

MINUTE ITEM

This Calendar Item No. 28
was approved at _____
No. 28 by _____
Commissioner _____
to _____ at _____
meeting.

MINUTE ITEM

28

5/31/83
W2400.3
W2400.103
W2400.110
W2400.148
Fossum

CONSIDERATION OF INCORPORATION
OF TIDE AND SUBMERGED LANDS
INTO PROPOSED CITY OF ISLA VISTA

During consideration of Calendar Item 28 attached, the following people appeared representing the Isla Vista Municipal Advisory Council:

Mr. Marc Borgman
Mr. Carmen Lodise
Ms. Diann Conn

These representatives of the Council appeared to urge the Commission to approve the boundaries and proposed incorporation of Isla Vista. Mr. Lodise then made a 5 minute slide presentation, with discussion following.

Upon motion made by Commissioner McCarthy and seconded by Commission-Alternate Nancy Ordway, the proposed incorporation of the City of Isla Vista was denied, with adoption of the resolution in Calendar Item 28 by a vote of 3-0. The Commission advised the proponents of incorporation that the decision was without prejudice to future consideration of incorporation and stated that State Lands staff would be available to discuss the matter.

Attachment: Calendar Item 28

1041

CALENDAR ITEM

28

5/31/83
W 2400.3
W 2400.103
W 2400.110
W 2400.148
Fossum

CONSIDERATION OF INCORPORATION
OF TIDE AND SUBMERGED LANDS
INTO PROPOSED CITY OF ISLA VISTA

APPLICANT: Isla Vista Municipal Advisory Council
970 F Embarcadero Del Mar
Isla Vista, California 93117

The State Lands Commission has received a proposal submitted by the Isla Vista Municipal Advisory Council for incorporation of tide and submerged lands of the Pacific Ocean into the proposed City of Isla Vista.

The initial description and map of the proposed boundaries for Isla Vista were submitted by the Advisory Council on March 31, 1983. Upon review by the staff of the Commission certain inadequacies were determined to exist in the submitted description and map. The incorporation proponents were informed of these inadequacies and requested that their proposal be removed from the April 28, 1983 calendar.

The Advisory Council has now resubmitted their proposal and requested approval of the proposed boundaries and consent by the State Lands Commission, as landowners, to the incorporation of the tide and submerged lands into the proposed City of Isla Vista.

The present area proposed for incorporation includes the University campus and the residential area of Isla Vista. Sovereign public trust lands proposed to be incorporated include State-owned tide and submerged lands offshore to

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CALENDAR ITEM NO. 28 (CONTD)

the three mile limit of State jurisdiction and ownership. Portions of this offshore area involve the Oil Sanctuary Lands, some unleased non-sanctuary lands, and ARCO leases PRC 308, PRC 309, and PRC 3242 (Platform "Holly"). Also, public trust interests may be involved in areas within the historic bed of Goleta Slough, Devereux Slough (landward of Coal Point) and an apparently unnamed slough (landward of Goleta Point).

In a review of Commission files, staff has determined that all or portions of the proposed incorporation area have been involved in prior Commission actions relating to incorporation or annexation proposals. In order to clarify the status of these actions and to prevent future uncertainty staff of the Commission believes that the Commission should determine that its prior actions and approvals in the area have expired and limit any approval period to a term of one-year, during which any proposed annexation or incorporation, which is approved by the Commission, must be finalized.

In 1957 the City of Santa Barbara sought to annex (W 2400.3) what was then known as the "Sanctuary and Airport Lands." The Sanctuary area being 25,792 acres more or less, situated in the Pacific Ocean in Santa Barbara County was excluded from oil leasing by the Legislature in 1955 (P.R.C. Section 6871.2). The airport lands involved the city-owned municipal airport upcoast and adjacent to Isla Vista. This proposal for annexation of uninhabited territory was opposed by the State Lands Commission on the basis that the annexation would be against the interest of the State. It was also opposed by the County of Santa Barbara and various other groups and individuals. Over these objections the City passed an ordinance annexing these lands. The State Lands Commission, County of Santa Barbara and Pacific Lighting Gas Supply Company brought suit against the City of Santa Barbara to nullify the annexation which resulted in a summary judgment in favor of the State on September 29, 1959. On May 22, 1961, the Court of Appeal affirmed and the Supreme Court denied the city's petition for hearing. In 1961, the County of Santa Barbara again proposed (W 2400.35) to annex the Airport and a 238-acre strip of the Sanctuary lands. The Commission at its September 1961, meeting again protested the proposed annexation unless the city modified its proposal. The City thereafter modified its proposal and annexed the area. This annexed area now lies contiguous to the proposed City of Isla Vista's east and northeast border.

CALENDAR ITEM NO. 28 (CONTD)

The next State Lands Commission action involving annexation in this area took place in February 1974 (W 2400.103) at which time the Commission approved the boundaries submitted by the Goleta Valley Government Group for annexation to the City of Santa Barbara. That area included the area involved in the present incorporation proposal.

An amendment to the boundaries approved at the February 1974 meeting was sought at the August 1974 meeting. Following discussion of the proposed amendment, the Commission approved the amendment. However, prior to adjournment, a protest was entered on behalf of the Isla Vista Community Council which objected to the annexation. The Attorney General's representatives advised the Commission that its authority was twofold: (1) approving the boundaries as to their technical sufficiency, and (2) as landowner of tide and submerged land, consenting to the annexation. The Commission then rescinded their prior approval. The Commission at its December 1974 meeting reconsidered the amendment and approved the description as technically adequate. The Commission did not consent to the proposed annexation. This annexation was defeated by the voters.

In 1975, the Isla Vista Community Council proposed an incorporation with boundaries similar to those presently proposed. The State Lands Commission at its December 1975 meeting approved the technical sufficiency of the boundaries. The Commission action was not an approval by the State as owner of the tide and submerged lands. This proposed incorporation was rejected by the Santa Barbara Local Agency Formation Commission and never went to an election.

Staff of the Commission has reviewed the proposal for incorporation of the offshore tide and submerged lands, as well as the above-mentioned possible trust areas. Staff has also reviewed the submitted proposed boundaries for technical sufficiency and found that certain technical deficiencies exist which have been corrected and agreed to by the incorporation proponents. The Municipal Advisory Council has not provided any evidence or substantiation for inclusion of the State-owned tide and submerged lands into the proposed City boundaries. Staff analysis of the proposed incorporation of these lands concludes that it would not be in the State's best interest to change their present unincorporated status. Staff recommendation is to disapprove the proposed boundaries and annexation as the sovereign landowner exercising exclusive jurisdiction (P.R.C. Section 6301, et seq.).

CALENDAR ITEM NO. 28 (CONTD)

AB 884: N/A.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ITS PRIOR APPROVALS OF BOUNDARIES FOR AN EXEMPTION BY THE CITY OF SANTA BARBARA BEING MINUTE ITEM 24 OF THE FEBRUARY 28, 1974 MEETING OF THE COMMISSION AND THE AMENDMENT THERETO BEING MINUTE ITEM 22 AT THE DECEMBER 19, 1974 MEETING (W 2400.103) HAVE EXPIRED.
2. DETERMINE THAT ITS PRIOR APPROVAL OF THE BOUNDARIES FOR THE PROPOSED INCORPORATION OF THE CITY OF ISLA VISTA AS APPROVED BY MINUTE ITEM 21 AT THE DECEMBER 1975 COMMISSION MEETING HAS EXPIRED.
3. DISAPPROVE THE BOUNDARIES FOR INCORPORATION AS SUBMITTED AND RECOMMEND TO THE ISLA VISTA MUNICIPAL ADVISORY COUNCIL AND SANTA BARBARA LAFCO THAT, IF THE INCORPORATION IS TO PROCEED, THE PROPOSED BOUNDARIES OF THE INCORPORATION BE AMENDED TO EXTEND TO THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN AND THAT OFFSHORE TIDE AND SUBMERGED LANDS BE EXCLUDED FROM THE INCORPORATION PROPOSAL.
4. FIND THAT THE OFFSHORE TIDE AND SUBMERGED LANDS WOULD NOT BE BENEFITED BY INCORPORATION; AND THE TRUSTEE STATE LANDS COMMISSION, HAVING EXCLUSIVE JURISDICTION OVER THESE LANDS UNDER P.R.C. SECTION 6301, ET SEQ.; AND FINDS THAT IT IS IN THE BEST INTEREST OF THE STATE THAT THE TIDE AND SUBMERGED LANDS PROPOSED TO BE INCORPORATED OFFSHORE REMAIN UNINCORPORATED LANDS IN THE COUNTY OF SANTA BARBARA.
5. AUTHORIZE AND DIRECT THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION TO FORWARD COPIES OF THIS CALENDAR AND MINUTE ITEM TO THE ISLA VISTA MUNICIPAL ADVISORY COUNCIL, THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS, AND SANTA BARBARA COUNTY LAFCO.
6. AUTHORIZE THE STAFF OF THE COMMISSION AND THE ATTORNEY GENERAL'S OFFICE TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION TO EFFECTUATE THE ABOVE FINDINGS.

W 2400.148
5/18/83
D.J.B.

EXHIBIT "A"

DESCRIPTION OF OFFSHORE BOUNDARY
OF PROPOSED INCORPORATION OF ISLA VISTA

BEGINNING at the southeasterly terminus of that course South $74^{\circ} 20'$ East, 181.77 feet described in City of Santa Barbara Ordinance No. 2846, "An ordinance approving the annexation to the City of Santa Barbara of certain uninhabited territory designated as the Santa Barbara Airport Annexation";

Thence: (44) along said Santa Barbara Annexation South to a point of intersection with the ordinary high water mark of the Pacific Ocean and a point on the southerly line of the tract of land described in Parcel Two of the deed to the Regents of the University of California recorded June 6, 1949, in Book 857 at Page 53, et seq., Official Records of Santa Barbara County;

Thence: (45) easterly along the south line of said Parcel Two of said University of California deed, said south line being also the ordinary high water mark of the Pacific Ocean, to a point 300 feet west, measured at right angles from the second course, North 6,900 feet more or less, described in said Ordinance No. 2846;

Thence: (46) leaving said south line of said Parcel Two of said University of California deed and into the Pacific Ocean South parallel to and 300 feet west from said second course hereinabove described, 7,000 feet, more or less, to a point which is south 300 feet, measured at right angles, from the west prolongation of the first course, West 27,500 feet, more or less, described in said Ordinance No. 2846, said point being the most southwesterly corner of the lands described in said Annexation Ordinance No. 2846;

Thence: (47) leaving said limits of the City of Santa Barbara and continuing South along a prolongation of the last described course to a point of intersection with the Three Mile Limit Line, boundary of the State of California (as determined according to the decree entered by the United States Supreme Court in United States vs. California, Original No. 5 on January 31, 1966);

Thence: (48) westerly along said boundary of the State of California to the southwesterly corner of State of California oil and gas lease parcel designated PRC 3242.1 said corner being on the north-south grid line having a California Zone V, "X" coordinate of 1,424,750;

Thence: (49) northerly along the westerly line of said lease parcel and along said grid line to a point having California Zone V coordinates of "X" = 1,424,750 and "Y" = 331,500, said point being distant southerly along the westerly line of said lease parcel 10,710 feet, more or less, from the mean high tide line of the Pacific Ocean

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Thence: (50) leaving the west line of said lease parcel North 54° 37' East, 9,500 feet, more or less, to the point of beginning of the lands described in the proposed Isla Vista Incorporation being the point of intersection of the mean high tide line of the Pacific Ocean with the west line of that tract of land described in the deed to Colin Campbell recorded December 22, 1919 in Book 181, Page 3 of Deeds, records of Santa Barbara County.

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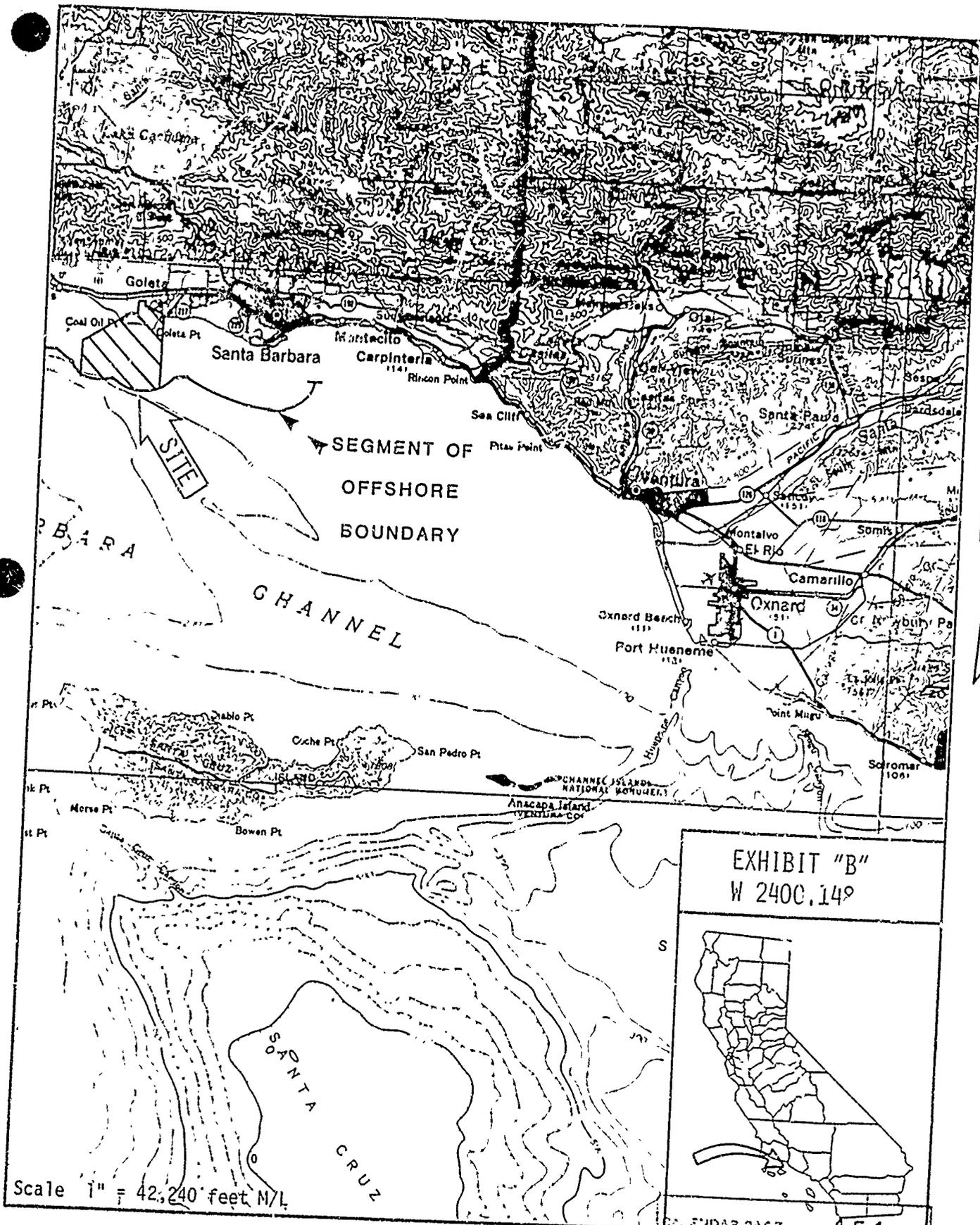


EXHIBIT "B"
W 2400.149



Scale 1" = 42,240 feet M/L

Revised 5/27/83

PL. SUNDAR PAGE 151
SUNDAR PAGE 1648