

JAMUL DULZURA COMMUNITY PLANNING GROUP
FINAL MINUTES
July 9, 2019
APPROVED JULY 23, 2019
Oak Grove Middle School Library
7:30 p.m.

1. **Dan Neirinckx, Chair, called the meeting to order at 7:33 p.m.**

2. **ROLL CALL:**

Present: Michael Casinelli, Janet Mulder, Dan Neirinckx, Eve Nasby, Kevin May, Preston Brown, Darren Greenhalgh, Summer Piper, Joe Stuyvesant, Ed Mollon, and Hannah Gbeh

Absent:

Excused: Richard Marzec, Streeter Parker, Steve Wragg.

Vacant Seat: 14.

3. **APPROVAL** of the agenda for July 9, 2019, changing Open Forum to follow Item 6, and Approval of the Final Minutes for the meetings of June 26, 2019, as well as approval of the Final Minutes of the Special Meeting of June 18, 2019, as mailed.

Summer Piper asked in the future to make sure our minutes reflect the Group's objections to a project and is concerned that when our approval is "conditional" it is not reported as conditional by the County Staff to the Board of Supervisors. She would rather see us recommend disapproval to the proposal, listing our objections, rather than recommending approval with conditions.

Hannah Gbeh announced she would be voting "no" on approval of the Special Minutes of June 18, 2019, as she feels that the minutes reflected that an ex parte communication occurred and that there were no grounds for the accusation and felt that it slandered her name. Hannah read an email to the group from 8/16/18, showing an email exchange between herself and the Planning Group Chair where they coordinated to provide the Otay Ranch 14 applicant information on the project. **Hannah** felt this email clarified that she did not have ex parte communication with the applicant and instead immediately contacted the chair to coordinate, when she was individually contacted by the developer. She felt that the emails that were read by Chair **Dan Neirinckx** at the last meeting should have been included as a part of the minutes.

Dan made a motion for approval of the Final Minutes June 26, 2019 and the Final Minutes of the Special Meeting of June 18, 2019, as mailed as well as moving Open Forum to follow item six in the Agenda for tonight's meeting. – Motion carried 10, Yes; 1, No; 0, Abstentions.

5. **IOD VACATION (VAC-2019-0297), 13710 CALLE DEL SOL - Dan Neirinckx** reported that the County of San Diego, Department of General Services, Real Estate

Services Division, is processing a request from the owner, Assessor's Parcel Number APN 596-061-44, to summarily vacate the remaining portion of an irrevocable offer of dedication (IOD) made for public highway purposes that encumbers a portion of their property. Calle del Sol is currently a private road, privately maintained, has no public road network necessity and is not a General Plan Mobility element roadway. As such, the IOD has been determined to be excess right of way by the Department of Public Works, therefore the IOD may be summarily vacated pursuant to Streets and Highways Code Section 8334(a).

Dan Neirinckx presented an Easement Vacation Exhibit that clearly marked the area in question. The map showed all of the surrounding property and it would not do away with the underlying easement as it only removes the IOD, but not the preserve. San Diego Wildlife Refuge owns the surrounding property and would retain their easement. **Jill Terp, of US Fish and Wildlife** was present representing the Wildlife Refuge. This is the old proposed development Los Montanas area which **Dan** reviewed for the Group as he and **Janet** are the only two members of the Group that were serving when this project was proposed. **Rick Turner, Kappa Engineering**, representing the landowner, thanked the Planning Group for their knowledge of the history of the area. They are trying to "clean up their title" by getting rid of the IOD. He showed us a map that detailed the IOD and the underlying easement, which they don't want to change. There is a small area that is not part of their property so they are not proposing to vacate the IOD in that area. **Dan Neirinckx moved we vote to recommend approval of the vacation of the IOD as the underlying easement is not negatively affected. Motion carried unanimously.**

6. **PDS2019-VAR-19-008, 13710 CALLE DEL SOL - Kevin May** reintroduced **Rick Turner of Kappa Engineering** who presented a Setback Exhibit that showed the current required setback conditions and then the proposed variance of a 50% reduction of setback. The existing setback is 90-feet from the lot line and they are proposing a 30' setback from center of the road. The property is quite steep and they are asking for a variance to be 60' from lot-line. The walking path would be quite steep and the Wildlife Refuge would still have the right of way for ingress and egress. It would have an impact on the property to the South. **Jill Terp, San Diego National Wildlife Refuge Manager**, asked about the proposed driveway and asked if it would cross the easement? **Rick Turner** said they would need to build the grade and have a turnaround at the front door. **Darrin Greenhalgh** asked about the drainage when the easement is vacated. **Rick Turner** said they would need to make some changes that would be a benefit for fire and safety. **Jill Terp** wants to make sure there would be access for fire trucks to get into the Wildlife Refuge and the driveway should not interfere with the easement. **Darrin Greenhalgh** reminded Rick that the Wildlife Refuge would want to make sure they could build a road into their property and **Joe Stuyvesant** asked if the Wildlife Refuge needed us to make conditions to make sure they would get use of the easement in the future or does the easement currently do that today. **Michael Casinelli** asked wouldn't the Fire Marshal have to sign off to say it would work for them as well as the Refuge? **Joe Stuyvesant** said his concern is that we are trying to put conditions that others may need in the future. He asked **Jill Terp** if there were plans for the future to utilize this easement and she said there were no current plans, but it isn't clear now whether the Refuge would want to utilize the easement in the future. **Kevin May said the question is would this give special privilege to this property owner and he feels it would not.**

Kevin May moved that we support this variance which is a 50% reduction in

setback of 30 feet, which still leaves a 60 foot setback from the property line. Motion carried unanimously. (11, Yes; 0, No; 0, Abstained; 3, Absent; Seat 14, vacant)

4. **OPEN FORUM: Opportunity for public comment on any item not on the agenda - 3-minute time limit.**

- a. **Darrin Greenhalgh** will have an update on the new Jamul FireSafe Council at the next meeting. **Preston Brown** reminded us that the Outer Valley Fire Safe Council meeting is July 20, 2019 at Deerhorn Fire Station. Sign up online if you want to attend.
- b. **Michael Casinelli** wants to set the record straight regarding “conflict of interest” questions brought up at the last meeting. His research shows that Form 700 is a County requirement as well as a State requirement through the FPPC. Registrar of Voters and Clerk of the BOS are the “filing officers” and they report to County and State. The Conflict of Interest that is listed in I-1 and lists both the Form 700 and Campaign Disclosure Statements must be filed. **Michael** told of his personal experience with the FPPC regarding a case and was told that when you fill out Form 700 they are concerned with conflict of interest. He contacted County Counsel and was told that the advice from FPPC may be wrong. The FPPC contacted the County and asked for conflict of interest information. They made a final ruling in Feb. 2018 rescinding their previous letter, ending up that Planning Groups do have a “veto power” even though we are not the arbitrator of fact, but we represent the citizens of our area, and can super-cede the proposals of County Staff to the BOS. Since Planning Group recommendations have been followed in the past, the Planning Groups do have decision-making ability and therefore, our Planning Group has been listed as a decision making body by the FPPC.
- c. **Michael Casinelli** told us a bit of his frustration at being interrupted while speaking at the meetings, and asked for consideration of perception of conflict of interest whenever one feels it is occurring.
- d. **Michael Casinelli** introduced **Max Schetter, resident**, who was at his first meeting. He was welcomed and reminded that we do have an opening on our Planning Group.
- e. **Hannah Gbeh** said she has a problem with accusations and being personally attacked and suggested we all should work towards handling our concerns and tone in discussions better.
- d. **Dan Neirinckx** reported that Board of Supervisors voted 3-2 to approve the Otay Ranch Village 14 –PA’s 16 and 19 with **Supervisor Jacob** and **Supervisor Fletcher** voting no. **Supervisor Jacob** pointed out that the Board doesn’t know what they have approved until after the discussions with the environmental groups is completed and agreements are reached regarding the property’s “no take” areas.
- f. **Preston Brown** pointed out the **Supervisor Jacob** said that her concern is that they have no idea what the agreement will look like and what will actually happen. She was concerned about Fire Protection and asked how many of us had problems with the loss of Fire insurance. The audience’ reaction showed that many had problems in the area, but **Cal Fire Chief, Tony Mecham** assured **Supervisor Cox** when he inquired regarding fire protection in the area, that “Cal Fire could handle the situation in this area.” Hopefully he is correct with his assumptions in case of a major fire with evacuations.
- g. **Michael Casinelli** – pointed out that at the BOS meeting **Supervisor Cox** questioned the sewer viz a viz septic (which was one of our concerns) and that County staff told him sewer was the preferred method and could annex to Chula Vista Sewer system without questioning the location of their percolation test sites which we had questioned.
- h. **Ed Mollen** stated that he would appreciate us focusing on the problems of our

community as he is new to the Group and this would help him to focus there.

- i. **Kevin May** asked if all of the information sent out by the County could be sent by the Chair, to all of the members when Dan receives it, with the admonition to not discuss the information until the meeting. This would allow us to each be better prepared for discussions at the meetings.
- j. **Eve Nasby** suggested we all prepare for the meetings and watch our tone in our discussions.
- k. **Max Schetter, resident**, thanked us for our work on the JDCPG .
- l. **Jill Terp, U.S. Fish and Wildlife**, also thanked us for our work on the Planning Group.

7. JDCPG OFFICER'S ANNOUNCEMENTS AND REPORTS
No reports.

8. JAMUL CASINO UPDATE: Nothing to report.

Dan adjourned the meeting at 9:35 p.m.

Respectfully submitted:

Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, JULY 23, 2019

OAK GROVE MIDDLE SCHOOL LIBRARY

Meeting minutes and agendas can be accessed at

<http://www.sdcounty.ca.gov/pds/CommunityGroups.html>

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