLVANG ✓

Response to Letter 12

12.1 Comment noted.

12.2 Comment noted.

12.3 Comment noted.

April 19, 2006

letter 13

Shelley Stahl
Community Development
City of Solvang
1644 Oak Street,
Solvang, CA 93463

Re: Old Mill Project

Dear Ms Stahl:

My comments are in response to the currently circulating EIR for this project. They are brief and without detail due to time constraints.

Of great concern are the negative effects on the creekbed and the wildlife that inhabits it that will surely be caused by construction of a concrete wall so close to the banks of Alamo Pintado Creek. Will we end up with a concrete channel instead of a stream?

Also of concern is the view shed from the Mission – has study been done that ascertains whether the new houses will show above the stream vegetation when viewed from the Mission parking lot?

It is very poor precedent, and dangerous, to allow construction of homes so far into the flood plain and so close to Alamo Pintado Creek. I ask that you do not allow the project to proceed as planned.

Sincerely,



Carey McKinnon
211 Third Street
Solvang, CA 93463

13.1

13.2

13.3

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APR 19 2006
CITY OF SOLVANG ✓

Response to letter 13

- 13.1 The proposed wall shown on FEIR map 3a varies from 6.5 to 3 feet tall and is proposed to be located about 80 to 200 feet from the top of creek bank and well outside the riparian vegetation. The commenter suggests the proposed retaining wall will create a concrete stream channel. The proposed project would not have any direct impacts on the Alamo Pintado Creek, riparian habitat, or creek channel.
- 13.2 The proposed lot pads would be about 10 feet lower in elevation than the pads of existing homes on the west side of Alamo Pintado Road. These existing homes are already in the viewshed and are higher than the proposed home. It is unlikely that the proposed homes would be seen behind these higher homes existing now, thus the Initial Study determined no significant visual impact.
- 13.3 Refer to response 2.3.

April 18, 2006

Shelley Stahl, Planning Director
City of Solvang
Community Development
1644 Oak Street
Solvang, California 93464-0170

RE: OLD MILL VESTING TENTATIVE TRACT MAP
DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Stahl:

We are writing you as interested citizens and neighbors of the Old Mill Vesting Tentative Tract Map Project. After reviewing the Draft Environmental Impact Report (DEIR) for the project, we have comments concerning the adequacy and accuracy of this document. Our chief concern pertains to Flooding and Traffic—impacts which would affect the safety of the community at large and the neighborhoods adjacent to the proposed project. In addition, there are issues concerning Cultural Resources, Agricultural Resources, Views, and Cumulative Effects which are either not discussed in the document or dismissed as insignificant. Before decisionmakers can make an informed decision on behalf of the City of Solvang and its citizens, there needs to be further study of the following impacts.

1. There Is No Hydrology Study On The Impacts To Properties Upstream, Downstream Or Across-stream From The Project.

14.1

In order to accommodate the proposed project in the Alamo Pintado Creek floodplain, the applicants have designed the project on 20,000 yards of fill with a floodwall, a quarter of a mile in length and up to 10 feet in height. While this may comport with FEMA's requirements, raising the proposed building pads above the 100-year floodplain and, constructing a flood wall, it does not address the impacts on adjacent properties upstream, downstream, or across-stream.

According to Gregor Blackburn of FEMA, this is The City of Solvang's responsibility to ensure that no life or property will be put in harms way in the event of a catastrophic event, such as a 100 year flood. The City's files are replete with damage done in 1998 El Nino storms, including being held responsible and paying for a family's home that was flooded near Fredensborg Canyon. Photographs from 1998 are available and were submitted in the record showing how the Alamo Pintado Creek flooded the fields to the north, west and south of the proposed project. Yet, there is no discussion of how the fill and floodwall will divert the water flows to the west and south and the neighboring properties.

On page IV-C5 of the DEIR, the consultants state, "The proposed project would affect the area inundated by the Alamo Pintado Creek during major storm events such as the

Response to letter 14

14.1 Refer to response 2.3

100-year flood event, since the retaining wall will represent a flow constriction during these events.” However, they then dismiss the impact as being “less than significant” since the channel would not be redirected. There is no substantive data or analysis presented to support that opinion and to dismiss the risk. Given the information presented we believe that the potential flooding issue to adjacent properties should be a Class I impact.

2. The Tract Maps Are Inaccurate, Unreadable, and Do Not Show The Floodwall.

The maps of the floodwall do not exist in this DEIR. Without clear maps and the designation and exact location of the floodwall, a reasonable person cannot begin to understand the magnitude of the wall nor seek peer review of the impacts it will create. There is no specific description of the floodwall in this DEIR except for that on page 2 of the Initial Environmental Study.

3. The Project Violates General Plan Policies For Preserving Open Space And View Corridors.

The General Plan policies pertaining to protecting viewshed are as follows:

Policy 3.a.: The City shall implement the objectives and policies established in the community design element of the General Plan which promote the preservation and enhancement of Open Space features.

Policy 3.1: The City shall require new developments to be subjected to visual impact analysis where potential impacts upon sensitive locations are identified.

This DEIR does not analyze the issue of view and aesthetics of the floodwall and elevation of the project as viewed from Highway 246. Since vegetation has been removed, willows cut without permitting, and trees stripped, the floodwall and two story houses will be within full view from Highway 246—a documented public view corridor. In addition, the DEIR does not examine the visual impacts of the ramps between the wall. This issue that should be analyzed.

In order to secure enough land for the project, the applicants paid The Santa Barbara Trust for Historic Preservation for a road easement in the National Historic Landmark District within Santa Barbara County. Impinging on the viewshed of the NHLD with a road, floodwalls, and ramps could threaten the designation of the District itself. Yet, the DEIR does not analyze the significance of the NHLD except of opine that “[the] listing does not prohibit any actions which might otherwise be taken by a property owner within the District with respect to the property.

14.2

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14.4

- 14.2 Refer to response 7.1.
- 14.3 Refer to responses 1.2, 1.5, 13.2 and 2.8. The existing riparian vegetation does in fact screen the area proposed for development from Highway 246 and Alamo Pintado Road. The proposed site is zoned for residential use and not Open Space. The creek and riparian corridor would be intact after development.
- 14.4 The NHL designation does not establish any further or more stringent standard for review than presented in the EIR under CEQA. In fact, with respect to the Trust's powers as the land owner of a parcel within the NHL boundary, the NHL Guidelines indicate, as stated in the EIR, that property in a NHL District does not limit anything that the owner might otherwise do to it's property. According the National Park Service web site, there have been only 25 Historic Landmarks removed from the list since it was established. This represents approximately one percent of the current number of National Historic Landmarks. In all but two of the twenty-five cases of delisting the cause cited has been catastrophic damage or complete demolition of the landmark itself. In no case were impacts to the surrounding areas or viewshed cited as reasons for de-listing. While impacts resulting from the loss of the a vacant field exist, it is clear that delisting of the landmark due to such a visual change is extremely remote. Based on the actual record of the types of circumstances that result in delisting cited above, the effects of the proposed project are not in the same class. Therefore, the proposed change from a vacant field to residences would not in itself jeopardize that property's status in the NHL. Based on this, the consultant believes the City's Initial Study (Appendix A of the DEIR) is correct and adequate in determining the lack of evidence of a potential visual impact on the project's surroundings. For this reason the EIR did not analyze visual effects further other than in DEIR section IV-G Effects Found to be Less than Significant. Refer to revised mitigation measure G2 in the FEIR.

4. The DEIR Inadequately Analyzes Environmental Impacts To Historical Resources And Specifically, The National Historic Landmark District And The Project's Close Proximity To The Historic Mills.

The statutory provisions of the California Environmental Quality Act (CEQA) reflect the legislative intent to protect historic resources such as the Old Mission, the Grist Mill, and its environs. Code § 21001 (b) states a policy to "take all action necessary to provide the people of the State with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Code § 21001(c) states another legislative goal to "preserve for future generations . . . examples of the major periods of California history."

Under Public Resources Code Section 21084.1, a project that "may cause a substantial adverse change in the significant of an historical resource is a project that "may have a significant effect on the environment." CEQA defines the environment to include historic conditions within an area that will be affected by a proposed project. (Public Resources Code Section 21060.5.

Under CEQA, the resources that make up the NHLD, the Old Mission, Old Mills, and the 95 acres surrounding them qualify as historic resources because they are National Historic Landmarks and all are eligible for inclusion in the California Register of Historical Resources. CEQA provides that when a project would "materially alter in an adverse manner those physical characteristics of a historic resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources," the project would materially impair the significance of an historic resource. (CEQA Guidelines Section 15064.5)

This project is within the 95 acre National Historic Landmark District and adjacent to the historic mills. The NHLD encompasses Old Mission Santa Ines, founded in 1804, constructed in 1817), the Grist Mills constructed in 1820, the surrounding Alamo Pintado Creek, agricultural lands, open spaces, and viewshed. With a period of historic significance from 1804 to 1855, the National Park Service, US Department of the Interior designated this area due to the open space the historic viewshed surrounding it. The DEIR failed to consider the historic nature of the Old Mission's and Old Grist and Fulling Mills' surroundings and did not even analyze the impacts to the mills or consider the impacts to the to the very existence of the NHLD. In doing so, it overlooked a potentially significant impact.

The City of Solvang General Plan states:

14.5-6 Refer to 14.4.

Policy 4.c: The City shall implement the objectives and policies established in the community design element of the General Plan which promote the preservation and enhancement of Open Space features.

Policy 3.1: The City shall require new developments to be subjected to visual impact analysis where potential impacts upon sensitive locations are identified.

The County of Santa Barbara land use policies acknowledge that "open space should be used as settings for unique and historic areas."

In considering both the City of Solvang and County of Santa Barbara General Plans and Policies, this special area of the NHLHD is afforded special protection and must be thoroughly analyzed in the EIR.

There is no substantive discussion of the NHLHD nor how the Mills will be affected by the proposed project. To put the cultural and historical significance in perspective, the mills complex is the only mill site that shows both the Spanish and American cultures side by side. It combines the grain mill built in archaic Spanish style and the America style fulling mill built by Charles Chapman for processing wool. Since it involves two different industries, historians have called it "the first industrial complex in California." Inside the mill is an Indian painting of a figure jumping over the Mill wheel, as though they had read Latin poems, and represents and glimpse into a commercial industrial attempt of the Mission for the Indians that is rarely studied. The mill complex's unique combination of East and West Coast influence, before the Gold Rush, gives it national importance as humble as it may look to the eye. To put up a development in the shadows of the Mill Complex should be considered fully in terms of the preservation of the NHLHD and the Old Mission vistas. The National Park Service should have been noticed and given an opportunity to comment on this EIR.

5. The Biological Assessment Inadequately Analyzes Impacts Of Eight Homeowners Having Control Of The In-Stream and Riparian Habitat.

The EIR fails to address the potentially significant impact of numerous property owners controlling the vegetation and chemicals on the banks of the Alamo Pintado Creek. The use of herbicides such as Roundup to control the growth of vegetation could adversely impact wildlife. The improper use of such chemicals can have a toxic effect in water systems. For example, the use of Roundup in or directly adjacent to water could cause adverse affects to aquatic life and damage native plant communities. There should be a complete discussion of such impacts and ways it should be mediated. For example, one option is to deed the land in the floodplain and floodway to the City and let it monitor and maintain the area. To put this area in the charge of so many different individuals affords

14.6

14.7

14.7 The commenter raises concerns over potential impacts on the Alamo Pintado Creek riparian habitat and suggests the Draft EIR did not adequately analyze potential impacts on riparian and creek habitat. The Draft EIR Biological Resources section provided an adequate evaluation of the existing conditions and potential impacts on the Alamo Pintado Creek riparian corridor that is commensurate with the proposed project and the potential for impacts. The commenter is referred to Biological Resources section IV-F that describes the potential impacts and requires a riparian habitat restoration plan for the average 20-foot increase in riparian habitat along the project reach of Alamo Pintado Creek. The mitigation requires protecting the riparian corridor through fencing and recordation of an open space agreement and/or deed restriction.

the opportunity for more degradation of the Alamo Pintado Creek and its riparian habitat. Where are the safeguards?

6. The Biological Assessment Inadequately Analyzes Impacts Of Vegetation Removal.

14.8

The Biological Assessment fails to adequately address the issue of vegetation removal or the monitoring of such activity. In the past, willows have been removed without permits and vegetation cleared. With the control of the Alamo Pintado Creek belonging to numerous property owners, vegetation removal could, for example, impact the presence of the California red-legged frog by eliminating potential frog refuges.

Since the biologist only studied the area for one day and failed to document known species in the Alamo Pintado Creek wetlands, the study is inadequate in identifying the species that exist and the potential harm to them if their habitat is disturbed. Alternatives should be offered to include maintenance of all land in the floodplain and floodway along the Alamo Pintado Creek to be performed by City maintenance crews who will carefully monitor the vegetation and protect it from removal. While the EIR concludes that a 20-foot wide riparian habitat restoration setback will mitigate the potential cumulative loss of biological resources, it does not address the impacts on the entire Alamo Pintado Creek riparian area.

7. The Biological Assessment Fails To Analyze The Effects The Development Could Have Upon The Health and Safety Of The Alamo Pintado Creek and Solvang's Drinking Water.

14.9

As noted above, left up to the discretion of individual property owners, there could be both direct and indirect adverse impacts on the Alamo Pintado Creek. For example, if a herbicide were used improperly, it could impact the Alamo Pintado Creek which flows into the Santa Ynez River and near to the City Well 7A and downstream to Well 3. This could adversely affect Solvang's drinking water. While the possibility may be remote, it should have been contemplated and addressed in this document.

8. The Cumulative Effects Of The Loss Of Agricultural Lands

14.10

The document inadequately addresses the issue of a project that uses County agriculture/open space for its access. From the maps presented it appears that there will be minimal setback and buffer from agricultural zoning. Since it is well known that Santa Barbara County is searching for places to put high density, affordable housing, 1240 units (*Santa Barbara News-Press*, 4/18/06), this project could make agricultural production less viable and desirable and open the door for high density rezone. With this project and a reduction of agricultural production limited to 6 acres adjacent to this

14.8 The commenter suggests the project would result in unauthorized removal of riparian vegetation and impact on refuge for frogs. The proposed project does not include any impacts on the riparian vegetation and provides for the expansion and protection of the riparian corridor. Mitigation Measure F2 clearly states that no development or vegetation removal (except non-native invasive plant species removal) shall occur within the riparian area habitat or 20-foot setback area. See also combined Response to Comments 8.1, 8.2, and 8.3 above.

14.9 Clearly, the runoff from the entire watershed (25,900 acres) of Alamo Pintado Creek also probably contains all kinds of chemicals from agricultural, household and garden use. If such runoff constituents were a substantial problem water quality issues would have already been identified regionally. The addition of run-off from eight homes, a small fraction of the urban (and agricultural) development tributary to the creek, is not significant. It could also be argued that the existing agricultural use of the property has a greater impact on downstream water quality than the proposed residential use. The City's Initial Study is clearly correct in not identifying a potentially significant impact.

14.10 Refer to letter 12.

residential area, it would undermine agricultural viability on the contiguous properties. Such elimination of agriculture production often creates a domino effect, leading to requests for additional lot splits and rezoning of nearby parcels. It collides with the County of Santa Barbara goals and policies discouraging conversion of agricultural lands, (Goal I and Policy IID of the Agricultural Element). Further, it contravenes the Santa Ynez Valley Goals for Agriculture states that "agriculture should be preserved and protected as one of the primary economic basis of the County."

These conflicts in policy should be addressed as to how the project will impact future viability of agriculturally zoned lands, potential further development, roads and the NHLD of the mills. Since the ingress and egress to this project will be in the County's jurisdiction and through agriculturally zoned land, the County should be consulted and encouraged to comment of this important subject.

9. The Traffic Study Inadequately Analyzes Traffic Impacts and Alternatives. 14.11

During the public hearing for the Initial Study and DEIR, substantial testimony focused on the traffic impacts to be generated by the project as well as cumulative traffic impacts not considered in the traffic study for this DEIR. It is well documented that the High Meadow Road/Hwy 246 intersection is a hazard. The cumulative issues of the Casino traffic, more commuters, and local traffic on Highway 246 and the Alamo Pintado/Hwy 246 intersection, and the potential State Park with access through the Project area should all be combined in analyzing whether High Meadow Road should be used at all for access to this project.

It should be analyzed how the proposed mitigation comports with the requirement of Cal Trans and the master plan for improvements to Hwy 246. In terms of traffic flow, access of Alamo Pintado Road is the preferable alternative. That alternative along with a stop light at High Meadow Road should all be considered in the EIR. In addition, there should be safety studies concerning sight distance requirements for traffic attempting left turns from High Meadow Road onto Westbound Hwy 246. These safety concerns were not addressed satisfactorily in the EIR.

If the project creates a hazard to its residents, those on High Meadow Road and those of us who travel Highway 246 regularly, then there should be no project. It is difficult to imagine how there could be overriding considerations to put so many lives at risk, exacerbating an already dangerous situation. It has been clearly noted that a left turn lane will not remedy the danger of turning West on Hwy 246 from High Meadow Road.

10. This EIR Is Defective And Needs To Be Rewritten and Circulated. 14.12

14.11 Caltrans has requested that a left turn lane be designed and constructed at the intersection of Highway 246 and High Meadow Road to improve the safety and level of service at this intersection. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns.

14.12 Refer to response 7.1 and FIER page IV-H3.

For a Vesting Tentative Tract Map Project, the lack of specificity is notable. The maps in the EIR are incomplete and unreadable. The flooding issue and hydrology reports of how the diversion of water in the floodplain during a major flood event will impact nearby properties were not reviewed. Who maintains the floodwall was not addressed. The cumulative effects from the project itself and other potential impacts, such as the proposed State Park, should be disclosed and studied as impacts of this project. As a part of this project, easements have been granted to the Santa Barbara Trust for Historic Preservation, later to be given to the State of California as part of the State Parks system. Yet, neither the effect of these easements nor traffic is analyzed in this DEIR. Failing to do so violates the California Environmental Quality Act, which prohibits piecemeal review of projects and requires that projects be considered in their entirety. (CEQA Guidelines Section 15165).

Conclusion

Finally, we wish to note that our request for information and the concerns we expressed in our letter commenting of the Notice Of Preparation of a Draft EIR, dated September 12, 2005, were not addressed in the Draft EIR. Further, it has been difficult to obtain access to the project file, maps, hydrology reports, and attendant documents that should have been part of this public review document. Presumably, these documents support the EIR consultant's opinions, but without substantive, professional, unbiased information to support the findings of the document, the document is defective and inadequate.

To summarize, it is especially troubling that the maps were so small that they were unintelligible. Further, there was no indication of the exact location of the floodwall or the visual impacts of such a wall. Design of such important components of the project should not be left to the Architectural Review Board. Since this is a major part of the project and a safety concern for those of us who have our homes in the area, we trust the city will do its due diligence in ensuring that no one will be put in harm's way by this project. The City of Solvang will have full responsibility for this project and any harm it ultimately causes.

Building in a floodway and floodplain is fraught with problems. It also has a history. When this area was zoned, there was no hydrology report, no traffic study, no National Historic Landmark District, and it was all in Santa Barbara County, not within the Solvang Municipal Improvement District. It was not until Solvang became a city and adopted its General Plan that the area east of Alamo Pintado Creek became a part of the City at the request of the landowner. That said, given the constraints upon the area, the zoning itself is flawed. Unless it is proven that the area can be developed without adversely affecting other lives and property, the plan should be abandoned. This alternative should be adequately addressed in the EIR. It was not.

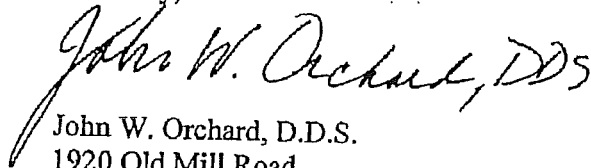
14.13 Refer to response 7.1. The project does not include an assessment district to maintain the wall and would therefore be maintained by individual property owners, although the City could make such an assessment district a Condition of map approval, at the discretion of the City Engineer or City Council. All the project and EIR related documents are available at City Hall for inspection upon request as noted on page I-2 of the DEIR.

Page 8 of 8
City of Solvang
EIR

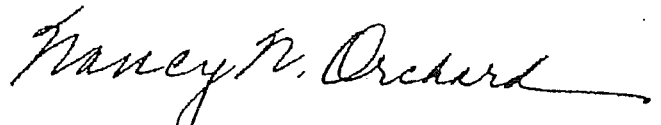
It is our hope that the City's decisionmakers will have accurate and objective information on which to make their decisions on behalf of the citizens. We trust that the City of Solvang will ensure this is provided.

Thank you for this opportunity to comment.

Sincerely,



John W. Orchard, D.D.S.
1920 Old Mill Road
Solvang, California 93463
805-688-8356 – home
805-925-9501 – work
805-925-3850 – fax
E-mail: NNOrchard@aol.com



Nancy N. Orchard

Cc: David Foot, Firma
Brooks Firestone, 3rd District Supervisor, Santa Barbara County
David Look, National Parks Service
Anthony Veerkamp, National Trust for Historic Preservation
Gregor Blackburn, FEMA
Carol Shull, National Parks Service, Chief of the National Historic Landmarks
Survey and Keeper of the National Register of Historic Places

Shelley Stahl

letter 15

From: NNOrchard@aol.com
Sent: Wednesday, April 19, 2006 5:02 PM
To: Shelley Stahl
Subject: EIR Comments on Old Mill Vesting Tentative Map EIR

15.1

Dear Shelley,

I am writing on behalf of Save the Sunny Fields, a non-profit community group established in 1989 dedicated to protecting the historical rural nature of the Old Grist Mill/Chapman Mill/Old Mission Santa Ines area.

We have concerns that the EIR does not adequately address the impacts to this area and the 95-acre National Historic Landmark District.

Our chief concern is that the proposed project is not compatible with the keeping of the historical context and viewshed of the Old Mission and the mills for which the landmark was designated and ultimately will jeopardize the integrity of the District itself in addition to its cultural resources.

Further, we are concerned that the construction of a floodwall that diverts floodwater from the Alamo Pintado Creek to the south toward the mills and fields below potentially could cause destruction of the mills themselves.

15.2

We would like to have these issues analyzed in the Final EIR.

Thank you.

Nancy N. Orchard
President
Save the Sunny Fields, Inc.
688-8356

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APR 19 2006
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Response to letter 15

15.1 Refer to response 14.4 and 13.2.

15.2 Refer to response 2.3.



NATIONAL TRUST
for HISTORIC PRESERVATION

letter 16

April 19, 2006

Shelley Stahl, Planning Director
City of Solvang
Community Development
1644 Oak Street
Solvang, California 93464-0107
Fax: (805) 693-1070

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APR 19 2006

CITY OF SOLVANG /

RE: Draft Environmental Impact Report – Old Mill Vesting Tentative Tract Map

Dear Ms. Stahl:

On behalf of the National Trust for Historic Preservation, thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Old Mill Vesting Tentative Tract Map, located adjacent to the Mission Santa Ines National Historic Landmark District.

The National Trust is a private, nonprofit membership organization dedicated to protecting the irreplaceable. Recipient of the National Humanities Medal, the Trust was founded in 1949 and provides leadership, education, advocacy, and resources to save America's diverse historic places and revitalize communities. Its Washington, DC headquarters staff, six regional offices and 26 historic sites work with the Trust's 270,000 members and thousands of local community groups in all 50 states, including 20,000 members in California alone.

National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. There are fewer than 2,500 National Historic Landmarks nationwide, a small fraction of which are historic districts. Designated a National Historic Landmark District in 1999, Mission Santa Ines is one of the most intact Spanish mission complexes in the United States, retaining much of its original landscape setting, buildings, water-related industrial structures, and archaeological remains. We believe that the DEIR fails to adequately consider the impacts of the proposed project on the Mission Santa Ines, one of the few California missions that still retains its historic rural setting.

Protecting the Irreplaceable

Western Office
The Hearst Building
5 Third Street, Suite 707
San Francisco, CA 94103
415.947.0692 • Fax: 415.947.0699
wro@nthp.org
Serving: AK, AZ, CA, HI, ID
NV, OR, WA & Pacific Island Territories

National Office
1785 Massachusetts Avenue, NW
Washington, DC 20036
www.nationaltrust.org

16.1

The Cultural Resources section of the DEIR (IV-A1) fails to discuss the project's potential scenic impacts on the adjoining NHL, with the introduction of night lighting, vehicular traffic, and construction of non-historic buildings and a flood wall on the edge of the district. Although outside district boundaries, these activities will inevitably impact and likely detract from the Mission's historic context and setting. The EIR should fully disclose visual impacts and identify potential mitigation measures and/or project alternatives to minimize such impacts.

16.2

In addition, the EIR fails to adequately discuss potential adverse impacts associated with the construction of a flood wall along the Alamo Pintado Creek, potentially pushing flood waters to the south and west towards the historic Grist Mill complex located within district boundaries. We join the Santa Barbara Trust for Historic Preservation and others in requesting that a detailed flood study be prepared to assess potential impacts on cultural resources caused by flood control measures or any other project-related activities.

We appreciate the opportunity to comment on this project. If you have any questions about these comments, please don't hesitate to contact me at (415) 947-0692 or mike_buhler@nthp.org.

Sincerely,



Michael Buhler
Regional Attorney

Response to letter 16

Refer to responses to letter 15.

letter 17

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APR 19 2006

CITY OF SOLVANG ✓

April 14, 2006

Shelley Stahl
City of Solvang
Planning and Community Development
1644 Oak St.
Solvang, CA 93463

Re: Old Mill Road Project Draft EIR

Dear Ms. Stahl:

Please accept this letter as comment from many people who share the same concerns.

We met with Brooks Firestone on March 31 with the hope that the County would recognize its involvement in this project inasmuch as Alamo Pintado Creek flows through the county and the impact of the proposed development and its alteration of the natural flow of the creek will affect the county. We asked if the county would consider a dual agency EIR. It appears that will not come to pass. Mr. Firestone suggested that our objections to the Draft EIR might be better presented to the Planning Department and Commissioners if we hired a professional land use consultant or attorney. We do not have the financial resources that the developers have. We hope you recognize this and accept our heartfelt opinions with the same degree of consideration as if they were presented by a professional. We have spoken with nearly a dozen traffic engineers from San Luis Obispo to Riverside Counties. No one is able to assist us. Many expressed interest, but the time frame was too short or they were concerned about a conflict of interest. We have also spoken with Solvang Public Works Department and with Cal Trans. We are following the suggestions offered to us and we are attempting to make our references to the DEIR and not to the project itself. We trust that our concerns and objections will be heard with as much interest as if they were offered by a certified or licensed traffic engineer.

It has been asked many times why a bridge cannot be constructed to allow access to the new project from Alamo Pintado. It could also facilitate the ingress and egress of High Meadow residents, thereby all but eliminating the intersection of High Meadow and Highway 246. There is no study included in the DEIR to show why this is not a feasible consideration.

We understand that the Traffic Analysis conducted by Steve Orosz uses certain criteria for its report. It appears to us that there is contradictory evidence presented. It is stated that the City of Solvang and Cal Trans both desire a LOS (Level of Service) of grade C or better. It states that currently the intersection is a level D and with the project in place will become a level E. However, the study cites (Section IV-D5) "The proposed project consists of a total of eight single family residential lots. To estimate the traffic that could be generated by the project, the Institute of Transportation Engineers (ITE) produces a reference documenting trip generation rates for a variety of land uses. For this Project, ITE has identified the following trip rates for townhome/condominiums (ITE Code 210)". Why did the study not use trip rates for single family residences?

Apparently using the criteria set forth by the City and the State of having a LOS of C is overridden by the ITE criteria of number of daily trips and number of peak hour trips. However, to quote from the response by the State Dept. of Transportation dated April 5, 2006, "Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our **Level of Service (LOS) standards should be used to determine the significance of the project's impact.** We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly".

We were told by Steve Orosz that the traffic count was done on only one day, either a Tuesday, Wednesday or Thursday. We are trying to determine what that date was but at this time we have not been given that information. We may have an objection after we learn the date. We have 13 occupied homes on High Meadow Road. Due to the fact that we are a limited number of cars entering and exiting High Meadow, it would be significant if 2 or 3 households were not in town on the one day of the traffic count. It seems that taking a count over several hours of one day is an observation and not a study. In order for an accurate representation to be offered, why wouldn't a count be taken over three different days and an average given? And why are we just looking at peak hour traffic? Clearly you can see, from pictures previously submitted, that when westbound traffic is at a standstill (during the peak

17.1

17.2

17.3

17.4

Response to letter 17

- 17.1 The EIR discusses the feasibility of the bridge on page V-2. In addition after the Planning Commission hearing on the DEIR, the City asked the applicant to do further engineering analyses to determine if a bridge could be located opposite lots 1, 5 or 8. This effort reconfirmed the infeasibility of a bridge. The EIR consultant and City staff concur with this assessment based on the lack of adequate horizontal distance for any bridge to climb to a height to span the floodway.
- 17.2 The commenter's are correct, the City and Caltrans both have a goal to maintain LOS C or better along City and State roadways. The report notes that the existing intersection level of service is less than that goal. The trip generation for the project was computed correctly for the project as described. The DEIR text made an error in noting "townhome/condominiums" not Single Family homes and is corrected on FIER page IV-D5. The ITE trip generation code for single family homes is 210. The EIR analysis is correctly represented.
- 17.3 The commenter is correct, the project could contribute to a cumulative impact along Highway 246. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the cumulative impact.
- 17.4 The traffic counts for the High Meadow intersection were collected on Tuesday October 5, 2004. Counts were retaken on Tuesday April 18, 2006. All of the turning movements into and out of High Meadow Road had a variance of one or two vehicles.

hour) the risk of being rear-ended while turning left onto High Meadow is lessened and during other times of day when traffic is flowing (or speeding) along, the danger is greater. Likewise, when turning left from High Meadow, the hazard is greater when there are no stopped cars to offer entry into the westbound lane. All times of the day must be considered. We do not necessarily blatantly disagree with the study that 65% of the traffic leaving High Meadow Road is bound toward the west, although it may be as much as 5-7% higher by our own estimates. It is our understanding that Cal Trans may require that a left turn lane be installed, at the expense of the developer, on Hwy. 246 at the intersection of High Meadow Road. That may alleviate the potential of rear-end accidents for those 35% of drivers returning to High Meadow Road. The other 65% will be returning from the other direction and turning right onto High Meadow. It seems clear that the MAJORITY of the traffic (65%) is at risk when turning left from High Meadow onto Highway 246. Where is the mitigation for this hazard?

17.5

We know that the City is studying an improvement of the intersection of Alamo Pintado and Highway 246. Will there be consideration for widening the bridge so that a lane will be added whereby drivers turning left onto Highway 246 from High Meadow will have a space to wait before merging onto the westbound lanes? This is VITAL. We would cite an accident in September of 2002 when a resident of High Meadow was "T-boned" from the left as she attempted to turn left onto Highway 246. She was violently hit on the driver's side and her dog was riding in the back seat. The dog was killed and she was seriously injured. She has not, in fact, entirely recovered from her injuries. The dog, sadly, is considered property damage for statistical reporting purposes. Another of our residents has had two major accidents at the intersection within a 3 year period. Both had major property damage and one had bodily injury as well. The accident rates, whether bodily injury or property damage, are calculated against "similar" intersections. However, if calculated by number of accidents per household on High Meadow Road, the statistics change. With our 13 occupied residences on High Meadow, even using the statistics provided in the traffic study showing 4 accidents, this is a rate of nearly 31% of our residents having an accident at the intersection.

17.6

We find fault with the accident report used in the DEIR. It is titled "California Department of Transportation, Table B - Selective Accident Rate Calculation". It shows that during the 36 month period of 10-1-2001 through 9-30-2004, there were four accidents and no injuries. Please see our attached statement by Lorna Pinassi, attesting to her injury accident in September 2002.

17.7

- 17.5 The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns.
- 17.6 The City's project to evaluate the operation of the Alamo Pintado Road intersection with Highway 246 may or may not incorporate modifications to the Alamo Pintado Creek Bridge at Highway 246. At this time, the city's focus has been on the Alamo Pintado intersection only not the bridge, however FEIR mitigation measure D2 is revised to require the applicant to fund a bicycle bridge over the creek to compensate for loss of the bicycle lane on the bridge as it exists now. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns.
- 17.7 The accident reporting system used by Caltrans is a summary of crashes reported to the California Highway Patrol. The name of the Caltrans reporting system does not infer that certain accidents are selected. The reporting system allows analysts to select specific locations to evaluate. Since individual accident reports are not available from the State, we cannot determine how the crash noted by the commenter was recorded. Even with one injury accident, the crash rate would be below the statewide average for similar intersections.

As a first alternative that would remove all hazards from the intersection, we are requesting that the City study the possibility of a bridge over Alamo Pintado Creek to be used by current and future traffic.

Due to the errors pointed out in the Traffic Analysis, we find it flawed. If flawed in some areas, how can we accept the credibility of the rest of the study?

Maps were presented at the informational meeting held on April 11 showing where the 1250 foot retaining wall would be placed alongside Alamo Pintado Creek. Why is that map not a part of the DEIR?

We believe that the DEIR is not complete and needs to be resubmitted. We also fervently request that all issues presented in this and other letters be resolved before going forward.

We appreciate your thoughtful consideration of everything we have expressed and await your response.

Thank you.

Bob and Sally Howell
2010 High Meadow Road

Chuck and Cindy Adam
2014 High Meadow Road

Pat Sullivan
2020 High Meadow Road

Hanspeter Adam
2022 High Meadow Road

Michael and Caro Stinson
2140 High Meadow Road

Randy and Sheryl Rosness
2016 High Meadow Road

William S. and Gerry Hardy
2130 High Meadow Road

Mike and Martha Nedegaard
2018 High Meadow Road

Chris and Catherine Catani
2128 High Meadow Road

Larry and Sonja Popkin
2021 High Meadow Road

Lorna Pinassi
2102 High Meadow Road

Dan and Janan Massey
2120 High Meadow Road

17.8
17.9
17.10

17.8 Refer to response 17.1.

17.9 The traffic study is not flawed. The erroneous claims made by the commenter have been proven to be incorrect in the FEIR responses to comments and DEIR traffic sections.

17.10 Refer to response 7.1.

letter 18

April 18, 2006

To Whom It May Concern:

I was involved in an accident when I attempted to turn left onto Highway 246 from High Meadow Road in September 2002. I was hit by a car traveling eastbound on Highway 246. I was taken by ambulance to Santa Ynez Cottage Hospital with serious injuries. My dog died as a result of this accident. If required, I can find further proof, but I have attached a copy of my check to pay for the ambulance bill.

Sincerely,

Lorna E Pinassi

Lorna Pinassi
2102 High Meadow Rd.
Solvang, CA 93463

805-688-5787

18.1

Response to letter 18

18.1 The severity of the crash is not being questioned. The DEIR only reported the available information from Caltrans. See response to comment 17.7.

LORNA PINASSI
PINASSI FAMILY TRUST
2102 HIGH MEADOW DRIVE
SOLVANG, CA 93463

82

1055

90-9913/1222
428

Date Sept 26, 97

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Solvang, CA 93463

Silver & Gold

For

Lorna E. Pinassi MP

⑆ 22239131⑆ 2428103147⑆ 1055 ⑆0000067915⑆

April 19, 2006

letter 19

City of Solvang Planning Commissioners
1644 Oak Street
Solvang, CA 93464

Dear Members of the Planning Commission:

I am writing in regard to the Draft EIR for the Old Mill Vesting Tentative Tract map. In my opinion, there are several areas of concern that the draft EIR has not adequately addressed.

1. **Agricultural Resources:** The permanent loss of farmland with prime soil to residential conversion is significant. To claim that this impact is less than significant due to the small parcel size and the lack of recent farming activity is simply erroneous. There is a very limited and shrinking quantity of prime farmland in the Santa Inez Valley, and its loss should not be treated as less than significant.
2. **Biological Resources:** A 1250-foot-long retaining wall, up to 10 feet high, and located at the very edge of sensitive riparian habitat is a significant impact that requires greater mitigation measures than are spelled out in the draft EIR. Moreover, the California Department of Fish and Game has recommended that the City of Solvang provide information to accompany the draft EIR in order to better assess the cumulative impacts of the project on the biology and hydrology of Alamo Pintado Creek. Is that supplemental information now available for the public? The retaining wall will clearly alter the current hydrology of Alamo Pintado Creek, and its impacts on downstream property owners should be more fully explored.
3. **Cultural Resources:** The proposed project appears to be within the viewshed of the Mission Santa Ines. The view from the Mission, especially toward the historic Grist/Fulling Mill, has long been identified in Santa Barbara County Planning Department documents as one the most significant in county. Although the proposed houses of the Old Mill subdivision may be somewhat screened by the riparian vegetation on their west side, it would prudent to erect story poles so that the public can gain a better idea of the finished height of the ridgelines of the homes and their potential for visual intrusion into the viewshed of the National Historic District.

19.1

19.2

19.3

Sincerely,

John Evarts
John Evarts

1875 Still Meadows Rd.
Solvang, CA 93463

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CITY OF SOLVANG

4:45 p.m.

Response to letter 19

19.1 Refer to letter 12.

19.2 Refer to response 2.3. The commenter suggests greater mitigation is required for impacts on sensitive riparian habitat. Please see Response to Comment 4.5, and combined Response to Comments 8.1, 8.2, and 8.3.

19.3 Refer to response 13.2.

Filed to Foote
4/12/06



letter 20

Flex your power!
Be energy efficient!

April 5, 2006

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SB-246-PM29.88
SCH#2005081109

APR 06 2006

CITY OF SOLVANG

Shelley Stahl
City of Solvang
P. O. Box 107
Solvang CA 93464-0107

OLD MILL ROAD VESTING TENTATIVE TRACT MAP-DEIR

Dear Ms. Stahl:

The California Department of Transportation (Department) District 5, Development Review, has reviewed the above-referenced documents and offers the following comments for your consideration:

1. Page II-4 of the executive summary refers to High Mountain Road. This should be High Meadow Road.
2. It appears that the computer output (SYNCHRO) for traffic analysis has been modified from showing the actual level of service being below the C/D cusp, which distorts the actual impacts to the highway system. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly.
3. Proposed improvements to SR 246 should be compatible with the Alamo Pintado Creek Bridge Widening project (05-0N680), including alterations to the existing bike lane which is located at the north side of the highway and ends at this location. The LOS of this intersection should agree for both the proposed development and the City sponsored highway project.
4. Because of the intersections close proximity to town, it is recommended that bicycle and pedestrian access be addressed.
5. As a reminder and as acknowledged in the NOP, a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) will be required before the project can be built. The Department has no concerns as long as the CLOMR is obtained.

20.1

20.2

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20.5

Response to letter 20

- 20.1 Refer to corrected FEIR page II-4.
- 20.2 The computer output (SYNCHRO) has not been modified. The DEIR reports the intersection level of service for the High Meadow intersection as 26.0 seconds of delay LOS D (cusp of C/D LOS = 25.0 seconds of delay) for existing conditions. For future cumulative conditions, the intersection level of service is noted as LOS E with 36.4 seconds of delay. It is unclear what the commenter is asserting. The actual (poor) levels of service are represented in the EIR and not hidden or distorted. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns.
- 20.3 The City sponsored project is focusing on the intersection of Alamo Pintado and Highway 246. FEIR Mitigation measure D2 requires provision of a bicycle bridge to compensate for the loss of the existing bicycle lane on the bridge.
- 20.4 Refer to response 20.3. Bike lanes exist on Highway 246 currently. There are no pedestrian facilities along this portion of Highway 246. At the Alamo Pintado Creek Bridge, the highway transitions to a rural highway – no curbs, 55 MPH speed limit.
- 20.5 Comment noted.

20.6

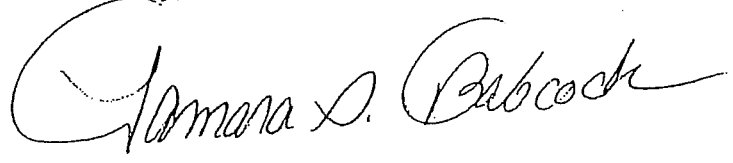
6. According to the EIR, special-status species occurrences in the project area are based on a search of the California Natural Diversity Database. The document indicates that neither California red-legged frog nor steelhead are known to be on Alamo Pintado Creek. There is a recent sighting that should be considered. Caltrans biologists conducted a California red-legged frog survey on Zanja de Cota Creek just below SR 246 on June 20, 2005. The biologist found six steelhead and heard a California red-legged frog call (along with a silent "plop" into water) at a small pool located within 100 feet of SR 246. These sightings indicate that these species are present in some tributaries on the north side of the Santa Ynez River and suggest there is a potential for both to occur on Alamo Pintado Creek.

20.7

7. Due to the preliminary nature of the information describing this project some items may not have been identified in this review. Significant mitigation measures such as left turn channelization, sight distance benches, and state highway geometric cross section standards while not identified at this point may be required as a condition of the encroachment permit for any work within the State Highway System. Detailed information such as complete engineering drawings, traffic studies, hydraulic calculations and environmental reports outlining impacts to environmental resources (biological, cultural, visual, etc.) within the state R/W may need to be identified, quantified and submitted for the Encroachment Permit review. These as well as other documents may need to be submitted and reviewed as part of the encroachment permit application before the Department can make a final determination as to the appropriateness of the mitigation measures within the State Highway System. The recommendations made in this review should be considered preliminary and subject to change based on more detailed review of the applicants final engineered construction level plans, final engineered traffic studies and actual field review of the proposed project site. In all cases, any deviation from the Departments Design standards should not be considered to be a viable option until the applicant has been issued an approved exception to Design Standards.

District 5 staff has been, and will continue to be, committed to working very closely with you to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel. Please don't hesitate to call me at (805) 549-3615.

Sincerely,



TAMARA S. BABCOCK
 Associate Transportation Planner
 District 5 Development Review Coordinator

549-3615

- 20.6 The commenter provides information regarding steelhead and California red-legged frog observations in Zanja de Cota Creek south of Highway 246 to the east of the proposed project site. Refer to Response to Comment 8.1, 8.2, and 8.3 for reasons why this information is not directly relevant to the proposed project and setting.
- 20.7 The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The applicant proposed measure may require the approval of a design exception for shoulder width and will require the construction of a bicycle/pedestrian path over Alamo Pintado Creek. There is adequate width to provide standard lane widths and transitions to accommodate the left turn lane. Should the left turn lane require bridge widening or pavement widening, there may be additional environmental impacts that have not been addressed in this EIR. The currently proposed left turn lane does not require roadway or bridge widening.

cc: Jim McKrell (D5)
Paul McClintic (D5)
David M. Murray (D5) 549-316-8
Tim Rochte (D5)
Lyn Wickham (D5)
Pat Mickelson (D5)
Paul Martinez (D5)
Michael Powers (SBCAG)
File

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805. 549-3101
FAX (805. 549-3077
TDD (805. 549-3259
<http://www.dot.ca.gov/dist05/>



7000 to 8000
4/15/05 - 1.55
letter 21

Flex your power!
Be energy efficient!

September 13, 2005

SB-246-PM29.88
SCH#2005081109

David Foote
City of Solvang
P. O. Box 107
Solvang CA 93464-0107

OLD MILL ROAD VESTING TENTATIVE TRACT MAP-NOP

Dear Mr. Foote:

The California Department of Transportation (Department) District 5, Development Review, has reviewed the above-referenced documents and offers the following comments for your consideration:

1. Page 21 Item (d) of the initial study states, "The intersection of High Meadow Road and State Route 246 poses a safety hazard for vehicles entering and leaving the project. The entrance is very close to the intersection of Alamo Pintado Road and State Highway 246". The EIR needs to provide a detailed discussion on this topic including mitigation measures. The EIR also needs to include a detailed Traffic Study. The current photolog shows the intersection of SR 246 & High Meadow Road does not have left or right turn channelization. Traffic Operations recommends that this project construct left turn channelization or functional equivalent as a condition of approval.
2. In order to ensure the traffic study in the Draft EIR includes the information needed by the Department to analyze impacts (both cumulative and project-specific), it is recommended that the analysis be prepared in accordance with the Department's "Guide for the Preparation of Traffic Impact Studies." A copy of the guidelines is available on the Caltrans Website at http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_guidelines_procedures.htm.
3. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, any additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly.

21.1

21.2

21.3

RECEIVED

SEP 15 2005

DAVID FOOTE
CITY OF SOLVANG

Response to letter 21


- 21 The comments listed in this letter were prepared prior to the EIR preparation. Comment letter 20 is an expanded version of this letter that addresses the specific data provided in the EIR. The comments for letter 21 are addressed in comment letter 20.

21.4
21.5
21.6

4. The City of Solvang is proposing to widen Alamo Pintado Creek Bridge (Bridge # 51-130) as part of a project to improve operations at the Alamo Pintado/Route 256 intersection. The LOS of this intersection should agree for both the proposed development and the City sponsored highway project.
5. As acknowledged in the OP, A CLOMR from FEMA will be required before the project can be built. The Department has no concerns as long as the CLOMR is obtained.
6. Due to the preliminary nature of the information describing this project some items may not have been identified in this review. Significant mitigation measures such as left turn channelization, sight distance benches, and state highway geometric cross section standards while not identified at this point may be required as a condition of the encroachment permit for any work within the State Highway System. Detailed information such as complete engineering drawings, traffic studies, hydraulic calculations and environmental reports outlining impacts to environmental resources (biological, cultural, visual, etc.) within the state R/W may need to be identified, quantified and submitted for the Encroachment Permit review. These as well as other documents may need to be submitted and reviewed as part of the encroachment permit application before the Department can make a final determination as to the appropriateness of the mitigation measures within the State Highway System. The recommendations made in this review should be considered preliminary and subject to change based on more detailed review of the applicants final engineered construction level plans, final engineered traffic studies and actual field review of the proposed project site. In all cases, any deviation from the Departments Design standards should not be considered to be a viable option until the applicant has been issued an approved exception to Design Standards.

District 5 staff has been, and will continue to be, committed to working very closely with you to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel. Please don't hesitate to call me at (805) 549-3615.

Sincerely,



TAMARA S. BABCOCK
Associate Transportation Planner
District 5 Development Review Coordinator

- cc: Roger Barnes (D5)
David M. Murray (D5)
Tim Rochte (D5)
Lyn Wickham (D5)
Pat Mickelson (D5)
Paul Martinez (D5)
Michael Powers (SBCAG)
File

letter 22

**Michael & Martha Nedegaard
2018 High Meadow Road
Solvang, CA 93463**

March 23, 2006

Planning & Community Development
CITY OF SOLVANG
1644 Oak Street
Solvang, CA 93463

RE: Case #03-16, VTTM 30,069

Dear Commissioners:

The approval of any new development requires the protection of everyone's health, safety and welfare. Two issues of the Old Mill Project have the potential for significant problems.

It appears on the map that most of the property is in the Flood Plain. We have witnessed the Santa Barbara Bank & Trust building, which is located upstream, under about 3 to 4 feet of water when heavy rains fell and trees and debris blocked the creek. Proper mitigation would require raising all the building sites at least five feet and lining the entire river bank in rip rap. This would cause extreme impacts on biological resources along the creek. Building should be limited to areas outside the flood plain.

Ingress and egress through High Meadow Road is unacceptable. The Fire Department requires at minimum twenty feet of roadway with no parked cars and at least twenty-four feet with parked cars. The existing roadway has areas with less than eighteen feet of width where new houses are being built with little parking of their own. Widening of this road would cause major disturbance to the private property in this area. If, in fact, High Meadow Road was brought up to standards, the bridge at Highway 246 would also need to be widened to accept a left turn lane. Numerous accidents have already occurred at this intersection and congestion continues to increase. Making left turns in or out is already very dangerous at high traffic times.

22.1

22.2

RECEIVED

MAR 29 2006

CITY OF SOLVANG

Faxed 3/29/06

Response to letter 22

- 22.1 The proposed project does not include any modifications to Alamo Pintado Creek and provides for the protection and enhancement of the riparian corridor along the project reach, per mitigation measure F2. See responses 8.1, 8.2 and 8.3.

- 22.2 Based on the proposed project plans, the roadway is to be constructed at 20 feet in width, with no parking. The project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the commenter's concerns.

22.3

An alternate and much safer solution would be to install a bridge to lower Alamo Pintado Road and connect to Highway 246 at the intersection. Attached find information on railroad flatcars which can be set side by side and span 66 feet. Similar bridges are found upstream on Alamo Pintado Creek serving residential areas there. This solution would be financially feasible for the developer and much safer for everyone at the High Meadow/Highway 246 intersection. It would also avoid potential adverse impacts to fire safety.

Sincerely,



Michael & Martha Nedegaard

22.3 Refer to response 17.1.

MARCH 28, 2006

ATTN.: SHELLY STAHL AND PLANNING AND DEVELOPMENT DEPT.

RE: OLD MILL LLC [REQUEST TO DIVIDE 9.24 ACRES]

MY FIRST CONCERN IS THAT THE SANTA YNEZ VALLEY IS MAKING SOME SERIOUS MISTAKES IN PLANNING GROWTH AND ALLOWING LOT SPLITS WITHOUT TRULY REALIZING THE CONSEQUENCES.

23.1

MOST OF THE PEOPLE LISTENED AT THE MEETING ON MARCH 6TH AND CAN NOT SEE ANY REAL GOOD LOGIC IN ALLOWING THIS PROJECT TO GO ON.. THE FACTS ARE CLEAR. THE INTERSECTION OF HIGH MEADOW AND 246 IS A CLASS 1 IMPACT. WE HAVE 5 OTHER POSSIBLE BUILDING SITES ON HIGH MEADOW AND THE POSSIBILITY OF ADDITIONAL DEVELOPMENT OF GRANNY UNITS ON EACH ACRE ON HIGH MEADOW. IN THE PAST, WHEN OTHERS HAVE TRIED TO SPLIT THE ACRES AT THE BOTTOM OF THE HILL, THE COMMISSIONERS TURNED THEM DOWN, FOR THE REASONS: TRAFFIC IMPACT AND BUILDING IN A FLOOD ZONE. MOST OF US WERE PLEASED THAT AARON PETERSON AGREES THAT NOTHING SHOULD BE DONE UNTIL WE KNOW THAT THE TRAFFIC PROBLEMS ARE RESOLVED.AND THERE IS TALK ABOUT A STATE PARK THAT WOULD BE ADJACENT TO THIS DEVELOPMENT. HOW CAN ANY VOTE ON THIS PROJECT TAKE PLACE WITHOUT THIS INFORMATION?

23.2

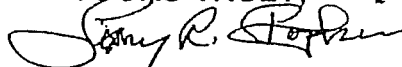
23.3

23.4

23.5

IT SEEMED THAT IT MADE SENSE THAT THE ONLY WAY THIS PROJECT COULD POSSIBLY BE APPROVED WAS THE BUILDING OF A BRIDGE TO CONNECT WITH ALAMO PINTADO. BUT, NEAR THE END OF THE MEETING AARON PETERSON, SAID HE HAD MET WITH ENGINEERS ABOUT A BRIDGE AND THAT IT WOULDN'T WORK OUT, BECAUSE OF THE FLOOD PLAIN. THE FACT IS THERE ARE BRIDGES ALL ALONG THIS RIVER AND OTHER RIVERS IN THE VALLEY. IF THE FLOOD PLAIN IS SO BAD THAT YOU CAN'T BUILD A BRIDGE THERE, WHY WOULD YOU ALLOW HOMES IN THE SAME AREA!? IS THERE ANYONE WHO TRULY BELIEVES THAT THERE WON'T BE ANOTHER FLOOD IN FUTURE YEARS?

YOURS TRULY,



LARRY POPKIN

2012 HIGH MEADOW DR. SOLVANG

RECEIVED

RECEIVED

MAR 24 2006

MAR 29 2006

CITY OF SOLVANG

[Faint handwritten notes]

Response to letter 23

23.1 Refer to response 20.7.

23.2 Comment noted

23.3 Refer to FEIR page IV-H3

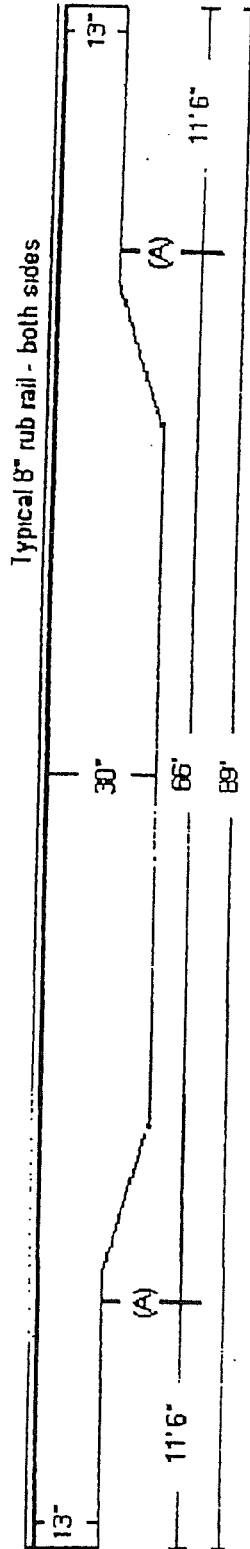
23.4-5 Refer to response 17.1.

89' RAILROAD FLATCAR

- * Deck width, flush deck: 9'
- * Deck width: 8'2" - 8'6" inside rub rail
- * Decks 3/8" steel plate (many with non-skid surface)
- * Load capacity: 100,000 lbs to 130,000 lbs with 66' clear span
- Typical loads: Fire truck: 50,000 lbs
Concrete mix truck: 80,000 lbs
Highway legal combo: 80,000 lbs
- * Car shipping weight: 38,000 lbs to 41,000 lbs

Flatcars are sold as-is and are subject to availability. Some cars have minor damage and / or deck boards missing.

- * NOTE: Flatcar dimensions vary in length, depth, etc., each car should be checked.



(A): Center line of wheel truck supports, 66' span.



JIMI DOBBAS INC.

7920 Antelope North Rd. Antelope, CA 95842 (916) 723-3939 Fax (916) 723-3956

Reference: Old Mill LLC, Case #03-16, VTTM 30,069

Dear Mrs. Stahl,

I would like to voice my concerns in regard to the proposed project cited in the reference above.

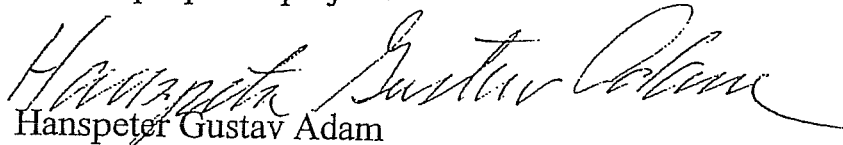
24.1

I live at 2022 High Meadow Dr. The road that I use to get to my driveway is the private road that T's off of High Meadow Dr. and is access to the High Meadow Ranch Property. This would also be the access road to the proposed project. My concern is that this road is currently not wide enough to support the increase in traffic that this project would create. It would obviously have to be widened and upgraded. My concern is that there is no mention anywhere of what the plan is for doing that. Which side of the road would be widened ? My side (the east side) ? Across the street ? Both ? On my side of the road, between the road and my house, there is a steep berm and a railroad tie retaining wall which is the essential support for my front yard. The railroad tie retaining wall is inadequate to handle the stress due to vibration caused by heavy equipment and/or the additional traffic implied by the proposed project. I need to have some assurance that if and when the road is widened that, as part of the widening project, an adequate retaining wall would be built that would protect both my property and people using the road.

An additional concern is that on my side of the road there is a drainage ditch that handles the runoff from the High Meadow hill. Widening of the road on my side would disturb that drainage pattern. A road widening project would have to take that into consideration to prevent potential flooding of the road and downhill properties during heavy rains.

I think it's important that the project developers be asked to address the aforementioned issues. If they are adequately addressed, I personally have no objections to the proposed project.

Sincerely,


Hanspeter Gustav Adam

2022 High Meadow Dr.

Solvang, Ca. 93463

805-686-8891

RECEIVED

APR 12 2006

CITY OF SOLVANG

*faxed to Foote
4/12/06*

Response to letter 24

24.1 The widening of the access road to meet the City requirements has been addressed preliminarily in the proposed project design. The final road access plans and any related structural and drainage facilities will be subject to the review and approval of the City Engineer. The road widening would be accommodated within the easement and would include all drainage and structural features.

Solvang Planning Commission
Re: Old Mill LLC Vesting Tentative Track Map

Dear Commissioners,

10 March, 2006

I'm sorry to have missed the meeting earlier this month, but would like to share some concerns regarding this Old Mill project.

25.1

The obvious and most pressing issue is the traffic impact at High Meadow and Hwy. 246. I know this has been brought up before, but it hasn't gone away. Ingress and egress at this intersection is extremely problematic at peak traffic times. i.e. early morning, 7:00am until 9:00am, and most of the afternoon particularly from 3:30 until around 6:30pm.

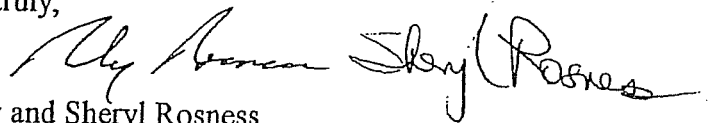
Another more subtle issue is the "easement" that was secured by the current owner that clearly circumvents the original intent for High Meadow Rd. access. While it may be a legitimate acquisition, it becomes problematic in exceeding the expected development for the area. If the easement rights are hypothetically extrapolated to the extreme, High Meadow Road could potentially serve a hundred residences on the farm land planned for housing now. Of course, the road could not accommodate that kind of traffic, obviously, so the question is, how much traffic will it tolerate? That decision ultimately rests with the Commission based on your experience, studies, residents' input, and practical highway safety standards. A miscalculation here, one that will nearly double the existing traffic off of High Meadow onto a busy 2-lane highway with cars traveling in excess of 45 mph, will be irreversible once the homes are built, and will be a potential boondoggle for the Commission for years to come.

25.2

Everything a Commission approves becomes part of your legacy, for better or worse. Those items denied can be dealt with later or they just go away. Whatever you decide, decide wisely.

Thanks for handling the difficult work confronting you each day as you make Solvang and the Santa Ynez Valley a great place to live.

Very truly,



Randy and Sheryl Rosness
2016 High Meadow Road
Solvang, California, 93463

RECEIVED

MAR 17 2006

CITY OF SOLVANG

faxed 3/20/06

Response to letter 25

- 25.1 The DEIR traffic analysis evaluated the peak hour from 4:00 PM to 6:00 PM during the highest overall traffic period of time of the day. During the AM peak hour, based on applicable traffic standards, traffic congestion along Highway 246 does not exist in the study area.
- 25.2 Future development proposed to occur on lands not designated for residential development would need to go through the normal City or County review process. Any impacts associated with that kind of development would be evaluated at that time. The question is a legitimate one, however, it is speculative at this time and therefore beyond the required scope of the EIR. Refer also to Mitigation H1.

March 7, 2006

letter 26

To: Solvang Planning Commission
Re: EIR Old Mill LLC Vesting Tentative Track map

Dear Commissioners:

Attached is a transcript of the testimony given by me at the Public Hearing March 6, 2006 at the Solvang City Council chambers.

After hearing all the testimony I have come to this conclusion. This project has many significant problems. The biggest being the **Class 1 impact of the traffic**. I believe the law directs you that if a Class 1 impact can not be mitigated, the project can not be approved.

Being as the roadway and bridge located at, High Meadow Road intersection, can not be mitigated by the City of Solvang the finding of this EIR must be "**No Project**". If at a later date the County or Caltrans changes the highway, a new proposal by the applicant could be submitted for consideration.

Planners, I know it is difficult, but you must try to say these two words "**NO PROJECT**". Go ahead and try it.

Sincerely,



Mike Stinson
2140 High Meadow Road
Solvang, CA 03463

RECEIVED

MAR 13 2006

CITY OF SOLVANG

dated 3/15/06

26.1

Response to letter 26

- 26.1 The commenter is not correct. When a Class 1 impact is noted, it is listed as a significant and unavoidable impact. Public Agencies weigh the benefits of a project application compared to the impact and may approve a project with Class 1 impacts. In the case of the project, the project applicant has provided a mitigation measure that would create a left turn lane for the High Meadow Road entrance to Highway 246. The implementation of the measure would mitigate the impact to a less than significant level.

March 6, 2006

Good Evening Planning Commissioners and Staff,

There are hundreds of problems listed in this EIR and hundreds of ways to explain them away or mitigate them. Many are very technical and would require the public to hire their own firm to provide a competing EIR. There are so many items I have questions about that we would be here for days. So I will start with some of the more obvious and important problems.

A. Easement on High Meadow Road (Legal action pending)

26.2

Here is a copy of my exclusive easement. I spoke with E. David Davis who wrote the easement and confirmed that is an exclusive easement. I am retaining an attorney from Los Angeles so as to be outside the sphere of influence of the Danish Brotherhood. We will file a suit against Old Mill LLC and its attorney Jack Collison challenging the legality of their easement. It is a private road. We paid to build it and paved it and they can't have it.

B. Santa Barbara Trust for Historic Preservation Easement (Legal action pending)

26.3

The nonprofit trust operates under an IRS 501 (C) (3) filing. It must operate under the guidelines of Title 26, Section 170 and 120 of the Internal Revenue Code. Selling easements to developers to build housing projects falls outside their guidelines for fundraising. The trust would not supply me with a copy of their filing. If you look at their WEB site it says nothing about developing projects on historical property while collecting funds to protect them at the same time.

I have spoken to and written the IRS and the State Attorney's Generals Office requesting that they review this transaction and provide me a copy of their 501 © (3). Barring their inaction I am prepared to file legal action personally. I am sure I will have financial support from others.

C. Traffic report is inaccurate

26.4

Mr. Foote – how many cars did you use for the High Meadow traffic prediction? There are 50 cars now plus 27 more Old Mill cars which equals 77 cars.

What date did you perform the traffic study for this report? Did you include the 947 cars @ (2.5 per home) from the already approved 379 houses under construction?

The 26 second additional delay can not be accurate if it now takes me 2-3 minutes to pull out onto Highway 246. How long will it take if there are 1 or 2 or 3 cars in front of me?

You can't average it out over 24 hours and 10 years to get an answer that looks good.

- 26.2 The purported easement lawsuit is not a CEQA issue.
- 26.3 Refer to 26.2
- 26.4 The commenter has mixed up facts and conclusions. The project trip generation is 76 vehicles per day, 8 vehicles during the PM peak hour. The traffic study was conducted during the fall of 2005. The traffic study did include the list of pending and approved projects in the City of Solvang and County of Santa Barbara. The list of projects is included in the DEIR Table D-2. The intersection delay noted is the average of all vehicles exiting High Meadow Road onto Highway 246. At certain times of the day and under certain traffic operating conditions, the observations by the commenter may occur. The traffic volumes described in the DEIR typical daily and peak hour traffic volumes that could be anticipated or do occur on a regular basis. The remaining comments are noted and are addressed by mitigation measures listed in the DEIR.

We will find out soon how long of a wait constitutes blocking an easement.

]

D. Question for the planning staff

26.5

Could you tell me the definition of "Infrastructure"? See handout. Now that we know what it is, might I ask, what happened to it? Highway 246 is a mess, total gridlock. I will be requesting that the State Transportation Director come down and take a look. Something must be done to correct this problem. City planners can't be allowed to block state routes.

]

E. The infrastructure does not exist for this or any other development yet others are going forward anyway.

26.6

The addition of almost 1000 more cars on Highway 246 will complete the ruination of our once tranquil valley and make travel next to impossible. This project will add more cars to the problem.

]

F. Intersection of High Meadow

26.7

I handed out copies of these pictures at the scoping meeting. Did you receive them?

Here is another set of pictures to review. As you can see, it is a very busy and dangerous intersection. You risk your life every time you pull out. There have been 3 or 4 major accidents at this intersection causing serious injury and one fatality. Fortunately it was a dog riding in the car and not a child. Its owner was seriously injured. There is no more capacity for our road. The additional 12 cars from the 4 new houses are going to be a problem already. Someone will die and a wrongful death suit for the City of Solvang will follow.

Construction traffic will be unmanageable. This will constitute blocking of our easement and the Sheriff will be requested to remove these vehicles so that we may have ingress and egress to our homes. Work trucks must not use illegally graded lot for staging (lot #2 at High Meadow).

]

G. Other Accesses

26.8

There is a perfectly good intersection for the Old Mill Project 100 yards away with turn signals, stop lights and cross walks. It is the only safe way to access this project. (See aerial photo).

The first possible access is directly off of Alamo Pintado Road. I think Mr. Petersen has some type of easement allowing him some other options. (See arrows 2 and 3) These however would require him and Mr. Riches to pay for a bridge. This would cut down their profit so instead they are ruining our rural setting to try and pocket more money. If they use Alamo Pintado and his easement, it would wreck his private road, put traffic on his street and he doesn't want that. So why not use ours?

]

26.5 This does not appear to be a comment on the EIR.

26.6 The commenter is directed to the sections of the EIR in IV-D that describe levels of service standards and other measures of capacity and roadway and intersection operation.

26.7 Refer to responses 3.1, 4.10, 17.7 and 9.7.

26.8 Refer to response 17.1.

If you want to see a total planning failure, come visit the bottom of High Meadow and see the houses on the lots Old Mill sold off to take over our easement. There is no buffer zone. They don't fit the surroundings and one I believe is encroaching on our easement.

It is a nice trick if you can get the city, county and taxpayer to mitigate the traffic problems that your project will cause by having them widen bridges and install turning lanes on the taxpayer's dollar.

And if all that, Old Mill LLC, has done to cause us grief wasn't enough, rumor has it they are offering an easement over their easement over our easement for a park. If you read the EIR there is a 5 foot recreational easement on his projects road. How will the people access a recreation easement if not through High Meadow's private road? From what I hear the park plan is in Sacramento for approval.

26.9

You can't approve one project at a time. You must consider the cumulative effects of all the projects together. It is inconceivable that this project has gotten this far. It is wrong!

26.10

H. I have several hundred more questions but it would infringe on other concerned citizen's time to speak. I will highlight the items without discussion for later review or legal action. **The items below will have significant impact.**

26.11

Light pollution- can't see sky now due to time shares, how many lumens, what radius.

4.1 Aesthetics- will ruin rural appearance like 4 others

4.3 Air quality- 27 cars 9+ fireplaces add to 379 others

4.4 Biological- will ruin deer, bobcat and quail and dove habitats. Animals can't get to river to drink

4.8 Water quality- more chances for fertilizer and sewer to enter river

4.5 Cultural- houses in historical landmark area

4.9 Land Use- should have remained agricultural

4.11 Noise- 27 more autos, trucks, tractors, workers

4.12 Population- over-extends road and intersection capacity


4.13 Public Services- must consider all concurrent projects

4.15 Transportation- won't work - no way

4.16 Utilities- if above ground will ruin aesthetics

I will conclude at this time but I would like to reserve additional time if there is to be an additional meeting to discuss the items above.

Thank you for your time.

Sincerely,

Mike Stinson
2140 High Meadow Road
Solvang, CA 93463

- 26.9 Refer to FEIR page IV-H3 and Mitigation measure H1 in the DEIR.
- 26.10 The cumulative effects of the project are analyzed in the EIR in each topic and are summarized on page II-12 in the DEIR. Refer also to page IV-H3 of the FEIR.
- 26.11 Refer to response 1.2 and 2.8 on visual, 2.7, 3.3, 4.5, 10.9 on biological resources, 14.9 and section IV-C for water quality, 6.1, 7.4, 14.4 for cultural resources, 4.12 for agricultural resources, mitigation measure G3 for noise, section IV-E for air quality, and Appendix A Initial Study for utilities, population etc.

Infrastructure

From Wikipedia, the free encyclopedia

Infrastructure, most generally, is the set of interconnected structural elements that provide the framework for supporting the entire structure. It usually applies only to structures that are artificial. The term is used differently in a variety of fields; perhaps the single most well-known usage is in economics, where it refers to physical infrastructure such as buildings and roads.

FEBRUARY 18, 2006

ATTN.: SHELLEY STAHL AND COMMUNITY DEVELOPMENT FOR THE CITY OF SOLVANG.

I AM WRITING TO ADD MY CONCERNS ABOUT THE OLD MILL LLC PROJECT OF 9.24 ACRES INTO 9 HOMES. ONE MUST UNDERSTAND THAT A MAJORITY OF HIGH MEADOW UNDERSTOOD YOUR APPROVAL OF 4 HOMES AT THE BOTTOM OF THE HILL. BUT, THERE ARE MAJOR CONCERNS BY ALMOST ALL OF US IN THE HIGH MEADOW AREA.

27.1

1. EVERYONE IN THE SANTA YNEZ VALLEY HAS BEEN AWARE OF THE INCREASE IN TRAFFIC IN THE PAST 6 YEARS. AT 8:AM. 2:00, 3:00-6:00PM, WE HAVE TROUBLE GETTING OUT OF HIGH MEADOW, ESPECIALLY TURNING LEFT. IF, THERE WAS ANY KIND OF EMERGENCY, FIRE OR MEDICAL, IT WOULD BE A SETUP FOR AN ACCIDENT. MAJOR AND MINOR ACCIDENTS HAVE OCCURRED MANY TIMES IN THE 44 YEARS I LIVED HERE. AND IN RECENT YEARS THE NUMBER OF CLOSE CALLS HAVE INCREASED GREATLY. AND MANY LONG WAITING PERIODS TAKE PLACE EVERY DAY FOR TRYING TO GET TO SOLVANG FROM THE HIGH SCHOOL.

27.2

2. THE RESIDENTS HAVE WORKED HARD AND PAID LARGE AMOUNTS OF MONEY TO MAINTAIN WHAT WE THOUGHT WAS A PRIVATE ROAD. ARE WE TO ASSUME THAT THE NEW PROPERTY OWNERS ARE GOING TO PAY US BACK? HAVE WE GIVEN UP OUR RIGHTS TO THIS ROAD THAT WE PAID FOR? THE CITY DOES NOT MAINTAIN THIS ROAD. WE HAVE HEARD THAT THE THE SANTA BARBARA TRUST HISTORIC PRESERVATION WAS PAID LARGE SUMS OF MONEY FOR THEIR EASEMENT. IS THIS TRUE? AND IF IT IS TRUE, WHY IS THE EASEMENT WE PAID FOR NOT COMPENSATED? WHY WOULD YOU NOT INSIST ON A BRIDGE OVER THE CREEK TO CONNECT WITH ALAMO PINTADO? IT BE A BETTER SOLUTION TO TRAFFIC AND SAFETY FOR ALL.

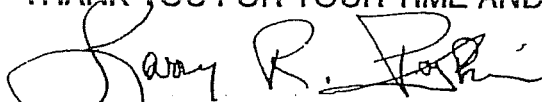
27.3

3. WE WERE SUPPOSED TO MEET WITH WITH THE OWNERS OF THE NEW PROJECT, BUT, FOR SOME REASON THEY CAN NOT FIND TIME FOR US. WE HAVE ALSO BEEN TOLD THAT THEY CAN USE OUR EASEMENT BUT WE CAN NOT USE THEIR EASEMENT. IF TRUE, IS THIS FAIR?

4. MANY OF US HAVE BEEN TO MEETINGS ON 5 YEAR PLANS FOR THE SANTA VALLEY AND NEVER WAS IT EVER THOUGHT WAS POSSIBLE FOR THOSE 9.24 ACRES TO HAVE BEEN SPLIT AND COME THROUGH HIGH MEADOW ROAD.

OUR VALLEY.

THANK YOU FOR YOUR TIME AND CONCERN FOR



SINCERELY, LARRY POPKIN

PH.# 688-5873

RECEIVED

FEB 23 2006

CITY OF SOLVANG

Response to letter 27

- 27.1 The DEIR traffic study looked at all the issues raised in the comment and identified a potential class 1 impact in the cumulative condition for the intersection. In the FEIR the applicant has proposed a turn lane plan (Map 3b) that would reduce this impact to less than significant. Refer to response 3.1, 4.10 and 9.7.
- 27.2 The questions in this comment are appropriately addressed to the Planning Commission and are not EIR issues.
- 27.3 Refer to 27.2 above.

FEBRUARY 18, 2006

CITY OF SOLVANG
PLANNING AND COMMUNITY DEVELOPMENT
SHELLEY STAHL, DIRECTOR
1644 OAK STREET
SOLVANG, CALIF. 93463

28.1

RE: OLD MILL LLC, VESTING TENTATIVE TRACT MAP

THOSE OF US WHO CURRENTLY LIVE ON HIGH MEADOW RD. ARE VERY CONCERNED ABOUT FURTHER DEVELOPMENT IN THE PROPERTY ADJOINING OURS BECAUSE WE UNDERSTAND THAT ALL TRAFFIC FROM ANY MORE NEW HOMES WILL ENTER AND EXIT FROM OUR ROAD. WE ALREADY HAVE A HUGE PROBLEM WITH TRAFFIC ON HIGHWAY 246!!! IT IS ALMOST IMPOSSIBLE FOR US TO COME AND GO SAFELY FROM OUR PRIVATE ROAD....AND THE NEW PLANS WILL ONLY MAKE MATTERS WORSE.

WE HAVE BROUGHT THESE PROBLEMS TO YOUR ATTENTION IN THE PAST, AND IT SEEMS THAT YOU JUST DON'T CARE. WE NEED A TURNING LANE ON 246, OR WE NEED NEW CONSTRUCTION TO HAVE ACCESS TO ALAMO PINTADO SO THAT THEY CAN COME AND GO WITH SAFETY. WE NEED YOU TO PROTECT US AND HELP US WITH THIS ON-GOING PROBLEM, NOT TO MAKE IT WORSE JUST BECAUSE MR. PETERSON AND HIS PARTNERS HAVE SO MUCH INFLUENCE WITH THOSE OF YOU WHO MAKE THESE DECISIONS.

I DON'T THINK THIS LETTER, OR ANYTHING ELSE WE CAN DO WILL HAVE ANY EFFECT WHATSOEVER.....IF YOU HAVE APPROVED OVER 500 NEW HOMES IN SOLVANG WITHOUT ADDRESSING THE GRID-LOCK ON HIGHWAY 246 AT MANY TIMES OF EVERY DAY.... YOU CERTAINLY WILL NOT HESITATE TO APPROVE 9 MORE, EXCEPT THAT WE ARE DEPENDING UPON YOU TO PROTECT OUR INTERESTS AND TO KNOW THAT WE HAVE ALREADY HAD PEOPLE HURT TRYING TO GET IN AND OUT OF OUR ROAD - DO YOU WANT MORE INJURIES BEFORE YOU HELP US?????

YOURS,


SONJA POPKIN
2012 HIGH MEADOW
SOLVANG, CALIF. 93463
688-5873

RECEIVED

FEB 23 2006

CITY OF SOLVANG

Faxed 2/23/06

Response to letter 28

28.1 Refer to responses to letter 27.

The City of Solvang
Planning & Community Development Director
1644 Oak Street
Solvang, CA 93463

February 17, 2006

To Shelley Stahl Planning & Community Development Director:

29.1

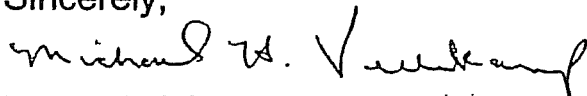
I am writing this letter concerning the proposed project that would divide a 9.24-acre parcel into nine (9) single-family residential lots in the 20-R-1 Zone District. We here living in the residential property located on High Meadow Road are concerned about the further development of our Road. We feel and believe that the current development of four new homes at the bottom of our hill has already created a major source of problems for the residents who were here before this plan was put into effect last year. We here on the hill, as a group, followed the developments in the city council's meeting. When we under the impression that the project of the three new properties was defeated, we didn't investigate the action further. The properties were later developed without our knowledge and now more properties are being proposed. We again feel this development is wrong for the residents currently living on the hill. We have to share the road which will now be populated with more traffic. The noise is bad in and around the homes at the bottom of the hill, but this still has not deterred them from being constructed. We also feel this is a safety issue. With children in the area who live and play on the road, their safety now is even more precarious. Not to mention the possibilities for flooding, water quality being diminished, agricultural resources and air quality being threatened, and this continued population growth in our valley.

29.2

29.3

Please feel free to comment on the following. We are available to discuss the matter more fully at your earliest convenience.

Sincerely,



Michael H. Vellekamp
2012 High Meadow
Solvang, Calif. 93463

RECEIVED
FEB 23 2006
CITY OF SOLVANG

faxed 2/23/06

Response to letter 29

29.1 Refer to responses 3.1, 4.10, and 9.7.

29.2 Refer to response 10.4.

29.3 Refer to response 26.11.

PROFILES:
DIVISION 1 — LOS OLIVOS
Harlan J. Burchardi
DIVISION 2 — SOLVANG
David Jamieson
DIVISION 3 — SOLVANG
Lee F. Bettencourt
DIVISION 4 — SANTA YNEZ
Harry F. Poor
TRUSTEE-AT-LARGE
Matthew Loudon

CHRIS DAHLSTROM
Manager/Secretary

HATCH & PARENT
A Law Corporation
General Counsel

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

IMPROVEMENT DISTRICT NO. 1
P.O. BOX 157 • 3622 SAGUNTO STREET
SANTA YNEZ, CALIFORNIA 93460
TEL: (805) 688-6015 • FAX: (805) 688-3078

letter 30

April 18, 2006

RECEIVED

APR 20 2006

CITY OF SOLVANG

Ms Shelly Stahl
City of Solvang
1644 Oak Street
Solvang, CA 93464-0107

Re: EIR - Old Mill Vesting Tentative Tract Map

Dear Ms. Stahl:

Thank you for providing the Santa Ynez River Water Conservation District, Improvement District No.1 ("District") the opportunity to review and submit comments on the EIR related to the proposed Old Mill Vesting Tentative Tract Map. The District has compiled the following comments for the City's consideration:

- Please make a global correction to the reference of "Irrigation District No. 1". The District understands that it is in reference to the Santa Ynez River Water Conservation District, "Improvement District No. 1" but the text must be changed to accurately identify the title of the District. This is the second request. Please refer to pages IV-G1 and IV-G2.
- In Section G2. Water Resources, Table G-1, the District questions why outdated 2001 annual water production numbers are used rather than 2005 data for a project in 2006. Water supply data from 2005 would indicate a water production that includes SWP water, the City's sources of supply and minimal usage of water supply from Improvement District No.1 which typifies recent conditions. Using 2005 data would accurately represent water production and maintain consistency in the document for review purposes and full disclosure. For your information, the following are water supplies purchased by the City from Improvement District No.1: 2002 was 382.56 AF; 2003 was 9.66 AF; 2004 was 45.92 AF; and, in 2005, 32.51AF. Please see the enclosed table that the District has compiled from information received from the City of Solvang. The information reflects the Districts understanding of present and potential future water supplies by source and demands stated by the city of Solvang.
- Page IV-G1, paragraph 1, sentence 2, references 2004 water supply data which is inconsistent with Table G-1. Please refer to the comment above.

30.1

30.2



Response to letter 30- This letter was received after the close of the 45 day DEIR comment period

30.1 This is correct they are the "Improvement" and not "Irrigation" District.

30.2 The table shown is from the Water System Master Plan Update of 2002, which only had information through 2001. The information they provided in their attached table is correct for 2005, but the resulting annual usage is 48 acre feet less than 2001 shown in the table G-1.

- Page IV-G1, Table G-1. The District questions the City's potential water delivery numbers. The table shows 3,600 acre feet as potentially being produced from the City's river well field in the Santa Ynez River. The District understands that Solvang has permits for diversion of 5.0 cfs and the potential to develop this water source. However, this statement may need footnoting that the City does not currently have the infrastructure capability to produce this water and may be limited in its ability to produce this source of supply.

30.3

- Page IV-G1 paragraph 2 indicates the City uses "Irrigation District No 1" (incorrectly identified) water on an on-demand basis. In 2005, the City used 32.51 AF water through the master meters. The trend has been less water purchases from the District. According the Solvang System Master Plan Update, Revised Final Version, October 2002, by Provost & Pritchard, page 15, paragraph 4, Solvang has the overall intention of using District water "...as a last resort, when other supplies are inadequate to maintain the volume of supply needed." This statement should be included in the document which accurately reflects the City's water supply projections.

30.4

- Page IV-G1 paragraph 2 states correctly that Solvang receives District water through two meters. It is incorrect, however, to state that this water supplied by the District is from the river wells only as District water is blended and comes from several sources. District water includes State Water Project water, Cachuma Project water, Upland Basin groundwater and underflow from the Santa Ynez River. A correction in the District's sources of supply is needed.

30.5

- Page IV-G2 paragraph 2 sentence 3 indicates that "Provision of alternative sources such as the SYRWCD "Irrigation District No. 1" (incorrectly identified) connection and wells #4 and #21, allows assurance that the City will continue to serve its users with safe and adequate water during highly unusual climate events such as prolonged drought."

30.6

It should be noted that using the worst drought year on record (1951), shortages would occur in the Improvement District No.1's supplies based on that critical year for the drought period (1946-1951). Thus, conservation reductions would be implemented. In this same drought period with one additional year beyond the critical year, greater shortages would occur resulting in mandatory conservation actions and water reductions to all customers including the City. Therefore, the City's water supplies from Improvement District No. 1 during "prolonged droughts" would result in delivery shortages. Also, the District understands that well #21 is no longer operational and has been removed from service.

30.7

- Page IV-G2, paragraph 5, using the City's actual water production data, water supplies will not meet the cumulative water demand as noted in the example table provided. Therefore, additional water supplies would be required. Indicate how additional supplies will affect the City's water resources, Improvement District No.1 and provide adequate documentation.

30.8

30.3 The numbers for calendar year 2005 are as listed in the letter's attachment. The 2004 numbers in the EIR are assumed to be fiscal year, hence the discrepancy.

30.4 This information was taken from the Water System Master Plan Updated of 2002. The table lists "Future Potential Water Supplies", not what is presently capable of being delivered. The second to last paragraph on Page IV-G1 indicates installation of sufficient wells and upgrading filtration would be needed for the 5 cfs flow from the Santa Ynez River underflow.

30.5 While the trend has been to use less ID#1 water, it is available to the City of Solvang on an on-demand basis.

30.6 The source of ID#1 water is from several sources.

30.7 This is a statement from the Water System Master Plan Update of 2002. The commenter is incorrect, since that document was written well #21 has been taken off line.

30.8 This paragraph indicates that long-term potential water supply available is adequate to meet build-out of the City General Plan. The potential delivery options are shown in Table G-1 and the need to develop the river right is indicated in the fourth paragraph on Page IV-G1. The table provided by the commenter shows a potential delivery of 2,135 af and a demand of 1,679 af. So the statement that water supplies will not meet the cumulative water demand is not demonstrated as implied.

Again, the District appreciates the opportunity to provide comments on the Draft EIR for Old Mill Vesting Tentative Tract Map. Should you have any questions, please call me at 688-6015.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Dahlstrom", written in a cursive style.

Chris Dahlstrom
General Manager

Cc: Kim Brown, Water Resources Technician

Solvang Water Supply/Demand 2005-2006

		2005 Actual Production, AF	2006 Potential Delivery, AF	2006 Demand, AF EIR Projections & Actual Production 2005	
Local Sources					
Santa Ynez River Wells					
	Well 3	5	330*+		
	Well 7	45	300*+		
Uplands Wells					
	Well 4	142	380*		
External Sources					
	State Water Project	1225	1125 (75% of full allotment)		
	SYRWCD, I.D. No.1	33	0 (emergency water only)		
Total Supply		1450	2135		
Cumulative Demand					
	Old Mill			20	
	Skytt Mesa			171	
	Lot 72			27	
	Triangle Park			12	
	Existing Customer Base			1449	
Total Demand				1679	
*	City of Solvang, Water System Master Plan Update Revised Final Version, Provost & Pritchard, 2002 pages 6 and 7				
+	"...at risk of being under influence of the Santa Ynez River." Water System Master Plan, page 7, paragraph 1				

Appendix A- Caltrans Letter

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805. 549-3101
FAX (805. 549-3077
TDD (805. 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

May 22, 2006

SB-246-PM29.88
SCH#2005081109

Shelley Stahl
City of Solvang
P. O. Box 107
Solvang CA 93464-0107

OLD MILL ROAD DEVELOPMENT

Dear Ms. Stahl:

On May 10, 2006, the California Department of Transportation (Caltrans), District 5, Development Review and Traffic Operations staff met with Mr. Aaron Petersen and Mr. Gary Riches regarding the Old Mill Road Development. The Old Mill Road Development is a proposed housing development accessed via High Meadow Road from State Highway 246. As discussed with the developers, left turn channelization from Highway 246 to High Meadow Road shall be required.

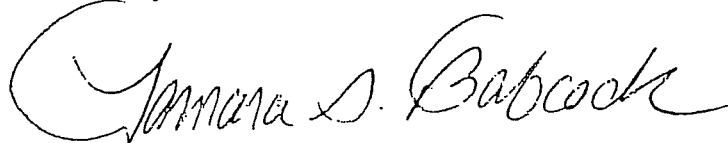
It is suggested that the following language be used when issuing the City of Solvang's Conditions of Approval:

Prior to the issuance of the first Certificate of Occupancy, the developer shall obtain all permits necessary to perform work within state right of way. As part of this condition, westbound left-turn channelization shall be constructed on SR246 at High Meadow Road.

The developers shall assume complete financial responsibility for the construction and any associated expenses, including encroachment permit fees. There will be no cost to the State of California.

Please call me at (805)549-3615 if you have any additional questions or concerns.

Sincerely,



TAMARA S. BABCOCK
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Aaron Petersen (Developer)
Gary Riches (Developer)
David M. Murray (D5)
Steve Senet (D5)
Paul McClintic (D5)
Jim McKrell (D5)
Michael Powers (SBCAG)
File

Appendix B- Flood Plain Analysis

1194 Pacific Street, Suite 204
San Luis Obispo, CA 93401
TEL: (805)542-9840
FAX: (805)542-9990
www.boyleengineering.com

Employee Owned

David Foote
FIRMA CONSULTANTS, INC.
1034 Mill St
San Luis Obispo, CA 93401-2705

June 30, 2006
19986.02

DRAFT Drainage Analysis for Old Mill Road Environmental Impact Report, City of Solvang

1.0 Introduction

1.1 Objective

This report is a supplement to the drainage and flooding analysis performed in the draft Environmental Impact Report for the Old Mill Vesting Tentative Tract Map in the City of Solvang. The objective of this study is to evaluate potential impacts of the project on downstream, upstream, and adjacent structures along Alamo Pintado Creek.

1.2 Scope of Work

Boyle's scope of work included the following tasks:

- Develop hydrographs using Natural Resource Conservation Services (NRCS) unit hydrograph methodology with Type I Rainfall Distribution for the following areas under the 2-year, 50-year, and 100-year 24-hour storm events:
 - Existing watershed to Alamo Pintado Creek downstream of project site; and
 - Existing watershed with proposed project downstream of project site.
- Develop a water surface profile model using HEC-RAS in order to determine water surface elevations for the flows developed above (6 scenarios total). The model will be calibrated based on a field visit and available FEMA floodplain mapping.
- Estimate the potential impacts on water surface elevations upstream and downstream of the proposed project.

2.0 Hydrologic Analysis

2.1 Model Development

Boyle used HydroCAD software Version 7.0 (Applied Microcomputer Systems, Inc.) with National Resource Conservation Services (NRCS) unit hydrograph methodology for this project. Two scenarios were modeled: Alamo Pintado Creek without the proposed project; and the existing watershed including the proposed Old Mill project. The project area was modeled as a subbasin which tied into the Creek immediately downstream of the project. Input for the model included time of concentration (tc), watershed area, NRCS curve number (CN), and rainfall.

Time of concentration: Boyle measured the longest flow path along Alamo Pintado Creek and within the subbasin for the proposed project in order to estimate travel time. It was assumed the Creek travel velocity was approximately 5 feet per second (fps).

Watershed area: The watershed area for Alamo Pintado Creek (25,900 acres) was obtained from the FEMA Flood Insurance Study and confirmed by review of USGS quadrangle maps of the drainage area. The watershed area for the proposed project was measured from the proposed site plan.

Curve Number (CN): The Curve Number for Alamo Pintado Creek was originally estimated by evaluating different land use, cover, and soil conditions around the Creek watershed; selecting Curve Numbers to represent the various cover conditions; and computing an aggregate Curve Number. The Curve Number was then calibrated to the FEMA Flood Insurance Study 100-year peak flow in order to develop peak flows which were consistent with the FEMA Study.

Rainfall: Rainfall depths for a 24-hour storm at 2-year, 50-year, and 100-year return periods were obtained from the National Oceanic and Atmospheric Administration (NOAA) isopluvial maps for California.

Table 1 – Hydrologic Model Input

Parameter	Alamo Pintado Creek (without project)	Project Subbasin
Time of concentration (tc) - min	330	6 (minimum recommended for NRCS methodology)
Watershed area (ac)	25,900	8
Curve Number (CN)	70 (calibrated to FEMA 100-year peak)	76

2.2 Model Results

The model results are summarized in Table 2, and are compared to the FEMA Flood Insurance Study.

Table 2 – Hydrologic Model Results

Return Period	FEMA Flood Insurance Study Peak Flow (cfs)	Existing Alamo Pintado Creek Watershed Peak Flow (cfs)	Existing Watershed with Proposed Project Peak Flow (cfs)	Increase in Peak Flow (cfs)	Percentage Increase (%)
2-year	--	924	924	0	0
50-year	4600	5171	5172	1	<0.02%
100-year	7400	7337	7338	1	<0.015%

As shown above, differences in peak flows (with and without the proposed project) are not significant and would not result in a measurable difference in creek velocities, water surface elevation, or erosive potential during peak flows. These findings were anticipated in the previous study, since the timing of the peak flows from Alamo Pintado Creek was not expected to coincide with the peak flow from the proposed project site. This is due to the long time of concentration (over 330 minutes) along Alamo Pintado Creek, compared with the short time of concentration (6 minutes) through the project site to the Creek.

3.0 Hydraulic Analysis

3.1 Approach

Boyle developed various water surface profiles using HEC-RAS Version 3.0 (Army Corps of Engineers), a modeling software which is accepted by FEMA for this purpose. Boyle used several sources of topography data to develop water surface profile scenarios. We acquired the FEMA HEC-2 model files and imported them into HEC-RAS. We also used the project survey in several of the flood plain modeling scenarios.

Model scenarios are described below, and were developed from the FEMA FIS geometric model:

- Scenario 1: Existing FEMA FIS geometric model (imported from HEC-2 data files to HEC-RAS)
- Scenario 2: Cross sections were revised to simulate the proposed project retaining wall and fill
- Scenario 3: Cross sections along the project section were replaced with surveyed cross sections
- Scenario 4: Cross sections along the project section were replaced with surveyed cross sections. The proposed retaining wall and fill were added to these cross sections.

Peak flows from the FEMA FIS were used for the 50-year and 100-year return periods. The HydroCAD model was used to develop the 2-year return period storm.

Upon reviewing modeled water surface profiles from all the Scenarios, we concluded that the scenarios with surveyed cross sections (3 and 4) yielded lower water levels than the original FEMA cross sections (Scenarios 1 and 2). Therefore, Scenarios 1 and 2 were selected for further

analysis since they yielded conservative water depths. However, it should be noted that the FEMA geometry was different from the surveyed base map and varied by more than 2 feet in elevation in some areas.

3.2 Water Surface Elevations and Flooding

FEMA has issued a Conditional Letter of Map Revision to allow a flood map revision along the Creek in the vicinity of this project – the proposed fill and retaining wall will remove the project from the Special Flood Hazard Area, or 100-year floodplain.

Figures 1 and 2 illustrate the potential difference in water surface elevations under 1) existing conditions and 2) after the proposed development is completed. The post-project water surface boundary (red line on Figure 2) was projected by using the difference in water surface elevations (pre- and post-project) to extrapolate the horizontal location on the surveyed base map. As shown, the construction of retaining walls and fill in the floodplain will result in an increase in water surface elevations (less than 0.5 ft). However, the impact is limited to the immediate vicinity of the project and does not extend upstream or downstream. No impact is anticipated at the Mission Street bridge upstream of the project. A few structures are located within the existing floodplain and would experience higher water levels (less than 0.5 ft) as a result of the project (see Figure 1) but no additional structures would be flooded, according to our analysis.

3.3 Creek Velocity, Scouring, and Erosion

The potential for scouring and erosion along Alamo Pintado Creek is affected by soil conditions, vegetation, and creek flow/velocity. Table 3 compares 100-year velocities from Scenarios 1 and 2 along Alamo Pintado Creek (from HEC-RAS analysis). Station locations are shown on Figure 1. Since the proposed project does not affect hydraulic conditions upstream or downstream of the project during major storm events, no effect would be expected on upstream or downstream channel velocities, scouring, or erosion. Effects would be limited to the creek segment adjacent to the proposed project area.

Table 3 – Channel Velocity

Station (River Miles)	Channel Velocity During 100-year Storm Event (fps)		
	Scenario 1 - Existing Conditions	Scenario 2 – With Old Mill Project	Difference
0.96	9.4	9.4	0
0.996	10.8	12.5	1.7
1.017	6.4	7.3	0.9
1.040	11.5	11.4	-0.1
1.063	8.4	8.6	0.2
1.124	9.7	11.0	1.3
1.173	11.8	10.9	-0.9

The following can be concluded upon reviewing this table:

- Since any velocity higher than 5 feet per second (fps) can cause scouring of earth channels, the 100-year storm is expected to cause erosion and scouring within this section of the creek with or without the influence of the proposed project.
- Increase in channel velocity at some locations (Stations 0.996, 1.017, 1.063, and 1.124) adjacent to the project is expected. However, the revised creek geometry may also result in decreasing velocities at some locations, as shown above (Stations 1.040 and 1.173).

The proposed retaining wall could be affected by scouring due to its location. Available data is not sufficient to analyze this. In order to assess potential risks to the retaining wall from scouring, it is recommended that the developer submit a geotechnical report which addresses the potential for scouring to undermine or damage the retaining wall.

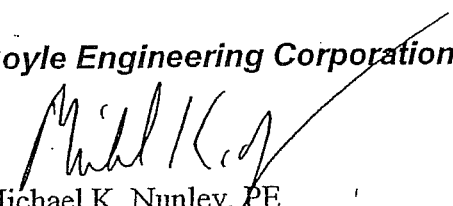
4.0 Conclusions

Based on the analysis presented herein, we have concluded the following:

- Potential impact of the proposed development on peak flows in the creek is not significant.
- Potential impact of the proposed retaining wall and fill on flood elevations is not significant. Minimal impacts (difference in water elevation less than 0.5 ft) during the 100-year storm event are limited to the immediate vicinity of the project area and would not extend upstream or downstream.
- Prior to approval of the retaining wall for construction, the applicant should submit a geotechnical report which addresses the potential for scouring to undermine or damage the retaining wall.

Please call if you have questions or comments.

Boyle Engineering Corporation



Michael K. Nunley, PE
Principal Engineer

Enclosures: Figure 1 - Plan View
Figure 2 - Water Surface Profiles