



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: November 8, 2016
Placement: Administrative
Estimated Time: 20 Minutes
December 13, 2016
Second Reading
January 17, 2017

Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works, 568-3010
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064
SUBJECT: **California Vehicle Code Enforcement of Private Roads in Pepper Hills Homes Tract
First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for December 13, 2016 (20 minutes) to:

- a) Approve the introduction (first reading) of the attached Ordinance (Attachment A) amending Santa Barbara County Code Chapter 23 to add Section 23F-4, pertaining to enforcement of the California Vehicle Code in the Pepper Hill Homes Tract in the Montecito area in the First Supervisorial District;
- b) Read the title of the Ordinance and waive reading of the Ordinance in full;
- c) Review the findings of the attached Traffic Engineering Report (Attachment D) submitted by Associated Transportation Engineers pertaining to the implementation and enforcement of California Vehicle Code on Woodley Road and Glenview Road in the Pepper Hill Homes Tract in the Montecito area in the First Supervisorial District; and
- d) Set a hearing on the Administrative Agenda of January 17, 2017 to consider recommendations as follows:
 - i) Adopt the attached Ordinance (Attachment A) amending Chapter 23 of the Santa Barbara County Code pertaining to the ability to enforce the California Vehicle Code on private roads in the Pepper Hill Homes Tract in the Montecito area in the First Supervisorial District;

- ii) Approve and accept the findings in the Traffic Engineering Report submitted by Associated Transportation Engineers pertaining to the implementation and enforcement of traffic control devices on Woodley Road and Glenview Road in the Pepper Hill Homes tract; and
- iii) Find that the proposed actions are negligible, or no expansion of use beyond that which presently exists, that the proposed action is therefore exempt from California Environmental Quality Act pursuant to 14 CCR 15301, and approve and direct staff to file the attached Notice of Exemption on that basis.

Summary Text:

This item is on the agenda in order to set a hearing to consider adoption of the attached Ordinance (Attachment A) to permit the enforcement of the California Vehicle Code on private roads in the Pepper Hill Homes Tract. The County received a request from the Pepper Hill Homes Association (Attachment C) to permit the enforcement of the California Vehicle Code on private roads in the Pepper Hill Homes Tract. California Vehicle Code Section 21107.7 provides authority for the application of the California Vehicle Code to private roads by Ordinance of the Board of Supervisors.

On December 14, 2010, your Board approved a similar action with the adoption of Ordinance 4775 (File No. 10-00938) amending Chapter 23 of the Santa Barbara County Code, pertaining to the ability to enforce the Vehicle Code on select private roads in Hope Ranch. The Public Works Department requests that your Board adopt an Ordinance and approve the Traffic Engineering Report (Attachment D), to allow the enforcement of the California Vehicle Code on private roads in the Pepper Hill Homes Tract in the Montecito area of the First Supervisorial District.

Background:

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

1. The Board must find that the privately owned roads are not generally held open for use of the public, but that by reason of their proximity to or connection with public highways, the interests of (a) any residents residing along the roads, and (b) the motoring public, will best be served by application of the provisions of the Vehicle Code to those roads.
2. A petition must be filed by a majority of the owners of the private roads, or by at least a majority of the board of directors of a common interest development responsible for maintaining the roads.
3. A public hearing must be held, and ten (10) days prior written notice to all owners in the development must be provided.
4. Standardized signs must be placed advising of the Vehicle Code application to the roads.

In April 2016, the County received a certified Declaration from a majority of the Board of Directors of the Pepper Hill Homes Association (Attachment C), requesting that the County Board of Supervisors adopt an Ordinance permitting the enforcement of the California Vehicle Code on the private roads in the Pepper Hill Homes Tract in the Montecito area of the First Supervisorial District (Attachment B), pursuant to California Vehicle Code Section 21107.7.

In order for traffic control devices on the private roads to be enforceable, a Traffic Engineering Report must be submitted (Attachment D), and traffic signs, markings, and devices that conform to the uniform standards of the California Department of Transportation, must be in place and approved by the Director of

Public Works. The Traffic Engineering Report shall follow State standards for setting speed limits and the installation of stop control devices.

The California Highway Patrol provided a letter of support (Attachment F) stating the California Highway Patrol would enforce the California Vehicle Code on the private roads in the Pepper Hill Homes tract accordingly if the provisions set forth in Sections 21107-21107.7 are in compliance.

Pending your Board's adoption of the Ordinance, the Director of Public Works or his designee shall inspect the traffic control devices installed by the Pepper Hill Homes Association on the private roads. After inspection of the roadways and signage, Public Works will provide a list if needed of any additional traffic control devices to the Pepper Hill Homes Association that will need to be installed by the Pepper Hill Homes Association at their expense, to meet compliance with the California Vehicle Code. Once the Director has accepted the traffic control devices, he will notify the Pepper Hill Homes Association and the California Highway Patrol.

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

The proposed enforcement of the vehicle code on private roads would involve negligible, or no expansion of use of existing facilities. Public Works recommends your Board's approval of the attached Ordinance (Attachment A) to implement the enforcement of the California Vehicle Code on private roads in the Pepper Hill Homes Tract, and find the approval exempt from California Environmental Quality Act (CEQA), pursuant to 14 CCR 15301.

Fiscal and Facilities Impacts:

Budgeted: N/A

Narrative:

Public Works anticipates no cost to the County; any associated costs will be the responsibility of the Pepper Hill Homeowner Association.

Special Instructions:

Please provide a certified stamped minute order and copy of the executed Ordinance to Gary Smart, Public Works Transportation Engineering Section, 123 E. Anapamu Street x 3308

Attachments:

Attachment A: Ordinance California Vehicle Code Enforcement on Private Roads in the First Supervisorial District.

Attachment B: Vicinity Map

Attachment C: Request Letter from the Pepper Hill Homes Association

Attachment D: Traffic Engineering Report

Attachment E: Pepper Hill Homes Proposed Traffic Control Sign Locations

Attachment F: Letter of Support from the California Highway Patrol

Attachment G: Notice of Exemption

Authored by:

Gary Smart, Public Works – Transportation Engineering, 568-3308

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