



Supervisor Gray, Supervisor Firestone and Supervisor Rose

Years in the making

By Kathryn Bowen

“Stormy” doesn’t accurately describe the journey the Santa Ynez Valley Community Plan (SYVCP) has had since it’s inception, but after six years and 56 public meetings, it will now move forward into the Environmental Impact Report (EIR) stage.

On September 26th, the Board of Supervisors voted 3-2 to initiate the plan with the adoption of a subcommittee report containing nine recommendations drafted in response to public testimony received during a special hearing held at the Veterans Hall on September 13th.

“These nine points are very much the expression of the community,” Supervisor Firestone appealed to the Board. “It is logical. It preserves the valley and it certainly is the expression of the people of the Santa Ynez Valley.”

Supervisor Gray continually expressed how shocked she was by how much agreement existed with the people of the Valley with what they wanted and she agreed with what had been set forth in the subcommittee report, “because I was there and listened to what the Santa Ynez folks had to say.”

“I only heard two people that thought we shouldn’t go forward with the EIR on the plan,” said Gray, noting that the “Valley folks seem to feel that we need to take the next step.”

Supervisor Firestone strongly urged the entire Board to support the plan moving forward with the adoption of all nine recommendations.

The plan moves forward, but not without its critics. Concern remains over not what it contains, but what it leaves out.

Trails Removed

“I’m particularly troubled by the removal of trails,” said Supervisor Rose. “No one is forced to put a trail on their property, but the only way to get public trails is to have them identified at some point on official maps,” she says.

Supervisor Carbajal concurred and stated that the majority of communities place a major premium on trails and expressed disappointment that the subcommittee report requested trails to be removed.

Supervisor Carbajal was truly dissatisfied over the removal of trails and concluded, "It's difficult to even consider this a plan. It takes the guts out of very important fundamental issues that are important for citizens and in the public interest."



Steve Pappas, Administrative Director for POLO and POSY

Steve Pappas, Administrative Director for POLO and POSY disagrees, "In a master planned community where public trails are planned at the onset, the concept of trails makes sense, but not in the Santa Ynez Valley."

There is overwhelming support in the Valley for no trails over private property and has been expressed very clearly at the special hearing and over the many years.

"The Valley is about ag, farming and ranches," Pappas

says, "not about recreational horse or any other kind of trails that go through people's private property."

Historic Sites Removed

The Historic Sites (Appendix I) referencing over a hundred potential historic sites in the plan was also removed because of concern to many landowners that it would pose a potentially burdensome classification status on their properties. Many landowners stated they had no prior notification or consultation that their properties would appear on this list and that the criteria used to place these properties on the list wasn't defined.

Jon Bowen, President of Preservation of Santa Ynez (POSY) argued the list was a late addition to the plan and was a surprise to everyone including the landowners, noting, "It was not discussed at any GPAC or VPAC meetings and many of the sites' historic significance was questionable at best."

He added, "It's a shame, though, that the whole concept of Historic Resources got tossed out completely."

Environmentally Sensitive Habitat (ESH) Removed

In a letter to the Board of Supervisors, Carol Herrera, President of W.E. Watch and VPAC Board Member stated that it was unfortunate that the ESH overlay protection of key areas in the valley had been removed. She conceded there are federal, state and county protections in place, but disagrees these protections adequately cover the areas designated for ESH overlays.



Carol Herrera, President of W.E. Watch

“It is not redundant,” she said.

Supervisor Rose agreed, “Yes we have state regulations and federal regulations, but they won’t do as much as we would do, I believe.”

“This is really beyond the pale,” former Supervisor Gail Marshall said of the removal of the ESH protections.

“Not having good environmental review on what’s left of the plan is just a terrible thing for our community,” she said.

Supervisor Gray disagreed, “That’s totally covered by state and federal. We don’t need to duplicate that.”

It is so moved

The Board voted 3-2 to advance the plan to the EIR stage with Supervisor’s Carbajal and Rose casting the “no” votes.

The motion is to adopt the recommendations of the Planning Department and move the SYVCP to the Environmental Impact Report stage with the inclusion of the eight points in the subcommittee report plus the intent of the ninth point with the wording to be framed by county counsel.

In short summary, the eight points are:

1. Elimination of trails.
2. Elimination of Appendix I (Potential Historic Resources).
3. Elimination of Environmentally Sensitive Habitat (ESH) areas, policies and development standards.
4. Review of Plan for accuracy prior to preparation of the EIR.
5. Separate the Wastewater and Water Section into separate chapters.
6. Continue work with various water agencies to address adequacy of the Water section.
7. The EIR should consider increased traffic, especially on Highway 154.
8. The Plan should address the need for recreational fields.

And the ninth in its entirety:

9. The Plan should include a policy stating that the County shall oppose the removal of land from the Plan area by any government entity without a pre-annexation agreement that would assure adherence to the Plan.

Point number nine

Both POLO and POSY asked for a “Fee-to-Trust Policy” to be inserted into the Community Plan at the special hearing on September 13th and this request was reflected in point number nine of the subcommittee report which broadened the scope to include “any government entity.”

There was heated debate among the supervisors over the language contained in point number nine and Supervisor Firestone agreed that the details of the language certainly needed work, but the spirit of which he was not going to concede.

Firestone advocated that point number nine was the expression of the community posing, “is it not logical within that Plan to say we don’t want anything taken out of that Plan without referencing the Plan?”

He stated, “It is so logical and reasonable. This came up so strongly from the community,” concluding, “I feel I would not be doing my duty if I didn’t go to the last – to really almost insist on it.”

Supervisor Carbajal flatly rejected point number nine asserting he knew exactly what it was aimed for and stated that it was unfortunate continuing that debate as part of the community effort.

“Years of community effort will be a waste of time if we do not have some sort of policy in place in the plan that deals with the issue of annexation,” counters Bowen.

Sam Cohen, Tribal Administrator for the Santa Ynez Band of Chumash Indians represented the tribe and affirmed the tribe could not support the plan moving forward into the EIR stage and are specifically opposed to item number nine.

Cohen asserted that both the incorporated cities of Buellton and Solvang have urban development boundaries and spheres of influence that represent areas of future annexations.

“We cannot believe it’s the policy of this Board to oppose all future annexations by Buellton and Solvang,” he stated and concluded the Board would have to adhere to zoning consistency by opposing all future annexations by Santa Barbara and Goleta as well.

Supervisor Rose also expressed concern over other jurisdictions being brought into it, “I think it would be very complicated.”



Sam Cohen, Tribal Administrator for the Santa Ynez Band of Chumash Indians



Andy Caldwell, Executive Director of COLAB

Andy Caldwell, Executive Director of COLAB spoke on behalf of COLAB and stated, “We believe that one of the issues that people have to come to grips with is that the Santa Ynez Band of Chumash Indians is a federally recognized tribal government. They’ve got rights.”

Caldwell stated that for peace to exist, the Valley must recognize that the Chumash are a government and that the Valley and Board must not treat them any differently than any other government.

Both Cohen and Caldwell emphasized that this policy would unfairly target the Chumash tribe and argued there is no distinguishable difference between annexations of other local and state municipalities.

Bowen rejected this argument, “That’s just spin, but is also an insult to this community to even argue that these annexations are similar in any way.”

Removing land through the ‘tribal Fee-to-Trust process’ by definition removes the land from adherence to the Community Plan argues Bowen, adding, “This community has spoken loud and clear on this issue. Supervisor’s Carbajal and Rose are very shortsighted

and apparently are not listening again and do not understand or care about this community’s struggle with the tribal Fee-to-Trust process. It is badly flawed and communities are being hurt.”



Jon Bowen, President of POSY

Steve Pappas adds another distinguishable difference, “It is interesting to note that Sam Cohen and Andy Caldwell fail to mention the fact that land that is annexed by a tribal entity via the Fee-to-Trust process becomes exempt from property tax and other taxes.”

He continues, “You also have the fact that city, county and state land use rules and regulations simply do not apply.” Pappas emphasizes that local municipalities such as Buellton and Solvang would have to adhere to city and state land use policies and regulations and are still subject to taxation on the land.

“It’s comparing apples to oranges,” says Bowen emphasizing that the issue to the people of the community and the potential devastating impacts on the Valley is because these annexations are *not* like the city of Buellton or Solvang annexing more land from the county.

“These are county and state controlled lands being handed over to the federal government,” he says. “That’s a very big distinction and one that Mr. Cohen and Mr. Caldwell conveniently don’t address.”

One of the “most obvious differences” between local municipalities and the tribal government annexations, Pappas points out, would be the ability of a tribal government to build a gaming operation on land they acquire through the Fee-to-Trust process.

“No other local municipality or government entity can do that,” he says.

According to the 1999 Tribal-State Gaming Compact entered into by The Santa Ynez Band of Chumash Indians that is in effect until 2020, they are allowed up to two gaming facilities on Indian lands as lawfully allowed under the Indian Gaming Regulatory Act.

Urging Vigilance

Carol Herrera urged the Board through a letter drafted by W.E. Watch to adopt a strong Santa Barbara County Policy “utilizing recommendations from POLO/POSY or other organizations such as Santa Ynez Valley Concerned Citizens which deals with the complex issue of Fee-to-Trust or the goals and integrity of this Community Plan will be quickly eroded.”

The letter goes on to say, “The Board of Supervisors cannot let this community down again with regard to this circumvention of our local rules and regulations,” and emphasizes every environmental issue is at stake when development does not have to abide by local planning regulations and zoning.

Herrera states that the long-term effects of Fee-to-Trust and the potential overdevelopment that comes with it must be addressed now.

Representatives from both POLO and POSY strongly urge the Board to be vigilant during the EIR phase to ensure that the final language of the annexation policy is meaningful and effective.

“The Board has the responsibility to provide protections against the potential of unregulated land development that would change the Valley forever. This policy contained in the Community Plan is a step in the right direction,” concludes Pappas.

“The people of the Valley have spoken,” said Supervisor Firestone, reiterating, “They would like the Valley to remain as it is.”