



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

August 23, 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: RINCON BAND OF LUISEÑO INDIANS – FOUR PARCELS TOTALING 30.01 ACRES

Dear Ms. Dutschke,

On July 27, 2022, the County of San Diego (County) received the Notice of Non-Gaming Land Acquisition Application (Notice), signed July 21, 2022, from the Bureau of Indian Affairs (BIA) seeking acceptance of title to real property “in trust” for the Rincon Band of Luiseño Indians (Rincon Band). The Notice pertains to four parcels (APNs # 133-190-12-00, 133-190-13-00, 133-190-14-00, and 133-190-15-00), commonly referred to as the Arias Property. The Notice states these parcels total approximately 30.01 acres, but County records indicate they total approximately 30.87 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
133-190-12-00	1.70
133-190-13-00	5.73
133-190-14-00	3.20
133-190-15-00	20.24
Total	30.87

The parcels are contiguous to the Rincon Band's reservation (Reservation). The Arias Property is surrounded by the Reservation, and in most cases cannot be accessed without the Rincon Band's authorization. The Notice states the property is an undeveloped open space that the Rincon Band 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 and suggestions related to any future development the Rincon Band may undertake for the parcels. The County met with the Rincon Band on August 18, 2022, to share and discuss the following comments and suggestions.

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

This action proposes a transfer of approximately 30.87 acres of land currently under the jurisdiction of the County, for which the current land is valued at \$1,010,358. The County will collect \$10,697.23 for taxes and special assessments levied on the property for the current year. Please see Table 2 below for the current distribution of taxes and special assessments levied for APNs # 133-190-12, 133-190-13, 133-190-14, and 133-190-15 in fiscal year 2021-2022.

Table 2: Property Tax Distribution Summary 2021/2022

TRA 94056	Assessed Value: 1,010,358			
Taxing Agency	1% Tax	Voter-Approved Debt	Special Assessments	Total
County General	1,816.27			1,816.27
County Library	345.36			345.36
County Street Lighting	-			-
County Flood Control	-			-
County Vector Control	-		13.30	13.30
Upper San Luis Rey RCD	5.65			5.65
Valley Center Cemetery Dist.	10.33			10.33
Valley Center-Pauma Unified	5,143.75			5,143.75
Palomar Community College	795.00	196.41		991.41
County Office of Education	346.48			346.48
Educational Revenue Augmentation Fund	1,347.66			1,347.66
Palomar Health	293.08	383.94		677.02
Total	10,103.58	580.35	13.30	10,697.23

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, Upper San Luis Rey Resource Conservation District (RCD), Valley Center Cemetery District, Valley Center-

Pauma Unified School District, Palomar Community College, County Office of Education, Educational Revenue Augmentation Fund, and Palomar Health. 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.

The County Sheriff's Department provides law enforcement services to the Arias Property. During our meeting on August 18, 2022, the Rincon Band noted that it funds two County Deputy Sheriff positions. County library services are available through the Valley Center Branch, approximately 8 miles west of the Arias Property. The County also operates the Hellhole Canyon County Preserve, approximately 2 miles to the south, and the Cole Grade Park, approximately 8 miles 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 the Rincon Band has no plans to develop. The property 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 locations throughout the unincorporated area of 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 the Rincon Band's continued efforts to protect and preserve the environment. The County looks forward to continued dialogue on these topics with the Rincon Band and is available to assist in their evaluation.

Promoting Scientific Research and Dark Skies

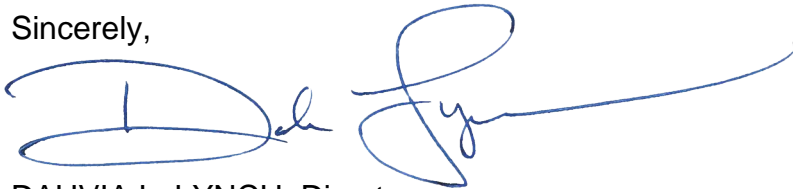
The Arias Property is approximately 7.5 miles from the Palomar Observatory, where astronomical research occurs during night hours. Lighting associated with development can cause the night sky to become illuminated, which hinders clear viewing through the telescope at the observatory. To maintain dark skies and promote astronomical research, the County has adopted the Light Pollution Code to guide the mitigation of outdoor lighting impacts in the unincorporated area. We understand from our meeting with the Rincon Band on August 18, 2022, that the Rincon Band has a similar ordinance to preserve the area's dark skies. 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.

Biological and Habitat Resources

The Arias Property may provide habitat for sensitive plants and animals, such as coastal sage scrub, chaparral, and grassland. Wildlife that may inhabit the site includes western spadefoot toad, arroyo toad, and coast horned lizard. The County supports Rincon's plan to maintain the parcel as undeveloped open space. If the future use changes, the County is available to share guidance contained in our Guidelines for Determining Significance for Biological Resources, Resource Protection Ordinance (RPO), and Habitat Loss Permit (HLP) Ordinance to assist with addressing potential impacts of future development to ensure the region's native habitats and wildlife are preserved for future generations.

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 'Dahvia L. Lynch', with a long horizontal flourish extending to the right.

DAHVIA L. LYNCH, Director
Planning & Development Services

CC via First Class Mail:

Honorable Bo Mazzetti
Chairman, Rincon Band of Luiseño 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

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

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

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

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

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

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

CC via Email:

Delores Chavez Harnes, Chairperson, Valley Center Community Planning Group
Sarah Aghassi, Deputy Chief Administrative Officer
Leeanna Kirby, Division Chief, San Diego County Assessor/Recorder/County Clerk
Justin Crumley, Senior Deputy, County Counsel
Denise Delgado, Office of Economic Development and Government Affairs