



CULBERTSON, ADAMS & ASSOCIATES, INC.

#2

August 29, 2016

Peter Adam, Chair
Board of Supervisors
County of Santa Barbara
c/o Mona Miyasato/Terri Maus-Nisich
County Executive Office
105 E. Anapamu
Santa Barbara, CA 93101

SUBJECT: Transmittal of Comments on Resumption of Discussions for the Ad Hoc Committee with the Santa Ynez Band of Chumash Indians; August 30, 2016 agenda, Item 2 under Public Hearings

Dear Mr. Chairman and Members of the Board of Supervisors:

I am writing to register my comments on the above referenced item.

The Board should not condone any discussion of Fee to Trust on Camp 4

Neither the Board of Supervisors nor the Ad Hoc Committee should in any way condone Fee to Trust (FTT) on any property owned by the Band. There is no logical reason for this approach when a less adverse alternative that can satisfy both parties exists.

The Band's insistence on Fee to Trust for Camp 4 has in part been brought about by the Board's reluctance to initiate an amendment to the Santa Ynez Community Plan which could address the requested development that the Band has made public, namely the residential component and the tribal center component.

The stated position of the Board of Supervisors on Camp 4 as established by Board action on a 4:1 vote on October 15, 2013 is to oppose Fee to Trust. Nothing in the Board action of August 25, 2015 changes this position. In fact, the Board's action last August is consistent with the October 15, 2013 action. Specifically, the Board only extended authority to the Ad Hoc Committee to negotiate Fee to Trust on the Mooney/Escobar applications. Since the Board chose to be that specific with respect



to those properties, and not extend that authority to Camp 4, the FTT discussions are completely inappropriate.

A reasonable solution to this standoff would be for the County to initiate an Amendment to the Santa Ynez Community Plan for the 194 acres that includes Residential Housing and a Tribal Center.

The County Board of Supervisors can get past the debate regarding land uses on the Camp 4 property by initiating and streamlining an amendment to the General Plan and the Community Plan. It is clear that the Ad Hoc Committee Board members *want* to streamline the process – they say so in the County term sheet. And, it is legally possible for the Board to initiate this amendment and direct the County Executive Officer to process that amendment in the minimum legal timeframes pursuant to Section 35.104 of the County's Development Code. The County Board has to smooth the way and motivate itself to act in an appropriate manner and timeframe.

I have heard a few people complain about initiating the Community Plan amendment and any associated amendments to the General Plan and other documents. The concern seems to be that it would "open the door" to other amendments. This concern is without merit and presupposes that the Board would not exercise any discretion regarding future amendment requests. If this concern were indeed well-founded, the recent amendment to the plans for the Rona Barrett project – by all measures a higher density project than originally allowed by the plan – would have already released an avalanche of amendment requests.

Furthermore, The Band stands on quite different footing than any other property owner. The Band can avail itself of at least two separate federal processes to remove the land from jurisdiction of the County and the State and place the land beyond land use and taxation controls. This fact alone justifies separate and expedited treatment.

Finally, and in the event that the County reaches an agreement with the Band for the development of Camp 4, an amendment to the plans would be legally required in any event. Why delay initiating that amendment?

While time is a critical dimension of the Camp 4 controversy at this point, I see no reason why the County should not assist the Band with a comprehensive plan to address an amendment to the Santa Ynez Community Plan. In this way, the Band receives its reasonable return on investment and the community and the County avoid the cost and possible negative effects of a fee to trust process that is nothing like what was envisioned in 1934.



Conclusion

The County should abandon all work towards FTT and instead concurrently work with the Band on an agreement and the necessary plan amendments. As a gesture of good faith the County should initiate these amendments and address the issues on an expedited basis.

Sincerely,

A handwritten signature in cursive script that reads "M. Andriette Culbertson".

M. Andriette Culbertson