

CAMP 4 COALITION FOR GOOD GOVERNANCE

Introduction

This document is concerned with the Santa Ynez Band of the Chumash tribe's recently purchased Camp 4 property and their plans to make the 1,400 acres a part of their reservation.

It presents the problems that annexation of the property to the reservation would create in clear, unemotional terms. It includes a call to action to retain Santa Barbara County jurisdiction over agriculturally zoned land in the heart of the County, and action to unite to voice opposition to a fee-to-trust annexation.

The Tribe is attempting—through either administrative or legislative action—to transfer to their reservation property (which is non-contiguous to the current reservation), thereby removing it from Santa Barbara County jurisdiction and the tax rolls. If allowed to proceed, this action would have very serious implications.

The potential danger is far greater than any physical development. As communities across the state and the nation have experienced, the impacts of untaxed, poorly regulated tribal development and the resulting unfunded mandate for government services are significant.

Let us be clear: This is not an issue narrowly confined to the Santa Ynez Valley. Santa Barbara County, like most counties statewide, is experiencing great difficulty balancing its budget, providing necessary public services, and constructing and maintaining infrastructure. Loss of local control and the resulting adverse economic and environmental impacts endanger the quality of life for everyone.

A long-term subsidy of special interest development would diminish the fiscal solvency of our communities and adversely affect our future and our children's futures. Local jurisdictions that must balance their budgets will have no choice but to cut programs that affect health and safety, education, social services, and the environment, to mention a few.

Moreover, such an act on the Tribe's part would be an egregious example of a wealthy few seeking to shift the tax burden to other members of the community.

Members of the Camp 4 Coalition for Good Governance have joined together to clearly present this issue to make our communities aware of the deadly serious nature of the threat and to work with all levels of government to avert it.

We trust you will carefully consider the accompanying information, study our goals, and join the Camp 4 Coalition for Good Governance.

CAMP 4 COALITION FOR GOOD GOVERNANCE

Camp 4 and Good Public Policy

- GOALS:**
- *Retain Santa Barbara County Jurisdiction over 1,400 acres of agriculturally zoned land in the heart of Santa Barbara County.*
 - *Oppose Fee-to-Trust /Annexation.*

Good Government

It is in the best interests of California residents, including residents of Santa Barbara County, that individual property owners do not ignore local zoning and regulations or decline taxation. The social contract requires that individuals, organizations and businesses generally comply with regulations, and support the infrastructure and services that benefit them.

Orderly Development

On April 1, 2010 the current owners of Camp 4 purchased 1,400 acres of agricultural property within the rural area of Santa Barbara County's jurisdiction and within the Santa Ynez Valley Community Plan (SYVCP) boundary. The SYVCP was adopted in 2009 after almost 10 years, a \$2 million public commitment to comprehensive planning, and hundreds of hours of public hearings.

The land, which is not zoned for urban development, is undeveloped, remote from existing services, and under Williamson Act contract (Ag Preserve). Development in this area would constitute "leapfrog development."

1,400 acres is sufficiently large to encompass a new city. Roughly speaking, Buellton has 4,500 residents within its 1,000 acres, Solvang has 5,000 residents with 1,600 acres and the city of Carpinteria has 13,000 residents within 1,600 acres.

Economic Impacts

Tax Evasion

- Fee to Trust/Annexation would remove the Camp 4 property from the tax rolls. The property and future improvements would no longer be subject to property taxes estimated at \$150 million for 140 homes valued at \$1 million each over 50 years. The former Chumash /Parker project (see description below) is estimated at \$450 million in property taxes over 50 years. If developed, the added burdens to traffic and roads, sewage, power, and schools would be uncompensated—a "free ride" to some of Santa Barbara County's highest-income families.
- Hotels would not be subject to the Transient Occupancy Tax, estimated at \$160 million over 50 years for a 300 room hotel (see below).
- Businesses on the property would not be subject to sales taxes (state & local)

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- Tribal businesses would not be subject to State income tax.
 - Income of tribal members living on tribal land is not subject to State income tax.
- Estimates of current income suggest this is already a \$7 million exemption per year.

Impact Fees

- Development on the property would not be subject to fees (traffic, flood control, fire, recreation, etc.) designed to offset the cost of providing services and infrastructure.

Shift of Burden

- Inability of County and State to recoup cost of providing services and infrastructure.
- Inability of County and State to recoup cost increases.

Locally, these costs would be borne by County taxpayers and businesses, school districts, public safety, social services, etc. because the County must balance its budget. Lost revenues can serve as proxy estimates of the unfunded fiscal burden of the tax and fee subsidies entailed by Fee-to-Trust/Annexation.

Unfair competition

The public subsidy and regulatory exemptions result in unfair competition for businesses that are subject to County, State, City taxes and fees and not protected by legal immunity.

Legal Immunity

The Tribe enjoys “sovereign immunity from suit” and cannot be sued unless it chooses to waive its privileged legal status. Typical agreements and Memorandums of Understandings (MOUs) are unenforceable. Tribal waivers of immunity are limited to their own terms.

Unknown Future Development

Once a property is annexed through the Fee-to-Trust process (administratively or legislatively) the Tribe enjoys total control. They are not limited by past proposals. Bureau of Indian Affairs rulings, the experience of other communities and the experience of Santa Barbara County demonstrate the hazard of relying upon previous assurances regarding the nature of future development.

Current proposal at odds with past project

The tribe ostensibly claims its project is limited to “tribal housing” (the construction of 140 homes on 250 acres). In fact, the Tribe purchased 1,400 acres and seeks to have the entire acreage annexed. In 2004, the property was owned by developer Fess Parker. Parker and the Tribe proposed to develop the property as a destination resort (300 room hotel, golf course, equestrian center, etc.) that would also include upscale housing. At the time, the community universally

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rejected the proposal. There is no reason to believe that the Tribe has given up that vision. In fact, the recently proposed “Cooperative Agreement” specifically refers to “economic development projects” on the property.

Fixed current compensation for infinite future impacts

The Tribe’s draft “Cooperative Agreement” proposed as a “good faith approximate mitigation” of impacts (while acknowledging “specific impacts are not always subject to precise measurement”) limits Tribal compensation to the County to a fixed sum determined up front. At the same time, the Agreement would require the County to abdicate all jurisdiction and right of compensation for unknown unlimited future impacts.

Poor Precedent

Annexation on this scale would set a poor precedent for future annexation of other property purchased by the Tribe. The Tribe has expressed a desire to reclaim its former territory. Future annexation can be anticipated and might occur elsewhere in the County and even in adjacent counties.

Environment

Development of the Camp 4 property would result in a broad range of environmental impacts. Although 250 acres in the northwest corner are planted as a vineyard and a small area (approx. 75 acres) ploughed for hay, the remainder is untouched grazing land. The grassland, oak savannah, and oak woodland areas provide valuable habitat for a number of species in decline. Examples are Valley Oak and Burrowing Owl. Visual impacts from Highway 154, a California Scenic Highway, and Armour Ranch Road, both of which adjoin the property, are of great concern.

Water

Much of the Santa Ynez Valley relies upon groundwater. Limited importation of State Water augments the water supply to urban areas. Agriculture relies upon economical water sources. The development of a property this large, with housing and /or a resort. will seriously impact local water supplies and agriculture.

Open Space

The existing agriculturally zoned Camp 4 property serves as a de facto open space of 1,400 acres centrally located in the Santa Ynez Valley along a Scenic Highway. Public subsidy is currently limited to the tax relief provided by the Williamson Act.

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Transportation

Camp 4 currently generates minimal needs for transportation, all connected to the agricultural use of the property. Conversion to other land uses would generate substantial transportation impacts. Visitor-serving businesses typically generate numerous low-income service jobs, necessitating commuting from areas with more affordable housing. Although existing Tribal development does provide substantial transportation (principally buses), only a small proportion of traffic generated by the development is mitigated. A large proportion of the traffic on Highways 154 and 246 is currently generated by Tribal businesses, particularly the Casino.

Housing

The proposed tribal housing would be markedly upscale (140 homes sited on 250 acres) satisfying the expectations of tribal members now receiving approximately \$480,000 in annual income from tribal operations. The previously proposed project included “market rate homes” that would be found accompanying resort development. It is highly unlikely that affordable housing sufficient to meet the housing needs of a resort workforce would be located on site.

Public Safety

Tribal development (principally the Casino) on the existing reservation generates a substantial demand on the public safety network. Fire, ambulance and police personnel regularly respond to calls from the reservation, although the Tribe has provided certain resources to partially offset these impacts. Development of 1,400 acres would generate impacts to public safety that, under normal circumstances, would be offset by property taxes and impact fees. Almost half (47%) of County property taxes fund public safety. It is unclear how the County would deal with this unfunded mandate to protect public safety.

Political

Annexation would result in:

- Loss of local control by existing jurisdiction and elected officials.
- Disenfranchisement of the local affected community, in favor of decision-making by distant federal officials and representatives.
- Increased disproportionate political influence for powerful business interests responsive to the needs of a small constituency.
- Increased political contributions to those willing to sacrifice local control for political and monetary gain.

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Camp 4 Coalition for Good Governance

The goal of the Camp 4 Coalition for Good Governance is to retain Santa Barbara County's jurisdiction over 1,400 acres of agriculturally zoned land in the heart of Santa Barbara County.

The Coalition opposes Fee-to-Trust /Annexation of the Camp 4 property due to the loss of local control and adverse economic and environmental impacts. Good governance relies upon local government and elected officials, adopted policy and comprehensive planning, to balance the needs of the community and plan for the future.

The entire community relies upon tax revenues and impact fees to provide essential services and infrastructure. Unfunded tax subsidies and exemptions threaten the County's ability to balance its budget and serve all residents.

The Tribe may wish to construct additional tribal housing, but good governance demands that future development of the Camp 4 property be subject to County government elected for and by all of the citizens of Santa Barbara County.

The following groups support the goal of the Camp 4 Coalition for Good Governance:

Santa Ynez Valley Alliance
Santa Barbara County Action Network (SB CAN)
Montecito Association
Citizens Planning Association