



## County of San Diego

**KATHLEEN A. FLANNERY**  
ACTING DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 505-6445 General • (858) 694-2705 Codes  
(858) 565-5920 Building Services  
[www.SDCPDS.org](http://www.SDCPDS.org)

**VINCE NICOLETTI**  
ACTING ASSISTANT DIRECTOR

May 18, 2021

Amy Dutschke  
Regional Director  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, California 95825

### **NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION: RINCON BAND OF LUISEÑO MISSION INDIANS – ONE PARCEL TOTALING 9.54 ACRES**

Dear Ms. Dutschke,

On April 20, 2021, the County of San Diego (County) received the Notice of Non-Gaming Land Acquisition Application (Notice), signed April 7, 2021, from the Bureau of Indian Affairs (BIA) seeking acceptance of title to real property "in trust" for the Rincon Band of Luiseño Mission Indians (Rincon). The Notice pertains to one parcel (APN # 188-140-13-00) that encompasses approximately 9.54 acres of land, commonly referred to as the Lake Wohlford Property. The parcel is outside of and noncontiguous to Rincon's reservation (Reservation). The Notice states the property is vacant open space that Rincon has no plans to develop.

The County is a political subdivision of the State of California and appreciates the opportunity to participate in the review process for this Non-Gaming Land Acquisition Application. This letter is to provide written comments to the Notice. The comments respond to the BIA's four specific questions as well as suggestions related to any future development Rincon may undertake for the parcel as follows:

#### **1. The annual amount of property taxes currently levied on the subject property allocated to your organization.**

For the current year, the County will collect \$3,779.60 for taxes and special assessments levied on the property. This action proposes a transfer of approximately 9.54 acres of land currently under the jurisdiction of the County, for which the current land is valued at \$300,000. Please see Table 1 below for the current distribution of taxes and special assessments levied for APN # 188-140-13-00 in fiscal year 2020-2021.

*Table 1: Property Tax Distribution Summary 2020/2021*

TRA 94075	Assessed Value: 300,000			
Taxing Agency	1% Tax	Voter-Approved Debt	Special Assessments	Total
County General	459.57			459.57
County Library	89.88			89.88
County Street Lighting	0.40			0.40
County Flood Control	0.39			0.39
County Vector Control	-		4.36	4.36
Valley Center FPD	65.55		292.96	358.51
Valley Center Cemetery Dist.	2.81			2.81
Valley Center-Pauma Unified	1,373.00			1,373.00
Palomar Community College	212.36	63.18		275.54
County Office of Education	94.01			94.01
Educational Revenue Augmentation Fund	444.80			444.80
Resource Conservation District of GSDC	0.32			0.32
Palomar Health	78.51	108.00		186.51
Valley Center MWD	154.65			154.65
CWA Valley Center MWD	10.67		95.40	106.07
Metropolitan Water Dist of So Cal	-	10.50	109.80	120.30
Valley Center Parks & Rec	13.09		95.40	108.49
Total	3,000.00	181.68	597.92	3,779.60

**2. Any special assessments and amounts thereof that are currently assessed against the property in support of your organization.**

Tax revenues are currently collected for the County General Fund, County Library, County Street Lighting, County Flood Control, County Vector Control, Valley Center Fire Protection District (FPD), Valley Center Cemetery District, Valley Center-Pauma Unified School District, Palomar Community College, County Office of Education, Educational Revenue Augmentation Fund, Resource Conservation District of Greater San Diego County, Palomar Health, Valley Center Municipal Water District (MWD), Metropolitan Water District of Southern California, and Valley Center Parks and Recreation Commission (VCPRC). Amounts of taxes and special assessments are provided in Table 1 above.

**3. Any government services that are currently provided to the property by your organization.**

Valley Center Road, which fronts the parcel, is maintained by the County's Department of Public Works. Law enforcement services are provided by the County Sheriff Department's Valley Center Substation. Library services are provided by the County's Valley Center Branch. The County also operates the nearby Hellhole Canyon Preserve Park to the east and the Cole Grade Park to the west.

**4. If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.**

The Notice states that the property is vacant open space that Rincon has no plans to develop. The parcel is currently zoned A70, Limited Agriculture. The A70 Use Regulations are intended to create and preserve areas intended primarily for agricultural crop production. The A70 Use Regulations are applied to areas throughout the County to protect moderate to high quality agricultural land. Consequently, the intended use - vacant open space - is consistent with the current zoning.

If the future use of the parcel changes, the County would support Rincon's continued efforts on protecting and preserving the environment. The County looks forward to continued dialogue on any of these topics with Rincon and is available to assist in their evaluation.

*Promoting Scientific Research and Dark Skies*

The Lake Wohlford Property is approximately 11 miles from the Palomar Observatory, where astronomical research takes place during the night hours. Lighting associated with development can cause the night sky to become illuminated, which hinders clear viewing through the telescope at the observatory. To maintain dark skies and promote astronomical research, the County has adopted the Light Pollution Code to guide mitigation for the impacts of outdoor lighting. The County is available to discuss and share mitigation measures adopted in the Light Pollution Code, such as limiting decorative lighting, for any potential future uses of the property.

*Hazardous Materials and Nearby Schools*

The Valley Center Middle School is approximately 1,000 feet south of the subject parcel. For the safety of the school and surrounding community, the County can provide our process guidance for hazardous materials to assist with the assessment of potential hazards that could be posed by future uses.

*Easements*

The County currently has been granted two easements on the subject property for Valley Center Road, which the subject property fronts on. These easements, including their embankment and drainage rights, help the County maintain the road for safe operation for members of the community. If the BIA accepts the parcel into trust, the County respectfully requests the County be allowed continued access through the easements to maintain the road and associated drainage.

*Biological and Habitat Resources*

Given its location and undeveloped status, the Lake Wohlford Property may provide habitat for sensitive plants and animals. The County supports Rincon's plan to continue to maintain the parcel as vacant open space. If the future use changes, the County is available to share guidance contained in our adopted Biological Mitigation Ordinance to assist with

addressing potential impacts of future development to ensure the region's native habitats and wildlife are preserved for future generations.

*Road Safety and Efficiency*

To maintain safe and efficient travel, the County plans its road network based upon anticipated traffic volumes from projected future land uses. The parcel is currently zoned A70, Limited Agriculture Use. Future uses that are more intensive, such as commercial uses, could result in traffic impacts to the Valley Center Road & North Lake Wohlford Road intersection and the regional road network. The County would be happy to meet with Rincon to consider potential traffic impacts from any future development on the parcel.

*Protecting Impaired Waterbodies*

The Lake Wohlford Property is a tributary to the San Luis Rey River and Pacific Ocean Shoreline, which are impaired waterbodies. The County has a wide array of information on stormwater quantity and quality mitigation measures such as post-construction treatment control Best Management Practices (BMPs), Low Impact Development, Source Control BMPs, Hydromodification management practices, and construction BMPs that can be provided to Rincon to protect water quality and aquatic habitats.

Thank you for the opportunity to comment on this application and for your consideration of the County's comments. We value and look forward to our continued collaboration. If you have any questions regarding these comments, please contact Scott Christman, Tribal Liaison at (619) 613-5197 or [scott.christman@sdcounty.ca.gov](mailto:scott.christman@sdcounty.ca.gov).

Sincerely,

  
KATHLEEN A. FLANNERY, Acting Director  
Planning & Development Services

Amy Dutschke  
Notice of Non-Gaming Land Acquisition Application:  
Rincon Band of Luiseño Mission Indians  
May 18, 2021  
Page 5

**CC via First Class Mail:**

Honorable Frederick "Bo" Mazzetti  
Chairman, Rincon Band of Luiseño Mission  
Indians  
One Government Center Lane  
Valley Center, CA 92082

Senior Advisor for Tribal Negotiations  
Deputy Legal Affairs Secretary  
Office of the Governor  
California State Capitol Building, Suite 1173  
Sacramento, CA 95814

United States Senator Dianne Feinstein  
331 Hart Senate Building  
Washington, DC 20510

United States Senator Alex Padilla  
B03 Russell Senate Office Building  
Washington, DC 20510

Representative Darrell Issa  
United States House of Representatives  
50th District  
2300 Rayburn House Office Building  
Washington, DC 20515

Assemblywoman Marie Waldron  
75th Assembly District  
State Capitol, Suite 3104  
Sacramento, CA 94249

Senator Brian Jones  
38th Senate District  
State Capitol, Room 4088  
Sacramento, CA 95814

Sara Drake, Deputy Attorney General  
State of California, Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2250

Southern California Agency  
1451 Research Park Drive, Suite 100  
Riverside, CA 92507

**CC via Email:**

Delores Chavez Harmes, Chairperson, Valley Center Community Planning Group  
Sarah Aghassi, Deputy Chief Administrative Officer  
Bill McGuckin, Division Chief/Mapping, Assessor/Recorder/County Clerk  
Justin Crumley, Senior Deputy County Counsel