

JAMUL DULZURA COMMUNITY PLANING GROUP

January 10, 2017

FINAL MINUTES

Approved January 24, 2017

Jamul Primary School Multi-Use Room

7:30 p.m.

1. **Joe Stuyvesant, Chair, called the meeting to order at 7:31 p.m.**
Richard Marzec, Bill Herde, Judy Bohlen, Jean Strouf, Randy White, Steve Wragg, and George Novinger.
2. **ROLL CALL :**
Present: Jean Strouf, Joe Stuyvesant, Richard Marzec, Judy Bolen, Eileen Poole, Michael Cassineli, Randy White, George Novinger, Earl Katzer, Preston Brown, Steve Wragg
Absent: Bill Herde
Excused: Janet Mulder
3. **APPROVAL OF AGENDA for January 24, 2017 and the Final Minutes of the JDCPG January 10 meeting, as corrected. Approved unanimously.**
4. **OPEN FORUM** – Opportunity for persons to speak on items not on the agenda:
 - a. **Judy Bohlen** reported that all other Planning Groups meet once an month instead of two times a month and wants us to have it on the agenda for next meeting.
 - b. **Steve Wragg** announced that **Lisa Gordon, is the new Deputy Director at County Planning Department replacing Darrin Gretler.**
5. **VILLAGE 14 SUBCOMMITTEE MEETING UPDATE – Randy White reporting that he did not want to give a sub-committee report at this time. He wants to use some time after the presentation by the County and reminded us that this will be a long process.**
6. **EIR NOTICE OF PREPARATION FOR THE VILLAGE 14 AND PLANNING AREAS 16 & 19. THE COUNTY OF SAN DIEGO IS THE LEAD AGENCY AND AN ENVIRONMENTAL IMPACT REPORT (EIR) IS BEING PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). COUNTY PLANNING & DEVELOPMENT SERVICES (PDS) IS SEEKING PUBLIC AND AGENCY INPUT ON THE SCOPE AND CONTENT OF THE ENVIRONMENTAL INFORMATION TO BE CONTAINED AND ANALYZED IN THE EIR. A NOTICE OF PREPARATION DATA CAN BE REVIEWED ON THE PROJECT WEBSITE AT:**
http://www.sandiegocounty.gov/content/sdc/pds/ceqa_public_review.html
County staff will be present to provide an overview and answer questions.
Mark Slovick told us they want public input as to what should be studied in the EIR being prepared. **Greg Mattson**, Project Manager from County for Village 14, described the project as follows: It starts at Chula Vista and continues up Proctor Valley Road, which would be the primary access. Secondary access is Whispering Meadows for Village 16 & 19 and also includes Melody. They have designated a school site of 9.7 acres and fire department and Sheriff's site on 2.5 acres of Public Safety space. The total property is 1280 acres with 1119

units. 994 of the units are in Village 14. Villages 16 and 19 are planned to be larger units of 1-2-3 acres (Ranchette lots) They plan a trail system that is 10 foot wide and 4.5 in length which will be a multi-use trail through and around the villages. Plans are to transition from the 4-lane road in Chula Vista to the 2-lane road in Proctor Valley. It will need to be re-aligned slightly to avoid impacts to vernal pools and other habitat issues. There are 3 private/public parks planned within the neighborhoods. They plan traffic “calming” with five roundabouts with the last one near Echo Valley.

Fire protection will be covered by San Diego Fire Authority; Chula Vista is providing the sewer; and there is a mix of school district boundaries included.

They want to get to the Board of Supervisors for approval by 2018 but actual construction would be 4-5 years out. They asked us to put all comments in writing and remember they are at the beginning of the process.

Randy White suggested that the EIR might be out in 6 months not within 60 days. He pointed out that the sewer got approved without ever getting in front of our Planning Group and asked how did this get done? Why were we left out of the decision process? Where is the line on the map showing the school district boundaries. Village 14 is saying it is Chula Vista, but Jamul Dulzura School District says this is our district. He further asked are you building only 1119 homes when there are 2100 homes allowed? He has an issue with that. The bottleneck of Proctor Valley Road may be a design flaw, especially if Village 17 gets built. With the addition of Village 17 and the Casino you now have a major thoroughfare. Where the tar ends on Proctor Valley Road is the ridge where development starts. Echo Valley residents are concerned about making the turns straighter, thus increasing speed. The intersection at Echo Valley is on a turn and thus the traffic slows down allowing turns in and out of Echo Valley Road. If this is straightened out it would be more dangerous and they want a traffic analysis done on their safety concerns.

Michael Casinelli asked who pays for the road realignment. He was told the developers. If the project is complete and the roads are not right, then the County would be on the hook for any problems.

Judy Bohlen asked where the sewer stops, pointing out that on 94 it caps at Noah Homes. Was land annexed by Chula Vista. She was told no that Jamul ends where it does now. Both Village 16 & 19 are showing sewer and no one else can be on sewer. How does this exist? Should this be a question separate from EIR? She suggested making these two village on Septic as they are planned for over an acre in size. What about the density on NAP in the upper right corner? Land owned by State F&W.

Eileen Poole stated that if someone has a 91935 zip code, student should go to that school district. She asked if wildlife corridors are being studied?

George Novinger – stated that in 1993 Villages 13,14, 16, 17 and 19 were part of Salt Creek Sewer and it was re-approved in July 2016 when an agreement was signed. He’s uncomfortable with how it’s being handled. How is the Grossmont School District been communicated with? **Mark Slovick** said they had been talking with them.

Preston Brown asked about the land swap originally offered with Fish and Wildlife. **Rob Cameron** said he would get us a map of the proposed swap.

Earl Katzer stated that Proctor Valley was a very important issue. He is concerned about traffic jams. He does not feel that septic is preferable to sewer and would like this option. He is concerned about land values.

Steve Wragg – Villages 16 & 19 are 125 units. He suggested the project alternative would be no sewer to Villages 16 & 19. Traffic could be a problem especially to Whispering Meadows – Roundabouts might be the answer. Storm water issues should be creative because of the density. Steve is concerned about changes in the contour could bring issues. We will want to see alternatives to the project as they could be important.

Joe Stuyvesant wants to make sure the roundabouts are big enough for fire trucks. What happens to PLDO funding? Will the JDCPG lines match the PLDO funds?

Preston Brown asked how wide is a two-lane road – answer – 12' lane+10' path+bike lane.

Judy Bohlen suggested they need to talk with Steele Canyon High School as they have not been contacted and would be impacted.

PUBLIC TESTIMONY QUESTIONS:

1. Currently runoff for all of Proctor Valley goes through the river bottom into upper Otay Lake. Please analyze. USF&W has purchased a lot of property here. Do they have any say so on this project. **Rob Cameron** told him it is a County area and the MSCP program will be followed. He stated that the developer is staying within all the lines that were established originally in 1993, 1997 when the MSCP was approved and every later plan. The sewer agreement that was signed with the County in July stated that ONLY the Otay Ranch Development could be served by the sewer.

2. What are the areas the County is looking at. He was told Biological Resources, minimum fragmentation, concerns about road kill, storm water going to Otay Reservoir – not addressing water quality.

3. Concerns about water quality for drinking – covered under utilities

4. SD Mountain Bike Association- **Jose Galaz** – concerned about trails. He said the 10' trail will not be used. The Association wants to be involved. A current single-track trail currently goes through this whole development and it will be gone as a result. **Randy White** asked him to come to the sub-committee meetings.

5. **Ben Stone** also from Mountain Bike Association is working with Village 13 currently and County will be responsible for Parks within the development. He is worried about people creating their own trails and then US or State Fish and Wildlife will close off the areas. Need to keep the communication lines open now! County wants to change trail standard to Single Track Nature Trails.

6. **Susie Murphy** – Mtn Bike Assoc. Worried about the rural nature of the valley. Wants to see single track trails so that nature can be preserved.

7. Where is the traffic study in the process? Does it include the build-out of Village 16 & 19? Does it include Village 13? Was told by developer that County doesn't release until public review.

8. **Bill Fair** – Access at Whispering Meadows crosses State Property. Proposing development within. How wide is the public easement to get in & out of these Villages 16 & 19 over the State Property? Please keep Proctor Valley as narrow as possible.

Michael Casinelli – Why after so many years, haven't the changes in Jamul been taken into consideration? One of the alternatives must be "No Build".

Public Comment period ends January 23, 2017.

7. VOTE ON NEW MEMBER APPLICATION ICO MS HANNAH GBEH –

Joe Stuyvesant introduced **Hannah Gbeh** who gave a brief summary to go along with her application. She lives at the end of Deerhorn Valley Road with a small family farm. She has been in the Land Use Planning Engineering business and land use is a passion of hers. She wants to be involved in the community and as an advocate of community interest. Steve

Wragg knows her as she has an environmental background, but not “over the top.” They moved to Jamul 2.4 years ago close to the powerlink substation by Barrett Lake. **Motion to approve Hannah Gbeh as new member and submit her name to BOS. Vote: 12, Yes; 0, No; 0 Abstained. Motion carried unanimously.**

8. JAMUL INDIAN VILLAGE UPDATE

Joe Stuyvesant pointed out that the JIV has submitted an application to BIA to transfer the Corner triangle land from Fee-to-trust. This is where the old Fire Station existed and would come off the tax roles and the JIV is petitioning to have it made sovereign land. **Joe called for a vote whether or not to send the letter in opposition to this transfer. Vote: 11 approved; 1 opposed. Letter is attached to the end of these minutes.**

9. JDCPG ANNOUNCEMENTS AND REPORTS:

1. New projects: PDS2016-MUP-16-018 LYONS VALLEY WIRELESS TELECOMMUNICATION FACILITY – 17348 Lyons Valley Road, Jamul Given to Preston Brown to review and report back.

2. Michael Casinelli will be meeting with Murali Pasumarthi of San Diego County Roads to view trees scheduled to be removed to improve site distance. Anyone wishing to join them should give Michael a call.

3. Nominations of officers for 2017: Joe announced that Janet will stay as Secretary; Bill might stay on as Vice-Chair; Michael said he would be Vice-Chair if Bill won't. Joe stated that he is stepping down after next meeting and suggested that Bill and Michael could alternate. We will hold the vote until next meeting.

Joe adjourned the meeting at 9:20.

Thanks to Jean Strouf for taking the minutes in Janet's absence.

Respectfully submitted,

Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, January 24, 2017

OAK GROVE MIDDLE SCHOOL LIBRARY

**Meeting minutes and agendas can be accessed at
<http://www.sdcounty.ca.gov/pds/CommunityGroups.html>**

PUBLIC NOTICE

We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Public Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

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LETTER FOLLOWS FROM JDCPG TO BIA RE JIV FEE TO TRUST APPLICATION:

Jamul Dulzura Community Planning Group
P. O. Box 613
Jamul, CA 91935

January 12, 2017

Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Att: Amy Dutschke, Regional Director

Re: Proposed Land Into Trust for Benefit of Jamul Indian Village

Dear Ms. Dutschke:

We the elected members of the Jamul Dulzura Community Planning Group voted at our January 10 meeting to send this letter voicing our opposition to the proposed fee into trust by the Jamul Indian Village, as we have consistently opposed the taking of land into trust since the first time this was proposed in the 1990s. Our reasoning has always been two fold: first we have not seen any proof that the Jamul Indian Village is either a tribe nor that the land upon which they have now built the casino was ever designated an Indian Reservation. In fact, we have a letter signed by Carol Bacon, Director Office of Tribal Services, of the Bureau of Indian Affairs, dated July 1, 1993, that clearly states that the Jamul Indian Village, realizing the lengthy time involved in trying to become a tribe under 25 CFR 83, opted to seek recognition as a half-blood community "even though they were aware of the limitations that would result from organizing as a half-blood community." We have no written evidence that the Jamul Indian Village ever actually became a tribe. It is important to note that simply being listed in the Federal Register, does not in fact designate a group as a tribe. Until we see such undisputable evidence that they were made a tribe via one of the legal means, they should not be able to take land into trust.

In addition, the Supreme Court ruling in the *Carcieri v. Salazar* states that if the Indians were not a tribe in 1934, they are not entitled to have land taken into trust under the IRA. As pointed out in the previous paragraph, the JIV was not recognized even in 1993. Furthermore the land is listed as "non-gaming", but provides the entrance to the newly built casino and is an integral part of the gaming establishment. Our opinion is that the land would not be eligible for gaming under IGRA, because it would be acquired after 1988. JIV would need the Governor's concurrence, which may not be possible under State Law and the Governor may be precluded by California's constitution from concurring to Indian gaming on land acquired after 1988. It is our understanding that there are different State appellate decisions on this issue and it may be headed to the State Supreme Court. The bottom-line is that the triangle parcel is not part of the pre-1988 trust land. Therefore, the portions of the casino built on the triangle parcel, which would include the elevated access way and portions of the front of the casino are on land that is not eligible for a casino under IGRA, and could be considered a public nuisance under California law.

Additional concerns of our community include the biological impacts as the property is in the pre-approved mitigation area in the adopted MSCP and therefore the development would have to mitigate the impacts and the United States Fish and Wildlife should be consulted pertaining to this Fee to Trust. Additionally due to the high number of residences dependent upon ground water in our community, we are concerned about the water quality and feel the project should comply with the quality standards of the County Watershed Protection Ordinance.

Our Planning Group has consistently voiced concern about the visual impacts along SR-94, a designated scenic highway, and under General Plan Policy COS-11.3, all development is required to minimize visual impacts along scenic highways. We were told from the beginning that road improvements, including SR-94 would be completed prior to opening, which did not happen. In fact we now have been told that some of the improvements are not scheduled to begin until 2019, but the traffic impact is upon us now.

Thank you for taking note of the concerns voiced by our community and affording us the opportunity to voice them. We urge you not to allow this fee to trust to occur.

Sincerely,



Joe Stuyvesant, Chair
Jamul Dulzura Community Planning Group

JS/jm

Cc: Eric Lardy, SD County
Dianne Jacob, District 2 Board of Supervisors
Congressman Duncan Hunter
Congressman Juan Vargas
Joginder Dhillon, Governor's Office

