

JAMUL DULZURA
COMMUNITY PLANNING GROUP
FINAL Minutes
Tuesday September 23, 2014
Approved October 14, 2014
Oak Grove Middle School Library
7:30 p.m.

1. **CALL TO ORDER** - Bill Herde, Vice-Chair called the meeting to order at 7:36 p.m. in the absence of Chair, Dan Neirinckx, who was out of town.

2. **ROLL CALL**

Present: Janet Mulder, Elizabeth Kelly, Steve Wragg, Judy Bohlen, Bill Herde, Michael Casinelli, George Novinger, Jean Strouf, Rich Marzec, Joe Stuyvesant, Preston Brown, Randy White, and Earl Katzer.

Excused: Dan Neirinckx, and Joan Kouns

Absent:

3. **APPROVAL OF AGENDA for September 23, 2015 and minutes of August 26, 2014 regular meeting noting that the meeting scheduled for September 9, 2014 was cancelled because of late posting of the agenda. Motion carried unanimously.**

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

a. **Michael Casinelli announced that Earl Katzer, Michael Casinelli, and Janet Mulder** were present at the CPUC meeting last week and Michael and Janet spoke. They brought up the fact that **Michael** is in tier one and two now due to conserving electricity and it will still cost him 30% more under the new plan. **Earl** stated that he learned that SDG&E said it was changing from the 4 tiers to the 2 tiers to help those of us in the backcountry where it is hotter and requires air conditioning and more pools, hence a greater use of electricity. However, **Janet** pointed out that people who had been good stewards and put in solar would be penalized under the plan. It also includes a base amount of \$10 for all customers, and she felt it would go higher in the future, as the ratepayers always seem to have to pay more, while the stockholders aren't feeling the pinch of SDG&E's new policies. **Steve Wragg** pointed out that the law that allows this tiered system has already been passed. **P.J. McAdams, resident,** said that the tiered rate system is illegal according to the CA Constitution and its use is being fought due to the tiered system the water companies have used.

b. **Town Hall Meeting** is scheduled for October 1 at the Primary School for updated information on the Casino with a community event planned at Pio Pico for October 26.

- c. **P.J. McAdams** reported that at a meeting in Dianne Jacob's office she was told that there would be a new tax on horses over a certain number. **Jean Strouf** said that would go against the existing Tiered Equine Ordinance, and that she would check into it.
- d. **Bill Herde will not be at the next meeting.**

GEORGE NOVINGER RECUSED HIMSELF AT THIS POINT IN THE MEETING AND JOINED THE AUDIENCE DUE TO CONFLICT OF INTEREST IN #5.

5. VINEYARD HACIENDA, PDS2014 - AD-14-012, 12685 Campo Road – Steve Wragg and Liz Kelly gave out a series of handouts including a map, prior minutes in which we discussed the proposal, Traffic control and flow for events, letter from a neighbor now in opposition to the project (including photos, emails, etc), summary of Tiered Winery Ordinance, letter from San Miguel Fire Dept., etc. The one neighbor that originally opposed the Vineyard Hacienda proposal has since moved and the current owner, **Dimtru Shapario**, according to his brother who was on the property, is in support. **Neighbor Juan Loza** was in favor of the project, but now is against and has sent in his concerns. **Steve Wragg** presented the description of proposed use which includes the following: *“A small winery including special events on 8.25 acres, zoned A-72 which has approximately 2 acres of mature grape vines. The property is improved with a two-story single family dwelling, detached cabana, swimming pool, gazebo, koi pond, solar array and workshop building. Wine tasting would take place in the gazebo and special events would take place in the garden areas surrounding the gazebo.”* **Steve** reported that the San Miguel Fire Department has gone on record as approving the project. **Don Kraft**, San Diego County Planner, sees no problems. **Liz Kelly** is concerned that the new property owner has not been contacted; **George** said they spoke with his brother and received approval. **Liz Kelly** questioned whether water usage, combining commercial with the neighbor's water usage in the shared well, could be a concern. **Steve** pointed out that they are planning to use port-a-pottys and conserve water. **Allen Austin, Engineer on the Project**, pointed out that this small winery is on 8.25 acres. All events will be catered and water will be hauled in for use at the parties. If they add bathrooms they would need a new septic system including percolation tests. The County said they need 63 parking places for the maximum usage and have a traffic pattern established for parking to avoid any bottleneck at the bridge. **Ed Sinsay, County land development** has stated the he will approve the letter of exception for not meeting the road standards. **Tony Morgan, San Miguel Fire Dept.**, has approved the project. He stated in his letter that the photos of the fire trucks were misleading and he was not concerned and felt there would be no problem. The original letter spoke of four large events during a year and the majority are small events, The distance between the closest neighbor (Loza) and the event would be a minimum of 200 feet away and at a lower elevation. The parking is planned for three different areas. **Joe Hermes, Gladys' son**, said that he had spoken to the neighbor and had arranged to use their vacant lot for excess parking. **Juan Loza**, another neighbor, complimented his neighbors on their plan to begin with, but after he took the fire truck photos he is now concerned and is against the project because of the possibility of accidents. He would support 10-15 guests but not 200 + guests. He feels his concerns have not been answered, and needs to see in writing, the scope of the project including the safety of the road access. **Randy White** asked if this is a private road easement and if all of the neighbors need to sign off? **Steve Wragg** said he did not know, but knows that the original plot plan showed that the roadway was not on the easement but

the owner said it was another easement that had been recorded and the plot plan did not reflect the correct easement. **Randy White** asked about the lower house, which was a guest house originally, but now is owned by a second owner. The driveway has been used to turn around and blocked the driveway of the people's home. Randy asked how wide was the bridge and when was it put in – as it might collapse under the weight of the new fire trucks. His question was who is responsible for the liability if that happens? Is it **Ed Sinsay**? The owner? Water use – how is the use of only well water or imported water regulated? Do you have a well monitoring system planned? He questioned that it is in San Miguel Fire District and would like to see a letter from Dave Niesen stating that the property is not in Rural Fire District. He is concerned about parking. Wants a letter from the new property owner giving permission to park the over-flow. Can't vote for it until the issues he brought up are answered. **Joe Stuyvesant** asked about the Otay Water; is it available on the property? The property owner gave Otay back the meter, but it would be able to be served if necessary. **Liz** pointed out the plot plan needs to meet codes and **Allen Austin** said the codes would only apply to new construction. How do they currently share cost for maintaining the road. Who does maintenance? **George** said that there is an old agreement that all costs are shared. **Juan Loza** pointed out that it was for private use. **Bill Herde** pointed out that another agreement may need to be made. **Michael Casinelli** said that keeping your neighbor's happy is super important and keep the music down, and mitigate any problems. **George** pointed out that right from the start they invited all of the neighbors over for dinner so they would know what was planned and got positive inputs. They have been working with their neighbors and want to make sure they are not impacted.

Bill Herde after looking at the letter from San Miguel, stated that he felt that it is in fact a list of conditions for approval, and definitely not a letter of approval. It does not say the existing roads are acceptable. Are the 63 parking spaces for a group of 250 cars sufficient, is a question from the Group. That assumes 4 to a car and may well not happen. **Judy Bohlen** is concerned about the size of the parking spaces, which is less than standard. The spots are 8 1/2 x 19 and the acceptable standard is 9x18. Concern over the well that is shared were expressed. She recommends they look at a boutique winery rather than have a commercial operation. Her concern is also over the bridge built in the '70s and the problems that could occur. She is also concerned about the drinking and then driving on SR94. The grade is too severe to have cars transverse it especially after drinking and the parking would be 10 feet from the neighbor's house. **Earl Katzer** has a concern with the driveway and a problem would be magnified by the use of alcohol. The width of the bridge at 15 feet is a concern. He wants to make sure that the 10:00 p.m. curfew is adhered to. **Preston Brown** suggested that the photos show that if an emergency occurs, fire trucks, trucks, and ambulances would clog the road. **George** explained that the San Miguel Fire Department explained to him that they "stage" their trucks and that is why there were three trucks there, even though it was not a real emergency. He further explained that they gave the largest number to the County in case they ever had that number. **Preston Brown** pointed out that the Ecological Preserve is concerned about lines of cars or increased traffic as one cigarette out the window could start a fire. **George** pointed out that **Gladys** had hosted many large parties for charity functions over the years without any problems. He is concerned that they have worked with the County, Fire District, and addressed the issues with them and they are satisfied that it is a viable permit and they have worked with their neighbors. It probably won't change much from what is happening now, but want to be able to legally serve wine. **Jean Strouf** stated that she hoped that they were not thinking that we were being unfair, as she had to follow the rules as to setbacks and width of driveway when she built her home and wants you to do the same. **Joe Stuyvesant** said that the crux of the matter seems to be

fire safety and a letter from Rural Fire and San Miguel approving the plan would help. **Randy White** asked if George had had anything to do with setting up the Winery Ordinance and **George** said, no. **Judy Bohlen** recommended that there be a “hold harmless” agreement signed with the neighbors and an insurance policy to cover the guests and neighbors. **Joe Hermes** pointed out he had been away from the property for 20 years and just moved back. He has a “mediation area” in the back and invites his Yoga friends. He has converted the water system to a drip system which will use less water than before. They would use less water for events as they turn off the irrigation two days before the event, and will be using bottled water and port a pottys. The vineyard itself has been in existence for 14 years and has not increased in size. They can monitor their water usage. He has had jobs that required him to monitor people’s drinking, and feels he can handle that. He has offered to put up a barrier in front of his neighbor’s house and it was politely refused. He did put up a short wall to help with the noise. They will operate “by appointment only” and that should alleviate many of the perceived problems. During the fire, many fire engines did transverse the bridge without any problems. In 2010 600 people were at a party and no problems were reported to any authority, and that is way beyond the number expected here. They want to honor their home. **Steve Wragg suggested that we ask the owners for a more definitive letter from San Miguel Fire District without conditions, existence of hold harmless agreement, equitable road and bridge maintenance agreement, and work with Mr. Juan Loza. He would also strongly suggest that they look at reducing the number of events, the number of people, and provide a greater number of parking places unless the number of people drops lower and it will be important to have a written agreement from Mr. Shapiro regarding overflow parking area. We will withhold our recommendation until these concerns have been addressed.**

GEORGE NOVINGER REJOINED THE PLANNING GROUP AT THIS POINT.

7. NATIONAL WILDLIFE REFUGE – Jean Strouf and Joe Stuyvesant – Jean attended the latest trails meeting at Dianne Jacob’s office on Sept. 3 and brought up the Echo Valley problem with the locked gate. She presented the petition with 30+ signatures stating their concerns that the gate was limiting the landowners access to the trail and that the horse gate at the end of the trail had been paid for and installed by the Trails Council more than ten years ago. There is presently a large gate that was installed and locked just before Memorial Day that covers the existing horse gate. **Dianne Jacob has called a special meeting on October 1** to discuss getting access off of Echo Valley onto the Refuge immediately. Other people in the room at the meeting in Supervisor Jacob’s office were also at meetings held by the U.S. Fish and Wildlife and all were in agreement that the 25 miles of trails was very insufficient and they are looking at maintaining the existing 200 miles of trails or as close as they can get. Jean received a copy of a letter submitted by Pamela MacAdams to Victoria Touchstone which is made a part of these minutes. It is attached.

8. COUNTY ROADS INPUT – Randy White – sent a letter regarding road improvements. It will be edited and read at the next meeting and we will vote at the next meeting as to our recommended roads for improvement. Most of the problems are pot holes and it was difficult to determine which roads were private and which were public. We would encourage the County to send an inspector to drive the area and inspect the roads for improvement in addition to our recommendations.

9. JAMUL INDIAN VILLAGE UP-DATE – Community update meeting to be held Oct 1 at Jamul Primary School at 7:00 and there will be a Community Event at Pio Pico Oct. 26 from 2-6:00.

Meeting adjourned by Vice-Chair, Bill Herde at 10:00 p.m.

Respectfully submitted,
Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, October 14, 2014

OAK GROVE MIDDLE SCHOOL LIBRARY

Meeting minutes and agendas can be accessed at

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

Letter from Pamela McAdams to Touchstone at US Fish and Wildlife (See Agenda Item #7)

September 15, 2014

Victoria Touchstone, Refuge Planner
San Diego National Wildlife Refuge Complex
P. O. Box 2358
Chula Vista, CA 91912

Dear Ms. Touchstone,

This letter provides official comment regarding the U.S. Fish & Wildlife Service's (USFW) Draft Comprehensive Conservation Plan/Environmental Assessment (DCCP) of the San Diego National Wildlife Refuge (Refuge). I am writing on behalf of the community stakeholders who use and whose families have used this land since the 1800's. I have attended several meetings where the DCCP has been discussed. We stakeholders have concluded that your four options of the DCCP all have significant and severe adverse affects to the wildlife-dependent recreational uses for which the USFW is supposed to be protecting.

As you know, the National Wildlife Refuge System Improvement Act passed by the United States Congress in 1997 designated six priority public uses for the Refuge System, including hunting, fishing, wildlife observation, photography, environmental education and interpretation, with none of the uses holding priority over another. The USFW 's DCCP is extremely remiss in providing hunting opportunities. This Refuge land has a tradition of providing hunting opportunities, and we hunters deserve your respectful inclusion into the management plan of the Refuge in full and equal proportion. The USFW cannot ethically suppress the hunting opportunities on our Refuge land, while USFW collects and spends the Pittman-Robertson funds which the hunters provide to USFW. We want hunting opportunities to include birds, deer, pig, small game and varmint. Please understand that hunting has been proven compatible with hikers, equines and bikers on many public lands including our own Hollenbeck Canyon Wildlife Area and the Cleveland National Forest.

While the DCCP cites multiple federal laws and executive orders in Table 1 – 1, you failed to include Revised Statute (RS) 2477 passed by the U.S. Congress in 1866, which grants right-of-way access on federal land for existing trails and roads. RS 2477 was repealed by the Land Policy and Management Act of 1976 (FLPMA), but the new

law did not terminate rights-of-way conveyed under RS 2477. Many of the trails and roads on the Refuge existed over 40 years ago and are protected under that statute. The USFW cannot close trails and roads linking one community to another, nor can any portion of the California Riding & Hiking Trail be closed.

The DCCP is adversely impacting the equine community by closing trails, because right-of-way interference is significantly detrimental to the horse riding facilities and related equine businesses. USFW is grossly unfair to the equine community by locking the trail-entry horse-gate at the end of Echo Valley Road. That closure has forced horse riders to travel Proctor Valley Road in order to access the trails through the USFW provided gate on Proctor Valley Road. That access gate has no supporting staging area and the road there is curved, narrow and dangerous. We stakeholders request that the USFW immediately unlock that gate and permit access to the Refuge there, which is a historical trailhead access point.

V.

Touchstone, page 2

The Jamul, Spring Valley, Sweetwater and Bonita areas of San Diego County are historical, traditional horse and ranch land. I believe in the 1960's San Diego County had the largest horse population in the nation. The reduction in trails by the DCCP would have a significant adverse effect on our heritage, traditions and economic subsistence of life. Trail closures would result in loss of stores, training, boarding and veterinary businesses, as well as horses being abandoned and neglected. We are a large equine community needing many, many, many miles of trails for wildlife observation and training for the Tevis Cup, which is a world-famous, 100 mile, one day trail race, which takes place annually on the Western States Trail in Placer County, California. Horse riding on trails has absolutely no adverse impact on wildlife sustainability or protection. These trails have been used by equine travel for years and years and must be allowed to continue in that use.

Enclosed is a signed petition against all four options of the DCCP. You have and will receive more of these petitions from other sources. If the USFW continues with significant closures on the Refuge, further actions will be taken by the stakeholders. I strongly encourage USFW to work with the local communities in order to build a compatible plan and a friendly relationship with all stakeholders.

Sincerely,

Pamela McAdams

Encl.

cc: Mr. Ren Lohofener
Regional Director, Pacific Southwest
U.S. Fish & Wildlife Service
cc: Duncan Hunter
U.S. House of Representatives
cc: Ms. Andrea Scripps, Esquire
cc: Robert R. Smith, President
San Diego County Wildlife Federation
cc: Mark Kukuchek

Diane Carter

Bonita Valley Horsemen

cc: Diane Durant

Pepperock Farm

cc: Marty & Terry Jorgansen

Back Country Horsemen.5