

*****SPECIAL NOTICE*****

To take part in the VIRTUAL meeting call in by phone at either 669-900-6833 Or 346-248-7799 starting at 7:15 pm.

When directed, enter the meeting ID: 869-0213-0606, Password: 286896 You will be placed in a Queue until admitted by the Host. You will then be placed on hold until the Meeting begins. When it is your turn to speak, the host will say the last four digits of your phone number and you will be permitted to speak at that time. If you become disconnected, call back and enter the appropriate ID and PW numbers.

To join the meeting via the web use the following link:

<https://us02web.zoom.us/j/86902130606?pwd=bWRHQW8wR0NsK0lwOUFNdGU2WUpxQT09>

*****SPECIAL NOTICE*****

**JAMUL DULZURA
COMMUNITY PLANNING GROUP
FINAL MINUTES**

Approved October 26, 2021

Tuesday October 12, 2021

*****VIRTUAL MEETING*****

CALL IN BEGINS AT 7:15 p.m.

7:30 p.m.

1. **CALL TO ORDER:** Chair Dan Neirinckx called the meeting to order at 7:35 p.m.

2. **ROLL CALL:**

Present: Dan Neirinckx, Janet Mulder, Streeter Parker, Michael Casinelli, Ed Mollon, Kevin May, Paul Romero, Amber Recklau, Eve Nasby, Preston Brown

Excused: Steve Wragg, Rachel Vedder,

Absent: Summer Piper,

Guests: Denise Russell, Souphalak Sakarak, Peggy Walker, Ryan Johnson, Kathleen Lippitt, Connor McGee,

Vacant: Seats 7 & 14

3. **APPROVAL** of the Agenda for October 12, 2021 & Final Minutes for September 28, 2021. Motion to approve was made by **Preston Brown**. **Vote was unanimous to approve.**

4. **OPEN FORUM:**

a. **Streeter Parker** said that there are many of his neighbors that are concerned about the Sand Mining project. While he is not in favor of working on things not in our Planning Area, his neighbors seem to feel the project has an impact on them, and they

are waiting for information from the County and the Valle de Oro Planning Group. We would like an update on this project from the County to be made to the public including our Planning Group. **Preston Brown** pointed out that the developer and the County are working on the EIR and we need to encourage the developer and the Valle de Oro Community Planning Group to keep us informed as informed as they get information.

- b. **Preston Brown** attended a small meeting of the Outer Valley Fire Safe Council and they are close to finishing their CWPP. They have taken their information and are putting the alternative evacuation and safety zones on a map that they people can use to plot their escapes in case of emergency.
- c. **Preston Brown** reported that the VMT idea of separating the unincorporated county from the rest of the County has been killed and
- d. **Dan Neirinckx** pointed out that he spent three hours at the Board of Supervisors Oct. 6 meeting, and presented our JDCPG concerns. **Janet Mulder** also attended virtually from Sacramento and presented further concerns, but to no avail. **The BOS approved all of the parts of the Cannabis proposal as presented to the Planning Commission, except item 8 which dealt with the use of Ground Water. Unfortunately they rejected the Planning Commission's recommendation and allowed the use of groundwater on the existing five medical marijuana dispensaries.**
- e. **Kathleen Lipitt** stated, "On behalf of so many who came to the Oct 6 BOS meeting, I wanted to say thank you, Chair Dan for appearing at BOS in person and for Janet calling in from Sacramento to represent the concerns of your planning group. Those concerns were also echoed by other planning groups and members of the public at large. A last minute change responded to marijuana advocates objection to be restricted to municipal water only and added that they would be allowed to use groundwater as well. Fletcher's comment that these "5 stores will be a fraction of the total number of operators when the ordinance is developed" was very troubling. He stated that all future operators will be subject to this ordinance. Both Chair Dan and Janet voiced concern that they foresee these amendments as being precedent setting for future locations. None of the amendments approved by the Board reflected any of the concerns or priorities expressed to County Staff or by the Planning Groups and none of the amendments created protections for unincorporated communities.
- f. **Peggy Walker** stated that she too wanted to thank those who attended the County Board of Supervisors meeting last week (10/06) regarding code changes for the five existing marijuana dispensaries She also attended and like Kathleen and Janet found it was very frustrating. Supervisor Fletcher will not budge nor will the three who vote along with him. This was a done deal from the start and she finds it interesting that one of the main people behind the proposal(s) is Dalin Young, now active in the marijuana business. He happens to be a former Administrative Aid to Fletcher. The two are working closely together on this (ordinance changes to give the industry what they want) and it will set precedence for all to come. Fletcher has his mind set. She wonders how it will impact the wineries between Jamul and Campo?

5. NEW SELF STORAGE FACILITY ON JEFFERSON ROAD REQUEST FOR SIGNAGE CHANGE:

Denise Russell from San Diego County was present to answer any questions. **Dan Neirinckx** reviewed the permit and the site plan and he was surprised at the size of the entrance signage as it was way above our maximum of 32'. His concern was not with adding the name of "Jamul" to the opening sign and pointed out that if they will stay within the required 32' it should not be a problem. **Ed Mollon** pointed out that his biggest

concern is that it is a very industrial looking project and it is located just across the street from the proposed development of large homes. He feels we were misled and the project does not fit into the area. **Eve Nasby** agrees with **Ed. Michael Casinelli** reminded us that **Dan Neirinckx** had asked **Steve Powell** if the signage would agree with our Planning Area Regulations and we were told yes, but the signs are outside of our size limitations. He suggested that they need to correct the wrong sizing and then come back to our Group. **Preston Brown** asked where was the person representing the applicant, who attended last meeting, as we gave them some questions to come back to the Planning Group to answer. **Denise Russell** pointed out that the applicant is not required to make a presentation to the Planning Group or to attend. **Preston Brown moved that this item be tabled until we can meet with the owner and ensure that the development would properly meet our Community Plan Requirements as refers to size and lighting regarding signs, community character and dark skies.** **Janet Mulder** asked **Denise Russell** if the Planning Commission had approved their plans, and **Denise Russell** said the Planning Commission approved the plans which included the size and type of lighting and all had been previously approved at 234 sq feet so therefore they would not be required to make further changes. **Michael Casinelli** asked **Denise Russell** what our recourse is if the applicant agrees to our Planning Group recommendations and then goes out on their own? **Denise Russell** said that she is unable to make any suggestions except to list the recommendations with conditions for approval which would then need to be followed. When taking the project to the Planning Commission, the County takes all of the information the applicant has been given. If they are not followed, then an appeal to the Code Compliance Division of Planning and Land Use Department can be made. **Paul Romero** suggested that the conditions of approval should be met before each phase is completed. **Denise Russell** agreed and said that this project was divided into the two parts. **Paul Romero** asked if they have to go through the list of conditions recommended by the Planning Group and **Denise Russell** said yes that they would not be allowed to open until the conditions had been met. **Amber Recklau** asked if the building does go into the street too far. **Dan Neirinckx** pointed out that he and **Michael Casinelli** had measured it and while the center line may well be off, it is close to plan. **Kevin May** pointed out that if the conditions put on by the JDCPG were not part of the official recommendations presented by PDS then they would not be required. **Paul Romero** asked if the JDCPG conditions were part of the PDS conditions and **Denise Russell** said yes, but the size of the sign is not specifically designated. **Michael Casinelli** pointed out that **Steve Powell** was asked regarding the size of the sign and told us that it was correct according to our plan. **Preston Brown** pointed out that **Steve Powell** could work with us and help it fit into the community thus making it a better project. **Dan Neirinckx read Preston Brown's motion (see above) and then he moved that this item be tabled until we can meet with the owner and ensure that the development would meet our approved Community Plan Requirements as refers to size and lighting regarding signs, community character and dark skies properly. Motion carried unanimously. Dan Neirinckx will contact the owner and attempt to set up a meeting.**

- 6. NEW MICROENTERPRISE HOME KITCHEN OPERATION ORDINANCE: Dan Neirinckx introduced Ryan Johnson and Connor McGee** who gave us a presentation on the proposed ordinance. It opened with a slide stating that Prior to 2012, no home-based food businesses were allowed, but in January 2013 – Cottage Food Operations, followed in September 2018 – AB 626 signed into law (Effective January 1, 2019). On February 2019 – AB 377 introduced as urgency legislation (Effective October 7, 2019). The San Diego County Board of Supervisors took an official “concerns” position on this bill based on feedback received from local city partners regarding the loss of local control. Currently seven jurisdictions Riverside, Solano, Imperial, Alameda, Santa Barbara, Lake Counties and City of

Berkeley, have enacted a program, and San Mateo County is in a pilot program. Our BOS took an official “concerns” position on this bill based on feedback received from local city partners. CRFC Section 114367. The governing body of a city, county, or city and county can set up MEHKOs and it is important to note that a MEHKO has definite rules established requirements through California Retail Food Code and they cannot be modified. Land Use Considerations were presented by **Connor McGee** who pointed out that this is a “by right use” which means that a city, county, or city and county shall not prohibit the operation of, require a permit to operate, require a rezone on the property for, or levy any fees on, or impose any other restriction on, a MEHKO in any residential dwelling for zoning purposes. A MEHKO California Retail Food Code – Establishes requirements that cannot be modified: A home (or apartment) mini-restaurant; Resident can serve 30 meals per day, 60 meals per week; Maximum \$50,000 gross annual sales; Customers can dine at the home, pick up their orders, or receive delivery by an employee of the MEHKO; Health permit is required prior to operating, Health inspections are limited to no more than one time per year and are scheduled with the operator; Complaints regarding potential Health and Safety concerns or Foodborne Illness concerns may also be investigated.

Land Use Considerations include: CRFC Section 114367.4 “By-right Use”: A city, county, or city and county shall not prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a MEHKO in any residential dwelling for zoning purposes. A MEHKO shall be a permitted use of residential property in any residential dwelling for zoning purposes. CRFC Section 114367.4 – Limited City Code Enforcement Abilities: No signage allowed, Noise Ordinance can be enforced, Nuisance Ordinances can be enforced.

Regulatory Oversight from DEHQ and Individual Municipality is divided between DEHQ and CRFC Enforcement regarding, Food Safety, Vermin – internal, Food debris/refuse build up, Daily/weekly sales, Gross income verification, Individual Municipality, Local ordinance enforcement, Signage, Noise, Nuisances, Traffic/Parking, Non-Food debris/refuse build up, and Construction/remodeling. **Amber Recklau** asked if edibles like marijuana would be allowed and **Ryan Johnson** said it would not be allowed by law. **Michael Casinelli** asked how do they monitor the number of meals or amount of money charged, and **Ryan Johnson** said that they would look at their facility, their receipts, etc. **Michael Casinelli** asked how they define “meals” and hours of operation (not restricted) What if it is against the CC&Rs of a gated community and **Ryan Johnson** said he was not sure and it would be up to the individual HOA’s to look into it. **Paul Romero** asked from a food support point of view...people have pets in their kitchens and asked if that could be a concern. **Ryan Johnson** said there is no rating system for these however their inspection score will be posted. **Paul Romero** asked if the places could serve alcohol and the answer is yes, but they would need a permit. He asked if the County is planning to regulate the use of alcohol and suggested that the noise level could be a concern. **Ryan Johnson** said that children and pets must be out of the area when they are preparing or serving food. **Paul Romero** asked about the possibility of liability insurance for the property and there is really no answer yet. He asked which County’s have started this. **Ryan Johnson** said that Riverside had about 30 permits the first year and about 100 permits the second year, but most counties have less than 10. **Connor McGee** said that all has been different through this pandemic time with most using take-out or take-away. **Paul Romero** asked what the County is planning or direction of the BOS. **Ryan Johnson** pointed out that there are community benefits of MEHKO including economic opportunities for people from a wide variety of backgrounds, and economic benefits to local communities, provides food justice by allowing access to healthy homecooked foods, encourages farm to table movement. Potential Community Concerns include traffic, parking, noise, fire, fats, oils, grease impacts to infrastructure, ADA

Accessibility, Serving of Alcohol. Remember MEHKOS do not need a serving or parking permits.

Current Program Status Board Action includes: Sept. 15 DEHQ directed to return to BOS 120 days with an ordinance to authorize MEHKOs, Construction/remodeling conduct community outreach and implement a public education program for MEHKO operators.

Three programmatic options: State Prescribed Program Parameters, Local Ordinance Options and Considerations and they all deal with the following: MEHKO Operators, Number of Employees, Food Delivery Persons, Allowable Food Storage Areas, and Food Safety Certificate (now within 60 days), Number of meals daily/weekly, food service, inspection frequency (no more than once a year), potable water (how water is determined safe) land use preemptions.

Questions from JDCPG included: How do we comment? They will be sending out notices of public workshops and they would welcome our input and feedback. Supervisor Joel Anderson would like our comments and it will come before the County BOS in January 2022. **Michael Casinelli** asked what would they like for us to do? **Connor McGee** suggested we put our comments together and send to them before the end of the year. They will inform us of the dates that it will be sent to the Board and ask for our comments.

Amber Recklau asked about retail sales as part of the restaurant. **Connor** said it would need to be a part of the restaurant and anything they built would require a building permit, and then it would come under their purview. **Amber Recklau** asked if someone could package their product and **Ryan** said they would need two permits one for the food and one for the packaged goods. **Preston Brown** asked if they were chefs and both gentlemen said not really. **Preston** pointed out that this could be a good opportunity to introduce new food items. **Kathleen Lippett, guest**, made the following statement: She feels this isn't becoming complicated; it IS a complicated issue that has been presented as relatively simple. She said, she hopes that the County intends to actually consider and implement concerns rather than ignore them as they did with the MJ ordinance. The fact that the County supports this is no surprise to her as it completely disrespects the rights of property owners to the peaceful enjoyment of their property and destroy their quality of life. Further it seems to her to be another strategy to erode residential community character and the fact that alcohol licenses are permitted! What if you have the proverbial neighbor from hell who decides to turn his house into a frat house, gets a bar license, overserves, sells cocktails to go and parties every night? She asks, Who will define what constitutes "healthy home cooked foods"? The fact that there are only a couple of jurisdictions that have signed up for this is likely the reasons there haven't been a lot of problems reported as yet. She concluded stating, "Benefits to local communities? It is difficult to imagine what those benefits are."

Dan thanked all for their input and he will put this item back on the agenda for another meeting for further discussion and our recommendations.

7. **NEW MEMBER APPLICATION, Paul Dombkowski – Dan Neirinckx** informed us that **Paul Dombkowski** recently had knee surgery, and was unable to make the meeting tonight, so he postponed this discussion until next meeting.
8. **AUTHORIZATION OF TELECONFERENCING MEETING OPRION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)** **Dan Neirinckx, Chair**, read the following resolution regarding teleconferencing meetings:

**RESOLUTION AUTHORIZING TELECONFERENCED PUBLIC MEETINGS
PURSUANT TO GOVERNMENT CODE SECTION 54953**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to section 8625 of the California Emergency Services Act, in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under section 53593(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, Title 8, Section 3205 which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;" and

WHEREAS, on or about September 23, 2021, Dr. Wilma Wooten, the County of San Diego's Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the "Teleconferencing Recommendation"); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this legislative body deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED, by the Jamul Dulzura Community Planning

Group as follows:

1. The recitals set forth above are true and correct and form the basis for the finding of this Resolution.
2. This legislative body finds that there is an existing proclaimed State of Emergency and state and local officials have imposed or recommended measures to promote social distancing, including but not limited to the Teleconferencing Recommendation.
3. In order to satisfy the requirements of Section 54953(e)(3) of the Brown Act, which allows local legislative bodies to continue utilizing simplified teleconferencing options under the Brown Act if certain findings are made no later than thirty (30) days after such simplified teleconferencing options are first used, this legislative body will meet, to the extent reasonably feasible, no later than thirty (30) days after the adoption of this Resolution with an item for reconsideration of these findings.
4. This finding is intended to apply to all of the legislative body subcommittees this legislative body has created.
5. This Resolution shall take effect immediately upon its adoption.

Discussion followed and the following motion was made in order to authorize the teleconferencing meeting option pursuant to Government Code Section 5493(e) as follows:

Chair Dan Neirinckx moved that the JDCPG find that there is a proclaimed state of emergency and state and local officials have imposed or recommended measures to promote social distancing authorizing teleconferenced meetings pursuant to Government Code section 54953(e). Motion carried: Vote: Unanimously voted yes!

Reminder: **In order to continue to use this teleconferencing rule, it must be renewed at least every 30 days.******

9. **COUNTY DEPARTMENT OF PUBLIC WORKS REQUEST FOR PROJECT LIST:** **Dan Neirinckx** reminded us that this is only involves County Maintained Roads. He moved we recommend the realignment of Otay Lakes Road to a position directly opposite existing Honey Springs Road to form a single intersection at SR-94. The second suggestion he has is to widen Lyons Valley Road from milepost 7 to 4-corners intersection (approximately 3 miles). **Michael Casinelli** suggested adding bike lanes on Honey Springs Road and Otay Lakes Road to accommodate our weekend bicyclists. More input will be taken at the next meeting.
10. **OTAY RANCH VILLAGE 14 UPDATE :** **Preston Brown** sent out a report that the Courts have ruled against Village 14 due to fire problems and they are under more scrutiny but the law suits can be appealed. However, they would need to make it much more fire safe. Negotiations are still going on regarding Village 13 due to the quino checkerspot butterfly habitat destruction.
11. **JDCPG OFFICER'S ANNOUNCEMENTS AND REPORTS : None given.**
12. **Adjournment: Chair Dan Neirinckx adjourned the meeting at 9:56 p.m.**

Respectfully submitted,

Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY OCTOBER 26, 2021

VIRTUAL

Meeting minutes and agendas can be accessed at

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

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JAMUL/DULZURA COMMUNITY PLANNING GROUP

MISSION STATEMENT:

The mission of the Jamul-Dulzura Community Planning Group is to represent the best interests of the communities of Jamul and Dulzura while adhering to County of San Diego, California Board of Supervisors Policy I-1.

PURPOSE STATEMENT:

The purpose of the Jamul-Dulzura Community Planning Group is:

To provide a public forum where local citizens can learn about issues of importance to them and their community and provide input.

To carefully consider all input when advising the county on such issues as planning, land use, discretionary projects, and community and sub-regional plans.

APPROVED 5/12/2020