

Jamul-Dulzura

Community Planning Group Unincorporated County of San Diego

FINAL MINUTES

December 5, 2023

1. CALL TO ORDER 7:38 pm
2. ROLL CALL
 - Present:** Preston Brown, Kevin May, Michael Casinelli, Janet Mulder, Thomas Gray, Paul Dombkoski, Lisa Hodgson, Steve Wragg, Eve Nasby, Dan Neirinckx, Darla Kasmedo, Ed Mollen,
 - Guests:** Roy Dominguez, Corbin Sabol
 - Excused:**
 - Vacant Seats:** 2, 9, 5
3. APPROVAL: Minutes for November 7, 2023 will be considered next meeting.
4. OPEN FORUM
 - **Michael Casinelli** asked code enforcement about possible violations from recent dumping of concrete on the Barret House property (AKA Simpson Farms Subdivision) and they said it was not enough rubble to be considered a violation. Regarding the Jamul Highland property, the ADU is permitted.
 - **Ed Mollen** asked about the evacuation on Thanksgiving Day, and if anyone had any reports. The Sheriffs were on the scene and notices went out on cell phone and traffic was managed well. **Gray Thomas** said his daughter lives in the area and had to evacuate and everything went smoothly. The Subcommittee on Public Safety will follow up on this with the Sheriff and the San Diego County Fire Authority.
 - Guests: **Roy Dominguez** and **Corbin Sabol** who are applying for membership in our group briefly introduced themselves. They will be on the Agenda as a separate item next meeting for the group to interview.
5. PDS 2022 – TPM – 21315: IRE Development, RV and Boat Storage Facility at 13949 Otay Lakes Road

Michael A. Vogt, the owner, introduced himself and his assistant, **Rikki Schroeder**. **Michael** said he has developed commercial properties and owned and ran an RV and Boat storage business in East Lake which he sold it to Amazon for use as warehouse space.

The property being discussed is the old Otay Rock Quarry that was shut down 30 years ago due to the very unsafe conditions of hauling trucks carrying gravel. Currently it is zoned as A-70 and it will be rezoned to C-40 which specifically allows for this commercial use. Twenty acres will be used for a pad for RV and Boats. The developer agreed to deed

restrictions for no other commercial uses like a general store. Thirty acres will be saved as open space and 8 acres will be used for a personal residence using an onsite septic system, solar power with batteries and propane. The pad will be on top of the 35 feet of land fill from the old 94-125 interchange and will be obscure from the road and will get landscaping of trees or natural shrubs.

Michael Casinelli asked if it was outdoor storage. AN:S Yes. There will be security lights and motions sensors conforming to night skies codes.

Ed Mollen asked about fire mitigation. ANS: Yes, we will have a defensive space zone determined by Calfire and 2 water tanks of 20K and 30 K Gallons. Ed asked about if there were any standards for the age of RV's? ANS: Generally, this is not a problem as people that can afford the rent will have functioning well kept vehicles. Border Patrol is against a fence because it could hide people and advocated for a high chain link fence that cannot be climbed. **Lisa Hodgson** asked about their water source. ANS: There are 2 wells on top of an aquafer. **Steve Wragg** is familiar with this property and mentioned that when the County tried to put an EVOC Training Center there and discovered the water was horrible and not much of it. ANS: One well is not good and the other is much better on the south side of the property. **Steve** asked if they were aware of the "land swap deal" and also if they were aware of the illegal grading done in the backfilling process. "The permit was redone as an "as built". ANS: We will check into that. Steve asked if they were going to include the "trail systems" on their plot map. ANS There are trails everywhere but yes, they will include them. Hours of operation will be between (9am to 5pm). And they will perform a traffic study. **Thomas Gray** asked about the type of surface to be used. ANS: A Class 2 base, polymer referred to as "Gorilla Glue"

They will clean up the motor cross track and regrade and repack the field. They are not proposing any additional structures on the property. They are ready to meet with all the agencies and move forward. This is the first step in notifying us of their project. They will do everything they can do to make this fire safe for our community.

6. **APG (Association of Planning Groups) -SANDAG (San Diego Association of Governments)**

Joel Anderson will support a new APG "Advisory Chair "for the SANDAG Board on the December 8 Meeting. Our representative to the APG, **Paul Dombrowski** reported that the APG is doing a lot of good work and is preparing for the January meeting when the members will vote to approve the By-laws and select a member from the group to take the Chair position.

Kevin May said we need to select an alternative representative in case **Paul** was not available. Steve Wragg volunteered and the group voted unanimously to approve him.

7. **JAMUL CASINO, HOTEL AND ENTERTAINMENT CENTER EXPANSION PROJECT**

- "Land to Trust" **Bill HR 6443** for the Jamul Indian Village
SEE ATTACHMENT IA & IB

Preston Brown announced that in November **Rep. Darrell E. Issa**, Congressional District 48, introduced a US House Bill **HR 6443**, called the "Jamul Indian Village Land Transfer Act" to bring "Land into Trust" for the Jamul Indian Village. It includes four

unrelated parcels, two of which are “non-contiguous” with the Jamul Indian Village property. Of these properties are: the St. Francis Xavier Cemetery, the 4-acre triangle piece of the old Fire Station, a small 6-acre parcel just north of the new Fire Station, and the entire 161 acres of the Simpson Farms Subdivision, also known as the Barrett House Property.

Preston only received this Bill this evening but has started drafting a letter to Rep. Issa to request a meeting with him with members of our group. He made the following suggestions for the group’s consideration.

1. Mention our great concern over the continuing attempts to commercialize the Jamul Valley and its impact on our community.
2. “Land to Trust” acquisitions have a legal process to go through with the BIA and the Department of the Interior. San Diego County Board of Supervisors will want to review and weigh in on this application as it will impacts land use in the Jamul Dulzura Planning Area. Expanding commercial entertainment endeavors will strongly conflict with the stated goals of our Sub Area Plan to remain rural and advance conservation projects as demonstrated in the recent purchase of Village 14 by the State and other private conservation groups to be managed by the Rancho Ecological Reserve (RJR).
3. There may be a number of legal issues you are unaware of that would be scrutinized during a normal process for a Land to Trust application to the Department of the Interior. The 161-acre Simpson Farms property was approved by the BOS and this community for a rural residential housing project of 98 residences. This property does not fall into the category of “contiguous” land which is an essential requirement of the 1934 Indian Gaming Regulatory Act (IGRA). There are also legal disputes over the status of the Jamul Indian Village which does not meet the standards laid out in IGRA. There are also legal entanglements with the Catholic Church’s ownership of the St Francis Xavier Cemetery.
4. This proposal should go through the normal legal process where these various issues will be bough to light. Haste in this would not serve the interest of your constituents in our area. It would also serve as a dangerous precedent to evade and overturn the long-term planning of the San Diego General Plan and Specific Plan Areas. Our Planning Group would like to meet with you and share our point of view to illuminate things you may not have overlooked or not been informed of and of which we as the Community Planning Group are very familiar with.

Preston stressed the importance of getting an immediate response out to Rep. Issa. He said that stepping this up to the level of a Congressional Bill is highly unusual and is normally reserved as a strategy for large land tracts in States like Alaska with vast wilderness areas. He said this is an “end-run” around the established process allowing the local government and County communities to participate and negotiate with the Tribes.

- **Ed Mollen** liked the ideas and suggested opening with the statement, “As your constituents we are very concerned by your approach.”. **Janet Mulder** suggested that we invite Rep. Issa to visit with us in Jamul where we could share our point of view with him. **Darla Kasmado** said that we continue to see nonstop petty theft, vagrancy and vandalism in our neighborhood. It is increasing in frequency. Remember to report everything so it can become part of the Sherriff’s records. The casino itself is dealing

with all the problems of drugs and prostitution. **Kevin May** suggested that we can approve this letter with these ideas and the subcommittee can work on the formal letter to send. **Eve Nasby** moved we authorize the subcommittee to write this let with the Chair.

Motion passed unanimously.

SEE ATTACHMENT II: Letter to Rep. Darrell Issa

- Temporary Cement Batch Plant

Kevin May followed through with getting information from the County on the permit for the “Temporary Cement Batch Plant” regarding the plans for traffic control and hauling trucks routes. On November 27, 2023 **Jack Armstrong** reported to him that:

“The County is currently processing a grading permit for the batch plant. As part of the grading permit we are requiring to the applicant to provide both a traffic control and a truck haul route plan. The County is also coordinating with the applicant and Caltrans on the traffic management plan being processed with Caltrans for SR-94. These traffic control, haul route, and management plans will include grading activity as well as operations of the batch plant.”

He also stated that, “As soon as the County approves the plans, we will share with yourself and the CPG, including the plans provided with Caltrans. The County will continue to be in touch with you and provide updates.”

So, this is all good news.

8. JDCPG OFFICER’S ANNOUNCEMENTS AND REPORTS:

- **Preston Brown** reported that on November 14 the Wildlife Conservation Board (WCB) approved the purchase of Village 14 and Planning Areas 16 & 19 to be included in the Rancho Jamul Ecological Reserve (RJER). He said the Board was very pleased with this outcome and no one spoke in opposition. The WCB Chair said that “passive recreation in the future will be considered.” The few people who appeared on zoom to make additional comments of support echoed the same idea.
 - **Kara Lacy** from the Nature Conservancy, a contributor to the 60-million-dollar purchase, said “we need to ensure for public use of these lands”.
 - **Laura Hunter** who serves as a board member of the Environmental Center of San Diego and coordinator of the Wildlife and Habitat Conservation Coalition said, “...this will increase the potential for public access... for people and wildlife.”
 - The **JDCPG** closed our letter with the statement that we “support this purchase **contingent** upon the requirement that residents have non-motorized access for recreational use to the property through existing and future trail systems.”
- San Diego County’s Accessory Dwelling Unit (ADU) fee waiver program for septic permits will be end 1/9/2024. Questions: lwqduy.deh@sdcounty.ca.gov.
- The DPW will be replacing 3 community identification signs; on Lyons Valley Road, Jamul Drive and Steele Canyon Road. Should be installed by the end of February 2024.

9. ADJOURNMENT 9:35am

ATTACHMENT IA: Bill HR 6443, Sponsor Rep. Darrell E. Issa

Submitted November 15, 2023

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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. 6443

To take certain land in the State of California into trust for the benefit of the Jamul Indian Village of California Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ISSA introduced the following bill; which was referred to the Committee
on _____

A BILL

To take certain land in the State of California into trust for the benefit of the Jamul Indian Village of California Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jamul Indian Village
5 Land Transfer Act”.

1 **SEC. 2. LAND TO BE TAKEN INTO TRUST FOR THE JAMUL**
2 **INDIAN VILLAGE OF CALIFORNIA TRIBE.**

3 (a) **IN GENERAL.**—The approximately 172.1 acres of
4 land owned in fee by the Jamul Indian Village of Cali-
5 fornia located in San Diego, California, and described in
6 subsection (b) are hereby taken into trust by the United
7 States for the benefit of the Jamul Indian Village of Cali-
8 fornia.

9 (b) **LAND DESCRIPTIONS.**—

10 (1) **PARCEL 1.**—Those parcels of land totaling
11 approximately 161.23 acres, located in San Diego
12 County, California, that are held in fee by the Jamul
13 Indian Village of California, as legally described in
14 Document No. 2022–0010260 in the Official
15 Records of the Office of the Recorder, San Diego
16 County, California, and recorded January 7, 2022.

17 (2) **PARCEL 2.**—That parcel of land totaling ap-
18 proximately 6 acres, located in San Diego County,
19 California, that is held in fee by the Jamul Indian
20 Village of California, as legally described in Docu-
21 ment No. 2021–0540770 in the Official Records of
22 the Office of the Recorder, San Diego County, Cali-
23 fornia, and recorded July 29, 2021.

24 (3) **PARCEL 3.**—That parcel of land totaling ap-
25 proximately 4.03 acres, located in San Diego Coun-
26 ty, California, that is held in fee by the Jamul In-

1 dian Village of California, as legally described in
2 Document No. 1998-0020339 in the Official
3 Records of the Office of the Recorder, San Diego
4 County, California, and recorded January 15, 1998.

5 (4) PARCEL 4.—That parcel of land comprised
6 of approximately 0.84 acres, located in San Diego
7 County, California, that is held in fee by the Jamul
8 Indian Village of California, as legally described in
9 Document No. 2017-0410384 in the Official
10 Records of the Office of the Recorder, San Diego
11 County, California, and recorded September 7, 2017.

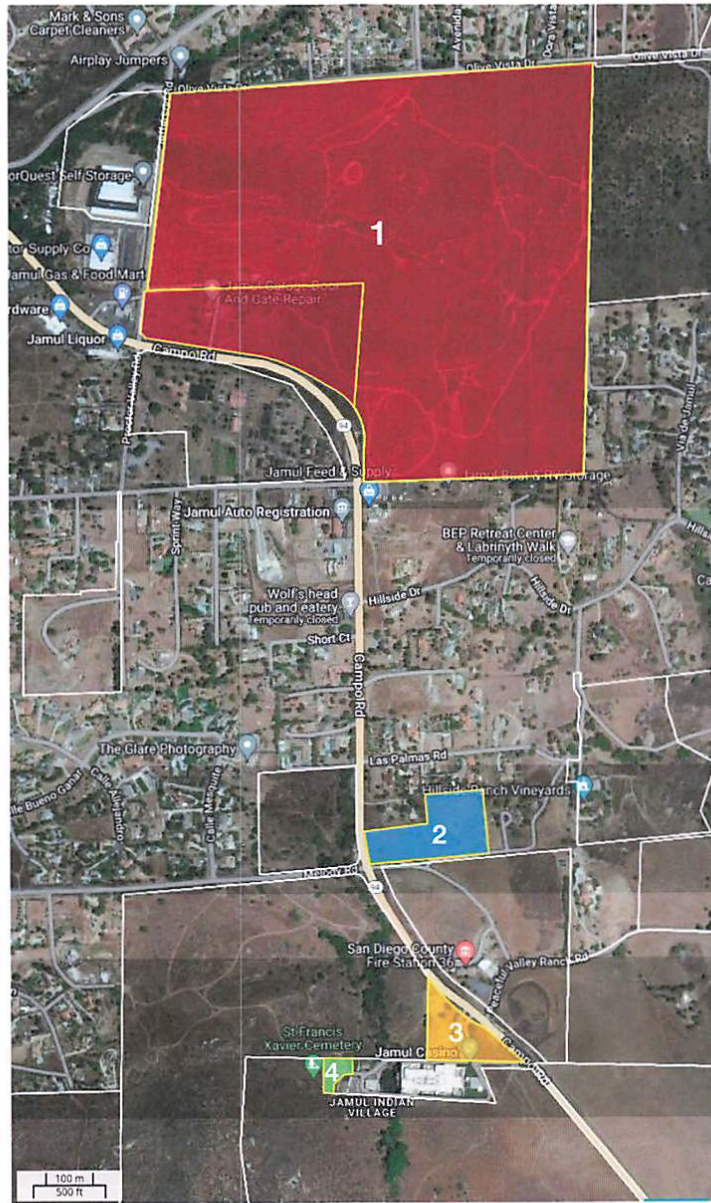
12 (c) ADMINISTRATION.—Land taken into trust under
13 subsection (a) shall be—

14 (1) part of the reservation of the Jamul Indian
15 Village of California; and

16 (2) administered in accordance with the laws
17 and regulations generally applicable to property held
18 in trust by the United States for the benefit of an
19 Indian Tribe.

20 (d) GAMING PROHIBITED.—Land taken into trust
21 under subsection (a) shall not be used for any class II
22 gaming or class III gaming under the Indian Gaming Reg-
23 ulatory Act (as those terms are defined in section 4 of
24 that Act (25 U.S.C. 2703)).

ATTACHMENT IB: MAP of 4 parcels for “Land to Trust” acquisition by Jamul Indian Village



JAMUL INDIAN VILLAGE – FEE TO TRUST PARCEL MAP

Parcel No.	Legal Description
1	Those parcels of land totaling approximately 161.23 acres, located in San Diego County, California, that are held in fee by the Jamul Indian Village of California, as legally described in Document No. 2022-0010260 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded January 7, 2022.
2	That parcel of land totaling approximately 6 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 2021-0540770 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded July 29, 2021.
3	That parcel of land totaling approximately 4.03 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 1998-0020339 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded January 15, 1998.
4	That parcel of land comprised of approximately 0.84 acres, located in San Diego County, California, that is held in fee by the Jamul Indian Village of California, as legally described in Document No. 2017-0410384 in the Official Records of the Office of the Recorder, San Diego County, California, and recorded September 7, 2017.

ATTACHMENT II: JDCPG Letter to Rep. Darrell E. Issa

December 15, 2023

The Honorable Darrell E. Issa, US Representative, California (District 48)
2108 Rayburn House Office Bldg.,
Washington, DC 20515

RE: Bill HR 6443 introduced to the House, The Indian and Insular Affairs Subcommittee and the House Committee on Natural Resources on Tuesday, December 5th

Dear Representative Issa,

At our regularly scheduled meeting on Tuesday, December 5th, our planning group reviewed your proposed Bill, HR 6443, to bring “Land into Trust” for the Jamul Indian Village. Taking this course of action is highly unusual. Normally “Land to Trust” acquisitions have a traditional and legal process to go through with the BIA and the Department of the Interior that would allow the San Diego County Board of Supervisors and the impacted community planning group areas to participate in reviewing and negotiating any land use proposals made with Tribes of San Diego County.

Another area of concern in this Bill is that (Parcel 1) the 162 Simpson Farms Development and (Parcel 2) do not fall into the category of “contiguous” land, which is an essential requirement of the 1934 Indian Gaming Regulatory Act (IGRA). Also troubling is that the Bill defines the restriction of the Indian Gaming Regulatory Act that, by law, excludes the option for Class II and Class III gaming, but it does not disclose the exemption being sought and reason thereof for including land parcels that are “non-contiguous”. IGRA clearly prohibits this with defined exceptions for certain lands in Oklahoma. Further, Bill HR 6443 does not define the limitations of use for these “non-contiguous” parcels of land. Will event centers and entertainment venues and other commercial ventures be permissible on these parcels? Being able to negotiate the mitigations for the impacts from such ventures on residential communities that rely entirely on a single 2 lane rural highway for their livelihoods is essential.

The increasing commercialization of projects proposed by the Jamul Indian Village is of great concern for our community. On September 30 2022, the JIV proposed an event and entertainment center with a 220 ft story hotel and expanded parking lot structure which will nearly double the current allowable occupancy of the gaming floor from 5,500 to 9,980. The impacts on public safety will be enormous. We are already experiencing them. Current casino trip generations in 2022 show an average of 13,039 daily trips on Saturdays. Mitigation projects for SR-94 in the first Intergovernmental Agreement (2016) with the Tribe have still not been fulfilled.

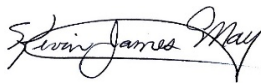
Expanding commercial entertainment projects strongly conflicts with the stated goals of our Sub Area Plan to remain “rural” and “preserve natural resources for future generations” as demonstrated in the recent purchase of Village 14 and Planning Areas 16 and 19 by the State and

other private conservation groups to be managed by the Rancho Ecological Reserve (RJR). We are the most biodiverse region in the continental United States.

Combining four unrelated, “non-contiguous” parcels into one bucket for Federal legislation overleaps the authority of local and State jurisdictions and would set a dangerous precedent in undermining the long-term planning objectives of the San Diego General Plan and Specific Plan Areas. Each parcel must be reviewed on an individual basis, as it will affect a different part of the community. For instance, there is presently a legal dispute, in litigation, concerning the St. Francis Xavier Cemetery and the legal obligations of the Catholic Church and California State Law. This parcel may not be transferable under present circumstances, if ever.

As publicly elected members, the mission of the Jamul-Dulzura Community Planning Group is to represent the best interests of the communities of Jamul and Dulzura. The Jamul-Dulzura Community Planning Group voted, unanimously, to reach out to you and communicate our points of view. As your constituents, we would welcome the opportunity to meet with you and invite you to Jamul to further explain these concerns.

Respectfully,



Kevin James May
Chair, Jamul-Dulzura Community Planning Group
Email: kjmaycpg@gmail.com; Cell: 619-987-2586

CC: San Diego Board of Supervisors

Nora Vargas, Chair (District 1)
Denise Garcia, Chief of Staff
Joel Anderson (District 2)
Maggie Sleeper Chief of Staff
Terra Lawson-Remer (District 3)
Monica Montgomery Steepe (District 4)
Jim Desmond (District 5)

NOTICE OF NEXT REGULAR MEETING

Tuesday, December 19, 2023

**Jamul-Dulzura Union School District - Jamul Education Center
14581 Lyons Valley Road
Jamul, CA 91935**

Hybrid Meeting: Both In-Person and Zoom Attendance

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. Access and Correction of Personal Information. You can review any personal information collected about you. You may recommend changes to your personal information you believe is in error by submitting a written request that credibly shows the error. If you believe that your personal information is being used for a purpose other than what was intended when submitted, you may contact us. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.

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.*