

1 information, seeks to suddenly claim paramount rights as
2 far as protecting the particular area, it's very doubtful
3 that they should be accorded that unusual privilege; and I
4 really think, gentlemen, that if you analyze this thing, if
5 an annexation of this huge size is going to be permitted
6 to occur, that you are then going to have vicious competition
7 among cities to gobble up this entire coastline.

8 Now, a few other points that I want to pass upon. I
9 have tried to explain, as frankly and as candidly as I
10 could, the reason that we are here. We think the State
11 interests are involved. Now, are you in a position to
12 block or protest against this annexation? I want to call
13 your attention to Section 35313 of the Government Code
14 which specifically says (these gentlemen are proceeding
15 under certain sections of the Government Code) -- it
16 definitely says that "at the time set for hearing protests
17 or to which the hearing may have been continued, the legis-
18 lative body (that would be the city body that suddenly
19 initiated this annexation proceeding) the legislative body
20 shall pass on protests so made. If protests are made by
21 owners of one half of the value of the territory as shown
22 on the last assessment roll, or if protest is made by
23 public and private owners equal to one half of the value
24 of the territory proposed to be annexed, further proceedings
25 shall not be taken."

26 So, on behalf of the County of Santa Barbara, I urge

1 upon the Commission to view this matter. We ask nothing
2 other than you view this matter from the interests of the
3 State of California and the people of California. You can
4 forget for a moment that the unincorporated areas are
5 opposed to this annexation. Let's consider it solely and
6 exclusively from the standpoint of State interests, and it
7 would seem that this vicious cycle of competing cities for
8 tidelands annexation must be stopped now. If this annexa-
9 tion involved land only immediately off shore, not their
10 easterly and westerly boundaries, it would have some sense
11 to it.

12 Another point I would like to make -- may I show you
13 this map a moment?

14 MR. PEIRCE: Is this a copy of the map we have before
15 us, Mr. Thomas? We each of us have a map here.

16 MR. THOMAS: No, this is not the map. This was one
17 prepared by the Planning Commissioner of the County of
18 Santa Barbara. Gentlemen, here is outlined in black here
19 the present boundaries of the City of Santa Barbara. Here
20 is your Montecito area -- Sumerland -- indicated here, of
21 course, this is your tidelands. Over here, we have an
22 area which is not in the City of Santa Barbara, known as the
23 Las Pasadas (phonetic) tract. Over here, I think we have
24 indicated Hope Ranch Park -- which I think is one of the
25 most beautiful subdivisions in the world, at least in my
26 travels I have not seen anything which represents its

1 equivalent -- beautiful homes all along this shore line --
2 they have a beach here, a private beach. You can understand
3 that these people, who have not wanted to have the zoning
4 ordinance by the County of Santa Barbara -- they never wanted
5 a zoning ordinance -- the county government sought to
6 impose upon them a zoning ordinance but they have handled
7 their own problems and I think they have done a better job
8 than we could have done. They have done it by deed restric-
9 tions, they have handled their problem, and they can prob-
10 ably do it better than government.

11 Then, we have the so-called Goleta area indicated here.
12 Here is a beach park. Here is the University of California.
13 The legend here will give you what regulations are in effect
14 in this area.

15 Now, I have indicated Santa Barbara wishes to go on
16 down the coastline clear to Montecito, which has for years
17 refused annexation, desiring to handle their own affairs
18 and trusting their affairs to the County of Santa Barbara
19 in any particular problem.

20 Summerland you are all familiar with -- how the repre-
21 sentatives of that little community worked with the Commission
22 trying to get regulations that would be suitable and give
23 them adequate safeguard.

24 Here is our University of California.

25 Now, the city does own an airport, which is indicated
26 here. That property consists of some several hundred acres.

1 I have forgotten the exact acreage. This annexation by
2 water would connect up this point and take in the so-called
3 city airport.

4 Now, there's one other May I introduce this as
5 Exhibit A of the County of Santa Barbara, Communities of
6 Montecito, Goleta and Summerland?

7 MR. PEIRCE: The exhibit is accepted.

8 MR. THOMAS: There's one other point that I should
9 like to mention and that's the subject of a datum plane.
10 Oddly enough, gentlemen, when you are talking about a
11 boundary along this coastline as a little thing, you have
12 a very fluctuating, uncertain and ambiguous line, as the
13 Attorney General's office well knows as a result of their
14 appearances before the Supreme Court and so forth. The
15 ocean fluctuates every month of the year. Certain seasons
16 of the year, mean sea level is at a certain point. A year
17 from then, why it's at some other point; and there are many
18 boundary disputes that can certainly arise from this annexa-
19 tion, particularly along the shore. Now, oddly enough, the
20 City of Santa Barbara has a datum plane where they compute
21 sea level differently than is commonly construed. Their
22 datum plane is some six feet higher, for example, than the
23 mean sea level in the geodetic survey manner of computing.
24 There is no question about it. They have used it for years.
25 They haven't abandoned it and reverted to the geodetic
26 survey. It is six feet higher, for example, than mean sea

1 as undoubtedly you gentlemen interpret it. Now, is that
2 going to result in problems? Well, let me show you.
3 (Illustrating on blackboard) Now, if you will just imagine
4 that this is, oh, this is a beach; and the U. S. Geodetic
5 Survey might place a zero at this point. Now, I have said
6 the datum plane of the City of Santa Barbara is six feet
7 higher than this plane. Now, that doesn't mean that this
8 point is only going to be six feet away. This point in
9 given situations could be 150' away, so consequently your
10 City of Santa Barbara mean sea level line could be up here
11 and when you get to high water mark and so forth there are
12 going to be many litigation problems arise in view of the
13 datum plane that they used in this connection; and particu-
14 larly where you have obstructions in Santa Barbara water
15 which are on pilings, for example. There are numerous
16 jurisdictional problems that can apply with regard to zoning,
17 with regard to building codes. A man is possibly going to
18 have to go to the County Building Code with respect to one
19 part of his house and to the city for another part of the
20 house -- not to mention the assessment problems that can
21 arise under this rather odd situation.

22 Now, I have mentioned what the county believes orderly
23 plans of annexation involve -- the county staying out of
24 the fight, only too anxious to stay out of it where the
25 local communities want municipal service, are desirous of
26 having it; but we do not have that situation involved here,

1 and in view of the opposition of these people who, I think
 2 are reasonably justified in their opposition, this jumping
 3 in by water, this is to some extent an encirclement move
 4 and they consider it hostile and unfriendly -- particularly
 5 when there hasn't been this public discussion.

6 Now, the county cooperates with the city and the city
 7 cooperates with the county in numerous things. I can think
 8 of a dozen things right now, where by mentioning our problem
 9 we arrive at a solution -- we arrive at a contract -- we do
 10 something about it; but in this situation the county is taken
 11 by surprise and the unincorporated areas are taken by sur-
 12 prise.

13 Gentlemen, you can forget this is a family feud. It
 14 isn't. We are making appeal strictly and solely on the basis
 15 that State interests are involved in this annexation and you
 16 should protest it.

17 I want to thank you for your very kind attention. I
 18 would like to introduce certain representatives to make a few
 19 remarks to you. I first of all would like to introduce Mr.
 20 Oren Sexton, who has lived in Santa Barbara some thirty years.
 21 He is a bowling companion of mine, has been playing some ten
 22 years. I told him I wish he had brought up his bowling ~~pin~~ ^{ball} *
 23 today and if you gentlemen were bowling ~~friends~~ ^{pin} * I would have
 24 no problem.

25 MR. PEIRCE: Mr. Sexton, what section do you represent?

26 MR. SEXTON: I represent Hope Ranch Park. The residents

1 of Hope Ranch Park are quite disturbed about the city's
2 attitude in these annexation proceedings and feel that some-
3 thing should be done to halt the annexation across our water-
4 front and until some time as Hope Ranch at a later date
5 should see fit to annex to the City of Santa Barbara. That
6 would be the time to include whatever submerged lands should
7 go along with an orderly annexation. They do feel very
8 definitely -- and I contacted many of the residents there --
9 that this is entirely unwarranted, that it isn't doing what
10 it's represented to do, and that there are many other things
11 behind the scenes being hidden by the declarations that
12 have been published to date.

13 In view of Mr. Thomas's remarks regarding the datum
14 plane and so forth, you are probably aware that our (word
15 unintelligible to reporter) arose very fast at times and
16 built up normally at other times. I have talked to residents
17 who have said that they went down on the Hope Beach and now
18 high tide land would be two or three feet up the cliff; and
19 some years ago, probably 35, 40 years ago, they went down
20 there and changed their clothes behind sand dunes. I remember
21 when that beach had dry sand the year around, 150 to 200 feet
22 in width. As I said, today it is clear up against the cliff.
23 There are buildings on that cliff and it represents an
24 entirely different picture, annexing land, if you face it
25 from the ocean or where you live. Take in improvement one
26 time, leave them out another time. It leaves everybody in

1 the operation of the beaches -- partially to the city,
2 partially to the county, whoever had lots controlling.
3 We have several buildings, some other property owners have
4 cabanas down on the beach. The beaches were very wide at
5 the time they were built. Now they are narrow. These lines
6 would encroach on those buildings and for this reason we
7 feel the city should not take these in. We feel, as Mr.
8 Thomas has said, these lands are held in trust for the State
9 of California, for the people, and should not be passed on
10 to others until such times as those others are adjacent lands,
11 I mean adjacent uplands, not adjacent water lands.

12 I think I'll leave the rest to the others.

13 MR. PEIRCE: Thank you.

14 MR. THOMAS: I would like to introduce Mr. Van Horne,
15 who is the president of the Goleta Chamber of Commerce,
16 and also a director of the Goleta Water District, and
17 I believe also director of the Johnson Fruit Company. Is
18 that correct?

19 MR. PEIRCE: Mr. Van Horne.

20 MR. VAN HORNE: Mr. Chairman and gentlemen, I am also a
21 resident of the Goleta Valley and have been for off and on
22 for twenty five years, and represent a company which has
23 held land in the same ownership there for better than 85
24 years; so, therefore, I appear here not only in behalf of
25 the various organizations in the Goleta Valley but also on
26 my own behalf and on behalf of the company that I represent.

1 I don't happen to be a lawyer. I am a farmer. I
2 do not know whether that is an advantage or not. I endorse
3 and sympathize and appreciate remarks that have been made
4 already and would just like to add a few comments to what
5 has already been said. We do not have any objection to
6 annexation by a city of unincorporated areas -- that's a
7 common denominator of our times, that's the age we are
8 living in. We have got to expect it, especially in
9 Southern California, and I am not going to try to pretend
10 that I am against the city annexing land next to it.
11 Growth is a good thing.

12 However, in a case where the city uses the public lands,
13 which are matters that bring us here before you gentlemen,
14 it's quite a different matter. There's quite a lot more
15 at stake and we just want you to realize how seriously
16 concerned we are, as Mr. Thomas mentioned, if this precedent
17 is allowed to continue.

18 The reason for incorporation of this uninhabited area
19 that the city gave, is that it would provide certain pro-
20 tection for bathing and off shore beaches and for the oil
21 drainage. That, it is my understanding, was fully debated
22 in this council and other places before the Shell-Cunningham
23 Act was established and I think there's adequate protection
24 there; and also on the map Mr. Thomas showed you, the red
25 area is all zoned to proscribe oil drilling and the others
26 cove against it; and the Pacific Lighting MI zone in front

1 of Goleta is obviously not a place for anybody to drill an
2 oil well. Whether or not the city is a proper custodian
3 of the oil sanctuary is certainly a moot point, and we don't
4 endorse the idea for one minute that they are. They own
5 the city airport right in the heart of Goleta Valley and
6 have at past times had oil leases on that property. They
7 need money and it is presumed that they would be willing to
8 enter into leases at the appropriate time to gain it. The
9 disruption of our community and neighboring communities
10 has been mentioned. The effect on existing schools, sanitary,
11 water and various utility districts that are already in
12 existence can be worked out. Those things can be worked out
13 as orderly growth proceeds from a central core outward
14 into unincorporated area. They have in the past and we
15 assume they will in this case. But they can't in this
16 particular instance due to the tremendous amount involved,
17 due to this public lands annexation proposal.

18 We ask "What's the big rush? What's the hurry."
19 We thought the protection was fully and adequately covered
20 in the Shell-Cunningham bill and we urge you gentlemen to
21 seriously interest yourselves in this, not only as your legal
22 right in the protection of these public lands, uninhabited
23 public lands, but also inasmuch as you are the trustees,
24 statutory trustees, for all the people and that if this
25 thing is -- if you don't act -- your inaction would be
26 interpreted to mean consent to approve this sort of thing,

1 and the chain reaction I am afraid would be terrific. I
2 hope that you will protest on behalf of the State on any
3 annexation that the city has of these public lands at the
4 hearing -- at the council hearing they intend to hold.
5 Thank you very much.

6 MR. PEIRCE: Thank you, Mr. Van Horne. Next.

7 MR. THOMAS: Mr. Milton Duncan, who is chairman of the
8 Summerland Citizens Association. Mr. Duncan wants to
9 address a few remarks.

10 MR. DUNCAN: Gentlemen, we are probably the least of
11 these in this consideration. We have, as you know, a first
12 lease under the Cunningham-Shell Act directly in front of
13 us. However, the time the sanctuary was set up there was
14 about a 1200' overlap of the sanctuary into our school dis-
15 tricts and, incidentally, directly in front of oil lands,
16 uplands that had been under lease to one of these companies
17 who were contemplating tidelands leases. The owner of this
18 lease has gone along with the general view of all of our
19 people.

20 I would like to state, like Garry Van Horne did, that
21 I am not a lawyer certainly; as a matter of fact, I restore
22 antiques, so I am more familiar with wormy legs than matters
23 of law; but I have been with the people of Summerland and
24 with the enthusiasm in which they have entered into this
25 argument I have been forced to try to keep one step ahead
26 of them; and we have ass med, for a tiny place like we are --

1 there are about 600 of us; 200 voters; 98% of the voters
2 belong to the Association and endorse -- 93% of the
3 property involved in the district is within our Association.
4 We had -- on the organization of our sanitary district in
5 February, we had a 94.2 turnout of voters. That should
6 show you that although we are small, we are taking ourselves
7 seriously.

8 Now, from our standpoint, this^{is}/something bigger than
9 the City of Santa Barbara, County of Santa Barbara, or
10 our particular desires. We have had proof -- in our dealings
11 with the State Lands Commission, we have had proof of your
12 responsibility, in your trust. We have sufficient chance
13 to tell our story, always we have had ample warning, every
14 single legal notice that could have been given to us has
15 always been given to us. Your proceeding this morning,
16 where you were talking about the legality of your proceed-
17 ings, that is one of the things we bank on. We are citizens
18 in the crossroads, and we believe this entire thing does
19 not spell out the actual motives. I think you will gather
20 that that's the sense of every one of these oppositions.
21 We feel that annexation of this territory under this
22 particular act, the annexation of uninhabited territory,
23 we don't think that was ever the intent of that law. We
24 think it has been perverted to this use for this particular
25 thing. We also think that according to that law we must
26 proceed to go before the city council and try and state our

1 case and it's just like me having a collision in my car
2 with the judge in his car and going to his court to settle
3 it. It is as simple as that -- basically, it is that
4 simple. Who can we come to then? We cannot help but feel
5 that everything that we have read and heard clearly states
6 that this Land Commission is our guardian, is the possessor
7 in trust of those tidelands, not only for the oil values.
8 You took over so many functions having to do with naviga-
9 tion, a great many things, when this was set up; and it is
10 obvious in our county that we consider in some places that
11 the other values of scenic beauty, recreational value, is
12 of more value to us than all the oil you can take out of
13 the ocean. In our efforts to combat this sudden attack,
14 we have been all scurrying around to try and find out
15 where we stand. We do believe in Summerland we seem to
16 have the support of everyone concerned, that you are the
17 natural people to be concerned. Mr. Thomas has pointed out
18 your concern very fully, I don't need to. We are all think-
19 ing of the chain reaction. We are all thinking, for one
20 thing, especially us with the lease in front of us and
21 having been interested in this proposition, we are wondering
22 if the cities do this if you are going to have biddable land.
23 That's what it amounts to; and in carrying out your trust to
24 us, the people of the State of California, you must make
25 every legal effort to keep those lands as biddable as possible.
26 I would like to sum up with this statement here -- that

1 in Summerland we feel like this: First, this type of
2 annexation was never intended by the law; second, that
3 when the Santa Barbara City Council determines that it will
4 be our protectors in spite of us, we naturally and normally
5 resent it. Perhaps we will be more effectual than the
6 Hungarians in resisting protection from someone from whom
7 they didn't ask it. We also feel that it is -- by implica-
8 tion it is a -- perhaps a slight as to the solidity, the
9 responsibility of this Commission -- the proposition that
10 the City of Santa Barbara as such can do more than you
11 gentlemen to protect our sanctuary, more than we can do
12 ourselves.

13 I don't believe it because I have been able to come
14 up and talk just like I am, just like any fellow. That to
15 me is proof that our laws were never intended, no matter
16 what section of the law is correlated to a given use, they
17 were never intended to alter the course of democracy in
18 the United States. We built this little town; we built
19 this little association; we are carrying on. We look with
20 pride on the City of Santa Barbara and the County of Santa
21 Barbara in their efforts to cooperate; and we are somewhat
22 surprised all of a sudden that one of the members of this
23 family takes out and wants to grab all the food on the
24 table. Frankly, we believe if you have given enough con-
25 sideration to this, if the legal staff gives enough time to
26 the investigation of it, we believe with our simple, honest

1 belief that you are our custodians in this matter than you
2 can do something about it and that you will do something
3 about it, that that will come to pass. Thank you very much.

4 MR. PEIRCE: Thank you, Mr. Duncan.

5 MR. THOMAS: Mr. Ryan, an attorney from Santa Barbara,
6 who is vice president of Montecito Improvement and Protec-
7 tive Association, wants to address you for a few minutes.

8 MR. PEIRCE: Mr. Ryan:

9 MR. RYAN: Mr. Chairman and members of the Commission,
10 the few words I will have to say are words by way of summary.
11 I'd like to use a piece of chalk over here for a minute, if
12 I may. This is not supposed to be in accordance with pro-
13 portions or anything else, so far as distance is concerned.
14 We simply go down and draw a beach line. We will put the
15 City of Santa Barbara here. We will put the University of
16 California up here. We will put the airport property up
17 here. Here is Montecito. The counsel of Montecito wants to
18 speak informally as the Montecito Improvement and Protective
19 Association.

20 We have something like 900 dues-paying members and we
21 try to look out for our front yard and we try to look out
22 for our fences. It is one of the most delightful residential
23 communities in California. It's like Hope Ranch -- we think
24 it's a little nicer than Hope Ranch, they think they are a
25 little better than we are. Here's Summerland here. Now,
26 this law of annexing uninhabited territory under the '39 act

1 in its true intent never meant to allow, as you read it
2 within its four corners, the annexation of shoestring strips.
3 All right. Three miles out here, we go up here - we go to
4 the end of the oil sanctuary. We connect by a few hundred
5 feet there to this area. From this point here, the strip
6 goes down three miles and goes to the end of the sanctuary.

7 Now, there are two ways that you can annex uninhabited
8 territory, as you recall, under the Government Code. They
9 are dealing with what is known as Article 5 of the particular
10 chapter and section. There's another provision under 3.
11 In Article 5, I have been unable to find anything that limits
12 the length of such a strip. I don't know any reason, if
13 you didn't run into other tidelands that were annexed, why
14 you couldn't run it as far as you wanted to. It limits it
15 under Article 3 to the county. I don't find any case that
16 limits it. I don't believe it is the purpose people
17 have a right to vote when they are going to be annexed.
18 There is nobody in the ocean to vote. From the earliest
19 times, gentlemen, riparian, littoral and other owners along
20 waterfronts have by natural law felt an ownership and a
21 right in those waters.

22 Now, we love our beaches. We don't want our front
23 door taken away from us through a gerrymander -- which is
24 what it is, a narrow strip. They couldn't do it on land
25 without voters interfering. All right, what do they do?
26 They can't do it directly, so they do it indirectly. I know

1 the case that says that the fact the territory may be incor-
2 porated later is of no interest. But I say this, that you
3 gentlemen do have - and I am sure the Attorney General's
4 office will advise you - you have the right to object.

5 Why? Because the State of California owns this land here,
6 as I recall the decisions that came over to you, and I think
7 you hold it in trust for the State and the citizens through
8 your Commission; but I also think in decency and fairness
9 you hold it in trust for the upland owners, and we can't
10 vote. We haven't any legal right to protest. I am sure
11 the representatives of the Attorney General's office will
12 agree with me on that point. We are helpless, we are
13 muffled, and the only people we can turn to are the owners
14 of 50 percent or over of the value of the land involved
15 and you gentlemen happen to be sitting there, three of you,
16 who are the only people that can object.

17 All right. Why should you, from the standpoint of the
18 State? That's the problem that every one of you is indi-
19 vidually thinking. Why should we enter into what is a
20 family fight? It is a family fight but it is bigger than
21 that. Several men have made it rather clear why you should.
22 We would foresee, and I will prophesy, that you will have
23 every city in California that possibly can taking over a
24 long shoestring strip, contrary to the policy of the law;
25 and I think you will do yourselves an interesting job of
26 reading that '39 act - Article 5 - and you will be convinced

1 that it is against the policy to have a little shoestring
2 connection all along the coast and muffle all the normal
3 upland holders from saying anything. I do not think it is
4 fair; I do not think it is the purpose of the law; I do not
5 think it would be good for the State of California, to
6 have those strips taxed by an additional agency, unless
7 those strips were in front of the particular city. In
8 other words, I think that it's public policy to have never
9 a shoestring strip of ocean annexed, unless it's in front
10 somehow of the uplands; and I have mentioned, gentlemen,
11 that you are the only ones that can object. We leave the
12 matter in your hands, because if you can't we are helpless.

13 MR. LEIRCE: Thank you, Mr. Ryan. Now, Mr. Thomas?

14 MR. THOMAS: Just one comment. The reason I am here,
15 gentlemen, is because I was directed by the Board of Super-
16 visors, directed by all five, also representing the City
17 of Santa Barbara as far as their supervisorial districts
18 are concerned. I was directed at their request to appear
19 here and that's why I am here. I want to thank you for
20 your very courteous consideration, and again I regret the
21 necessity for our appearance here. I have no accusations
22 to make of bad motive against Santa Barbara. I think
23 there's been an error of judgment in connection with the
24 whole matter and it is regrettable that this matter was
25 brought to you. Thank you for your attention.

26 Gentlemen, may I add one word without trespassing

1 upon your time. Colonel Putnam asked about that meeting
2 this morning. I have just received a notice that it has
3 been carried over before the County Boundary Commission
4 until Wednesday, April 10, 9 a.m., but there were protests
5 read there before the County Boundary Commission from the
6 county supervisors of schools and every elementary school
7 district. I frankly don't know just why, except for public
8 opinion, they were filed there. They should have been
9 filed with you gentlemen, but I am bringing it to your
10 attention.

11 MR. PEIRCE: All right. We have received these protests,
12 or rather petitions, urging that the State Lands Commission,
13 which has custody over State tidelands and submerged lands,
14 protest the proposed annexation of these areas which the
15 City of Santa Barbara desires to bring into the city limits.
16 Now, I believe that concludes all the witnesses who desire
17 to submit such protests. Now, Mayor Rickard of the City of
18 Santa Barbara is here. Would you like to be heard at this
19 time?

20 MAYOR RICKARD: Yes, if I may. May I tack a map on
21 your wall here? Mr. Chairman, I presume that your Commission
22 desires to adjourn near 12:30 and I will try to be as brief
23 as possible.

24 We, the City, appear here to request the Commission to
25 view this problem from the viewpoint of the State, from the
26 viewpoint of whether or not the proposal of the City of

1 Santa Barbara will interfere in any way or prejudice the
2 rights of the State Lands Commission. Now then, the State
3 Lands Commission, through the provisions of the Government
4 Code, has been vested with the control and exclusive juris-
5 diction over the tide and submerged lands. Any annexation
6 by a municipality is not seeking to assert paramount rights
7 to the State of California obviously. Our rights are sub-
8 servient in the same manner as such territory rests in the
9 jurisdiction of the County of Santa Barbara at the present
10 time.

11 Our desire is to annex -- let me explain the chart.
12 The green boundary lines indicate our present city limits.
13 The blue line here, the blue line is the shoreline. The
14 City of Santa Barbara since 1899 and again in 1925 has
15 already annexed a one half mile area of the tidelands off
16 its shore, as shown by the green portion here, the shore
17 line being along the blue line. In the last annexation in
18 the '30's of this area to the City of Santa Barbara, the
19 tidelands were not annexed. Consequently, we looked at the
20 1939 Uninhabited Territory Annexation Act. We found that
21 three elements are required for such a procedure. First,
22 that the land to be annexed is not completely surrounded by
23 unincorporated territory and such element is met in this
24 proposal. Secondly; that the annexed area must be contiguous
25 to the City of Santa Barbara, and that element is met.
26 Thirdly, that no uninhabited territory shall be combined

1 with inhabited territory having more than twelve voters,
2 and that has been met. Under the State Legislature's
3 enactment, we feel we are following the procedure for
4 annexation. The District Attorney has stated that we have
5 done this without prior notice or consultation with the
6 county. Our annexation proceeding has not commenced. As
7 you gentlemen know, it will commence upon receipt from the
8 County Boundary Commission, which has had our petition for
9 twenty days. For twenty days the County of Santa Barbara
10 has been advised of our intention to proceed. After we
11 receive the report from the County Boundary Commission,
12 then the proceedings commence officially by the adoption of
13 a resolution, when they will state a hearing date and this
14 proceeding shall be advertised publicly in the newspapers.
15 Combining all those times, we should say we have not yet
16 started the annexation proceedings. There is ample oppor-
17 tunity given to Santa Barbara County and our neighboring
18 residents to follow strictly the procedures of the code,
19 which we are doing.

20 Now, then, we feel that the State Lands Commission,
21 if it desires to protest, should do so because this proposal
22 would infringe or impair its jurisdiction over tidelands;
23 and we do not feel at this point that we have interposed
24 any move that would interfere in the slightest with your
25 jurisdiction. In any event, at the time of the protest
26

1 hearing, we certainly do invite any representative of the
2 Land Commission to come, to be certain that we do not impair
3 the jurisdiction of the Commission. As this comes under
4 the mineral and oil jurisdiction as decided by the State,
5 which clearly states that your jurisdiction is inclusive
6 nor can any city ordinance be in conflict with your regula-
7 tions and laws without becoming void, it is our intention
8 if city laws are imposed that it shall conform precisely
9 with the Shell-Cunningham laws and the desires of the
10 Commission. So we feel that the action of the City Council
11 is to back up the State in its action to declare this oil
12 sanctuary.

13 Now, then, it is directly possible the 1939 Annexation
14 law -- which does not differentiate between uplands and
15 tide and submerged lands, and which, contrary to what Mr.
16 Ryan stated, has no policy or statement in it that would
17 prevent any of the action to be taken here by the City
18 Council -- under the 1939 Act it was perfectly possible to
19 take this half mile strip already in the corporate limits
20 of the city and bring them westward and bring them into
21 the airport. There was nothing to prevent that and the
22 reason we have taken, described the tideland sanctuary
23 precisely in the terms in the Cunningham-Shell Act.

24 This annexation is for a two-fold purpose: (1) back
25 up the State in its action to declare a sanctuary in the
26

1 tidelands in a 15-mile strip; (2) annex the airport area
2 now owned by the city to the City of Santa Barbara.

3 Now, this question of whether or not tide and submerged
4 lands are different for annexation purposes, I believe, is
5 quite important for the consideration of the State Lands
6 Commission. There is no statement in the law that they
7 are different or shall be considered different. There is
8 no different precedent being set up by the City of Santa
9 Barbara. Many cities along the coast have annexed tide-
10 lands, some directly in front of their cities, some where
11 they were away such as Huntington Beach. In the San Fran-
12 cisco Bay you have San Pablo, Richmond and two or three
13 cities down near Palo Alto, who have annexed tidelands
14 adjacent to them, all without objection from the State
15 Lands Commission, apparently because the State Lands Com-
16 mission didn't feel its jurisdiction was impaired in the
17 slightest.

18 Now, then, if we do treat tide and submerged lands
19 different from uplands, the question is how are they differ-
20 ent and to what extent shall those differences go? For
21 instance, in front of the City of Santa Barbara we have
22 the Channel Isles, which are some seventeen-eighteen miles
23 offshore. It is my impression that the State of California
24 is attempting to establish before the Supreme Court of the
25 United States that those are inland waters and that the
26 jurisdiction extends to a point three miles to and beyond

1 the Channel Isles. If we treat the tidelands and submerged
2 lands differently from uplands, the question arises whether
3 or not the State of California prejudices its position be-
4 fore the United States, before the Supreme Court, in that
5 position you are taking. We feel also that these are inland
6 waters to the Channel Isles because they are all within the
7 jurisdiction of the County of Santa Barbara and the County
8 of Santa Barbara actually taxes lands in the Channel Isles
9 and they tax waters within the three mile limit up and down
10 the coast in the tide and submerged lands. If we treat
11 this differently, can counties then assert jurisdiction of
12 tidelands within the three miles to the extent that they
13 are able to tax private interests for oil in the tide and
14 submerged lands?

15 We heard a few minutes ago the school boards of Santa
16 Barbara County have protested, yet they do tax the private
17 industries that are drilling for oil in the Elwood area.
18 Can they, therefore, say that the tide and submerged lands
19 can be treated differently when they have annexed to their
20 school districts the tide and submerged lands as suggested
21 here? If this three-mile spread fifteen miles long were
22 completely in the uplands there couldn't possibly be an
23 appearance before the State Lands Commission. I don't think
24 there should be a differentiation between the upland picture
25 and the tide and submerged lands picture when it comes to
26 annexation.

1 Now, then, the matters, I believe, in essence which
2 have been presented to this Commission are local in nature.
3 They are differences between unincorporated areas and incor-
4 porated areas in this region simply from the viewpoint of
5 annexation. Montecito area does not own any publicly owned
6 beaches. Those beaches are owned by private property owners
7 and the upland owners behind the littoral lands have no
8 right to get to the beaches. The chart which I have pre-
9 sented here shows in black something I think that will
10 illustrate the desire of the City of Santa Barbara in a
11 desire to cooperate with the State of California, to insure
12 that this sanctuary will remain inviolate under the Cunning-
13 ham bill.

14 First of all, you will recall that as early as 1953
15 Mayor Montgomery of the City of Santa Barbara came here
16 with the District Attorney, Vern Thomas, at the time the
17 Richfield Oil people desired to get an exploration permit.
18 They at that time asked the Land Commission if the State of
19 California would consider creating a sanctuary in front of
20 the city in order to protect the scenic values of this terri-
21 tory. From that point, both the city and county joined hands
22 until the final adoption of the Cunningham bill. At one
23 stage of the proceedings, in April '55, there was a draft
24 of either the Shell or Cunningham Act which I believe you
25 gentlemen will recall. Mr. Watson, Secretary of this
26 Commission, will know that that draft declared that the

1 sanctuary would be created if by January 1, 1956 both the
2 city and county had zoned the uplands up to 1000' to the
3 shore line against oil drilling; and if that were not true
4 the sanctuary would not be created. That prompted a visit
5 of Mr. Thomas, the District Attorney, Mr. Montgomery and me
6 in April '55, when you were considering the contents of the
7 Cunningham bill with Mr. Cunningham. At that time and
8 during those proceedings and thereafter, the Legislature
9 had an amendment to that clause and the amendment is
10 finally adopted in the Shell-Cunningham law, which creates
11 the sanctuary but states if there is any drainage of the oil
12 from the tidelands into the sanctuary from lands owned by
13 other than the State of California, the State Lands Commission
14 is entitled to offset that drainage well for well. Now,
15 then, your secretary appeared informally before the Board
16 of Supervisors and pointed out to them, and it was also
17 pointed out to the city, that in order for the city and
18 county to ask the State to create this sanctuary we must
19 in turn reciprocate by zoning the uplands against oil drilling;
20 that it was not fair for the city and county to state to
21 the State of California "Our area has sunk in value --
22 don't let drilling take place in front of our shores" and
23 at the same time not prohibit it in the uplands.

24 The City of Santa Barbara for many years, in this green
25 area, has two areas which say that there shall be no drilling
26 for oil in the City of Santa Barbara. The County of Santa

1 Barbara has zoned areas in the uplands south of this high-
2 way against oil drilling, excepting the one shown in black
3 on this chart. This is the reason for the apprehension of
4 the city at this time. Over here, we have the Vista Tract
5 outside the boundary, which can be drilled for oil. This
6 sanctuary can be drained from the uplands as anyone can
7 see. The portion "airport" is zoned MLX. This property
8 here, which is owned by the Pacific Lighting Corporation
9 is Zone M-2, which permits drilling. In the Hope Ranch
10 area, under deed restrictions -- which are good for success-
11 ive periods of ten years each (the present one to end in
12 1964) -- is by deed restriction prohibited from drilling
13 for oil, but each one of those ten-year periods must be
14 renewed affirmatively by 51% of the value of the territory
15 in the Hope Ranch area. Santa Barbara County zoning in
16 the Hope Ranch has a "U" classification, which means that
17 you can drill for oil if you get a permit to do so from
18 the County Board of Supervisors. Back here, in the Arroyo
19 Burro area, 1000' above the water mark, this is zoned for
20 drilling by the county. Over here, which is outside of
21 the sanctuary, is zoned for drilling by the county and, of
22 course, you have a (several words unintelligible
23 to reporter). I am not certain of this, but I believe for
24 a distance of 150' on shore, inside of this sanctuary, it
25 is also unzoned and can be drilled for oil.

26 It is true that there is nothing legally the City of

1 Santa Barbara could do to prevent drainage from these
2 black areas but at least the City of Santa Barbara wants
3 to increase the sanctuary, zone it in the same language as
4 the Cunningham Act, thereby keeping faith with the State of
5 California. We, the city, recognize your reciprocal prin-
6 ciple, that if you are going to prevent drilling in the
7 sanctuary we should prevent it in the uplands; and in our
8 laws we will zone against drilling in the uplands.

9 That is the basic reason for taking in the entire
10 sanctuary instead of just going from the westerly city
11 limits out to the Goleta section. The other was to annex
12 the airport. The Board of Supervisors has told you that
13 the county cooperates with the city. Well, one year the
14 City of Santa Barbara asked the permission of the County
15 Board of Supervisors to annex to the city 100 acres of the
16 municipal airport under that particular section which says
17 that any municipally owned land which is not contiguous to
18 the city, up to a hundred acres, may be annexed to that
19 city by the Board of Supervisors; and their answer to us
20 was "no", "you can't do it". That's the type of cooperation
21 that the District Attorney has been talking about here.

22 We feel that we stand before the Land Commission jointly
23 with the Board of Supervisors and with our neighboring unin-
24 corporated residents, in an effort to maintain the integrity
25 of the tideland sanctuary; and we are not here to annex
26 the tidelands in order to obtain tax revenues from the

1 tidelands. This is the distinction between former preced-
2 ents like Huntington Beach, which wanted to annex tidelands
3 northwards of the city in order to take tax revenues from
4 private corporations which were drilling in those tidelands.
5 Our purpose is the reverse. We want to protect, as far as
6 possible, the integrity of the oil sanctuary and prevent
7 it from being drilled for oil and exert the influence of
8 public opinion behind and in support of the State and upon
9 the Board of Supervisors to see if they will eradicate the
10 black areas which are in such great danger and inimical to
11 everyone concerned in the preservation of the tidelands
12 sanctuary.

13 We certainly hope you will not protest. We know you
14 have the right to do so. We do not know where and in what
15 sense municipal annexation will interfere with your powers
16 and jurisdiction or any way you may want to control the
17 tidelands. We see where you might, on the other hand,
18 jeopardize your own position by making a clear distinction
19 between the uplands and the tide and submerged lands at the
20 very same time you are trying to eliminate such distinction
21 and state that these are inland waters and should be part of
22 the State of California. In such state, they should be
23 part of the cities and counties as far as their jurisdiction,
24 subservient to yours.

25 MR. PEIRCE: Now, Colonel Putnam, you have been investi-
26 gating this matter in cooperation with the Attorney General's

1 office and at this time I believe it would be in order for
2 you or Mr. Shavelson to indicate whether or not the State
3 Lands Commission has jurisdiction in a matter of this char-
4 acter or whether or not this is something that still is to
5 be resolved.

6 MR. PUTNAM: I think it is still to be resolved, Mr.
7 Peirce. We have had some conferences and Mr. Shavelson is
8 making some research; and I waited until this hearing today
9 before I formulated a written request to the Attorney
10 General. I've gotten some clarification as a result of
11 this hearing and I can formulate such a request.

12 MR. PEIRCE: But we have no formal written opinion
13 from the Attorney General with respect to our jurisdiction?

14 MR. PUTNAM: That's correct.

15 MR. PEIRCE: We are, therefore, not at this moment in a
16 position to take action one way or the other.

17 MR. PUTNAM: I would not suggest you were.

18 MR. PEIRCE: May I ask, Mr. Thomas, how much time is
19 involved before the processes of law will operate at the
20 lower level which would prevent our taking any action?

21 MR. THOMAS: According to the statutes you have between
22 forty and sixty days after enactment of the resolution, as I
23 recall; that is, if the City Council is insistent upon
24 passing this resolution. As I recall, it's between forty
25 and sixty days protest would have to be filed.

26 MR. PEIRCE: Mr. Shavelson, is that correct?

1 MR. SHAVELSON: It is my understanding that the next
2 meeting of the City Council, at which they may or may not
3 adopt this resolution, is going to be Thursday, the 11th.
4 In any event, that would be the earliest possible date, and
5 the forty days would run from then; and the forty days is
6 the minimum period in which the protests may be filed, and
7 sixty days is the maximum.

8 MR. PUTNAM: Well, the forty days will run well beyond
9 the next meeting of the State Lands Commission, at which
10 time we will present the views of the Attorney General and
11 recommendations.

12 MR. PEIRCE: Is there any further discussion?

13 MR. KIRKWOOD: What sort of recommendation are you
14 thinking of, Colonel? You mean just transmit the views,
15 or would you have in mind perhaps making some specific
16 recommendation for action, if the opinion of the Attorney
17 General is that we do have jurisdiction?

18 MR. PUTNAM: My thought was, when we get the opinion
19 of the Attorney General and it indicates that the Commission
20 has jurisdiction, I will formulate a recommendation for
21 action and include a statement of the bases for the
22 recommendation.

23 MR. KIRKWOOD: The jurisdiction will consist of a
24 finding of ownership and that ownership is in effect exer-
25 cised by the Land Commission, isn't that what the question
26 would be?

1 MR. SHAVELSON: There is a little question in connec-
2 tion with two sections of the Government Code. It is our
3 tentative view that the Commission will have the jurisdic-
4 tion to file a protest. We haven't finalized that.

5 MR. PEIRCE: Any further questions? Anybody else
6 here desire to speak before we adjourn? Senator Hollister,
7 have you anything to say as we conclude our consideration
8 of the subject?

9 SENATOR HOLLISTER: I would just like to thank you for
10 the reception given Santa Barbara. I hope in your delibera-
11 tions you will come out with a proper decision.

12 MR. PEIRCE: Thank you, Senator. No further business?
13 The meeting will stand adjourned.

14 (Adjourned 12:55 p.m.)

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