

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** August 18, 2003  
**Department Name:** Public Works, County Administrator,  
County Counsel  
**Department No.:**  
**Agenda Date:** September 9, 2003  
**Placement:** Departmental  
**Estimate Time:** 1 hours for September 9, 2003 hearing  
**Continued Item:** YES  
**If Yes, date from:** August 12, 2003

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**TO:** Board of Supervisors  
**FROM:** Phil Demery, Director, Public Works  
**STAFF CONTACT:** Bret Stewart, Transportation Manager, Ext. 3232  
Scott Ullery, Deputy County Administrator, Ext. 3400  
Jennifer Klein, Deputy County Counsel, Ext. 2950  
**SUBJECT:** Sanja Cota Roadway Realignment, Bridge, and Streambed Improvement Project

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**Recommendation(s):**

That the Board of Supervisors:

1. Certify the Mitigated Negative Declaration for the Sanja Cota Roadway Realignment, Bridge, and Streambed Improvement Project ("Project"), after public comment, which has been completed in compliance with the California Environmental Quality Act (CEQA), attached to this Board Letter as Exhibit A;
2. Approve the Cooperative Agreement ("Agreement") between the Santa Ynez Band of Mission Indians and the County of Santa Barbara for the Project, attached to this Board Letter as Exhibit B, and authorize the Chair of the Board to execute;
3. Approve the Resolution that the County of Santa Barbara's acceptance of proposed easement donations is for minor road widening and realignment purposes, and exempt from the general plan consistency requirements of Cal. Gov. Code § 65402, attached to this Board Letter as Exhibit C, and authorize the Chair of the Board to execute;
4. Approve and accept the following Donation Agreements for the proposed donation of two easements to the County for right-of-way purposes, necessary to realign and make Sanja Cota Road a public right-of-way for its entirety and authorize the Chair of the Board to execute:

- a. Donation Agreement between Gainey Management, LLC, County of Santa Barbara, and the Santa Ynez Band of Mission Indians, for an easement across portions of Assessor's Parcels Nos. 141-450-04 and 141-450-03, attached as Exhibit D;
  - b. Donation Agreement between Santa Ynez Band of Mission Indians and County of Santa Barbara, for an easement across portions of County Assessor's Parcel Nos. 143-252-01 and 143-252-02, attached as Exhibit E;
5. Authorize the submittal of an Application to the Bureau of Indian Affairs by the Santa Ynez Band of Chumash Indians, on behalf of the County of Santa Barbara, requesting a grant of easement across portions of the Santa Ynez Band of Mission Indian's reservation, in County's favor for public right-of-way purposes, attached as Exhibit F.

### **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2: A Safe and Healthy Community in Which to Live, Work, and Visit.

### **Executive Summary and Discussion:**

The Santa Ynez Band of Mission Indians ("Band") is developing a comprehensive traffic flow scheme around and through its reservation and desires to work with the County of Santa Barbara ("County") to obtain an optimal configuration for, and improvements to the existing Sanja Cota Road, and related bridge and streambed flood control measures. Towards this end, the County and the Band have negotiated an Intergovernmental Cooperative Agreement addressing realignment of Sanja Cota Road and related bridge and streambed improvements and maintenance. This Cooperative Agreement is attached as Exhibit B.

Sanja Cota Road is located along the southeastern border of the Band's reservation, and provides access to State Highway 246 for the reservation and the Band's casino facility. Sanja Cota Road is located partially off-reservation and partially on-reservation. Due to existing geographic and other physical constraints, it is not possible to place the road completely off reservation or completely on reservation. In order to achieve the desired realignment for Sanja Cota Road and to bring the road to county standards it is necessary to encroach on to private property owned by Gainey Management, LLC, et. al., ("Gainey"), and onto fee land owned by the Band. It is also necessary to encroach onto the Band's reservation. Consequently, easements over the Band's reservation, over Gainey's land, and over the Band's fee owned (non-reservation) land are all proposed in County's favor to make Sanja Cota Road a public right of way for its entirety.

The Donation Agreement for donation of an easement across the property owned by Gainey is attached as Exhibit D to this Board Letter. The Donation Agreement for donation of an easement across the property owned in fee by the Santa Ynez Band is attached as Exhibit E to this Board Letter. In order to obtain an easement over a portion of the Band's reservation, County must apply to the U.S. Department of the Interior, Bureau of Indian Affairs ("BIA"), requesting such an easement for right-of-way purposes. Title 25, United States Code of Federal Regulations, section 169.5 governs this application process, which requires the County execute a Stipulation agreeing to certain conditions of acceptance of the easement. (25

C.F.R. §169.5.) The Application to the BIA, the required Stipulation, as well as the proposed Grant of Easement desired by the County are attached to this Board Letter as Exhibit F. In order to expedite the federal process, the Band has agreed to file this Application on County's behalf, and has agreed to a waiver of several conditions, to which the County would otherwise be required to stipulate pursuant to 25 CFR §169.5.

Government Code §65402 applies to County's acquisition of interest in property, except when the acquisition is for purposes of minor road realignment and widening, which is the case for the present project. Section 65402 generally requires that the Planning Commission find that the proposed project is consistent with County's General Plan, unless an exception applies. In the present case, the realignment of the road is minor because it only involves realignment and widening in order to bring the road up to County standards and to improve safety conditions. In order for the exception to Government Code §65402 to apply, your Board must pass a resolution memorializing the finding that the realignment project is of a "minor nature." This Resolution is attached as Exhibit C.

The California Environmental Quality Act ("CEQA") applies to the portions of the Sanja Cota Road Project that are located in County's regulatory jurisdiction, which is the off-reservation portion of the project. County's Public Works Department is the lead agency on this Project for CEQA purposes. A Draft Mitigated Negative Declaration for the Sanja Cota Roadway, Bridge, and Streambed Improvement Project (03-ND-12) was noticed and circulated for public review on June 27, 2003. The Draft Mitigated Negative Declaration was also circulated to State Clearinghouse (SCH# 2003061164). No comments were received during the public review period that ended July 28, 2003. The only revision to the final document involves the "Agricultural Resources" section of the Final Mitigated Negative Declaration, which has been corrected to reflect the fact that A.P.N. 141-440-011 is subject to a Williamson Act Contract. On August 8, 2003, the Agricultural Preserve Advisory Committee reviewed the project and found it consistent with the Williamson Act and Uniform Rules due to the fact that there will be no change to the existing uses of A.P.N. 141-440-011. Consequently, the finding in the Mitigated Negative Declaration that the project will not have a significant effect on agricultural resources remains unchanged. Staff believes the document complies with the requirements of the California Environmental Quality Act (CEQA) and the County's GEQA Guidelines. The Final Mitigated Negative Declaration is attached to this Board Letter as Exhibit A.

**Mandates and Service Levels:**

Upgrade existing transportation facilities & flood control measures.

**Fiscal and Facilities Impacts:**

Pursuant to terms of the Cooperative Agreement, the Santa Ynez Band will be responsible for the full cost of the Project and will compensate the County for reasonable staff costs, including engineering plan review, inspection and construction testing fees.

**Special Instructions:** None

**Concurrence:** Planning & Development, County Counsel