



County of San Diego

DAHVIA LYNCH
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

VINCE NICOLETTI
ASSISTANT DIRECTOR

August 30, 2023

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 BY THE RINCON BAND OF LUISEÑO INDIANS – 2 PARCELS TOTALING 56.66 ACRES

Dear Ms. Dutschke,

On August 1, 2023, the County of San Diego (County) received the Notice of Non-Gaming Land Acquisition Application (Notice), signed July 24, 2023, 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 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 on the Notice.

The Notice pertains to two parcels commonly referred to as the Rodriguez property (APNs #133-050-28-00 and #133-050-31-00) (Property). The Notice states these parcels total approximately 56.66 acres, however, County records indicate they total 61.61 acres. Below is a table showing the acreage of each parcel for the BIA’s reference. If necessary, 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
133-050-28-00	60.64
133-050-31-00	0.97
Total	61.61

Both parcels are contiguous to the Rincon Band's reservation (Reservation). The parcels are zoned as semi-rural residential and, as indicated in the notice, currently contain four vacant residential dwelling units. The notice states that the Rincon Band does not plan to further develop or alter the land use at this time. The County met with the Rincon Band on August 29, 2023, to discuss the Notice and this comment letter.

The comments provided below respond to the BIA's four specific questions and suggestions related to any future development the Rincon Band may or may not undertake for the parcels.

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

This action proposes a transfer of approximately 56.66* acres of land currently under the jurisdiction of the County, for which the current land is valued at \$435,964. The County will collect \$6,776.06 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 on the Property in fiscal year 2022-2023.

Table 2: Property Tax Distribution Summary 2022-2023

TRA 94148	Assessed Value:		435,964	
Taxing Agency	1% Tax	Voter-Approved Debt	Special Assessments	Total
County General	509.78			509.78
County Library	146.68			146.68
County Street Lighting	-			-
County Fire Protection District	261.58		169.40	430.98
County Flood Control	-			-
County Vector Control	-		45.12	45.12
Upper San Luis Rey Conservation Dist	2.58			2.58
Valley Center Cemetery District	4.48			4.48
Valley Center-Pauma Unified	1,443.46	-		1,443.46
Palomar Community College District	337.80	-		337.80
County Office of Education	143.50			143.50
Educational Revenue Augmentation Fund	903.15			903.15
Palomar Health	124.88	161.31		286.19
Yuima Municipal Water District	460.26		616.40	1,076.66
CWA Yuima Municipal Water District	21.51	83.05	616.40	720.96
Metropolitan Water Dist of SoCal	-	15.26	709.46	724.72
Total	4,359.66	259.62	2,156.78	6,776.06

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 Fire Protection District, County Flood Control, County Vector Control, Upper San Luis Rey Conservation District, Valley Center Cemetery District, County Office of Education, Educational Revenue Augmentation Fund, Palomar Health, Yuima Municipal Water District, CWA Yuima Municipal Water District and the Metropolitan

Water District of SoCal. 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 property and Rincon law enforcement serves as backup. The County also provides fire services to the Property. The Rincon Band law enforcement and fire department will be the primary respondents to the property once the property is in trust to Rincon. In case of an emergency, if needed, CalFire will continue to respond to wildfires and provide assistance to the tribe.

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

The Property is zoned as semi-rural residential, which under County zoning, would allow for one dwelling unit per ten acres. The Property currently has four vacant dwelling units across both parcels, which is in compliance with County zoning requirements. The notice states that the Rincon Band does not intend to build additional dwelling units or further develop the parcels at this time.

Protecting Biological and Habitat Resources

The parcels may contain sensitive habitats, such as grassland, oak woodland, riparian, chaparral, and coastal sage scrub. The property may contain jurisdictional waters of the U.S./State and/or wetlands protected by the County's Resource Protection Ordinance (RPO). Sensitive species such as the arroyo toad, may occur on the property. The parcels are located within the Lower Gorge golden eagle territory. Currently, the parcels contain four residences and there are no plans for future development. The County is available to share guidance contained in our Guidelines for Determining Significance for Biological Resources, Resource Protection Ordinance (RPO), Natural Community Conservation Planning (NCCP) Conservation and Process Guidelines, and Habitat Loss Permit (HLP) Ordinance to assist with addressing potential impacts of future operations to ensure the region's native habitats and wildlife are preserved for future generations. The Rincon Band currently holds a formal agreement with US Fish and Wildlife to manage natural resource conservation planning.

Protecting Water Resources and Preserving Sustainable Groundwater Resources

The community adjacent to these parcels obtains water from both private and public groundwater wells and imported water through Yuima Municipal Water District. The continued use of four single-family residences, with no additional uses proposed, would not increase the use of groundwater resources from the property. If in the future this property is considered for development in which groundwater use is proposed, the County is available to discuss the County's Guidelines for Determining Significance for Groundwater Resources and the San Diego County Groundwater Ordinance, which may assist in analyzing the sustainability of future uses in this area.

Economic Benefits of the Project

The four residential dwelling units on the Property will promote and maintain regional housing stability. In addition, the remaining undisturbed natural land may strengthen climate resiliency which has associated economic benefits. This information is provided in alignment with direction from the San Diego County Board of Supervisors in May 2021 instructing staff to consider the economic benefits of projects proposed in Fee-To-Trust (FTT) applications.

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 with the Rincon Band. If you have any questions regarding these comments, please contact Roberta Leash, Tribal Liaison, at (619) 535-5786 or via email at roberta.leash@sdcounty.ca.gov.

Sincerely,



DAHVIA 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

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
P.O. Box 942849
Sacramento, CA 94249-0075

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

Bureau of Indian Affairs Superintendent
Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

CC via Email:

David Comstock, Chairperson, Pala-Pauma Valley Community Sponsor
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