



County of San Diego

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

DAHVIA LYNCH
DIRECTOR

April 15, 2022

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: PALA BAND OF MISSION INDIANS – FOUR PARCELS TOTALING 92.44 ACRES

Dear Ms. Dutschke,

On March 21, 2022, the County of San Diego (County) received the Notice of Non-Gaming Land Acquisition Application (Notice), signed March 16, 2022, from the Bureau of Indian Affairs (BIA), seeking acceptance of title to real property in trust for the Pala Band of Mission Indians (Pala Band). The Notice pertains to four parcels (APNs 125-063-02-00, 125-063-09-00, 125-100-10-00, 125-063-10-00) referred to as the Gateway Property. The Notice states these parcels total approximately 92.44 acres, but County records indicate they total approximately 90.53 acres. Below is a table showing the acreage of each parcel for the BIA's reference. Please feel free to contact the County to discuss any differences between Table 1 and the BIA's acreage information.

Table 1: Parcel Acreage Per County Records

Assessor's Parcel Number (APN)	Acreage
125-063-02-00	0.85
125-063-09-00	62.47
125-100-10-00	27.21
125-063-10-00*	Negligible
Total	90.53

*According to the Notice, APN 125-063-10-00, defines a lease agreement for cell phone towers and is of de minimis size, which is consistent with the County's records.

The parcels are outside of and noncontiguous to the Pala Band's reservation (Reservation). The Notice states the property is currently developed with a concrete pond and irrigation system, with some associated outbuildings, and facilities related to agricultural activity. According to the Notice, the property will be used for a cultural center, a traditional village site, and associated features, and a portion of the site will remain as an orchard or undeveloped.

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 offer suggestions and assistance to the Pala Band to help alleviate impacts related to future development of the Gateway Property. The County met with the Pala Band on April 12, 2022, to share and discuss these comments and suggestions. The Pala Band indicated it would welcome the County's assistance in discussing ways to mitigate impacts of future development.

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

The County will collect \$96,037.14 for taxes and special assessments levied on the property for the current year. This action proposes a transfer of approximately 90.53 acres of land currently under the jurisdiction of the County, for which the current land is valued at \$9,202,467. Please see Table 2 for the current distribution of taxes and special assessments levied for APNs 125-063-02-00, 125-063-09-00, 125-100-10-00, 125-063-10-00 in fiscal year 2021-2022.

Table 2: Property Tax Distribution Summary 2021/2022

TRA 57160		Assessed Value: 9,202,467		
Taxing Agency	1% Tax	Voter-Approved Debt	Special Assessments	Total
County General	17,139.08			17,139.08
County Library	3,650.73			3,650.73
CSA 81 Fallbrook Local Parks	515.92			515.92
County Street Lighting	-			-
County Flood Control	-			-
County Vector Control	-		13.08	13.08
North County FPD	6,510.16			6,510.16
Mission Resource Conservation District	25.60			25.60
Bonsall Unified	34,266.55	2,210.43		36,476.98
Palomar Community College	9,255.81	1,788.96		11,044.77
County Office of Education	3,610.14			3,610.14
Educational Revenue Augmentation Fund	13,854.37			13,854.37
Fallbrook Regional Health	2,709.75			2,709.75
San Luis Rey MWD	486.56			486.56
Total	92,024.67	3,999.39	13.08	96,037.14

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 Service Area (CSA) No. 81 Fallbrook Local Parks, County Street Lighting, County Flood Control, County Vector Control, North County Fire Protection District (FPD), Mission Resource Conservation District, Bonsall Unified, Palomar Community College, County Office of Education, Educational Revenue Augmentation Fund, Fallbrook Regional Health, and San Luis Rey Municipal Water District (MWD). Amounts of taxes and special assessments are provided in Table 2 above.

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

Pankey Road, which ends in a cul-de-sac at the Gateway Property and provides access to the Gateway Property as well as neighboring properties, is maintained by the County's Department of Public Works. The County Sheriff's Department provides law enforcement services. The County provides library services with its Fallbrook Branch approximately 7 miles northwest of the Gateway Property. The County also operates the Horse Creek Ridge County Park approximately 1 mile to the north with a playground, ballfields, picnic areas, exercise stations, and footpath loop.

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

The property includes the following zones: C44 Freeway Commercial Use Regulations, S88 Specific Planning Area Use Regulations, and A72 General Agricultural Use Regulations. The C44 zone makes up approximately 15% of the property. Its Use Regulations are intended to create and enhance areas where automobile associated traveler services are desired. Allowable uses (subject to discretionary permit approval) within this zone include Community Recreation, Cultural Exhibits, and Library Services. The S88 zone makes up about 47% of the property. Its Use Regulations are intended to accommodate Specific Plan areas shown on the San Diego County General Plan. There is no Specific Plan adopted governing the Gateway Property in this case. As such, allowable uses (subject to discretionary permit approval) include Tree Crops and Recycling Collection Facilities. The A72 zone makes up about 38% of the property. Its Use Regulations are intended to create and preserve areas primarily for agricultural crop production. Allowable uses (subject to discretionary permit approval) include Small Schools and Fraternal or Religious Civic Assembly.

The intended uses—a cultural center, traditional village site, and orchard—are civic and agricultural in nature and could be used for community gatherings or to educate visitors on the Pala Band's rich history. These activities are similar to the Community Recreation, Cultural Exhibits, Small Schools, Tree Crops, and Civic Assembly uses listed in the County's Zoning Ordinance and allowable with discretionary permit approval. Consequently, the intended use is consistent with the current zoning.

Once development on the property begins, the County can support the Pala Band's continued efforts on protecting and preserving the environment by sharing best practices and lessons learned on a variety of topics listed in this letter. During the meeting with the County on April 12, 2022, the Pala Band indicated it would welcome the County's assistance in discussing ways to mitigate impacts of future development. The County looks forward to continued dialogue on any of the following topics with the Pala Band and is available to assist in their evaluation of future development.

Protecting Water Resources and Improving Water Quality

The Gateway Property is adjacent to and flows into the San Luis Rey River, which is considered an impaired waterbody due to the presence of pollutants at levels exceeding State water quality standards. Development often can increase pollutants and bacteria, further impairing surface water resources. 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. The County along with partner cities in the San Luis Rey River watershed have also developed a Water Quality Improvement Plan (WQIP), which could be used to assist the Pala Band if it were to undertake a stream restoration project on the Gateway Property. The County would welcome the opportunity to share this information with the Pala Band in furtherance of our shared interest in protecting water quality and aquatic habitats.

Protecting Biological and Habitat Resources

The Gateway Property may provide habitat for sensitive plants and animals, such as Coastal Sage Scrub and the endangered Arroyo Toad, and may act as a habitat linkage or wildlife corridor along the San Luis Rey River. The Gateway Property may also contain wetlands, which are valuable parts of the ecosystem and can improve water quality and offer flood protection. For this reason, the County supports the Pala Band's plan to continue to maintain a portion of the site as an orchard or undeveloped land. For the portion that will be developed, the County is available to share information contained in our Guidelines for Determining Significance for Biological Resources and the Resource Protection Ordinance (RPO) to assist with addressing potential impacts of future development and help ensure the region's native habitats and wildlife are preserved for future generations.

Wildland Fire Protection

The adjacent property to the southeast of the Gateway Property contains an open space easement and is heavily vegetated. To improve the survivability of structures in a wildland fire, fire professionals recommend using defensible space around all occupied structures. Defensible space creates a separation zone between wildlands and structures where fuel is managed or modified to minimize the spread of fire to the structure, and provide space for defending structures from burning vegetation. The County is available to discuss best practices in protecting future buildings constructed on the Gateway Property from wildland fires.

Floodplain Management

The San Luis Rey River flows along the Gateway Property's southeastern property line, and a portion of the property is within the 100-year floodplain. The 100-year floodplain is defined as any area with a one percent chance of flooding in any given year. Development within a floodplain can change the water surface elevation during flooding, impacting the safety and property of the surrounding community. The County has developed standard design methods to help mitigate development impacts near

floodplains, which are included in the County's Flood Damage Prevention Ordinance (FDPO), the RPO, the County Hydraulic Design Manual, and the County Hydrology Manual. County staff would welcome an opportunity to discuss these mitigation methods and BMPs with the Pala Band to help preserve the safety and property of surrounding community members. During our meeting on April 12, 2022, the Pala Band also stated that it would coordinate with the U.S. Army Corps of Engineers as needed if construction were to take place within the 100-year floodplain.

Community Connectedness and Healthy Living

The San Luis Rey River flows along the Gateway Property's southeastern property line, and is a great location for a future trail to connect communities on both sides of Interstate 15. The County previously identified the Gateway Property as the future location of a multi-use trail, which would be constructed along the riverbanks. This proposed trail would help connect communities east of Interstate 15 to the San Luis Rey River Park (SLRRP) on the west side of Interstate 15. A trail to the SLRRP would increase access to active and passive recreational opportunities, the natural environment, and nature-based activities. County staff would be happy to work with the Pala Band to coordinate a trail within the Gateway Property that connects to the local trail network and supports healthy living and outdoor activity for the community members.

Economic Benefits of the Project

On May 5, 2021 (Item 9), during a San Diego County Board of Supervisors (Board) meeting, the Board directed staff to consider the economic benefits of projects proposed in Fee-To-Trust (FTT) applications. The Pala Band's intended use for the Gateway Property includes a cultural center and traditional village site, which could attract visitors to the area interested to learn more about the Pala Band's rich history. Increased tourism could increase demand for other local businesses, such as restaurants, positively impacting the local economy.

Easements

The County has been granted a slope and drainage easement on the Gateway Property along the cul-de-sac at the end of Pankey Road. These types of easements help the County maintain the integrity of hillsides and ensure proper drainage along public roads. If the BIA accepts the parcel into trust, the County respectfully requests that the acceptance be subject to this easement to allow for continued access to the area.

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, Interim Tribal Liaison at (619) 613-5197 or via email at scott.christman@sdcounty.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dahn Lynch". The signature is fluid and cursive, with a large initial "D" and a long, sweeping horizontal stroke at the end.

DAHVIA LYNCH, Director
Planning & Development Services

CC via First Class Mail:

Honorable Robert H. Smith
Chairman, Pala Band of Mission Indians
35008 Pala Temecula Road
PMB 50
Pala, CA 92059

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

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

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

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

Assemblymember Marie Waldron
75th Assembly District
350 West 5th Avenue, Suite 110
Escondido, CA 92025

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

State Senator Brian Jones
38th Senate District
1021 O Street, Room 7140
Sacramento, CA 95814

CC via Email:

Eileen Delaney, Chair, Fallbrook Community Planning Group
Delores Chavez Harmes, Chair, I-15 Corridor Design Review Board
Sarah Aghassi, Deputy Chief Administrative Officer
Derek Gade, Assistant Director, Department of Public Works
Leeanna Kirby, Division Chief, San Diego County Assessor/Recorder/County Clerk
Deborah Mosley, Chief, Department of Parks and Recreation
Justin Crumley, Senior Deputy, County Counsel
Rebecca Kagan Sternhell, Office of Strategy and Intergovernmental Affairs
Krista Ellis, Chief, Department of General Services