

Introduction/preamble:

--SYV Community Plan (SYVCP) LUG-SYV-6.1 contemplates this type of County-Tribal agreement:

**LUG-SYV-6.1 (p. 21): The County shall pursue legally enforceable government-to-government agreements with entities seeking to obtain jurisdiction over land within the Plan Area to encourage compatibility with the surrounding area and to mitigate environmental and financial impacts with the County.**

[http://longrange.sbcountyplanning.org/planareas/santaynez/syv\\_cp.php](http://longrange.sbcountyplanning.org/planareas/santaynez/syv_cp.php)

--will zone all parcels per separate zoning map; all five Camp 4 parcels, the 356 acres and all properties owned at the Edison/Hwy 246 intersection and east of 6.9 acres, including new gas station, all into trust.

**1. Waiver of Sovereign Immunity**

- a. Tribe will accept any change supported by judicial authority. Tribe has State Legislative Counsel opinion as to enforceability of Tribal Sovereign Immunity: Tribal State Compact No. 1405603 (May 16, 2014).
- b. Tribe will provide resolution/authority to sign
- c. Please provide statute/judicial authority for County refusal to make parallel waiver of immunity.

**2. Term**

- a. Term same as compact of 12-31-2040; reopener if Class III gaming exclusivity is breached and compact is reopened.
- b. Terms of extension: same obligation of good faith as compact
- c. Tribe will submit to Secretary of Interior for approval; However, no guarantee of approval

**3. Municipal Finance/Fiscal Considerations**

- a. Access of County for valuation: Tribe to provide appraisal by MAI certified or on HUD/Interior/BIA approved list for trust land appraisals; copy to County
- b. OK with 38% of 1% for improvements not owned by Tribe/Tribal entity (for example for tribal residences only property tax on member improvements and not on land assignment which is owned by United States and Tribe in trust).
- c. Not include tribally owned real estate in trust; not include tribally owned buildings/improvements on trust land.
- d. Property taxes only on private residences phased in over time
- e. Sales tax and TOT equal to County rates; of that amount 25% to County and that 25% to County divided 50% to local schools in Santa Ynez Valley and 50% to County general fund.
- f. No offsets

**4. Mitigation non-economic impacts**

- a. Follow compact for state vs tribal building codes
- b. Water and sewer/SGMP: Tribal comprehensive groundwater and wastewater plan for all tribal properties; will participate with GSA when established
- c. Tribe will implement relevant portions of SYVCP
- d. Fire: Tribe to implement as per compact
- e. Special events: Tribe to implement own restrictions similar to use of current tribal hall
- f. Tribe to honor terms of all valid easements in place at time of agreement
- g. SGMP: Tribe to partner with GSA when established

**5. Future Use of Land and Limits**

- a. Williamson Act Cancellations of parcels 2 and 4 and waiver of penalty fees; otherwise, comply until end of non-renewal period
- b. Gaming: Tribe to follow gaming limitation in HR 1157 or successor bill; otherwise tribe to follow limitations in IGRA, compact and tribal law.
- c. Agreement not apply existing reservation or services
- d. Follow EA uses and tribal zoning
- e. Follow EA uses and tribal zoning

**6. Infrastructure and service supports**

- a. Tribe constructs all onsite infrastructure; County to review Sanja Cota Road agreement
- b. County impact fees; withdrawn by county

**7. Other items for consideration**

- a. Consider separate agreement for school and service agencies
- b. Enforcement in federal District Court of California State County per Compact model.

**TRIBAL ZONING MODEL**

- a. Tribal zoning map (latest draft attached);
- b. All building permits for review by County Planning under contract to Tribe (if County unavailable then contract planner mutually agreed upon);
- c. One public meeting hosted by Tribe and noticed to adjacent land owners and newspaper(s) of general circulation;
- d. All comments addressed by Tribal staff or contract planner selected by Tribe;
- e. Business Committee or designee approval (majority vote for permits; 4/5 vote for zoning changes).