

---

**From:** lorraine harrington <lfh415@yahoo.com>  
**Sent:** Thursday, September 19, 2013 4:14 PM  
**To:** Nanthavongdouangsy, Phayvahn; Coyle, Frank  
**Cc:** Margaret Rich; Robert Kellerhouse; Chuck Tobin; Lynn Mattocks;  
matsonperformance@hotmail.com; Gil Pankonin  
**Subject:** Document for BOS packet  
**Attachments:** Harrington\_Equestrian presentation 091913.pptx

Phayvahn and Frank

Attached is a document the equestrian group would like included in the packet going to all the Supervisors prior to the public hearing next week. This is a presentation that Commissioner John Petty had asked us to prepare for the Planning Commission hearings, and we felt it would be important for the Supervisors to see it too (updated), so everyone is on the same page about the background on the issues.

Please circulate this. Thank you.

Lorraine Harrington  
Temecula CA

# Equestrian Life in Wine & Horse Country

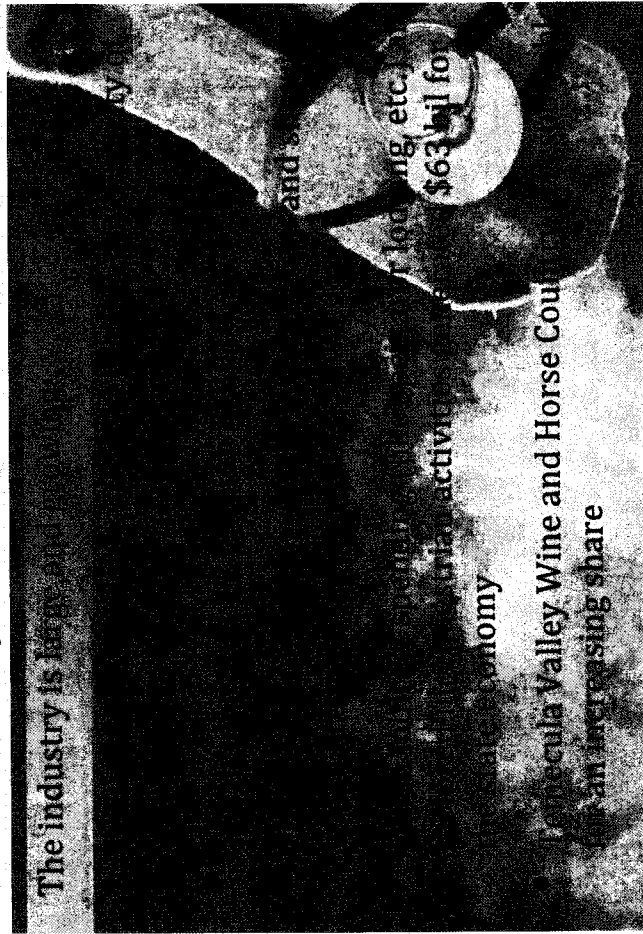


September 24, 2013

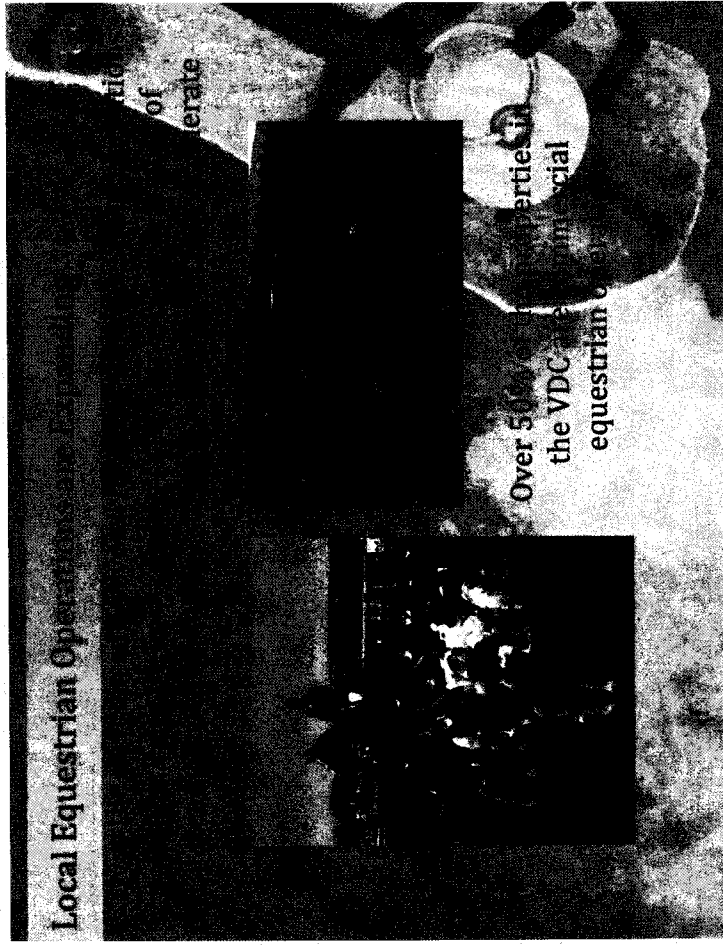
## Purpose of Today's Discussion

- Portray the vitality and growth in local equestrian operations
- Illustrate the quality of life in the Equestrian Zone that residents and businesses seek to enhance
- Highlight key concerns with the Community Plan as currently written

The Horse industry in Southern California has a major impact on the local economy

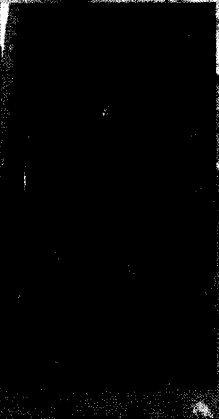


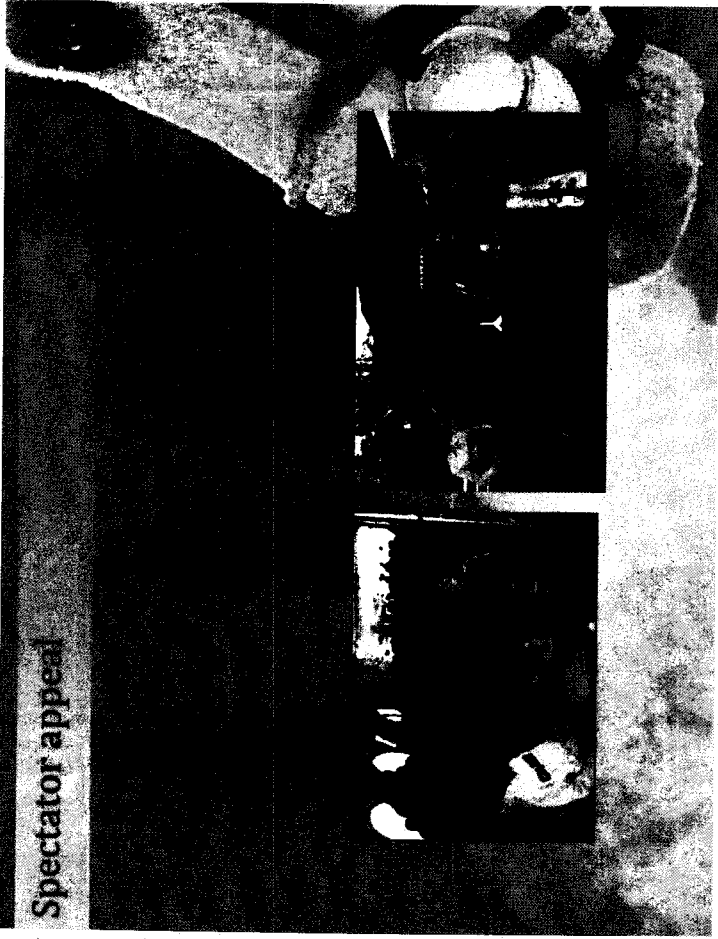
American Horse Council 2010.



Local Equestrian Operations...

the  
of  
erate





Spectator appeal



Galway Downs is the

Kingsway Farm  
Kennett-Avalanche

Several of  
Tennessee

Temecula Valley also boasts the "winningest" Quarter Horse Racing Trainer, Paul Jones, and provides tranquil open equestrian lands for raising Thoroughbred foals



Former Keyways Winery owner Ferri Pebley Delhammer meeting the babies

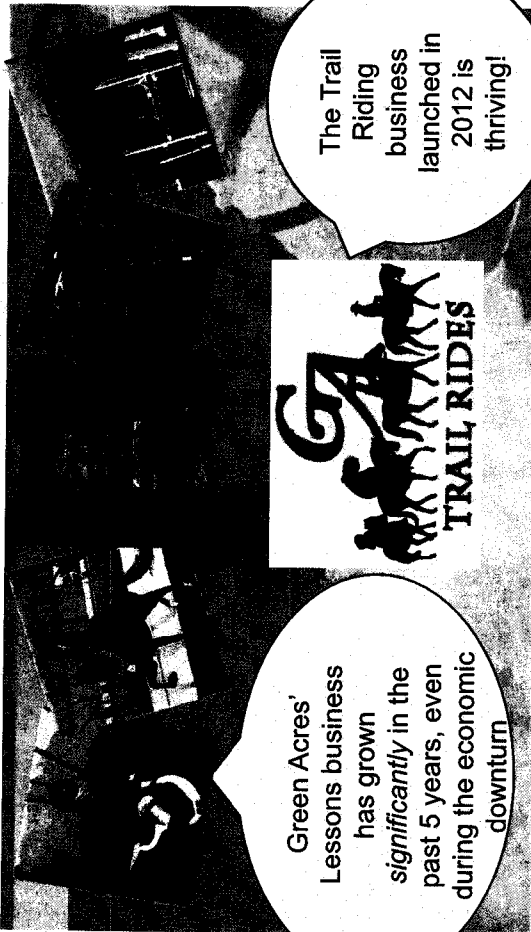


"De Portola Road is a prestigious address in the Horse World"  
Margaret Rich

Keiners, Calif  
known National

the horse  
about 100

Green Acres Ranch, one of the area's most established operations, is a full-function facility that continues to grow, offering boarding, lessons, training, youth camps, trail riding, and shows since 1957...

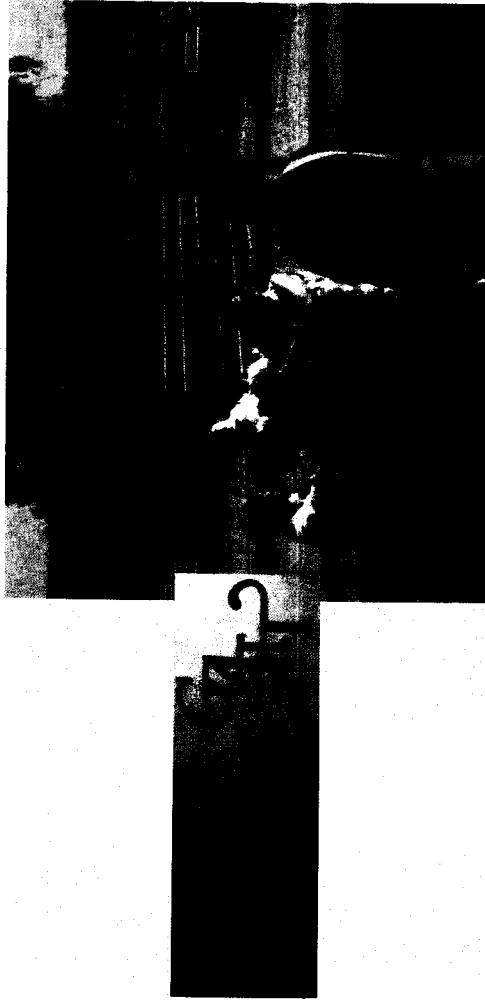


Green Acres' Lessons business has grown significantly in the past 5 years, even during the economic downturn

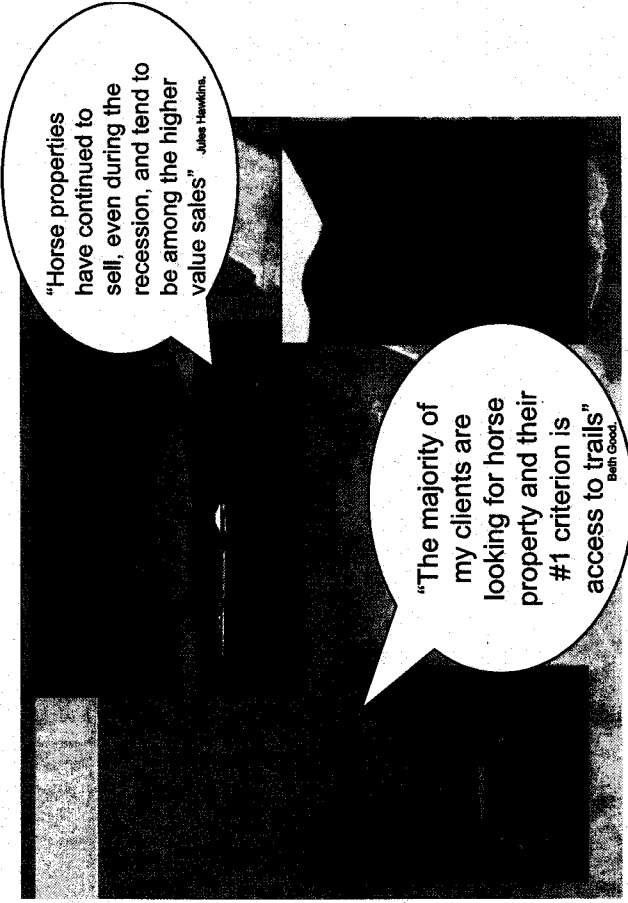


The Trail Riding business launched in 2012 is thriving!

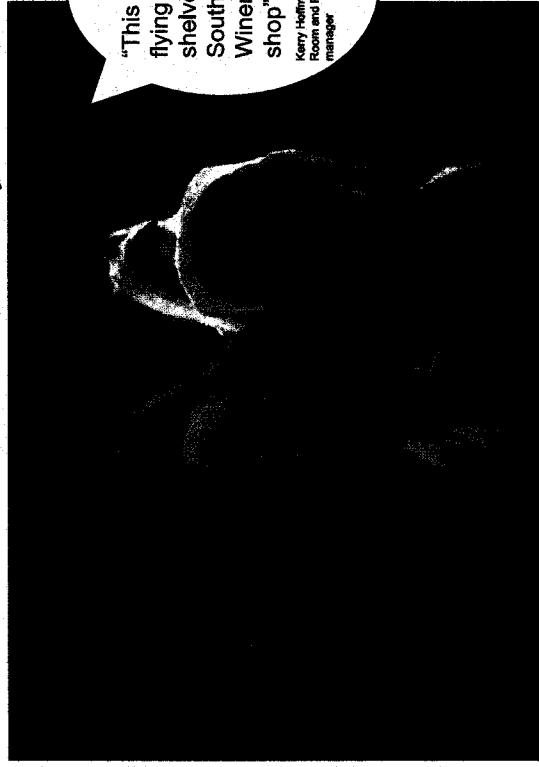
Green Acres now also provides Therapeutic Riding for the Disabled, through its GAIT (Green Acres Interactive Therapy) Program, launched in 2010



## Equestrian properties contribute to the health of the local Real Estate industry

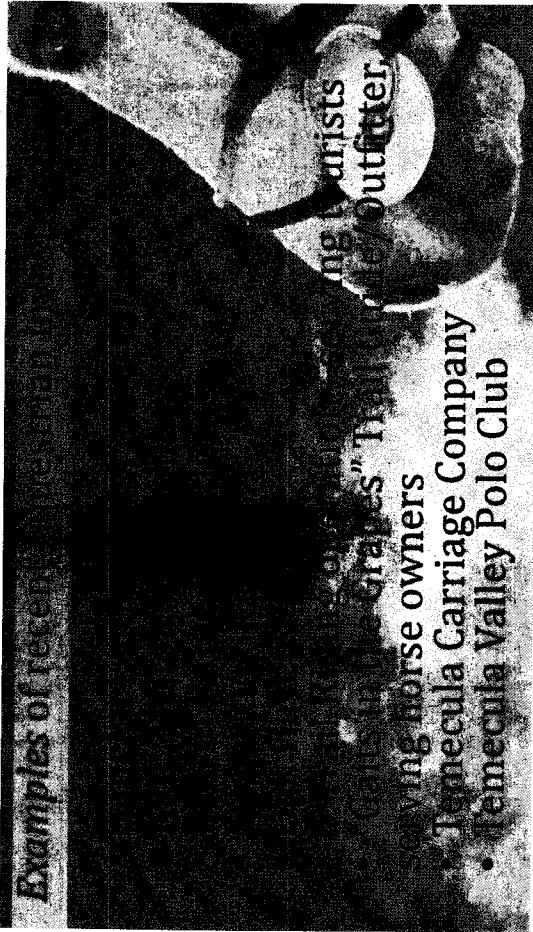


## Temecula Wine and Horse Country is featured in the recent fast-selling book "Horses in Wine Country"

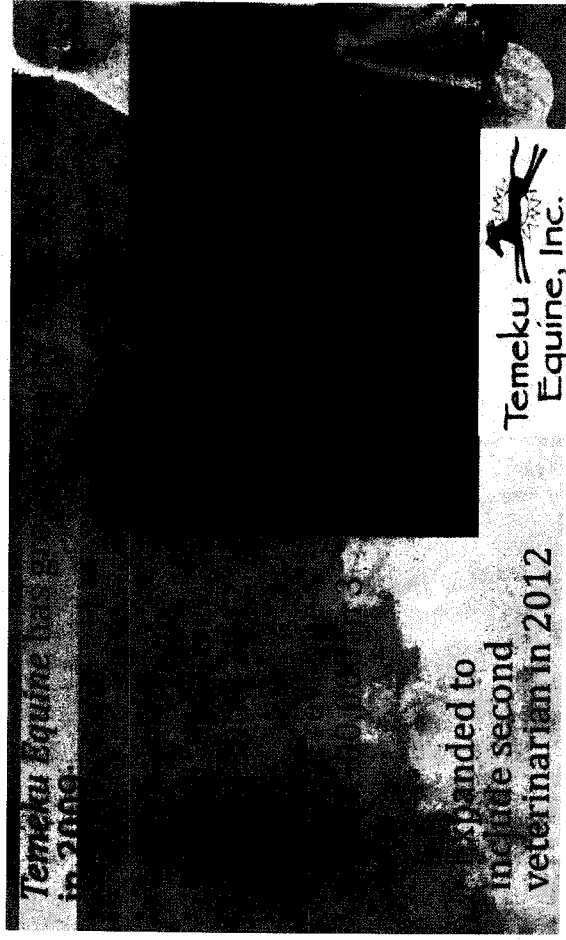


Horsesinwinecountry.com

New investment has come into the area in the past 7 years



Temeku Equine is a full-service veterinary practice, complete with world-class surgery facility, which draws horsemen to the area



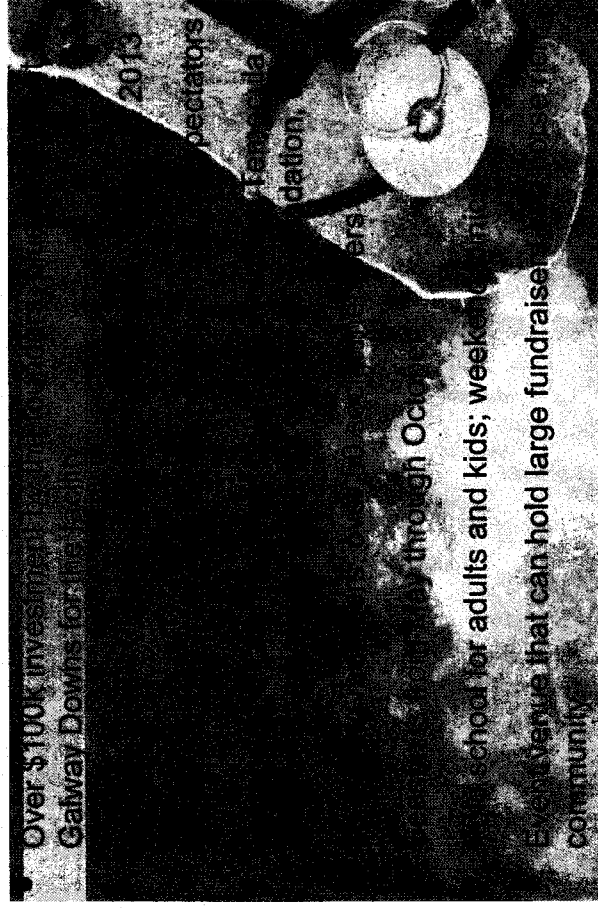


... Temecula Valley Polo Club: a new major attraction for tourists and residents alike ...

- Carriage Winery Tours Show about 80-120 people per hour through the winery as well as the surrounding vineyard. Participates in all local parades and charitable events




- Over \$100k invested in the Gateway Downs for the 2013 season. Temecula polo club has been a major attraction for adults and kids; weekly school for adults and kids; weekend events for the community. Temecula polo club has been a major attraction for adults and kids; weekly school for adults and kids; weekend events for the community.

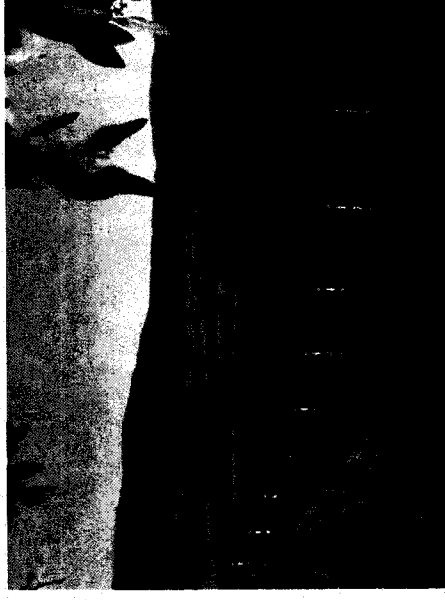




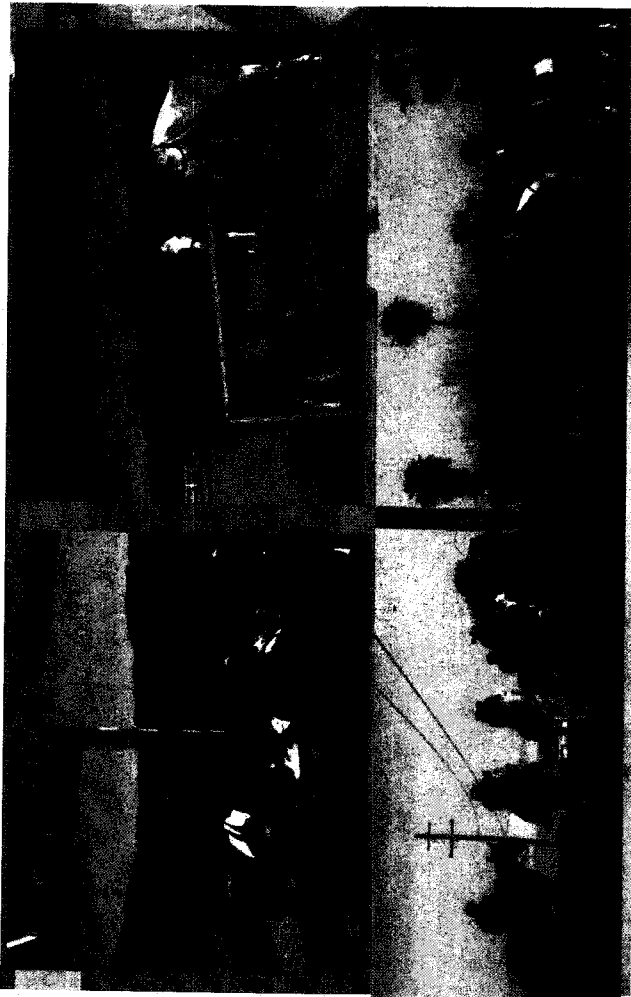
### Purpose of Today's Discussion

- Portray the vitality and growth in local equestrian operations
-  Illustrate the quality of life in the Equestrian Zone that residents and businesses seek to enhance
- Highlight key concerns with the Community Plan as currently written

The Valley of the Horses (Valle de los Caballos) encompasses large lots with open space to enable the equestrian lifestyle

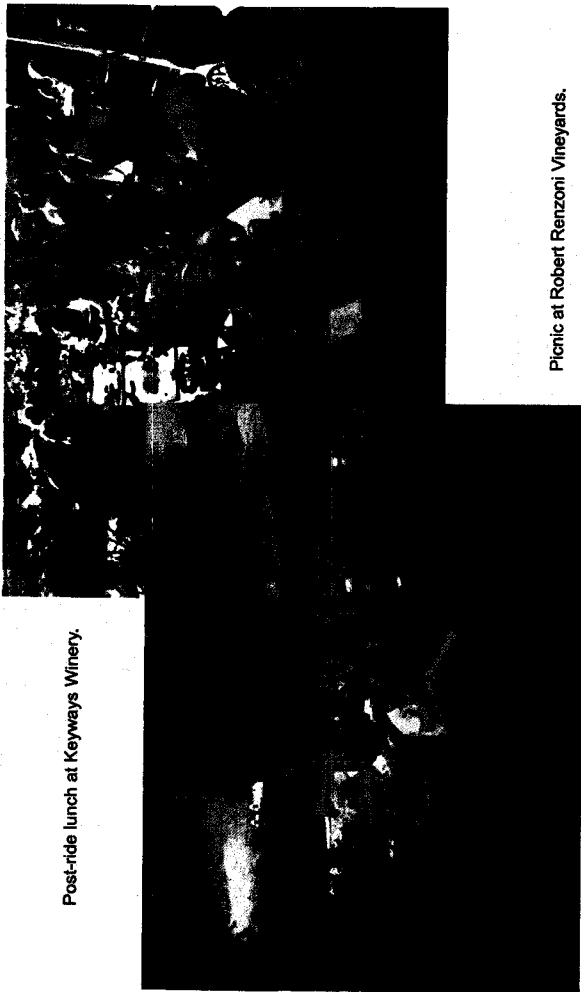


Local Trail-riding Clubs are regular customers at the many horse-friendly wineries



Local riders make it a priority to purchase food and drink at the wineries. Many are wine club members at multiple wineries

Post-ride lunch at Keyways Winery.



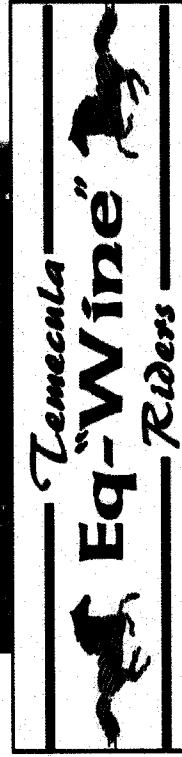
Picnic at Robert Renzoni Vineyards.

Rancho California Horsemen's Association is the oldest riding club in the area, helping to preserve trails since 1969



- Hundreds of members and supporters
- Mission is to establish, maintain and preserve riding trails in Temecula Valley
- Leaders have played major roles assisting County in mapping project and as members of Supervisor Stone's Wine Country Advisory Council

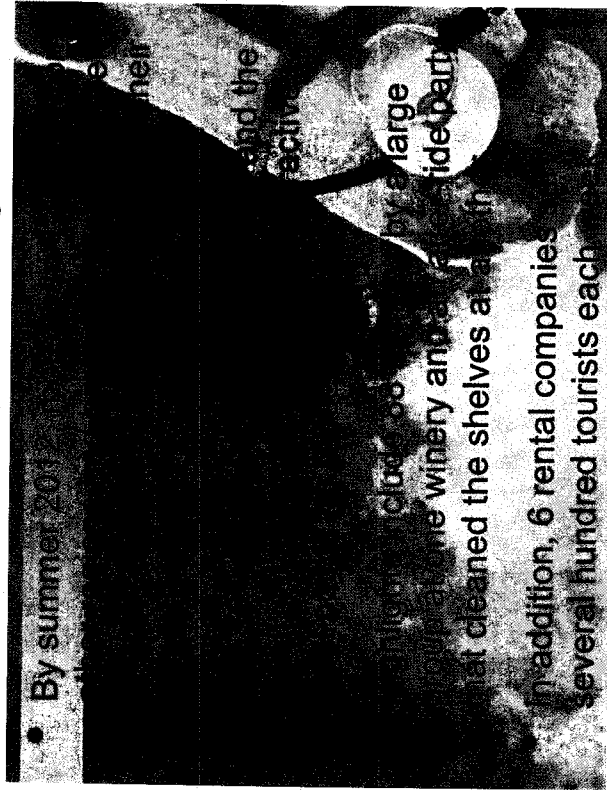
Temecula Eq-Wine Riders have been sponsored by local businesses in Temecula's July 4th Parade for 6 years, winning multiple times as the equestrian division grows each year



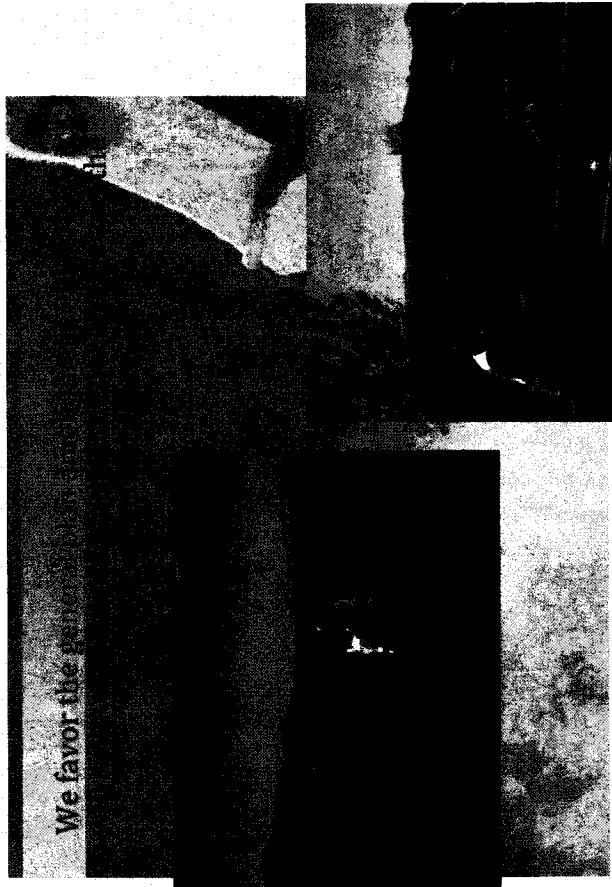
Horses in Wine Country add ambiance that makes the region unique and therefore more attractive



The area is becoming a destination site for horsepeople – riders are coming in droves!



In short, the Equestrian Community is growing in strength but committed to maintaining a rural lifestyle



### Purpose of Today's Discussion

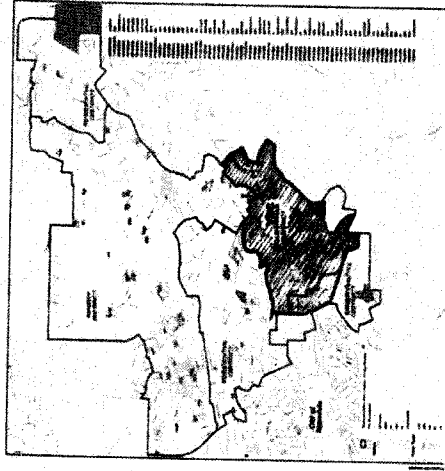
- Portray the vitality and growth in local equestrian operations
- Illustrate the quality of life in the Equestrian Zone that residents and businesses seek to enhance
- Highlight key concerns with the Community Plan as currently written



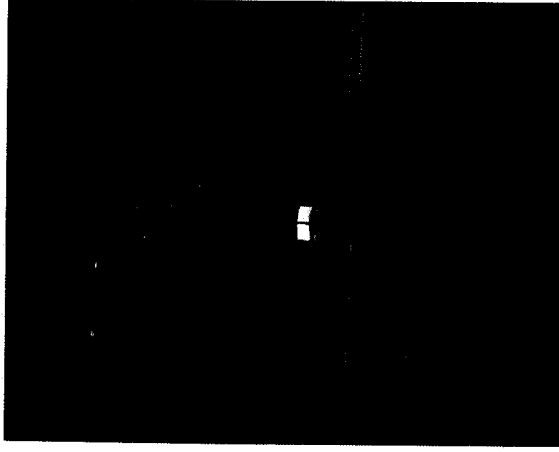
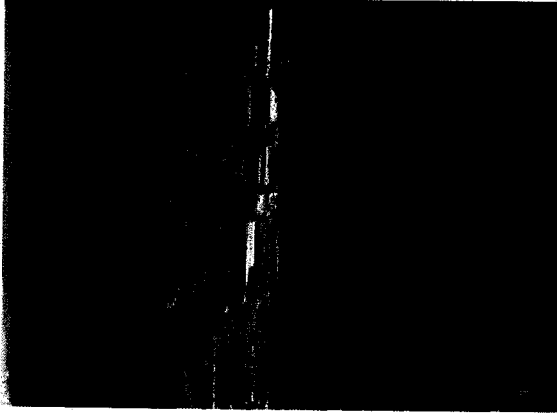
The Valle de Los Caballos was created in 1969 as a premier California equestrian community. The General Plan 2003 retained it as the VDC Policy Area

*It is critical that the VDC remain as a distinct region of large parcels suitable for horse operations*

VDC Policy area within new Wine Country Boundaries

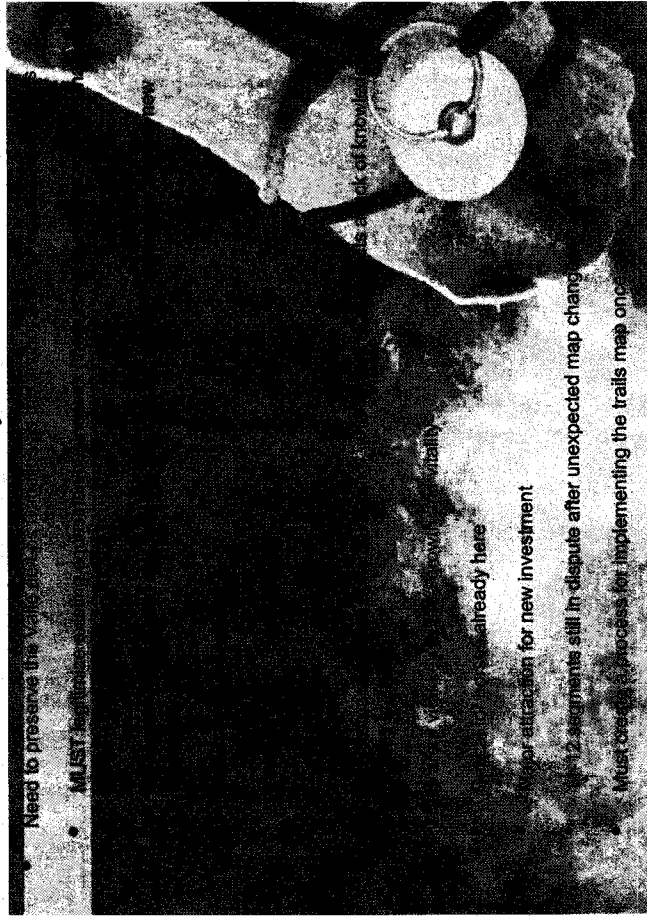


The Valley of the Horses is comprised of large to very large equestrian estates. Residents and neighboring equestrians support retaining the open, natural area





## The Equestrian Community's concerns with the current draft of the Community Plan



# ROLOFF RANCH, INC.

36420 De Portola Road – Temecula, CA 92592 – 951-302-5977 – 951-303-0408 – fax – [don@roloffintl.com](mailto:don@roloffintl.com)

**RECEIVED**  
SEP 23 2013  
ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT



Proposed Trails  
Slide.ppt

September 3, 2013

**TO:** Marc Brewer, Senior Park Planner, Riverside County and Frank Coyle, Deputy Director, Riverside County Planning Department

**Re:** Trails bordering and linking to Roloff Ranch, Inc.

We are writing regarding two sets of trails that have been in use historically on and around our property, and had been on the proposed Wine Country Trails Map until the December 2012 hearing at which County Staff presented a one-page set of modifications removing these trails.

These two sets of trails are circled on the aforesaid exhibit (attached). We believe it is a necessity to preserve them.

The first trail goes behind and around our ranch. We have operated our ranch on De Portola Road for over 30 years, breeding, rehabilitating, breaking/training and providing for older retired horses. It is of critical importance that we have outlets for exercising our horses outside the arenas. The trail behind the property lets us get out of our ranch and link to other area trails without the danger of riding along De Portola Road.

After we exit our ranch the major trail loops we need, and linkages that take us either across toward Galway Downs or up toward the winery district, are the second set of important "north-south" trails, including one that borders the old Hat Ranch and two others that run roughly from behind Green Acres Ranch up to Linda Rosea Road. We understand that these might appear "redundant" at first glance, but in fact these trails are quite far apart. They come out at County-designed horse crossings at least a quarter mile apart on De Portola Road. Eliminating 2 out of these 3 trails, which is what County Staff appeared to be suggesting in the attached exhibit, adds much too much time to a daily exercise ride. Additionally, having to utilize alternate routes may be dangerous for horses and riders.

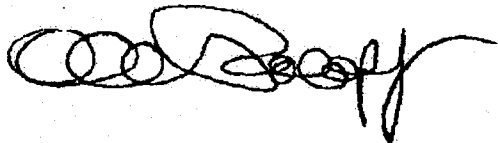
Moreover, the complete set of trails is vital for the tourist trail riders who are now flocking to our area (Valle de los Caballos). If we are to keep these riders OFF of dangerous De Portola road, they must have these loops to build short, medium, and longer rides with scenic elements.

These trails were developed during the Rancho California development era and each of us landowners dedicated easements to preserve them (we thought!). Now, not only for us

and resident equestrians but for the safety of the novice tourist riders, these trails are becoming even more critical.

Please let this letter serve as documentation that we believed these trails would be protected historically.

Sincerely,

A handwritten signature in black ink, appearing to read "Don and Bonnie Roloff". The signature is written in a cursive, somewhat stylized font with several loops and a long, sweeping tail.

Don and Bonnie Roloff, proprietors, Roloff Ranch

Patricia Ommert  
400 W. Riverside Dr. #19  
Burbank, CA 91506

RECEIVED  
SEP 23 2013

September 16, 2013

Frank Coyle, Deputy Director (project manager) GPA NO. 1077

County of Riverside, T&L MA P.O. Box 1409, Riverside, CA 92502-1409

RE AP 927 1600 31 - 7

Dear Mr. Coyle:

I am asking to have my property ASMT: 927160031, APN: 927160031, grandfathered in as a veterinary hospital. This property has been in operation as a veterinary hospital since 1969. My late husband and I purchased the property in 1968. It was originally a 50 acre parcel across Los Corralitos Road from the Rancho California Track and Training Center which, since 1980, is known as Galway Downs in the Valle de Los Caballos.

The property is leased to purchase, by Chris Huth, DVM and his wife Becca. It is called Temeku Equine. The veterinary hospital has a state of the art equine surgery, stalls, exam rooms, pharmacy and lab. There is a permitted manufactured home/help house, pastures and dry paddocks plus hay and equipment sheds. On the hill above the veterinary hospital, is a 2700 sq. ft. residence. Temeku Equine is a complete and established facility with room to expand when needed.

July 6, 2010 I sent a packet to Mitra Mehta-Cooper, Principle Planner, new community plan with a complete history of our property & Tract Map 18438 should you need more information.

Sincerely,

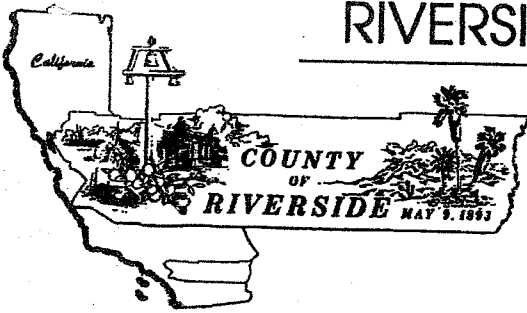
*Patricia Ommert*

Patricia Ommert

Enclosures: Riverside Planning Dept. 3/9/92 & 7/1/03

phone: 818 567 0561 cell: 909 227 5619 email: patommert@gmail.com





# RIVERSIDE COUNTY PLANNING DEPARTMENT

Joseph A. Richards, Planning Director  
Keith D. Downs, A.I.C.P., Assistant Director

March 9, 1992

COPY

Dr. Willard Ommert  
38951 Pauba Road  
Temecula, CA 92592

Regarding: Veterinary Hospital - APN 927-160-031

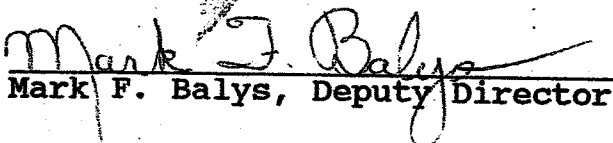
Dear Dr. Ommert:

This letter is to confirm the telephone conversation you had with Susan Lara on Thursday, March 5, 1992. You had inquired about the necessary steps to update or renew your permit for the veterinary hospital. After researching the parcel and the Land Use Ordinance, it has been determined that a use permit was not required in 1968 to operate a veterinary hospital. Therefore, as long as the facility is left exactly as is, a use permit would not be required. However, if the need arises for a building permit for any reason, a Conditional Use Permit would be required.

If you have any further questions, please feel free to contact me at (714) 275-3208.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT  
Joseph A. Richards, Planning Director

  
Mark F. Balys, Deputy Director

MFB/sml

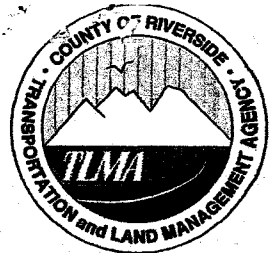
cc: Jessie Myers

Main Office

4080 LEMON STREET, 9th FLOOR  
RIVERSIDE, CALIFORNIA 92501  
(714) 275-3200

41002 COUNTY CENTER DRIVE  
TEMECULA, CALIFORNIA 92390  
(714) 694-5140

79733 COUNTRY CLUB DRIVE, SUITE E  
BERMUDA DUNES, CALIFORNIA 92201  
(619) 342-8277



# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY



Richard K. Lashbrook  
Agency Director

### Planning Department

Ron Goldman  
Interim Planning Director

July 1, 2003

To Whom It May Concern:

In accordance with the letter from Mark Balys dated 3/9/92, as long as the veterinary hospital remains unchanged, the County of Riverside will find that use to be a pre-existing use, and no permits relative to the hospital will be required. With regards to the proposal to establish a Second Unit Permit (SUP) on the subject property, the County finds that the SUP will not directly affect the Hospital and the County will consider the SUP to simply be an additional land use on the subject property.

Any questions regarding this letter should be directed to myself at the Murrieta address indicated below.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT

David Mares, Principal Planner

C:\Files\Word\927-160-031 letter.doc

COPY

September 23, 2013

To: Riverside County Board of Supervisors

Cc: Marc Brewer, Senior Park Planner, Parks and Recreation District  
Frank Coyle, Deputy Director, Planning Department  
Phayvahn Nanthavandoungsay, Urban Regional Planner III, Planning Department  
Margaret Rich, Green Acres Ranch  
Robert Kellerhouse, Galway Downs  
Lorraine Harrington, Rancho California Horsemen's Association  
Lynn Mattocks, Riverside County Trails Committee

From: Gil Pankonin, President, Rancho California Horsemen's Association

Re: Request to Restore Wine Country Trails segments deleted prior to Dec 2012 Hearing

Supervisors,

We have 2 requests for you today:

1. That you approve the proposed Trails Map that is part of the Wine Country Plan **with changes that we will recommend right now**
2. That you instruct County Staff that as implementation proceeds, that they please interact with Rancho California Horsemen's Association if/when issues arise in the implementation, as we truly believe we can help with resolution of any problems.

As members of the oldest local trails preservation group in the Wine Country (Rancho California Horsemen's Association, in existence since 1969), several of us have been helping the County since 2006 (at the County's request) to remap trails in Wine Country. Our shared objectives were threefold: 1) to ensure a safe, connected network of trails that will enable riders to tour the wine country on horseback, 2) more importantly, enable horse owners to traverse the Winery, Residential and Equestrian Districts to reach our valued local destinations of Vail Lake, Lake Skinner and eventually Diamond Valley Lake, and 3) allow local horse owners to exercise their horses on a daily basis on shorter loops within the network.

We have worked since 2006 in collaboration with Parks and Recreation, the Planning Department, winery owners, and other property owners to create the proposed trails map. At a point in mid-2012, representatives of all those groups finally agreed on a proposed map and at the end of lengthy discussions, compromises (on all sides), etc., SIGNED the map to show our agreement.

Unexpectedly, a couple of days before the final public hearing before the Planning Commission in December 2012, about a dozen or so trails segments were suddenly removed from the map without our knowledge. We understand that one of the Commissioners thought some segments appeared "redundant" because they were close to trails that ran along streets (primarily useful for bicyclists), so he erased them. From the initial days, we have always drawn the desired trails away from streets, for safety reasons. In removing these segments, the map not only becomes

more dangerous, but it removed some already legal trail segments, i.e., segments where legal easements already have been designated.

We urge you today to restore those segments.

As further support of this request, we have collected letters from landowners bordering the segments in question. County Staff asked us to do this "rework" even though we had already gotten agreement in writing in some cases. For example, a very critical trail segment that goes along the easternmost boundary of Mr. Claudio Ponte's property close to Camino del Vino, was erased. We have reconfirmed with Mr. Ponte that he has agreed to dedicate that trail. He was a participant in that lengthy meeting in mid-2012 and his is one of the signatures on the aforementioned June 2012 map. County Staff can no longer find that map, so they've asked us to collect letters again! We have done our best to do this extra work over the past few weeks, but it is harvest time at the wineries and it has been difficult to get the paperwork (which is essentially rework) completely done. Our position to you today is that we HAVE Mr. Ponte's word, which we respect. Staff has his signature, though they seem to have lost it. In short, we ask you to restore that segment onto the map and approve the map as it was in June 2012. This will reverse 11 or 12 erasures.

Finally, attached to this memo are many, many letters from landowners in the area north of De Portola Road and south of Linda Rosea Road (i.e., the area surrounding Green Acres Ranch and Roloff Ranch, among others) attesting to the easements granted for the several trails segments in their area (some of which were also erased). As you will read, these are vital for the exercise of their horses.

We urge you to approve the map today, so that we can proceed to implementation.

Finally, we request that as part of your approval you instruct County Staff to alert us and engage us in any changes contemplated for the future. We believe we have worked in a highly collaborative fashion to date, and pledge to continue to help work through problems, but we want to prevent a situation where suddenly changes are made that reverse a lot of hard negotiating!

Respectfully yours,

Gil Pankonin, President, Rancho California Horsemen's Association



---

**From:** Graham, Kerri L <kerri.graham@av.abbott.com>  
**Sent:** Monday, September 23, 2013 4:03 PM  
**To:** cob@rcbos.org  
**Cc:** Coyle, Frank; Nanthavongdouangsy, Phayvanh  
**Subject:** Letter to the Board - Save the Temecula Trails

**Board of Supervisors  
c/o Clerk of the BOS**

To Whom It May Concern:

This email is to address my support of the trails map with the changes suggested by Gil Pankonin. I recently moved out to the Wine Country in Temecula and one of the main attractions was all the horse trails so that I may ride with my daughter through all the back areas in Temecula without the worry of traffic. Ranch California Horseman's Association (RCHA) has done a wonderful job at protecting the trails so that the whole community can enjoy for years to come. They also encourage safety for the riders, which is why these trails are so important. It allows for designated trails to keep horses off the main roads.

I urge the Board of Supervisors to approve the trails map with changes suggested by Gil Pankonin, President of RCHA.

Sincerely,  
Kerri Graham  
Member of RCHA

---

**From:** Jackie Fenaroli <stonewallsaddles@yahoo.com>  
**Sent:** Tuesday, September 24, 2013 8:11 AM  
**To:** cob@rcbos.org  
**Cc:** Coyle, Frank; Nanthavongdouangsy, Phayvanh  
**Subject:** Support Trails in Wine Country Temecula

Mon, Sep 23, 2013 at 3:26 PM  
SMon, 3:26 PM

\_\_il Pankonin, President of RCHA.

---

Supervisors,

Please support and approve the Trail Map in Wine Country.

The trails are unique to this area and that gives visitors another reason to visit us rather than go elsewhere. Visitors spend money and this provides jobs to citizens and a sales tax base to local governments.

Trails also reduce vehicle traffic which in turn reduces pollution and energy usage and provides for a cleaner green environment for our residents and wildlife.

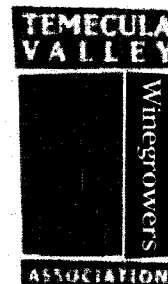
Trails meet the Counties goal of providing recreation and an interconnected trail system to wilderness areas.

My business of making saddles for trail riding is dependant on having trails for equestrians. Supporting the trails is supporting my business and jobs directly.

Please vote yes on the trails and strongly consider the changes suggested by Gil Pankonin, President of RCHA.

Sincerely,

Jackie Fenaroli  
Stonewall Saddle Company



September 19, 2013

Frank L. Coyle, REA I  
Deputy Director, Advanced Planning Division  
Riverside County Planning Department  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
fcoyle@rctlma.org


Dear Mr. Coyle:

RE: TEMECULA VALLEY WINE COUNTRY COMMUNITY PLAN  
Attachment A, Section IV (Existing Wineries)

In reading through Attachment A, Section IV of the proposed Temecula Valley Wine Country Community Plan, it came to our attention that one of our grower members, Peltzer Farms, appears to be missing from the Existing Wineries list. The Peltzer's are knee deep into the plot plan approval process and have been approved by all departments; they are simply waiting for their completed staff report and hearing date.

We respectfully request that Peltzer Farms be added to the Existing Wineries list and be included in the 'overlay'.

Best Regards,



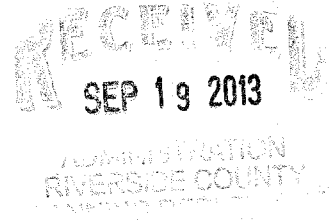
Nicholas Palumbo  
President, Temecula Valley Winegrowers Association

cc: Supervisor Jeff Stone  
Supervisor John F. Tavaglione  
Supervisor Kevin Jeffries

Supervisor Marion Ashley  
Supervisor John Benoit  
Mr. George Johnson  
Ms. Olivia Barnes

**LAURIE STAUDE**  
**31 St. Michael Place**  
**Dana Point, California 92629**  
**(949) 496-3628**  
**email: GrandyLSS@aol.com**

Deputy Director Frank Coyle  
Commissioner John Petty  
Commissioner Jeff Stone  
12<sup>th</sup> Floor –County Administrative Center  
4080 Lemon Street  
Riverside, California 92502



Re: Wine Country Proposal  
Parcel 924200012-1 (north side of Camino Sierra Road) – 12 acres  
My request NOT to be required to plant 75% in grapes

September 16, 2013

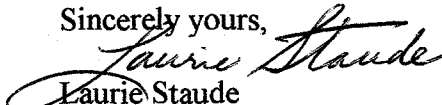
Dear Deputy Director Coyle, Commissioner Petty, and Commissioner Stone:

Saturday, Sept. 14, 2013, I received a notice for a public hearing on September 24, 2013. It says that if "I wish to comment on the hearing, I need to give written testimony by Sept. 19, 2013."

I will not be present Sept. 24, nor do I wish to comment at that time. However, I want to be sure that the conditions outlined in my letter of February 26, 2013 (see enclosed copy) and the email from Phayvanh Nanthavongdouangsy on January 16, 2013 (see enclosed copy) are still in place.

I am not giving fresh testimony on the grounds that the condition that I or a future owner does not have to plant 75% grapes, even if he or I spilt the 12 acre parcel into two parcels, with a minimum parcel's being no less than 5 Acres.

I spoke on the phone with Phayvanh today, and she assured me that my exemption from planting grapes was still in place. If there is any change in this condition, please will you notify me immediately by email or by telephone?  
Thank you very much for all your help.

Sincerely yours,  
  
Laurie Staude

Encl: Copy of January 16, 2013 e mail from Pnanthav  
Copy of my Feb. 26, 2013 letter  
Copy of Notice of Public Hearing for Sept. 24, 2013  
Cc: Phayvanh Nanthavongdouangsy

-----Original Message-----

From: Nanthavongdouangsy, Phayvanh <PNANTHAV@rctlma.org>

To: 'GrandyLSS@aol.com' <GrandyLSS@aol.com>

Cc: Coyle, Frank <FCOYLE@rctlma.org>

Sent: Wed, Jan 16, 2013 11:14 am

Subject: RE: Wine Country Community Plan

Hello Ms. Laurie Staude,

Properties located within the Temecula Valley Wine Country Policy Area may be subdivided for residential purposes. The density yield for a property located within the Wine Country-Residential District is 1 dwelling unit per 5 acres (1du/5ac). For example a property of 20 acres will yield 4 units; each unit shall be on a minimum of 5 acres (see Figure 1 below). Under this scenario, the 75% vineyards/equestrian land requirement does not apply.

*Proposed General Plan Policy: SWAP 1.5 Require a density of ten (10) acres minimum for tentative approval of residential tract and parcel maps after (adoption date) regardless of the underlying land use designation except in the Wine Country – Residential District where a density of five (5) acres minimum shall apply.*

X (5 ac.)	X (5 ac.)
X (5 ac.)	X (5 ac.)

The Community Plan also encourages clustering when appropriate and feasible. Under the clustering scenario, the 75% vineyards/equestrian land requirement does apply. Clustering would allow the property owner to locate the 4 units on 5 acres- with each unit on a minimum of 1 acre; while the remaining 15 acres will be set aside as vineyards or equestrian land.

*Proposed General Plan Policy: SWAP 1.15 Encourage tentative approval of residential tract and parcel maps to cluster development in conjunction with on-site vineyards or equestrian land provided that the overall project density yield does not exceed one dwelling unit per five (5) acres. While the lot*

*sizes in a clustered development may vary, require a minimum lot size of 1 acre, with at least 75% of the project area permanently set-aside as vineyards or equestrian land.*

X (1.25 ac.)	X (1.25 ac.)	
X (1.25 ac.)	X (1.25 ac.)	

Only when the clustering scenario is chosen would the set aside of 75% planting of vineyards or equestrian open space be required. In our phone conversation you mentioned your property of 12 acres. If in the future you would like to subdivide it into two parcels (one 5 acre and the other 7 acres), the 75% planting requirement does not apply.

I hope this helps. Please let me know if you have any questions.

Thank you,  
Phayvanh

Phayvanh Nanthavongdouangsy  
Urban Regional Planner III  
County of Riverside Planning Dept.  
951-955-6573

**Please be advised that effective July 01, 2010, our business hours will be from 7:00 AM to 5:30 PM (M-TH).**

---

**From:** Coyle, Frank  
**Sent:** Monday, September 16, 2013 2:45 PM  
**To:** Nanthavongdouangsy, Phayvanh  
**Subject:** FW: Public Hearing SoCal Wine Country Plan  
**Attachments:** Letter Of Objection to Zone Change East Benton Road.pdf

Fyi...

---

**From:** [Sjmanfredi@aol.com](mailto:Sjmanfredi@aol.com) [<mailto:Sjmanfredi@aol.com>]  
**Sent:** Monday, September 16, 2013 9:57 AM  
**To:** Coyle, Frank  
**Subject:** Public Hearing SoCal Wine Country Plan

Re: Temecula Valley Wine Country Plan

Dear Frank: Please see the attached letter that objects to the zone change for parcels 924-320-013-4, 924-320-014-5, 924-320-015-6, 924-320-016-7. This letter was sent by certified mail July 11, 2012 by Ronald Mostero, owner of the property.

Thank you

Stephen J. Manfredi  
Property Manager

**Stephen J. Manfredi**  
**P.O. Box 890880**  
Temecula, Ca. 92589-0880  
**(951) 699-1719 Cell (951) 312-9003**  
**Fax (951) 694-8458 [SJManfredi@aol.com](mailto:SJManfredi@aol.com)**

**Ronald Mostero  
505 Chiswick Road  
Palos Verdes, Ca. 90274**

**County of Riverside  
Transportation and Land Management Agency  
Ms. Mitra Mehta-Cooper, AICP  
Principal Planner  
P.O. Box 1409  
4080 Lemon Street, 12th Floor  
Riverside, Ca. 92502-1409**

**July 5, 2012**

**Re: Approximately 40 acres including Four Parcels APN 924-320-013-4, 924-320-014-5, ~~924-320-015-6, 924-320-016-7~~ at the corner of East Benton Road and Bella Vista Road, Temecula.**

**Wine Country Community Plan: General Plan Amendment No. 1077 Ordinance Amendment No. 348.4729 & Program Environmental Impact Report No 524 and the Planning Commission Hearing Legal Notice - July 25, 2012**

**Dear Ms. Mitra Mehta-Cooper:**

**This letter is in regard to the Wine Country Community Plan: General Plan Amendment No. 1077 Ordinance Amendment No. 348.4729 & Program Environmental Impact Report No 524 and the Planning Commission Hearing Legal Notice - July 25, 2012.**

**My wife Teresa and I purchased the four parcels listed above in order to develop a private rural school on the property. The present zoning of the property allows for the development of a private school.**

**I would like to submit that the children and families who reside in wine country will benefit from a local rural school. The benefits include decreased travel times for the students and their family members, and the ability of wine country residents to develop an increased sense of community at the school.**

**My wife and I have faithfully paid the property taxes on these four parcels for the past several years. We humbly ask that any future zone changes for these four parcels will continue to allow the development of a private rural school as an accepted use.**

**Thank you for your time and consideration.**

**Respectfully Submitted,**



**Ronald Mostero**

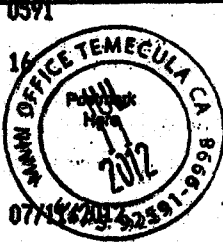


U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

**OFFICIAL USE**

Postage	\$ 0.45
Certified Fee	\$2.95
Return Receipt Fee (Endorsement Required)	\$2.35
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>



Sent to  
**COUNTY OF RIVERSIDE MIKA MEHTA - COOPER**  
 Street, Apt. No.,  
 or PO Box No. **PO BOX 1409**  
 City, State, ZIP+4  
**RIVERSIDE CA 92502-1409**

PS Form 3811, August 1, 2005 See Reverse for Instructions

7011 2970 0004 3751 5824

TEMECULA MAIN PO  
 TEMECULA, California  
 925919998  
 0567760591 -0097  
 (800)275-8777

07/11/2012 12:21:56 PM

Product Description	Sales Receipt Sale Qty	Unit Price	Final Price
RIVERSIDE CA 92502 Zone-1 First-Class Letter			\$0.45
0.50 oz. Expected Delivery: Thu 07/12/12			
Return Rcpt (Green Card)			\$2.35
Certified			\$2.95
Label #:	70112970000437515824		
Issue PVI:			\$5.75

**Total: \$5.75**

Paid by: MasterCard \$5.75  
 Account #: XXXXXXXXXX3994  
 Approval #: 04557Z  
 Transaction #: 20  
 23 903490431

BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

Bill #: 1000303819931  
 Clerk: 16

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business

HELP US SERVE YOU BETTER

Go to: <https://postalexperience.com/Pos>

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

**COMPLETE THIS SECTION**

1. Article Addressed to:  
 COUNTY OF RIVERSIDE  
 TRANSPORTATION & LAND MGT.  
 MS. MIKA MEHTA - COOPER AICP  
 PRINCIPAL PLANNER  
 4090 LEMON ST. 12 TH FLOOR  
 RIVERSIDE, CA 92502-1409

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *[Signature]*  
 B. Received by (Printed Name): *[Name]*  
 C. Date of Delivery: 7/16/12  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type:  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.  
 Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label): 7011 2970 0004 3751 5824

108898-02-14-15-10 Domestic Return Receipt

April 16, 2013



Supervisor Kevin Jeffries  
County of Riverside, 1st District  
4080 Lemon Street, 5th Floor  
Riverside, CA 92502

RE: Wine Country CV Zone

Position: OPPOSE Incompatible Uses

The Temecula Valley Convention & Visitors Bureau (TVCVB) has adopted a position OPPOSING the expansion of incompatible uses within the Temecula Valley Wine County. The mission of the TVCVB is to stimulate economic growth and tourism in our region by developing, expanding and marketing our destination to conventions, meetings and leisure travel markets. Our twenty one-person Board represents fifteen (15) member business classes, including lodging, restaurants, transportation, hot air ballooning, golf, wineries, casino, retail, arts and culture and sports. Travel spending in Temecula Valley is nearly \$600 million per year, and supports approximately 6,200 jobs. We strive to work with our members to help their businesses grow, provide jobs for our local community, and to advocate on policies that will impact that mission.

The *Wine Country is a precious and limited resource for our region* - indeed our whole county. CV zoning was established to encourage agricultural cultivation, especially vineyards and citrus groves, that would preserve the rural lifestyle of our area. Adopting specific and very limited commercial use within the zone was intentional and necessary to the economic viability of the region, specifically for vineyard and citrus production. This zoning supports the wineries that have flourished throughout the area as well as the thousands of direct and indirect jobs they provide to the region, including its substantial contribution to our tourism economy.

The expansion of incompatible uses within the current CV zoned region is both a land use and jobs issue. Limiting or eliminating acreage dedicated to CV compliance weakens the regional economy and represents loss of a resource that, once gone, can never be regained.

The spirit and integrity of the original document remains significant and extremely important to the preservation and expansion of the Temecula Valley Wine County. It has served to protect and preserve the region since its inception in the late 1980's. One has only to look at the disparity between Ag preserve land in Napa County (91%) contrasted to Riverside County (.1%) to understand why no further efforts to impinge on this precious resource should be allowed. The dissolution of the Rancho Cucamonga Wine Country should provide an additional cautionary example on the impact of incompatible uses. What was once a thriving leader in the California wine industry is now nothing more than a freeway interchange with an airport and warehouses. We don't believe that's the vision any of us have for our Wine Country.

The *Temecula Valley Convention & Visitors Bureau* strongly encourages you to avoid further weakening of the CV Zone and act to preserve the integrity, character and economic engine that is the Temecula Valley Wine Country.

Respectfully,

  
Ken Westmyer  
TVCVB Chairman of the Board

cc: John Tavaglione, 2<sup>nd</sup> District Supervisor  
Jeff Stone, 3<sup>rd</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District, Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
John Petty, 3<sup>rd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Jan Zupardo, 5<sup>th</sup> District Planning Commissioner

# FAX

**To:** Planning Department **From:** Joan Sparkman

---

**Fax:** 951 955-1811 **Pages:** 12 (including cover)

---

**Phone:** **Date:** 9.20.2013

---

**Re:** Temecula Wine Country **CC:**

---

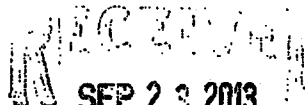
- Urgent   
  For Review   
  Please Comment   
  Please Reply   
  Please Recycle

**Comments:**

Eleven letters from Temecula Valley Citizens of the Year are attached regarding the Temecula Valley Wine Country Community Plan. The Letters have been sent to the Supervisors and Planning Commissioners separately.

**Please distribute to:**

- Carolyn Syms Luna, Director of Planning
- Frank Coyle, Deputy Director of Planning

  
 SEP 23 2013  
 RIVERSIDE COUNTY  
 PLANNING DEPARTMENT

9.20.2013



September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

*Trish Shea*

2012 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Mickey Valdivia, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

  
Nicole Albrecht

2011 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benolt, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marlon Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning



**WILSON CREEK**  
WINERY & VINEYARDS

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

Bill Wilson  
2010 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sioman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.



Kim Kelliher

2009 Temecula Citizen of the Year

cc: Kevln Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charlssa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.



Terry Gilmore

2007 Temecula Citizen of the Year

C:

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marlon Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning



September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

-We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

*Brace Cripe*

2006 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

*Bob Brown*

2005 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

  
Martha N. Minkler

2004 Temecula Citizen of the Year, Resident of Temecula Valley for 39 years

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms-Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.

*Joan Sparkman*

2001 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Mickey Valdivia, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marion Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 18, 2013

Supervisor Jeff Stone  
County of Riverside, 3<sup>rd</sup> District  
4080 Lemon Street  
Riverside, CA 92502

**RE: OPPOSITION TO USES WITHIN WINE COUNTRY THAT ARE INCONSISTENT WITH THE ZONE'S INTENT**

The County will soon be considering changes to our Wine Country zoning that will have a significant impact on Temecula Valley's future. Our Agriculture Preserve, also known as the CV Zone, has played a crucial role in Wine Country's success as an important and growing contributor to our area's economic health, lifestyle options, and positive self-identity.

We are concerned that at a time when our leaders should be taking action to strengthen the Ag Preserve, they are instead considering the possibility of weakening it. We encourage the County to reject any changes to the CV Zone that do not support the Ag Preserve's very specific intent, as stated in the County's ordinance:

*...a zone classification... that would encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization...*

The present Ag Preserve accounts for only 0.1% of Riverside County, leaving ample space for other development in the remaining 99.9%. By contrast, Napa County's cherished Ag Preserves, comprised of the AG (Agriculture) and the much larger AGW (Agriculture Watershed) Zones, account for about 91% of that county, leaving only 9% for other development.

Our Winegrowers Association, our Convention and Visitors Bureau, four of our area Chambers of Commerce, and many others have indicated that any diminishment of the Ag Preserve would inhibit Temecula Valley Wine Country from reaching its full potential. This would be a disservice to the dozens of local growers and vintners who have toiled for two generations to create a world class wine region, and to the entire community who derives economic and lifestyle benefits from this irreplaceable asset.

In short, *the Wine Country Ag Preserve is working*. As concerned citizens who want the very best for our community, we ask that you resolutely preserve the Ag Preserve.



Jeff Gavitt  
1996 Temecula Citizen of the Year

cc: Kevin Jeffries, 1<sup>st</sup> District Supervisor  
John Benoit, 4<sup>th</sup> District Supervisor  
Charissa Leach, 1<sup>st</sup> District Planning Commissioner  
John Petty, District Planning Commissioner  
Jan Zuppardo, 5<sup>th</sup> District Planning Commissioner  
Carolyn Syms Luna, Director of Planning

John Tavaglione, 2<sup>nd</sup> District Supervisor  
Marlon Ashley, 5<sup>th</sup> District Supervisor  
Ed Sloman, 2<sup>nd</sup> District Planning Commissioner  
Guillermo Sanchez, 4<sup>th</sup> District Planning Commissioner  
Frank Coyle, Deputy Director of Planning

September 23, 2013

Honorable Jeff Stone  
Riverside County Supervisor  
4080 Lemon Street  
Riverside, CA 92501

**RE: Wine Country Specific Plan – WC-E Land Use**

Dear Supervisor Stone:

I represent the ownership group of the 240 acre existing commercial equestrian establishment and events center located at 38801 Los Corralitos Way. The facility has legally operated for years under a CUP that allows for a restaurant, horse racing, training, boarding, polo club and other uses defined as "Commercial Equestrian Establishment" and "Special Occasion Facility" in the proposed Wine Country Specific Plan ("Plan"). The facility has been the cornerstone for equestrian activity in Temecula for 4 decades and it is the desire of the property owner to keep the facility operating as a "Commercial Equestrian Establishment" and "Special Occasion Facility" as defined in the Wine Country Specific Plan.

The current ownership has invested substantial capital and resources into beautifying the property the past several years. A Polo Club has been having events at the facility this past year and we have plans to continue that operation along with adding rodeo type events in 2014. In addition, other events have been held at the facility recently and throughout the 4 decades of operation with no adverse impacts to the core equestrian activities and those activities have not changed the character of the property or the community. In fact, those other activities has been a perfect complement as they use existing facilities and have added an important revenue source that will allow the facility to remain as the premiere equestrian and events center in Temecula.

After careful review, the Plan has potentially significant impacts to the facility without any apparent advantages. We are seeking to make sure that our current entitled activities that are consistent with a "Commercial Equestrian Facility" and "Special Occasion Facility" are clearly acknowledged and codified in the Plan. We request that under "Allowed Uses" in the WC-E Zone language be added that states: "Commercial Equestrian Facility and Special Occasion Facility for any existing Equestrian Establishments over 100 acres." This will ensure that the facility is clearly allowed to operate under the Plan exactly as its underlying CUP.

Thank you in advance for your time and consideration of this matter.

Sincerely,

  
Steven E. Rawlings

Reply To:

24910 Las Brisas Road, Suite 110  
Murrieta, California 92562  
Telephone: 951.600.2733  
Facsimile: 951.600.4996  
www.tylerbursch.com

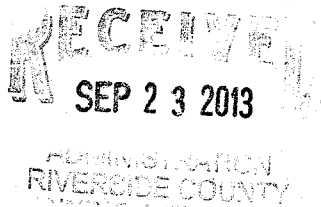
Orange County Office:  
15540-B Rockfield Boulevard  
Irvine, California 92618  
Telephone: 949.707.2733

San Diego Office:  
16870 W. Bernardo Drive, Suite 400  
San Diego, California 92127  
Telephone: 619.299.2733

September 17, 2013

VIA ELECTRONIC  
AND U. S. MAIL

Board of Supervisors  
Riverside County Administration  
4080 Lemon Street  
Post Office Box 1409  
Riverside, California 92501  
Email: ceo@rceo.org



Re: *September 24, 2013, Public Hearing on Temecula Valley Wine Country Community Plan - Calvary Chapel Bible Fellowship's Request for an Exemption From Temecula Valley Wine Country Community Plan*

Dear Board of Supervisors:

The purpose of this letter is to request a religious exemption to exclude two parcels from the Wine Country Community Plan ("WCCP") in order to allow Calvary Chapel Bible Fellowship ("CCBF") to proceed with a text amendment to permit religious assemblies in the Citrus/Vineyard Zone ("C/V") and its pending plot plan. The proposed exemption is in the best interest of the County of Riverside ("County") based on the provisions of the U.S. Constitution's First Amendment<sup>1</sup> and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA")<sup>2</sup>. In order to discuss the legal implications, I must first recap the factual historical background of CCBF's land development efforts and the County's actions relating to CCBF's project. As I will discuss more fully herein, I believe an exemption for CCBF from the WCCP is not only prudent, but is constitutionally and statutorily required under the First Amendment and the Safe Harbor Provision under RLUIPA.<sup>3</sup>

### HISTORICAL BACKGROUND

In October 1996, CCBF purchased the property it currently uses to conduct its religious services and activities. At that time, the County allowed churches to be developed anywhere within the County as long as they applied for, and were granted, a Public Use Permit ("PUP"). CCBF's PUP No. 798 was approved on July 27, 1999, along with Variance No. 1665, allowing a reduction in the planting requirement from 75% to 48%. CCBF conducted services in the existing buildings on the property and subsequently built a sanctuary.

<sup>1</sup> U.S. CONST. amend. I.

<sup>2</sup> Religious Land Use and Institutionalized Persons Act, 42 U.S.C. 2000cc (2000).

<sup>3</sup> 42 U.S.C. 2000cc-3(e).

On March 14, 2000, the County adopted Ordinance 348.3928 amending the C/V zone to allow restaurants, wine-tasting rooms and retail wine sales. On September 22, 2000, Congress adopted the RLUIPA; the County eliminated churches from the C/V zone. As a result of the amendment, CCBF's property use became a legal non-conforming use. Since 2000, the County has amended its zoning ordinance in the C/V zone several times to allow child day care centers, special occasion facilities, bed & breakfasts, country inns, hotels with conference rooms, day spas and cooking schools.

In 2009, the County initiated development of the Wine Country Community Plan ("WCCP") in partnership with the Temecula Valley Wine Association, who offered \$50,000 for funding the project. An Ad Hoc Group consisting of county staff and vintners began planning sessions to determine the future land use for the C/V zone. That same year, CCBF informed the County of its intention to build a church and school on property it was in escrow to purchase. The property was located adjacent to its existing church site. Numerous letters have been sent by my office expressing concerns about the legality of the County's land use actions as they relate to the church's expansion plans. For your information, I have attached some of the prior correspondence outlining the concerns of CCBF which are attached as Exhibits "A" through "G".

In 2010, the County Board of Supervisors directed staff to amend the zoning ordinance to allow churches in the C/V zone and the amendment (Ordinance 348.4702) was tentatively approved by the Planning Commission in October 2010, and later removed from its calendar in November 2010. Ordinance 348.4713 was adopted the same month (November 2010) giving the Planning Director discretion to approve projects that were substantially the same in character and intensity as uses already permitted within the zone. CCBF representative, Mike Naggar, sent a letter two weeks later requesting that the County, pursuant to Ordinance 348.4713, find CCBF's proposed project the same character and intensity so it could proceed with its expansion. The Planning Director notified CCBF via letter, attached as Exhibit "H", stating, "I hereby find that the proposed project is substantially the same in character and intensity as those listed uses requiring a plot plan." CCBF submitted a plot plan in March 2011, for processing. Two months later, on May 6, 2011, Protect Wine Country filed a lawsuit against the County which voided Ordinance 348.4713 on January 20, 2012.

During this time period, the County continued to conduct advisory meetings and public hearings wherein significant changes were made to WCCP in order to prepare it for final adoption. A Notice of Completion for the Draft Preliminary Environmental Report for the WCCP was issued in February 2012.

On May 30, 2012, CCBF applied for a text amendment to permit churches in the C/V zone along with a plot plan. Subsequently, CCBF filed for a General Plan Amendment after county officials determined a General Plan Amendment was also needed to allow religious assemblies in the C/V/Zone. At the July 2012, Planning Commission hearing on the WCCP, CCBF members were vocal about the WCCP not addressing their church's existence within the proposed specific plan or its proposed project. At the December 5, 2012, hearing, the Planning Commission considered three options to address CCBF's project and voted to exclude CCBF's project from the WCCP. Since that



time, CCBF has been working closely with county officials to process the development application and to prepare the necessary studies.

The Planning Commission has recommended a number of other properties for exclusion from the WCCP based on individual requests including Group A (located along De Portola Road and Mesa Road); Group B (located along north of Highway 79 and Anza Road); Group D (located northeast of Rancho California and Butterfield Stage Road, near CCBF); and Group E (located north of Vista Del Monte and Mize Way). Along with exclusions to the WCCP, the Planning Commission is recommending some inclusions and some changes to land designations within the WCCP based on public input from property owners. CCBF supports the Planning Commission's decision to exclude its properties from the WCCP and there is ample law to justify that position under the U.S. Constitution and RLUIPA.

### FIRST AMENDMENT, FREE EXERCISE CLAUSE

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”.<sup>4</sup> “[N]o law . . . prohibiting the free exercise [of religion]”<sup>5</sup> is referred to as the “Free Exercise Clause” and was made applicable to the states under the Fourteenth Amendment, *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). Under the Free Exercise Clause, a law that burdens religious practice does not need to be justified by a compelling governmental interest if it is neutral and of general applicability. *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990). If a law is not neutral or of general applicability, it is invalid unless it is justified by a compelling government interest and is narrowly tailored to advance that interest. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993) (referred to as “strict scrutiny”).

In 1986, the Court ruled that when “a state [government] creates a mechanism [for exemption] its refusal to extend an exemption to an instance of religious hardship suggests a discriminatory intent”. *Bowen v. Roy*, 476 U.S. 693, 708 (1986). That ruling only applied to unemployment cases until the *Smith* ruling in 1990. Under *Smith*, the court redefined a prior holding in *Sherbert v. Verner*, 83 S. Ct. 1790 (1963), referred to as the “Sherbert test”, extending exemptions under the context of “individualized government assessments”. The Court stated that *Sherbert* held “for the proposition that where the State has in place a system of *individual exemptions*, it may not refuse to extend that system to cases of religious hardship without compelling reason”.<sup>6</sup>

In processing the WCCP, officials have made discretionary determinations that affect individual property owners with regard to land entitlements. By definition, those discretionary determinations are “individualized government assessments”. Within the WCCP staff report, dated December 19, 2012, ten different groups have been recommended for exclusion from the WCCP, including CCBF (Group C), and two groups for inclusion. Should the County deny CCBF's

---

<sup>4</sup> U.S. Const. amend. I.

<sup>5</sup> *Id.*

<sup>6</sup> *Employ. Div., Dept. of Human Resources of Oregon v. Smith*, 110 S. Ct. 1595, 1603 (1990).

exclusion from the WCCP and approve other nonsecular exclusions and inclusions, then its actions would be subject to strict scrutiny. The *Lukumi* court held, “[When] it is only conduct motivated by religious conviction that bears the weight of the governmental regulations. There can be no serious claim that those interests justify the ordinance.”<sup>7</sup> Therefore, if the County Board of Supervisors allows other properties to be exempt from the WCCP, then it must exempt CCBF’s properties as well.

## RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT

RLUIPA, enacted in 2000, is “a civil rights law that protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations.”<sup>8</sup> RLUIPA came into being after a congressional investigation discovered that zoning authorities were placing excessive and unreasonable burdens on religious assemblies in violation of the Free Exercise Clause of the U.S. Constitution. The sponsors of RLUIPA found that “zoning codes frequently *exclude churches* in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes.”<sup>9</sup> Additionally, the Department of Justice (“DOJ”) has authorization to enforce the provisions of RLUIPA.

RLUIPA contains five broad land use prohibitions:

- Protection against substantial burdens on religious exercise
- Protection against unequal treatment for religious assemblies
- Protection against religious discrimination
- Protection against total exclusion of religious assemblies
- Protection against unreasonable limitation of religious assemblies

This letter will address the County’s responsibility with respect to the first prohibition, noting that other prohibitions may apply.

### 1. Substantial Burdens on Religious Exercise – Section (a)(1)

Under Section (a) (1) of RLUIPA, “[n]o government shall impose or implement a land use regulation in a manner that imposes a substantial burden on religious exercise of a person, including a religious assembly or institution, unless government demonstrates that imposition of the burden on that person, assembly, or institution is in furtherance of a compelling government interest; and is the least restrictive means of furthering that compelling governmental interest.”

<sup>7</sup> *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 547 (1993).

<sup>8</sup> United States Department of Justice, *Statement of the Department of Justice on the Land Use Provisions of Religious Land Use and Institutionalized Persons Act (2010)* available at <http://www.justice.gov/crt/about/spl/documents/RLUIPA10thAnnivSPLQAs.pdf>. (Italics added).

<sup>9</sup> 146 CONG. REC. S7774 (daily ed. July 27, 2000) (joint statement of Senators Hatch and Kennedy) (Italics added).

RLUIPA defines religious exercise as “the use, building, or conversion of real property for the purpose of religious exercise”.<sup>10</sup> RLUIPA prohibits government from imposing “substantial burdens” on the exercise of religion unless “there is a compelling government interest and is the least restrictive means of satisfying the government interest.” *San Jose Christian College v. City of Morgan Hill*, 360 F.3d 1024, 1033-34 (9<sup>th</sup> Cir. 2004). The Ninth Circuit has determined that RLUIPA applies when “the County [makes] an individualized assessment.” *Guru Nanak Sikh Soc. of Yuba City v. County of Sutter*, 456 F.3d 978, 986 (9<sup>th</sup> Cir. 2006). In *San Jose Christian* the Court held that a regulation imposes a substantial burden when it is “oppressive to a significantly great extent.”<sup>11</sup>

In 2011, the Ninth Circuit Court clarified that once RLUIPA is triggered by “individualized assessments”, then the substantial burden analysis involves two steps. The first step is for the plaintiff to demonstrate government imposes a substantial burden on religious exercise, and the second step is for government to show its action was “the least restrictive means” to “further the compelling government interest”. *International Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1066 (9<sup>th</sup> Cir. 2011) (noting that while the city’s need for an industrial zone was a compelling government interest, it had not utilized the least restrictive means for accomplishing its interest).<sup>12</sup>

CCBF can show that it has outgrown its sanctuary and its parking capabilities; parishioners have been sitting outside in the hot sun in the summer and cold wind in the winter; numerous hours have been spent over the last four years attempting to process its development permit; and considerable funds have been expended. Under the Ninth Circuit’s substantial burden two step analysis, CCBF will be able to meet its burden of proof. The County, under step two, will need to show its actions were the least restrictive means to achieve their compelling government interest. The County does not have a legally sufficient compelling interest to deny CCBF from exercising its religious freedom. However, even if the Court were to find that the County’s interest was sufficiently compelling, the County would need to show it proceeded under the least restrictive means. Denying CCBF from exclusion from the WCCP will not withstand judicial scrutiny under the least restrictive means test because the County can vote to exempt CCBF properties. The only logical action is to exempt CCBF from the WCCP plan and ultimately approve its plot plan in order to comply with RLUIPA’s substantial burden test.

---

<sup>10</sup> 42 U.S.C. §2000cc-5(7) (B).

<sup>11</sup> *San Jose Christian College v. City of Morgan Hill*, 360 F.3d 1024, 1034 (9<sup>th</sup> Cir. 2004).

<sup>12</sup> *International Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1066, 1071 (9<sup>th</sup> Cir. 2011).

## 2. Governmental Discretion in Alleviating Burdens on Religious Exercise – Section 3(e)

Under Section 3(e) of RLUIPA, referred to as the “Safe Harbor” provision, “[a] government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise; by retaining the policy or practice and exempting the substantially burdened religious exercise; by providing exemptions from the policy or practice for applications that substantially burden religious exercise; or by any other means that eliminates the substantial burden.”

The County may utilize the statutory provisions under RLUIPA to protect itself from violating the RLUIPA. Two of the four provisions under Section 3(e) allow governments to exempt religious groups from regulations that violate their religious freedom. To avoid RLUIPA violations, government entities are allowed to revise or amend zoning ordinances. The DOJ reported that “in more than two-thirds of cases opened for investigation the local government has subsequently modified its ordinance or its actions toward the complainant to remedy the potential RLUIPA violation.”<sup>13</sup> Even if the County did not agree that it would be in violation of the U.S. Constitution and RLUIPA, the U.S. Supreme Court has clearly stated that government may lawfully “accommodate religion beyond free exercise requirements”. *Cutter v. Wilkinson*, 125 S. Ct. 2113, 2117 (2005) (quoting *Waltz v. Tax Comm’n of City of New York*, 397 U.S. 664, 669 (1970)). CCBF is requesting that the County exempt CCBF from the WCCP under RLUIPA’s Safe Harbor provision.

---

<sup>13</sup> *Report on the Tenth Anniversary of the Religious Land Use and Institutionalized Persons Act*, (Sept. 22, 2010), available at [http://www.justice.gov/crt/rluipa\\_report\\_092210.pdf](http://www.justice.gov/crt/rluipa_report_092210.pdf).

## CONCLUSIONS AND RECOMMENDATIONS

In light of the First Amendment's Free Exercise Clause and RLUIPA protections, we request that the County exempt CCBF from the WCCP. This action is authorized by case law under the Free Exercise Clause and RLUIPA's "Safe Harbor Provision". On behalf of Calvary Chapel Bible Fellowship, we respectfully request the Board of Supervisors approve CCBF's proposed exemption from the WCCP as the first step towards compliance with the U.S. Constitution's Free Exercise Clause and RLUIPA. Please do not hesitate to contact me in the event you have any questions.

Kind regards,



Robert H. Tyler, Esq.

RHT/MJN:jal

### Attachments:

- Exhibit A- Letter to Planning Commission, dated December 18, 2012 regarding WCCP
- Exhibit B- Letter to Planning Commission, dated December 4, 2012, regarding WCCP
- Exhibit C- Letter to Planning Commission, dated August 17, 2012, regarding WCCP
- Exhibit D- Letter to Shellie Clack, dated June 27, 2012, regarding WCCP and CEQA
- Exhibit E- Letter to Board of Supervisors and Planning Commission, dated May 28, 2010, regarding C/V zone amendment
- Exhibit F- Letter to Shellie Clack, dated September 8, 2010, regarding C/V zone amendment
- Exhibit G- Letter to Supervisor Stone, dated December 7, 2009, regarding RLUIPA
- Exhibit H- Letter to Mike Naggar, dated January 27, 2011, regarding proposed project

- cc: George Johnson, Assistant Chief Operations Officer (via electronic and U. S. Mail w/attachments)  
(Email: [gjohnson@co.riverside.ca.us](mailto:gjohnson@co.riverside.ca.us))  
Shellie Clack, Office of County Counsel (via electronic and U. S. Mail w/attachments)  
(Email: [mclack@co.riverside.ca.us](mailto:mclack@co.riverside.ca.us))  
Carolyn Syms Luna, Planning Director (via electronic and U. S. Mail w/attachments)  
(Email: [cluna@rctima.org](mailto:cluna@rctima.org))  
Clark Van Wick, Pastor of CCBF (via electronic and U. S. Mail w/attachments)  
(Email: [clark@ccbf.net](mailto:clark@ccbf.net))  
Mike Naggar, Parishioner of CCBF (via electronic and U. S. Mail w/attachments)  
(Email: [mike@mikenaggar.com](mailto:mike@mikenaggar.com))

**EXHIBIT "A"**

**TYLER & BURSCH, LLP**  
LAWYERS & ADVISORS

Reply To:

24910 Las Brisas Road, Suite 110  
Murrieta, California 92562  
Telephone: 951.600.2733  
Facsimile: 951.600.4996  
www.tylerbursch.com

Orange County Office:  
15540-B Rockfield Boulevard  
Irvine, California 92618  
Telephone: 949.707.2733

San Diego Office:  
16870 W. Bernardo Drive, Suite 400  
San Diego, California 92127  
Telephone: 619.299.2733

December 18, 2012

VIA ELECTRONIC  
AND U. S. MAIL

Ms. Carolyn Syms Luna  
Planning Director  
Planning Department  
Riverside County Transportation  
And Land Management Agency  
Post Office Box 1409  
Riverside, California 92502-1409  
Email: [cluna@rctlma.org](mailto:cluna@rctlma.org)

Ms. Shellie Clack  
Office of County Counsel  
County of Riverside  
3960 Orange Street, Suite 500  
Riverside, California 92501  
Email: [mclack@co.riverside.ca.us](mailto:mclack@co.riverside.ca.us)

Mr. Matt Straite  
Riverside County Planning  
4080 Lemon Street 9th Floor  
Post Office Box 1409  
Riverside, California 92501  
Email: [mstraite@rctlma.org](mailto:mstraite@rctlma.org)

Re: *Planning Commission Hearing on the December 19, 2012 Agenda Item 2.1: General Plan Amendment No. 1117*

Dear Planning Commission:

In light of the December 19, 2012, hearing on Calvary Chapel Bible Fellowship's ("Calvary") GPIIP, we would like to address two issues. First, we must stress that Calvary's General Plan Amendment No. 1117 only seeks to permit **ancillary** religious schools in the C/V zone—not private schools generally. This distinction is key, and cannot be stressed enough. Ancillary means "of secondary importance," auxiliary, supplementary, subordinate, or subsidiary. The main point of providing this distinction is to codify Calvary's primary intent of providing religious education as part of its overall church mission and also to limit the scope of the types and number of educational institutions that will be permitted in the C/V zone. By stating that only ancillary schools are permitted, the County will ensure that private schools will not be permitted to operate throughout wine country as an independent use. Thus, any fears of educational facilities popping up throughout Wine Country are simply misplaced.

Moreover, we must stress that providing religious education is a central tenet of Calvary Chapel's sincerely held religious beliefs and, therefore, is protected under the First Amendment to

the United States Constitution. Adhering to the various mandates in the Bible, Calvary firmly believes (1) that God has given parents and the church the primary responsibility for the education of their children and (2) that this education must be based on the truth of God revealed in the Bible. See Proverbs 1:7-9, 9:10, Deuteronomy 6:6-9, Proverbs 22:6; Ephesians 6:4. Operating an ancillary educational facility is simply part of the genetic make-up of Calvary Chapel *as a church*. It is not a new and distinct operation. On the contrary, operating a religious school is simply another arm of Calvary's mission to spread the gospel of Jesus Christ and to provide discipleship to its members.

Additionally, this sincerely held religious belief of providing Christian education to its parishioners' children has become increasingly important over the last decade. Not only are public schools not permitted to teach from the Bible, but much of today's current curriculum directly opposes what the Bible teaches. Take, for example, the over-sexualization of young children and the ability of school counselors to provide counseling to young teens on abortion and contraception without parental consent or knowledge. But not only is the curriculum hostile to the rights of parents to raise their children from a Christian worldview, but the environment at large is as well. Students are increasingly using drugs and more students are engaging in sexual activities at younger and younger ages. Moreover, the public school system is growing increasingly unsafe for children. More generally, however, we are finding that teachers, administrators, and other students are becoming more and more hostile to the Christian worldview. Therefore, in order to allow Calvary to fully exercise its freedom of religion under the First Amendment to the United States Constitution, it must be permitted to operate an ancillary religious school at its church facility.

The second issue we would like to address is to simply remind the Planning Commission that the inclusion of religious places of worship and ancillary religious schools in the Citrus Vineyard Zone is necessary to ensure compliance with the Religious Land Use and Institutionalized Persons Act. In the Staff Report for General Plan Amendment No. 1117, the County did not make the finding, as we had requested, that the inclusion of churches and ancillary schools in the C/V zone was necessary to correct a violation RLUIPA.

As outlined in our previous letters, by permitting "special occasion facilities" to operate in the C/V zone completely independent of a winery, but excluding religious places of worship, the county is treating religious assemblies on less than equal terms with secular assemblies. RLUIPA's equal terms provision prohibits a government from "impos[ing] or implement[ing] a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." 42 U.S.C. § 2000cc(b)(1). The Ninth Circuit construed the equal terms provision in *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163 ("*Centro*"). The court held that a government may permissibly draw a distinction against a religious organization only if there is a "legitimate regulatory purpose," or, stated more specifically, a government entity may not treat a church "on a less than equal basis with a secular comparator, similarly situated with respect to an accepted zoning criteria." *Centro*, 651 F.3d at 1173 (citing *River of Life Kingdom Ministries v. Village of Hazel Crest, Ill.* (7th Cir. 2010) 611 F.3d 367, 372 ("But if religious and secular land uses that are treated the same . . . from the standpoint of an



accepted zoning criterion, such as ‘commercial district,’ or ‘residential district,’ or ‘industrial district,’ that is enough to rebut an equal-terms claim and thus, in this case, to show that River of Life is unlikely to prevail in a full litigation.”)); *see also Lighthouse Institute for Evangelism, Inc. v. City of Long Branch* (3d Cir. 2007) 510 F.3d 253, 266 (“a regulation will violate the Equal Terms provision only if it treats religious assemblies or institutions less well than secular assemblies or institutions that are similarly situated as to the regulatory purpose.”)).

Here, there is no legitimate regulatory purpose for permitting special occasion facilities to operate in the C/V Zone independent of a winery but excluding religious places of worship from doing the same. The purpose of the C/V zone is to “encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization within the policy area.” Ordinance 348 § 14.71. In addition to direct agricultural operations, the ordinance permits “incidental commercial uses,” such as restaurants, bed and breakfasts, hotels, “**special occasion facilities,**” and other uses—as long as such uses are “secondary, and directly related, to the agricultural operations.” *Id.* The stated purpose of allowing these incidental commercial uses is “to provide economic viability to the primary vineyard and winery operations.” *Id.* “Special occasion facilities” are defined as “[a]n outdoor facility, in conjunction with a dwelling unit or a winery, which may include a structure or building, which is used on special occasions for public assembly for a specific period of time in return for compensation. Special occasions may involve, but not be limited to, weddings, concerts, parties, spectator oriented events or other celebrations.” All special occasion facilities not built in conjunction with a winery must be located on 10 acres of land with 75% of the property planted in vineyards. Ordinance 348 § 14.72(h), 14.73.b(4)(a).

Before analyzing the statute, it is important to note that for many of the permitted special occasion facilities, the vineyard is not the “primary operation.” In fact, many, if not most, property owners in Wine Country plant vineyards simply to be able to operate a special occasion facility. This is because it is commonly known that a vineyard is not profitable operating by itself. Although there may be some vintners and agricultural production companies that have a sincere desire to harvest grapes as their primary operation, the reality is that very few business owners operate in wine country out of a humanitarian desire for grape production. Thus, despite the language of the ordinance, the special occasion facilities are in fact the primary operation in Wine Country—not the vineyards—and this is especially the case for those special occasion facilities that operate in the C/V Zone without a winery.

Moreover, it is also critical to note that Calvary Chapel Bible Fellowship is commonly known as “Calvary Wine Country.” Indeed, operating in the Wine Country is an important characteristic that is a distinguishing factor between Calvary and other churches in the area. Many people even attend Calvary simply because it is located in the Wine Country. As a result, Calvary desires to plant vineyards to enhance the character and atmosphere of the church setting. Likewise, numerous special

occasion facilities are located within Wine Country because the atmosphere is conducive to their business. To be located among the vineyards is desirable for weddings and other special occasions. Although many of the special occasion facilities plant vineyards to comply with the planting requirements, they do not do so because grapes are the primary operation. Instead, they do so because the Wine Country atmosphere is important to the business character and branding. Similarly, locating within Wine Country is equally important to Calvary.

Turning to the analysis under RLUIPA, by permitting secular assembly—such as weddings, concerts, and parties—that does not support the purpose of the C/V Zone, the County is treating religious assemblies on less than equal terms with similarly situated secular comparators. Simply stated, concerts, parties, weddings, and other secular gatherings are not directly related to agricultural operations. Indeed, many of these uses run directly contrary to encouraging agricultural cultivation. Moreover, if the stated purpose of allowing special occasion facilities is to promote the economic viability of the vineyards, religious places of worship—which are also public assembly—can equally promote the economic viability of the vineyard operation. Just as it is economically unprofitable to have a vineyard without a special occasion facility, it is equally unprofitable to have a vineyard without a church. Stated simply, a religious assembly can accomplish the same goal as a special occasion facility that is operating not in conjunction with a winery. In sum, religious assembly, such as Calvary, located on 10 acres of land with 75% planting, is absolutely no different—based on a legitimate regulatory purpose—than a “special occasion facility” on 10 acres of land with 75% planting. Therefore, the C/V zone facially violates RLUIA and must be remedied accordingly. We therefore respectfully request that the County amend its staff report to state that Calvary’s GPA is “required to conform to changes in state or federal law or applicable findings of a court of law.”

Sincerely,



Robert H. Tyler, Esq.

RHT:lam

cc: Shellie Clack

# EXHIBIT "B"

**TYLER & BURSCH, LLP**  
LAWYERS & ADVISORS

Reply To:

24910 Las Brisas Road, Suite 110  
Murrieta, California 92562  
Telephone: 951.600.2733  
Facsimile: 951.600.4996  
www.tylerbursch.com

Orange County Office:  
15540-B Rockfield Boulevard  
Irvine, California 92618  
Telephone: 949.707.2733

San Diego Office:  
16870 W. Bernardo Drive, Suite 400  
San Diego, California 92127  
Telephone: 619.299.2733

December 4, 2012

VIA ELECTRONIC  
AND U. S. MAIL

Riverside Planning Commission  
P.O.Box1409  
Riverside, CA 92502-1409  
cluna@rctlma.com  
dabraham@rctlma.org

Re: *Planning Commission Hearing on the Wine Country Community Plan*

Dear Mr. Planning Commission:

In light of tomorrow's hearing on the Wine Country Community Plan ("WCCP"), we would like to highlight one primary issue of concern in the Staff Report. The Staff Report lists three options relating to the inclusion of churches and schools in Wine Country that all include a proposed estimate of the cost for each option. These estimates are presumably included to aid the Planning Commission in deciding which option to pursue based on what is economically feasible for the County. While we appreciate the pragmatic need of the Planning Commission to consider the actual cost of each option in making its decision, the law does not. The fact is that the current WCCP violates Calvary Chapel Bible Fellowship's rights secured under the First Amendment and the Religious Land Use and Institutionalized Persons Act. When a governmental entity violates a person or entity's rights secured under the First Amendment or RLUIPA's substantial burden provision, the government must prove that the violation is in the furtherance of a compelling government interest and is implemented in the least restrictive means to further that interest. 42 U.S.C. § 2000cc(a)(1).

Simply stated, saving money is not a compelling governmental interest. See *Shapiro v. Thompson* (1969) 394 U.S. 618, 633, *overruled in part by Edelman v. Jordan* (1974) 415 U.S. 651, ("The saving of welfare costs cannot justify an otherwise invidious classification."); *Graham v. Richardson* (1971) 403 U.S. 365 (same); *Memorial Hospital v. Maricopa County* (1974) 415 U.S. 250 ("The conservation of the taxpayer's purse is simply not a sufficient state interest . . ."); *Finley v. Nat'l Endowment for the Arts* (9th Cir. 1996) 100 F.3d 671, 683 n.23, *rev'd on other grounds*, (1998) 524 U.S. 569 ("However, neither protecting people from offensive and indecent speech nor protecting the taxpayer from unwanted expenditures is a compelling interest sufficient to justify content-based restrictions on speech."); *Cottonwood Christian Ctr. v. Cypress Redev. Agency* (C.D. Cal. 2002) 218 F. Supp. 2d 1203, 1228-29 (applying RLUIPA, the court held: "If revenue generation were a compelling state interest, municipalities could exclude all [tax-exempt] religious institutions from their cities."). Thus, we advise the Planning Commission that it cannot lawfully evaluate which Option to pursue based on what is economically feasible in light of the fact that the WCCP violates Calvary's rights under RLUIPA.

Riverside Planning Commission

September 16, 2013

Page 2 of 2

Even if the County could lawfully decide whether to include churches in the WCCP based on cost, the proposed estimates are completely inaccurate. Indeed, our estimate for pursuing Option 2, which is the option we recommend, is approximately \$125,000—not \$450,000 as stated in the Staff Report. Indeed, if the analysis were limited only to the Citrus Vineyard Zone, the numbers would be much more reasonable. We also remind you that the Planning Commission itself expressed a desire to include churches and ancillary schools in Wine Country and that Calvary agreed to make a reasonable contribution on a completely voluntary basis. In any event, in light of the exorbitant estimate provided in the Staff Report for Option 2, we request the hearing be continued in order to allow Calvary more time to decide the amount of money it could potentially contribute if the County agrees to pursue Option 2. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Tyler". The signature is written in a cursive, flowing style.

Robert H. Tyler, Esq.

RHT:lam

cc: Shellie Clack

**EXHIBIT "C"**



**ADVOCATES  
FOR FAITH & FREEDOM**

*Protecting Religious Liberty in the Courts!*

August 17, 2012

VIA ELECTRONIC  
AND U. S. MAIL

Ms. Mitra Mehta-Cooper, AICP  
Principal Planner-Strategic Programs  
Riverside County Planning Department  
4080 Lemon Street, 12th Floor  
Riverside, California 92502  
*Email: mmehta@rctlma.org*

Ms. Shellie Clack  
Deputy County Counsel  
County of Riverside  
3960 Orange Street  
Riverside, California 92501  
*Email: mclack@co.riverside.ca.us*

Ms. Carolyn Syms Luna  
Planning Director  
County of Riverside  
Post Office Box 1409  
Riverside, California 92502-1409  
*Email: cluna@rctlma.org*

Planning Commission,

We write to express our concern that the Wine Country Community Plan, if passed in its current state, violates Calvary Chapel Bible Fellowship's rights under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc, and deprives Wine Country and the County of the needed economic and social benefits that Calvary and other religious organizations provide.

**FACTS**

Calvary Chapel Bible Fellowship ("Calvary") has been operating in Temecula's Wine Country since 1999. After over 13 years of operation in the Wine Country, Calvary has become known as "The Barn" and "Calvary Wine Country." Due to its effective ministries and close-knit congregation, Calvary's congregation has greatly expanded over the years. Because of this increase, Calvary has been working with the County for the past three years to expand its Church, including constructing a Christian school. The County's current Wine Country plan, however, does not permit churches to operate in Wine Country and therefore continues to bar Calvary from legally being able to expand its church.

The history of the Calvary project is as follows. Immediately after Calvary obtained permission to allow churches to operate in the Citrus Vineyard Zone in 1999, the County passed

a text amendment that excluded churches in the entire zone. Since that time, Calvary has been operating in the current C/V Zone as a legal non-conforming use. As Calvary grew and required more space to accommodate its growing congregation and ministries, Calvary sought to have the C/V Zone amended to permit churches as legal uses. The County agreed, and in March of 2010, the County Board of Supervisors authorized work to commence on Ordinance 348.4702, which would allow churches, temples, and other places of religious worship to operate as permitted uses in the C/V Zone with a 18.30 plot plan. Over the next six months, the County held various planning commission hearings and conducted several environmental assessments regarding Ordinance 348.4702. On November 3, 2010, however, the County took Ordinance 348.4702 off calendar.

Six days later, on November 9, 2010, the County passed Ordinance 348.4713, which states that “any use that is not specifically listed may be considered a permitted or conditionally permitted use provided that the planning director finds that the proposed use is substantially the same in character and intensity as those listed. Such a use is subject to the permit process which governs the category in which it falls.” Pursuant to this Ordinance, Calvary sent a letter to the County on November 30, 2010 requesting a finding that the “construction of two new buildings on approximately 21 acres for the use as a sanctuary, Sunday school, private kindergarten through eighth grade school, and temporary child care facility” was the “same in character and intensity” as other uses permitted in the C/V Zone. On January 27, 2011, the County sent a letter to Calvary stating that, under Ordinance 348.4713, Calvary’s proposed project was “substantially the same in character and intensity” as other uses in the C/V Zone. Calvary then submitted a plot plan for its project on March 2011. Litigation was initiated by a third party over Ordinance 348.4713, and on January 20, 2012 the Riverside Superior Court found the Ordinance invalid for failure to follow proper procedures. Thus, on May 30, 2012, Calvary applied for a text amendment to Ordinance 348 to permit churches and other places of religious worship to operate in the C/V Zone with a planning permit.

Despite all of this, Calvary stands no closer today to expanding its church and building a school than it did in October 2009 when Calvary first contacted the County. Despite the close relationship Calvary and the County have enjoined throughout this process, the County now stands poised to pass an entirely new Wine Country Plan that excludes churches from operating in Wine Country and therefore precludes Calvary from pursuing its necessary expansion project.

## LAW

### Substantial Burden

At least two provisions of RLUIPA are likely violated by excluding churches from Wine Country and prohibiting Calvary from expanding on its adjacent property—the “substantial burden” provision and the “equal terms” provision. Under the substantial burden provision, governments may not impose a “substantial burden” on an institution’s “religious exercise” unless the government demonstrates that the imposition of the burden “is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling



governmental interest.” (42 U.S.C. § 2000cc-1(a).) This prohibition applies anytime “the substantial burden is imposed in the implementation of a . . . system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.” (*Id.* § 2000cc(a)(2)(C).) “Religious exercise” is broadly defined and includes the “use, building, or conversion of real property for the purpose of religious exercise . . . .” (42 U.S.C. § 2000cc-5(7)(A).) Recently, the Ninth Circuit held that a regulation that prevents a church from constructing a building large enough to accommodate all of its operations or leaves a religious organization only with alternatives that would require substantial delay, uncertainty, and expense may constitute a substantial burden. (*Int’l Church of Foursquare Gospel v. City of San Leandro* (9th Cir. 2011) 673 F.3d 1059, 1070.) The Court held that it was error for the district court to rule, as a matter of law at summary judgment, that denying a church space sufficient to house all of its ministries was not a substantial burden. Whether the implementation or imposition of a regulation constitutes a substantial burden is an issue of fact. (*Id.* at 1066); (*World Outreach Conference Cntr. v. City of Chicago* (7th Cir. 2009) 591 F.3d 531, 539); (*Adkins v. Kaspar* (5th Cir. 2004) 393 F.3d 559, 571.)

The specific facts of this case undoubtedly demonstrate that preventing Calvary from expanding its Church and constructing a religious school constitutes a substantial burden on Calvary’s religious exercise. First, Calvary’s congregation has greatly increased. Currently estimated at approximately 3,000 congregants, Calvary’s current building is utterly insufficient to seat and accommodate Calvary’s congregants. Indeed, Calvary operates four services every Sunday, 7:45 am, 9:30 am, 11:30 am, and 6:30 pm, simply to allow everyone to attend a Sunday service. More importantly, even these four services are not enough. Many of Calvary’s congregants are forced to sit outside in order to listen to the sermon because the sanctuary simply cannot house all of the congregants. In addition to the complete lack of space for Calvary’s regular Sunday services, Calvary is out of space for Sunday School classes. The classrooms are completely filled, and Calvary cannot conduct many of the classes it believes its religious beliefs require. The lack of space has also placed an incredible burden on Calvary’s parking, and therefore its overall ability to exercise its religion. Indeed, Calvary has been informed that many people have come to the church on Sunday morning and then immediately left simply because they could not find a parking space or could not enter the parking lot. To try and alleviate this problem, Calvary hires a California Highway Patrol Officer every Sunday to direct traffic. This temporary remedy, although somewhat helpful, is simply not sufficient to alleviate the severe burden placed by parking constraints. By permitting Calvary to expand on to its adjacent property, however, Calvary would be able to construct more parking and have additional entrances and exits that would significantly alleviate this problem and enable Calvary’s congregants to attend the church without fear of not finding a parking space.

In addition to the severe burden placed on Calvary’s religious exercise on Sunday mornings, the complete lack of space has substantially burdened the exercise of Calvary’s other ministries. For example, Calvary, as part of its sincerely held religious beliefs, provides counseling services for those having marital problems or others who may be struggling with certain addictions such as alcohol and gambling. Due to the growth in Calvary’s congregation,

these ministries have significantly increased. And because of the lack of space at Calvary's current facilities, Calvary simply cannot counsel all those who need counseling, and neither can it hire the additional staff needed to perform this counseling. Calvary also has insufficient space for Youth activities, such as recreation events, regular meetings, and counseling for troubled teens. Providing services to Calvary's youth is an important part of Calvary's ministry, yet it cannot effectively carry out this ministry due to the lack of space. Calvary also does not have sufficient space for its regular staff. Calvary employs 24 full-time employees and 10 part-time employees. Calvary, however, does not have sufficient space for its employees to work. Thus, Calvary is forced to set certain times each day for certain employees to work at the church, even though the employees should be working at the office the entire day in order to be able to best accomplish their tasks.

Moreover, Calvary has a significant "benevolence" ministry that is substantially burdened by the lack of space. Calvary spent approximately \$25,902 in 2011 in benevolence funds, and more than \$95,000 total in the past three years. The benevolence ministry encompasses ministries such as buying groceries or assisting in mortgage payments for congregants in need. Additionally, the benevolence ministry encompasses a food pantry for Calvary's struggling congregants, as well as some poor individuals in the community who do not attend the church. Due to the lack of space at Calvary's current facility, Calvary cannot operate a large enough food pantry to meet all of the needs of those who require the pantry's services.

Calvary also does not have space to construct a Christian school. Operating a religious school is central to Calvary's religious mission due to many changes in California education law over the last few years. Now that Calvary has sufficient funds and congregants to provide religious education, Calvary is ready to move forward in implementing this part of its mission. However, the current facilities have nowhere near sufficient space for Calvary to operate a school. The school is necessary to Calvary's ministry as it will provide religious education to many of Calvary's congregants who live in Wine Country as well as to other Wine Country residents who do not attend the Church. Thus, by permitting Calvary to operate a religious school, Calvary not only is able to fulfill its mission of providing religious education, but it will also save many parents residing in Wine Country significant amounts of time as they will not have to travel to Temecula Valley Schools, which could be anywhere from a 20-30 minute drive (and even more once Wine Country is expanded).

Finally, the mere fact that churches are permitted to operate in other zones outside of Wine Country does not render the burden placed on Calvary's religious exercise insubstantial. Indeed, requiring Calvary, who has established a reputation as "Calvary Wine Country," to sell its building, find a different location, and then move to that location in this real estate market would certainly require "substantial 'delay, uncertainty, and expense.'" (*Int'l Church of Foursquare Gospel v. City of San Leandro* (9th Cir. 2011) 673 F.3d 1059, 1068.) Moreover, Calvary has a strong religious interest in operating its church in close proximity to where many of its congregants reside. Requiring Calvary to find a different location places a severe burden on Calvary's strongly held belief of providing religious services within the geographic area within which Calvary seeks to minister.

Thus, by excluding churches from Wine Country and preventing Calvary from expanding, the County has placed a substantial burden on Calvary's religious exercise. The County therefore would have the burden of proving that the burden is in furtherance of a compelling governmental interest and is the least restrictive means of accomplishing that interest. Based on the history of this case and various other factors, the County could not assert any compelling interest in denying Calvary the right to expand its church in a manner sufficient to accommodate its growing congregation and ministries. Therefore, by denying Calvary the right to expand its church, the County is violating Calvary's rights provided under RLUIPA. If the County refuses to amend the Wine County Community plan to permit churches as legal uses, the County will be subjected to a lawsuit under RLUIPA and likely be forced to pay all of Calvary's attorneys' fees. (42 U.S.C. § 1988.)

### **Equal Terms**

In addition to violating the substantial burden provision, the new Wine Country Plan also likely violates RLUIPA's equal terms provision. RLUIPA's equal terms provision prohibits a government from "impos[ing] or implement[ing] a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." (42 U.S.C. § 2000cc(b)(1).) The Ninth Circuit construed the equal terms provision in *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163 ("*Centro*"). The court held that a government may permissibly draw a distinction against a religious organization only if there is a "legitimate regulatory purpose," or, stated more specifically, a government entity may not treat a church "on a less than equal basis with a secular comparator, similarly situated with respect to an accepted zoning criteria." (*Centro, supra*, 651 F.3d at 1173 (citing *River of Life Kingdom Ministries v. Village of Hazel Crest, Ill.* (7th Cir. 2010) 611 F.3d 367, 372).)

Under the new Wine Country Community Plan special occasion facilities ("SOFs") are permitted to operate in conjunction with a winery or commercial equestrian establishment in the WC-W and WC-E zones, respectively, and to operate solely in conjunction with 10 acres of vineyard in the WC-WE zone. (§§ 14.92(b)(5), 14.93(b)(4), (5), (6), 14.94(c)(3).) SOFs are defined as follows:

An indoor or outdoor facility, which may include a gazebo, pavilion, amphitheater, auditorium, structures and buildings, which is used on special occasions such as weddings, parties, concerts, conferences, charity events and fundraiser events for a specific period of time in return for compensation. An outdoor special occasion facility may include a gazebo, pavilion, or amphitheater for wedding ceremonies, concerts or other celebrations. An indoor special occasion facility shall include a building or structure for wedding receptions, conferences or other celebrations conducted entirely within the structure or building.

(§ 14.91(t).) SOFs are characterized as “appurtenant and limited **incidental commercial uses**” to onsite wineries or Commercial Equestrian Establishments. “Incidental Commercial Use” is defined as “[a] commercial use that is **directly related and secondary** to the principal agricultural or equestrian use located on the same parcel or project site.” (§ 14.91(m).) The definition of SOFs and incidental commercial uses are inconsistent. By defining incidental and commercial uses as only those uses that are “**directly related and secondary** to the principal agriculture use,” whether it be a winery, equestrian establishment, or 10 acres of vines, SOFs should be limited to uses that actually relate to the operation of a winery or vineyard—tasting, tours, wine events, etc. However, SOFs are defined to include almost any secular gathering one could imagine, including weddings, concerts, business retreats, plays, and parties. Moreover, the SOFs, and not the agriculture uses, are the use that generates the primary income. Thus, the SOFs, in reality, are not secondary, but primary uses. These facts undercut any interest the County could assert in preserving the “rural” nature of Wine Country and encouraging agriculture.

By permitting SOFs to operate in Wine Country, but excluding similarly situated religious uses, such as a church, the County is effectively treating religious institutions on less than equal terms with secular uses. Indeed, the only difference between a wedding and a church service is the bride and groom standing in the front. Stated simply, there is no difference, with respect to any legitimate zoning criteria, between a SOF and a church. Moreover, the County has already concluded that churches and private schools are “substantially the same in character and intensity” to other uses in Wine country. It may be argued that because SOFs are only permitted in conjunction with wineries and commercial equestrian establishments, the County is not treating religious organizations on less than equal terms to non-religious organizations. However, even if Calvary built a winery it still would not be permitted to operate a church; and this is the case even though a church and SOF are not different in any manner with respect to any zoning criteria. Thus, the new Plan treats religious organizations on less than equal terms from similarly situated secular organizations.

Even if the above analysis is incorrect with respect to the WC-W and WC-E zones, it is not incorrect as to the WC-WE Zone. In that zone, 28 of the existing wineries are permitted to operate SOFs in conjunction with 10 acres of vineyards, even if there is no winery. Calvary, like the 28 wineries, is also an existing use. If Calvary plants 10 acres of vineyard, it too should be permitted to operate a “SOF” without a winery just like the 28 existing wineries. And because churches are no different from SOFs with respect to any accepted zoning criteria, Calvary should be able to operate a church in conjunction with its 10 acres of vines. By excluding churches from the WC-WE zone, however, the County is treating Calvary and other religious organizations on less than equal terms with respect to its similarly situated secular comparators.

## POLICY

In addition to violating Calvary’s rights under RLUIPA, the County is also unwisely depriving the Wine Country of various economic and social benefits that Calvary and other religious organizations provide. First, Calvary invests hundreds of thousands of dollars back in to

Ms. Mitra Mehta-Cooper  
Ms. Shellie Clack  
Ms. Carolyn Syms Luna  
August 17, 2012  
Page 7 of 8

the local community every year. Through the payment of wages, hiring of services, ordering of supplies, maintenance, and other professional needs, Calvary is a significant boost to the local economy. This total investment will only increase if Calvary is permitted to expand. In addition to its economic expenditures, Calvary employs 24 full-time employees and 10 part-time employees. The proposed expansion project will add additional employment, with the school alone expected to provide 15 additional full-time jobs. Furthermore, the expansion project will provide additional significant economic benefit to the local community. The project is estimated to cost a total of \$5-6 million, with all the work to be supplied by local contractors.

In addition to the pure economic benefits, Calvary provides significant social benefits to the local community. Wine County residents have a local church they can attend, rather than having to travel great distances every Sunday morning. The Church also provides significant social services, such as counseling and the food pantry, through its benevolence fund. Moreover, the addition of a school will greatly ease the travel time of many Wine Country parents. Indeed, some of the Church's congregants live on the eastern edge of Wine Country and will be greatly benefited by the addition of a closely located school to which they can send their children. It is estimated that of the 125 children attending the school, approximately 50-65% would be residents of Wine Country.

Beyond the concrete economic and social effects that Calvary alone provides, churches in general provide significant economic and other benefits to a community, and the County would be wise to include churches in Wine Country for that reason alone. Consider for example a 2010 study by Partners for Sacred Places and the University of Pennsylvania School of Social Policy and Practice:

In 2010, Partners for Sacred Places and the University of Pennsylvania School of Social Policy and Practice concluded a pilot study of the economic impact of houses of worship. We found that 12 Philadelphia congregations contribute \$52 million in annual economic value to the city of Philadelphia, for an average of \$4.3 million per congregation. By assessing over 50 different factors, we have pioneered a new quantitative approach to understanding how congregations impact local economies. Congregations must now be understood as critical economic catalysts, suggesting an important shift in community investment policy and practice.

(Partners for Sacred Places and the University of Pennsylvania School of Social Policy and Practice, *Determining the Halo Effect of Historic Congregations*, (2010).) The Study went on to state that churches provide other invaluable resources: "Clearly congregations are important employers; purchasers of local goods and services; magnets for bringing in cash, volunteer time and other resources from outside the city; educators of pro-social values; and providers of important value through the 'invisible safety net' of programs, counseling, and other services that help individuals and families be productive workers and citizens." (*Id.*) By amending the Wine Country Plan to permit Calvary to expand its church, the County will ensure that it

Ms. Shellie Clack  
Ms. Carolyn Syms Luna  
August 17, 2012  
Page 8 of 8

provides the Wine Country community a church that is able to completely fulfill the role that Partners for Sacred Places concluded churches can and do provide.

Based on all of the foregoing, Calvary requests that the County amend the Wine Country Community Plan to permit churches and religious schools as permitted uses.

Kind regards,



Robert H. Tyler, Esq.

RHT/EW:jal

# EXHIBIT “D”

**TYLER & MONK, LLP**  
LAWYERS & ADVISORS

Reply To:  
24910 Las Brisas Road, Suite 110  
Murrieta, California 92562  
Telephone: (951) 600-2733  
Facsimile: (951) 600-4996

www.tylermonk.net

Orange County Office:  
15540-B Rockfield Boulevard  
Irvine, California 92618  
Telephone: (949) 707-2733  
Facsimile: (951) 600-4996

June 27, 2012

VIA ELECTRONIC  
AND U. S. MAIL

Ms. Shellie Clack  
Deputy County Counsel  
County of Riverside  
3960 Orange Street  
Riverside, California 92501  
mclack@co.riverside.ca.us

Re: *Calvary Chapel Bible Fellowship*

Dear Ms. Klack:

We represent Calvary Chapel Bible Fellowship ("Calvary"), a church currently operating in the Citrus Vineyard Zone as a legal nonconforming use. As we discussed at the June 20, 2012 meeting, we believe that the Wine County Community plan EIR may be invalid for failing to consider Calvary's development project as well as the effects of permitting churches and other religious places of worship in wine country. While Calvary does not desire to litigate the EIR, others attorneys could use the exact same arguments Calvary could make if Calvary did decide to litigate the EIR. This is especially true if, as soon as the Wine Country Community Plan is passed, the County turns around and approves Calvary's proposed text amendment and development project. Put simply, if the County plans on approving religious places of worship as permitted uses in wine country in the future, then Calvary's project may be a "probable future project" and the effects of the wine country plan and permitting religious places of worship in wine country should be studied cumulatively.

It should be noted that the California Environmental Quality Act ("CEQA") "must be interpreted to afford the fullest possible protection to the environment within the reasonable scope of statutory language." (*Day v. City of Glendale* (1975) 51 Cal.App.3d 817, 823.) Before certification of an EIR, the lead agency is responsible for ensuring that the EIR considers all information that could have significant environmental impacts. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1150-1151.)

The CEQA guidelines for interpreting and applying CEQA require the Lead Agency to consider "past, present, and **probable future projects** producing related or cumulative impacts . . ." (Guidelines, § 15130(b)(1)(A) (emphasis added)); (see also *Environmental Protection Info. Cntr. v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 525 ("an EIS/EIR must reasonably include information about past projects to the extent such information is relevant to the understanding of the environmental impacts of the present project considered **cumulatively with other pending and possible future projects.**" (emphasis added)) ("EPIC").)



This requirement is known as the “cumulative impact” section of an EIR. When reviewing whether an EIR’s cumulative impact section is adequate, “[t]he primary determination is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately.” (*EPIC, supra*, 44 Cal.4th at 906.) Moreover, “[a]n EIR’s cumulative impact analysis should include all sources of related impacts, not simply similar sources or projects.” (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 907.) Appellate decisions considering these requirements consistently find that failure to include discussion of the cumulative impact of a pending or probable future project will result in the invalidation of the EIR.

For example, an EIR was set aside in *Friends of the Eel River v. Sonoma County Water Agency* because the EIR did not take into account the cumulative impact of a related pending proposal before the Federal Energy Regulatory Commission (“FERC”). (*Friends of the Eel River v. Sonoma Cnty. Water Agency* (2003) 108 Cal.App.4th 859.) In *Eel River*, the City’s water agency approved a project that would have diverted water from a certain river to another river. However, the EIR for the project failed to consider a proposal pending before FERC to curtail water diverted from the same rivers, but in the opposite manner as proposed by the City’s project. (*Id.* at 865-66.) The agency argued that the pending proposal was merely “speculative” and therefore did not need to be considered. (*Id.* at 868.)

The court held that because the agency was seeking to increase the amount of its water supply and the FERC proposal could have resulted in a decrease in the amount of its overall supply, the pending FERC proposal was related and needed to be analyzed cumulatively. (*Id.* at 869.) The Court also went on to state that the FERC proposal should also have been included in the EIR because the “Agency ha[d] been participating actively in th[e] proceeding.” (*Id.* at 870-71.)

And in *Whitman v. Bd. of Supervisors*, the Court held “[t]he inadequacy of the cumulative impact discussion in the EIR prepared for [the project] [wa]s manifest[.]” because “[i]ts only reference to related projects in the region [wa]s to ‘the two other projects in the area which are pending or have been approved and not constructed . . . .’” (*Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 409.) The Board argued that “at the time the instant EIR was prepared it was not necessary for its cumulative impact discussion to take into account the effect of ‘probable future projects.’” (*Id.*) The court rejected this argument, noting that “Guidelines section 15142 nevertheless mandated that the EIR contain specific references to ‘both existent and planned’ related projects in the region for the purpose of analyzing possible cumulative impacts.” (*Id.*); (see also *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 397 (“At a minimum, it is clear that the future expansion and the general types of future activity at the facility are reasonably foreseeable.”)); (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74-77 (holding that the cumulative impacts analysis in an EIR was insufficient because it did not consider certain office buildings that were not yet built but in the planning stages)); (*Kings Cnty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723-24 (holding a cumulative impacts analysis insufficient for failure to consider all planned projects in the area).)

Here, this situation is analogous to the cases outlined above. Calvary's project, although merely pending, was initially given approval under an overruled ordinance. As a new application has been filed, Calvary's proposed project will have a significant, cumulative impact on the environment in wine country. Based on the extensive history of this "project," it is likely that a court will view Calvary's project as a "probable future project." This is especially true considering that the County has continually informed Calvary that the County desires to process Calvary's zone amendment and development project after the Wine Country plan is adopted. If indeed the County does approve the zone amendment change shortly after the Wine Country plan is adopted, a court will almost definitely view Calvary's project and application for zone amendment change as a probable future project that should have been considered in the cumulative impact analysis.

The history, at least as we recall, is as follows. In late 2009, Calvary and the County began conducting meetings regarding amending the zoning ordinance to permit churches and other places of religious worship in the C/V Zone. In fact, our records show that on December 7, 2009, 21 days prior to the issuance of the Notice of Preparation for the Wine Country Community Plan, Calvary had a meeting with the County that included Olivia Barnes, Ron Goldman, Katherine Lind, Jeff Stone, Sam Alhadeff, Mike Naggar, and Robert Tyler for the purpose of commencing a zone amendment to allow churches in the C/V Zone. The Board of Supervisors then authorized the County to begin working on the zone amendment on March 23, 2010. After various planning commission hearings and environmental assessments, the planning commission continued the zone amendment off calendar. Subsequently, a new zone amendment was passed that stated "any use that is not specifically listed may be considered a permitted or conditionally permitted use provided that the planning director finds that the proposed use is substantially the same in character and intensity as those listed such a use is subject to the permit process which governs the category in which it falls." Pursuant to this Amendment, on November 30, 2010 Calvary sent a letter to the County requesting a finding that the construction of two new buildings on approximately 21 acres for the use as a sanctuary, Sunday school, private kindergarten through eighth grade school, and temporary child care facility was the same in character and intensity as a use listed in the C/V Zone of Riverside County Ordinance 348. The County approved Calvary's project on January 27, 2011, stating in a letter that Calvary's project was "substantially the same in character and intensity" as other uses in the C/V Zone. Accordingly, Calvary submitted a plot plan on March 2011 for the project.

This text amendment was then challenged in court on the basis that the "project" required an EIR. The court agreed, and the ordinance was held invalid. Then, in May of 2012, Calvary submitted another application for zone amendment change, in conjunction with the same plot plan it previously submitted in 2009, in order to continue processing Calvary's project.

All of this began prior to the issuance of the Notice of Preparation and took place while the DEIR was being prepared and studied, yet the DEIR never even mentions Calvary's pending project or application for zone amendment change, let alone provides a cumulative impacts analysis. Moreover, Calvary's project is not speculative and the County has been actively participating in the process for the past three years. Indeed, as stated, the County already gave approval for the project under an overruled ordinance. Based on this history, a court could easily

view Calvary's project as a probable future project that should have been considered in the EIR. Without such consideration, the EIR will likely be invalid.

Additionally, these arguments are supported by the fact that lead agencies are prohibited from considering a "project" through "piecemeal" environmental review: "CEQA mandates that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165 (internal citations and quotations omitted).) The definition of "project" is construed broadly in order to give maximum protection to the environment. (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271.) Admittedly, the Wine Country Community Plan "project" does not involve the inclusion of religious places of worship in Wine Country. However, if shortly after the County approves the Wine Country Community Plan the County approves a text amendment to the new zoning ordinance permitting religious places of worship, a judge may view this amendment as a part of the "overall" or "ultimate" project to amend and revamp the C/V zone. (See *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 415 ("Even if the well and pipeline were viewed as parts of a 'phased project,' Guidelines section 15069 called for the preparation of a single EIR covering the 'ultimate project.'").) If that is the case, the judge could invalidate the Wine Country EIR because it failed to consider the cumulative effects of the inclusion of religious places of worship in wine country.

On another note, the DEIR completely fails to mention the effects of the proposed project on Calvary. Although the EIR discusses "Existing Land Uses" in section 3.3 and "Land use and relevant planning" in section 4.10, Calvary is never discussed. This is another potential reason for why a court may find the EIR invalid.

Unless the County amends the DEIR to include discussion of Calvary's pending project and application for zone amendment change, we believe that the certified EIR will be challenged and found to be invalid. Calvary requests that the County perform the studies in relation to the existing church and future inclusion within the future Hospitality Zone and then process Calvary's zone amendment change and development project. Should you have any further questions, please do not hesitate to contact us.

Kind regards,



Robert H. Tyler, Esq.

RHT/EW:jal

**EXHIBIT "E"**



**ADVOCATES  
FOR FAITH & FREEDOM**  
*Protecting Religious Liberty in the Courts!*

May 28, 2010

VIA FACSIMILE, ELECTRONIC  
AND U.S. MAIL

Board of Supervisors and Planning Commission  
County of Riverside  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501  
Facsimile: (951) 955-2194  
lross@rctlma.org

RE: Ordinance Amendment No. 348.4702 - Amendment to C/V Zone  
Calvary Chapel Bible Fellowship

Dear Supervisors and Commissioners,

By way of introduction, Advocates for Faith and Freedom is a nonprofit law firm based in Riverside County. We specialize in representing churches and other religious organizations in regard to religious liberty concerns, including the religious use of real property. We often assist churches in the processing land use applications with government agencies.

In this instance, we represent the interests of Calvary Chapel Bible Fellowship ("Calvary") and are writing in support of proposed Ordinance Amendment No. 348.4702. Attached to this letter is a previous letter that we wrote to Supervisor Jeff Stone on December 9, 2009, in regard to our concern relating to the exclusion of churches and temples from the C/V Zone. Although Calvary is currently located in the C/V Zone, Calvary would probably be prohibited from expanding due to the exclusionary zoning ordinance presently in place.

This letter is intended to provide a brief summary of the Religious Land Use and Institutionalized Person's Act ("RLUIPA"). It is our hope that upon review of this letter, you will recognize the necessity of adopting Ordinance Amendment No. 348.4702. Further, this letter will respectfully rebut the opposition of the Riverside County Farm Bureau and the Temecula Valley Winegrowers Association.

### Religious Land Use and Institutionalized Person's Act

RLUIPA was unanimously passed on July 27, 2000, by both the United States House of Representatives and the United States Senate.<sup>1</sup> It became effective upon signing by President Clinton on September 22, 2000.<sup>2</sup> RLUIPA is a bipartisan law supported by a diverse coalition of civil rights and religious organizations.<sup>3</sup> The wide support RLUIPA enjoyed was based on Congress' appreciation of the discrimination churches often face in the religious land use arena, as evidenced by a joint statement by Senator Orrin Hatch and Senator Edward Kennedy:<sup>4</sup>

*[Churches are] frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes frequently exclude churches in places where they permit theaters, meeting halls, and other places where large groups or people assemble for secular purposes. Or the codes permit churches only with individualized permission from the zoning board, and zoning boards use that authority in discriminatory ways . . . .*<sup>5</sup>

RLUIPA established that strict scrutiny should be the standard of review applied in cases of religious land use and additionally requires that religious assemblies or institutions be treated on equal terms to non-religious assemblies and institutions within the land use context.<sup>6</sup> Further, it "protects the rights of individuals to gather and worship by treating the use of land by religious assemblies and institutions as 'religious exercise.'" RLUIPA exists to protect the free exercise of religion by prohibiting states and local governments from imposing land use regulations that place a substantial burden upon, or act in a discriminatory manner toward, religious assemblies or institutions. Legal challenges against the constitutionality of RLUIPA have been unsuccessful in the Ninth Circuit Federal Court of Appeals and elsewhere, including one case in which we were counsel of record in defense of RLUIPA and in prosecution of a church's claim against the City of Lake Elsinore.<sup>8</sup>

*RLUIPA's land use provisions are as follows:*

<sup>1</sup> See 146 CONG. REC. S7, 779 (July 27, 2000); 146 CONG. REC. H7, 192 (July 27, 2000).

<sup>2</sup> See Statement by President William J. Clinton upon signing S.2869, 36 Weekly Comp. Pres. Doc. 2168, reprinted in 2000 U.S.C.C.A.N. 662.

<sup>3</sup> 146 CONG. REC. E, 1563-01 (September 22, 2000) (Stmt. of Cong. Canady).

<sup>4</sup> 146 CONG. REC. S7774-01 (July 27, 2000) (Joint Stmt. of Sens. Hatch and Kennedy).

<sup>5</sup> *Id.*

<sup>6</sup> See Tuttle, *supra* note 38, at 864.

<sup>7</sup> Caroline R. Adams, *The Constitutional Validity of the Religious Land Use and Institutionalized Persons Act of 2000: Will RLUIPA's Strict Scrutiny Survive the Supreme Court's Strict Scrutiny?*, 70 FORDHAM L. REV. 2361, 2364-65 (2002).

<sup>8</sup> See *Guru Nanak Sikh Society of Yuba City v. County of Sutter*, 456 F.3d 978, 981 (9th Cir.2006)(finding RLUIPA constitutional as applied to conditional use permits and churches based on Congress' enforcement power and the Fourteenth Amendment); *Elsinore Christian Ctr. v. City of Lake Elsinore*, 197 Fed.Appx. 718 (9th Cir. 2006) (where on interlocutory appeal, the 9<sup>th</sup> Circuit reversed the district court and held that the religious land use section of RLUIPA is constitutional); *Freedom Baptist Church v. Township of Middleton*, 204 F. Supp. 2d 857 (E.D. Pa. 2002) (holding that RLUIPA was constitutional and rejecting challenges to the Enforcement Clause, Commerce Clause, and Establishment Clause).

### ***Protection of Land Use as Religious Exercise***

#### ***(a) Substantial Burdens***

(1) *General Rule.* No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) *is in furtherance of a compelling governmental interest; and*

(B) *is the least restrictive means of furthering that compelling governmental interest.*

(2) *Scope of application.* This subsection applies in any case in which --

(A) *the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability; or*

(B) *the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or*

(C) *the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.*

#### ***(b) Discrimination and Exclusion.***

(1) *Equal Terms.* No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) *Nondiscrimination.* -- No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) *Exclusions and Limits.* -- No government shall impose or implement a land use regulation that --

(A) *totally excludes religious assembly from a jurisdiction; or*

(B) *unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.<sup>9</sup>*

As the courts interpret the substantive provisions of the statute, they are required to construe RLUIPA "in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution."<sup>10</sup>

It is my understanding that the "Wine Country" consists of over 35,000 acres in Southwest Riverside County. Only one church has been permitted to locate in the C/V Zone since 1994 -- Calvary. Immediately after Calvary was permitted, the C/V Zone was amended to exclude churches from these 35,000 acres. Although religious assemblies are excluded from the C/V zone, the zone permits the existence of wineries and "special occasion facilities". Wineries and special occasion facilities incorporate a large category of non-religious assembly uses

<sup>9</sup> 42 U.S.C. 2000cc (2000).

<sup>10</sup> 42 U.S.C. § 2000cc-3(g).

including, wedding facilities and other meeting places. Large events are regularly held indoors and outdoors at these various facilities throughout the Wine Country. Therefore, it is clear that RLUIPA Section (b) is violated by the allowance of these various meeting facilities while excluding religious assemblies and institutions.

The adoption of Ordinance Amendment No. 348.4702 simply corrects the federal violation currently existing in the existing ordinance. Because of the significant protection now afforded to religious assemblies and institutions, it is particularly appropriate for governmental agencies to take corrective action as is recommended by RLUIPA itself:

*"A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden."<sup>11</sup>*

#### **Proposed Assembly Bill 1721**

The Riverside County Farm Bureau and the Temecula Valley Winegrowers Association have expressed concerns that their use of pesticides will be negatively impacted as a result of allowing churches in the C/V zone due to pending legislation, known as AB 1721. This argument is mistaken because AB 1721 does not apply to prohibit the spraying of pesticides due to the existence of a church or "Sunday school." AB 1721 only applies to prevent the aerial spraying of pesticides at certain times due to the existence of a "schoolsite" as defined in Section 17609 of the Education Code. The definition of a schoolsite does not include a church, religious assembly or a private school facility. Therefore, adopting Ordinance Amendment No. 348.4702 will have no negative impact upon the farming community or vintners even if AB 1721 is ultimately adopted by the California Legislature.

The County understandably must be concerned with all of its constituents, including the farming community, the vintners, their children, their guests and their customers. The Farm Bureau and the Temecula Valley Winegrowers Association should consider the costs of their objections. If it were really unsafe for a church to operate in the Wine Country, it would be equally unsafe for the various public operations of the wineries and the special use facilities. A review of the website for the Temecula Valley Winegrowers Association will reveal that large events occur on a regular basis in the Wine Country such as weddings, concerts, tours, festivals and other activities. If it is unsafe for a church to exist in the Wine Country, it would be equally unsafe for South Coast Winery to host events for 800-1200 people in their courtyard or Callaway Vineyard to host 500 people on its west lawn. Therefore, the objections of Riverside County Farm Bureau and the Temecula Valley Winegrowers Association lack sufficient merit to justify recognition.

---

<sup>11</sup> 42 U.S.C. § 2000cc-3(e).



Conclusion

Ordinance Amendment No. 348.4702 complies with RLUIPA and should be adopted. The failure to adopt this ordinance would render the county in continued noncompliance with federal law. Therefore, we respectfully request that the county adopt Ordinance Amendment No. 348.4702. Please do not hesitate to contact me in the event you have any questions.

Kind Regards,

A handwritten signature in black ink, appearing to read "R. Tyler". The signature is written in a cursive, flowing style.

Robert H. Tyler  
General Counsel

# EXHIBIT "F"



**ADVOCATES  
FOR FAITH & FREEDOM**  
*Protecting Religious Liberty in the Courts!*

September 8, 2010

VIA ELECTRONIC  
AND U.S. MAIL

Ms. Shellie Clack  
Deputy County Counsel  
County of Riverside  
3960 Orange Street  
Riverside, California 92501  
*mclack@co.riverside.ca.us*

RE: *Ordinance Amendment No. 348.4702 - Amendment to C/V Zone  
Calvary Chapel Bible Fellowship*

Dear Ms. Clack,

By way of introduction, Advocates for Faith and Freedom is a nonprofit law firm based in Riverside County. We specialize in representing churches and other religious organizations in regard to religious liberty concerns, including the religious use of real property. We often assist churches in processing land use applications with government agencies.

In this instance, I represent the interests of Calvary Chapel Bible Fellowship ("Calvary") and am writing in support of proposed Ordinance Amendment No. 348.4702. Attached to this letter is a previous letter that I wrote to Supervisor Jeff Stone on December 9, 2009, in regard to our concern relating to the exclusion of churches and temples from the C/V Zone. Also attached to this letter is a previous letter I wrote to the Board of Supervisors on May 28, 2010, concerning the same issue. I request that this letter and the two letters attached be included for the record in the Staff Report once it is amended and redistributed to the Planning Commissioners.

My previous correspondence set forth the general law as it relates the federal protection afforded to religious assemblies and institutions by the Religious Land Use and Institutionalized Person's Act ("RLUIPA")<sup>1</sup>. Here, I would like to address two specific issues raised by Mr. Michael W. Newcomb, attorney for the Temecula Valley Winegrowers Association.

<sup>1</sup> 42 U.S.C. 2000cc (2000). RLUIPA's constitutionality is no longer in question. See *Guru Nanak Sikh Society of Yuba City v. County of Sutter*, 456 F.3d 978, 981 (9th Cir.2006)(finding RLUIPA constitutional as applied to conditional use permits and churches based on Congress' enforcement power and the Fourteenth Amendment);

### Restrictions Imposed by ABC Laws

Mr. Mike Naggar, land use consultant for Calvary Bible Fellowship, submitted a letter to you on August 13, 2010, regarding the regulation of liquor licenses. Mr. Naggar pointed out that the licenses issued to wineries for the sale of alcohol is a Type 02 "winegrower's license" as opposed to a "retail" license. This is significant because a winegrower's license does not have a distance requirement in relation to churches and schools whereas a retail license does have significant distance requirements. Therefore, ABC laws are irrelevant to proposed Ordinance Amendment No. 348.4702.

However, even if a distance requirement did apply so as to restrict the sale of alcohol in the vicinity of the church, the burden imposed on neighboring land would not provide a basis to justify the rejection of the proposed Ordinance Amendment No. 348.4702 allowing churches, temples and other places of religious worship within the C/V Zone. A very similar issue arose in *Digrugilliers v. Consolidated City of Indianapolis*.<sup>2</sup> In that case, Indiana law prohibited the sale of liquor within 200 feet of a church. A federal judge determined that allowing a church to locate in a C-1 zone could interfere with other land uses.<sup>3</sup> As a result, the district judge believed that the city was justified when it denied a variance application submitted by a church that would have allowed it to locate in the C-1 zone. However, the Seventh Circuit Court of Appeals reversed the district judge and held that "[g]overnment cannot, by granting churches special privileges..., furnish the [same] premise for excluding churches from otherwise suitable districts."<sup>4</sup> In other words, the 200 foot distance requirement is a special privilege afforded to churches and the district court used that same privilege that is suppose to protect the church as a justification to exclude the church from a zone because it might prevent other land uses from selling alcohol. The Seventh Circuit clearly overruled that rationale and said that the distance requirement could not be used to prevent churches from locating within the C-1 zone on the basis that the existence of a church might prevent a future applicant from selling alcohol.<sup>5</sup>

Similarly, the Temecula Valley Winegrowers Association argues that allowing churches into the C/V zone might prevent the sale of alcohol by land uses that neighbor a church. As stated before, Mr. Naggar has proven that not to be the case based on the type of license issued to

---

*Elsinore Christian Chr. v. City of Lake Elsinore*, 197 Fed.Appx. 718 (9th Cir. 2006) (where on interlocutory appeal, the 9<sup>th</sup> Circuit reversed the district court and held that the religious land use section of RLUIPA is constitutional); *Freedom Baptist Church v. Township of Middleton*, 204 F. Supp. 2d 857 (E.D. Pa. 2002) (holding that RLUIPA was constitutional and rejecting challenges to the Enforcement Clause, Commerce Clause, and Establishment Clause).

<sup>2</sup> 506 F.3d 612 (7<sup>th</sup> Cir. 2007).

<sup>3</sup> *Id.* at 616.

<sup>4</sup> *Id.*

<sup>5</sup> It is important to note that very few cases within the Ninth Circuit have addressed the land use provisions of RLUIPA. Therefore, relevant cases from other federal circuits are particularly instructive to the applicability of RLUIPA.

wineries. However, even if it were true, the special privilege afforded to churches to prevent neighboring land uses from selling alcohol with a "retail" license cannot now be used to prevent churches from locating in the C/V zone. Therefore, the implicit rationale that wineries need protection from churches is specious.

As stated in my last letter, the County of Riverside has an obligation to correct the zoning ordinance so that the C/V zone is in compliance with RLUIPA.<sup>6</sup> If the County fails to do so, a federal lawsuit could be brought to force compliance. This, of course, would seem unnecessary.

#### Pesticides and Fertilizers: A.B. 1721

In my last letter, I articulated the reasons why A.B. 1721 would not apply to prevent a church or private school from locating immediately next to a winery or other farming operation in the event the bill were ultimately passed as it is currently written. The Temecula Valley Winegrowers Association essentially argues that a trend exists that might make it more difficult to apply pesticides and fertilizers near a church or private school in the future. A decision based upon a hypothetical event in the future does not justify rejecting proposed Ordinance Amendment No. 348.4702.

The C/V zone consists of more than 25,000 acres and most of the acreage is not being farmed. Therefore, even if there was a legitimate threat to the health of individuals resulting from the application of pesticides or fertilizers by a farming operator or vintner, it is more probable that a church would not even locate in the immediate vicinity of a farm or winery. If, however, a church or private school desired to locate in the immediate vicinity of a farm or winery, the proper time to consider the environmental issues would be at the time the church or school submits their land use application. A blanket restriction on 25,000 acres is simply unreasonable and unlawful.

Additionally, the rationale used by the Seventh Circuit in *Digrugilliers v. Consolidated City of Indianapolis* is applicable to the vintner's argument that the existence of a church *might* prevent a farmer or vintner from operating in the future.<sup>7</sup> Further, this argument is not valid because there are many locations within the 25,000 acres of the C/V zone where a church or private school could locate without threatening the right of a farmer or vintner to apply pesticides and fertilizers.

---

<sup>6</sup> (b) **Discrimination and Exclusion.**

(1) **Equal Terms.** No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

....  
(3) **Exclusions and Limits.** – No government shall impose or implement a land use regulation that –

(A) totally excludes religious assembly from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

42 U.S.C. 2000cc-(b)(1)-(3).

<sup>7</sup> 506 F.3d 612 (7<sup>th</sup> Cir. 2007).

Ms. Shellie Clack  
September 8, 2010  
Page 4 of 4

### Conclusion

It is worth repeating that the adoption of Ordinance Amendment No. 348.4702 simply corrects the federal violation currently existing in the C/V zoning district. Because of the significant protection now afforded to religious assemblies and institutions, it is particularly appropriate for governmental agencies to take corrective action as is recommended by RLUIPA itself:

*"A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden."*<sup>8</sup>

On behalf of Calvary Chapel Bible Fellowship, I respectfully request that you recommend to the Planning Commission that it approve the adoption of Ordinance Amendment No. 348.4702 as a legal necessity.

Please do not hesitate to contact me in the event you have any questions.

Kind regards,



Robert H. Tyler  
General Counsel

cc: *Via Electronic and U. S. Mail*  
Mr. Larry Ross  
*LROSS@rctlma.org*  
Mr. Mike Nagggar  
*mike@mikenagggar.com*  
Mr. Mike Van Wick  
*clark@ccbf.net*

---

<sup>8</sup> 42 U.S.C. § 2000cc-3(e).

# EXHIBIT "G"



**ADVOCATES  
FOR FAITH & FREEDOM**

*Protecting Religious Liberty in the Courts!*

December 7, 2009

VIA PERSONAL DELIVERY

Supervisor Jeff Stone  
County of Riverside County Counsel  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501  
Facsimile: (951) 955-2194

RE: Calvary Chapel Bible Fellowship

Dear Supervisor Stone,

This letter is intended to provide you a brief summary of federal statutory law applicable to the use of land for religious purposes by Calvary Chapel Bible Fellowship ("Calvary"). In November, 2009, the Board of Supervisors approved an ordinance amending Ordinance 348 to permit churches, temples or other places of religious worship in the Rural Residential ("R-R") Zone. Calvary Chapel Bible Fellowship is requesting the Board of Supervisors adopt a similar amendment with regard to the Citrus/Vineyard ("C/V") Zone within the next 30 days in order to assure that the C/V Zone complies with the requirements set forth in a relatively newly adopted federal statute that protects religious institutions seeking to develop land for religious purposes.

In 2000, the Religious Land Use and Institutionalized Persons Act ("RLUIPA")<sup>1</sup> was adopted, creating an entirely new body of federal law and seeking to codify and elaborate upon protections found in the Free Exercise Clause of the First Amendment to the United States Constitution. RLUIPA provides significantly greater protection than prior federal law had to persons or institutions using land for religious purposes, such as Calvary Chapel Bible Fellowship.

Municipalities regulate the use of land within their jurisdictions by implementing comprehensive zoning ordinances under the authority of their police power. The Supreme Court clearly stated in *Village of Euclid, Ohio v. Ambler Realty Co.*<sup>2</sup> that cities have the right to enact

<sup>1</sup> Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc (2000).

<sup>2</sup> 272 U.S. 365 (1926).



zoning ordinances for the general welfare of their citizens, and these zoning ordinances are generally presumed to be constitutional.<sup>3</sup> However, a municipality's ordinance must be implemented in a fashion that does not run afoul of federal law.

### RLUIPA'S SUBSTANTIAL BURDEN PROVISION

Congress sought to ensure the application of strict scrutiny in religious land use cases when it codified the substantial burden test (also known as the "compelling interest test") articulated by the U.S. Supreme Court in *Sherbert v. Verner*.<sup>4</sup> Under RLUIPA, the plaintiff has the burden of showing that the government -imposed or -implemented land-use regulation places a substantial burden on the religious exercise of a person, assembly, or institution.<sup>5</sup> Religious exercise is defined as "any exercise of religion, whether or not compelled by, or central to, a system of religious belief."<sup>6</sup> "Religious exercise" also includes the directive that "[t]he use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose."<sup>7</sup> This definition of religious exercise is especially helpful to religious land uses. Land use regulations have often been considered somewhat immune to scrutiny under free exercise because land use regulations are allegedly targeted at the regulation of land as opposed to the regulation of religion.<sup>8</sup> It has also been argued that zoning regulations "rarely bear upon central tenets of religious belief" and therefore do not impose a substantial burden.<sup>9</sup> RLUIPA forecloses the effectiveness of these arguments.

Once the plaintiff establishes a substantial burden under RLUIPA, the burden of persuasion shifts to the government entity.<sup>10</sup> The government must prove that its actions are "in furtherance of a compelling governmental interest" and are "the least restrictive means of furthering that compelling governmental interest."<sup>11</sup> In order to satisfy the strict scrutiny standard as incorporated by RLUIPA, the Defendants must make more than a "showing merely of a rational relationship to some colorable state interest . . . . [I]n this highly sensitive constitutional area, 'only the gravest abuses [by religious adherents], endangering paramount interests, give occasion for permissible limitation [on the exercise of religion].'"<sup>12</sup> Once strict

3 *Id.*

4 *Sherbert v. Verner*, 374 U.S. 398 (1963).

5 42 U.S.C. § 2000cc(a)(1). "Government" means a State, County, Municipality, governmental entity created under the authority of the State, or any person acting under color of State law. 42 U.S.C. § 2000cc-5.

6 42 U.S.C. § 2000cc-5(7)

7 *Id.*

8 See, e.g., *Elsinore Christian Center*, 291 F. Supp. 2d 1083, 1090 (C.D. Cal. 2003) (citing *Christian Gospel Church, Inc. v. City and County of San Francisco*, 896 F.2d 1221, 1224 (9th Cir.1990); *Messiah Baptist Church v. County of Jefferson*, 859 F.2d 820, 824-25 (10th Cir.), cert. denied, 490 U.S. 1005, 109 S.Ct. 1638 (1989); *Lakewood, Ohio Congregation of Jehovah's Witnesses, Inc. v. Lakewood*, 699 F.2d 303, 306-7 (6th Cir.1983); *Grosz v. City of Miami Beach*, 721 F.2d 729 (11th Cir.1983).

9 *Elsinore Christian Center*, 291 F. Supp. 2d at 1090.

10 42 U.S.C. § 2000cc-2(b).

11 42 U.S.C. § 2000cc(a)(1).

12 *Sherbert v. Verner*, 374 U.S. 398, 406 (1963) (quoting *Thomas v. Collins*, 323 U.S. 516, 530 (1945)).

scrutiny is applied, governmental action will survive only in rare cases.<sup>13</sup>

In the present situation, Calvary intends to use the property at issue for purposes of developing and occupying a Church and Christian School in the C/V Zone. If the County denies Calvary's religious use of the land, the burden shifts to the County to establish a compelling governmental interest that is implemented by the least restrictive means of furthering that interest. The County's interest in regulating Calvary's development and use of the property cannot, however, overcome the strict scrutiny test. "A law that...advances legitimate governmental interests only against conduct with a religious motivation will survive strict scrutiny only in rare cases."<sup>14</sup>

### RLUIPA'S EQUAL TERMS PROVISION

Section (b)(1) of RLUIPA states that, "[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."<sup>15</sup> Section (b) "codifies parts of the Supreme Court's constitutional tests as applied to land use regulation. These provisions directly address some of the more egregious forms of land use regulation, and provide more precise standards than the substantial burden and compelling interest tests. These provisions overlap, but some cases may fall under only one section, or the elements of one section may be easier to prove than the elements of other sections."<sup>16</sup> Section (b) is obviously distinct from the strict scrutiny standard of review set forth in section (a). In fact, no standard of review is called for in the text of section (b) or in the legislative history. Rather, the legislative history demonstrates that Congress intended that strict liability be imposed upon a violation of section (b).<sup>17</sup>

Under the present circumstances, the County must consider all uses it has allowed in the C/V Zone. Both facially and as-applied the current ordinance cannot satisfy the standard set forth in the Equal Terms provision. The applicable ordinance permits "[a]n outdoor facility, in conjunction with a dwelling unit or a winery, which may include a structure or building, which is used on special occasions for public assembly for a specific period of time in return for compensation. Special occasions may involve, but not limited to, weddings, concerts, parties, spectator oriented events or other celebrations" with a minimum acreage requirement. Furthermore, educational institutions are permitted in the C/V Zone by way of a public use permit. The County's current ordinance, both on its face and as it has been applied, is a violation of the Equal Terms provision. The ordinance permits secular assemblies, such as concerts, parties, and educational institutions, but does not permit religious assemblies in the Zone. As a result, the County is treating religious institutions on less than equal terms with nonreligious assemblies.

<sup>13</sup> *Church of the Lukumi Babalu v. City of Hialeah*, 508 U.S. 520, 546 (1993).

<sup>14</sup> *Church of the Lukumi Babalu v. City of Hialeah*, 508 U.S. 520, 546 (1993).

<sup>15</sup> 42 U.S.C. 2000cc(b)(1) (2000).

<sup>16</sup> 146 CONG. REC. E1563-01 (2000) (Stmt. of Rep. Canady)

<sup>17</sup> *Id.*

Supervisor Jeff Stone  
December 7, 2009  
Page 4 of 4

## CONCLUSION

This letter provides only a brief analysis of RLUIPA. Certainly, the federal constitution, as well as the state constitution, provides significant protection under the Free Exercise Clause and the Equal Protection Clause for the religious use of land. We would be happy to discuss the application of RLUIPA in greater detail should the County so desire.

Please do not hesitate to contact me if you have any questions.

Kind regards,

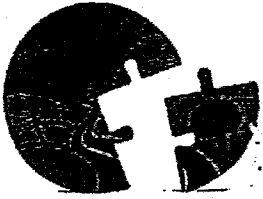


Robert H. Tyler, Esq.

JLM:lkj

cc: Mr. Clark Van Wick

# EXHIBIT "H"



Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

January 27, 2011

Mr. Mike Naggar  
445 S. D Street  
Perris, CA 92570

**Re: Proposed project for sanctuary, Sunday school, private kindergarten through eighth grade school, temporary child care, hospitality and storage space**

Dear Mr. Naggar:

This letter is in response to your November 30, 2010, letter requesting a finding that the construction of two (2) new buildings totaling 37,936 square feet on approximately 21 acres to be used as a sanctuary, Sunday school, private kindergarten through eighth grade school, temporary child care, hospitality and storage space ("the proposed project") is the same in character and intensity as a use listed in the Citrus Vineyard Zone of Riverside County Ordinance ("RCO") No. 348.

Section 14.73, subsection d. of RCO No. 348 provides in pertinent part:

*"Any use that is not specifically listed...maybe considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed...such a use is subject to the permit process which governs the category in which it falls."*

Pursuant to the power vested in me by this provision, I hereby find that the proposed project is substantially the same in character and intensity as those listed uses requiring a plot plan. The CV Zone permits such uses as the following with a plot plan: special occasion facilities, bed and breakfast inns, country inns, cooking schools in conjunction with bed and breakfast inns and country inns, and wineries, with an established on-site vineyard and a minimum gross parcel size of 20 acres, in conjunction with sampling rooms, retail wine/gift sales, special occasion facilities, hotels and restaurants.

These uses are commercial in nature and not entirely contained within one building. Most operate seven days a week during the morning, afternoon and evening. Additionally, these uses generate large events that are held indoors and outdoors which may result in traffic, visual and noise impacts. As the proposed project has similar attributes, its character and intensity may be appropriately characterized as substantially the same as the uses allowed with a plot plan. Therefore, the applicant will need to submit a plot plan application to the Planning Department for the proposed project.

Additionally, please note that this letter and finding pertains only to the proposed project to be located on the recently acquired 21 acres. It does not pertain in any way to the existing Calvary Chapel Bible Fellowship operating under Public Use Permit No. 798.

Riverside Office • 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 • Fax (951) 955-3157

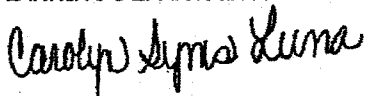
Desert Office • 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 • Fax (760) 863-7555

Mr. Mike Naggar  
January 27, 2011  
Page 2

If you have any questions or concerns regarding this letter, please contact me at (951) 955-6097 at your convenience.

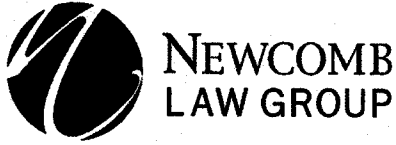
Sincerely,

PLANNING DEPARTMENT

A handwritten signature in black ink that reads "Carolyn Syms Luna". The signature is written in a cursive style with a large initial 'C'.

Carolyn Syms Luna  
Director

CSL:SC:kh



43460 Ridge Park Drive, Suite 200, Temecula, CA 92590  
Tel: (951) 541-0220 • Fax: (951) 541-9360 • newcomb-law.com  
Writer's Email: michael@newcomb-law.com

September 18, 2013

To: Members of the Temecula Valley Winegrowers Association

Re: *New Requirement for "On-Site" Grape Use and Production*

Dear Members:

The proposed revision to the County Code, Section 14.96 (Development Standards), Subsection (e)(6), would require wineries to actually "grow" at least 50 percent of all wine "produced" and "sold" on-site. This requirement would fundamentally destroy the ability of a winery to sell more than twice what it grows "on site." Moreover, this requirement would artificially limit and restrict grape growers from selling fruit to wineries because a winery could not "produce" wine from more fruit than it grows. The language provides as follows:

*14.96 Development Standards*

a. *General Standards. The following standards shall apply to all uses and development in the WC-E, WC-R, WC-W and WC-WE zones:*

e. *Commercial Winery Standards. In addition to the General Standards, the following standards shall apply to all Commercial Wineries in the WC zones:*

(6) *The grapes utilized in wine production and retail wine sales shall meet the following minimum requirements: fifty percent (50%) shall be grown or raised on site and twenty-five percent (25%) shall be grown or raised in Riverside County ...*

Under basic statutory construction rules, the above language means (1) that all retail wine sales (i.e. a sale wherein sales tax is collected), which includes wine clubs, tasting room bottles and tastings, restaurants, etc., are restricted to bottles of wine, 50% of which were produced from grapes "on-site" and (2) production is also severely restricted in that a winery cannot produce wine in excess of one-half of what it grows "on-site."

The term "on-site" necessarily excludes leased land or contracted vineyards. Indeed, even contiguous parcels that are not expressly included within the approved "Plot Plan" and/or bonded/licensed premises under the TTB and ABC would not be considered "on-site."

Because the rule would apply to both WC-W and WC-WE zoned wineries – everybody is affected. Thus, a winery with 20 acres and 15 acres planted that on average produces 3 tons per acres, would produce approximately 6,750 gallons or 2,838 cases. That winery would be restricted from producing and selling at retail (again any transaction where sales tax is collected); any wine in excess of 5,676 cases. Likewise, a winery with 10 acres and 7.5 acres planted (3 tons average), is limited to producing no more than 2,838 cases of wine.

In addition to essentially devaluing every winery in the valley, the proposed rule would also limit the ability of grape growers to sell fruit because Temecula wineries could not purchase more fruit than what they grow on site. I respectfully urge the membership to oppose the above rule in the most vocal and aggressive means within the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Newcomb", is written over a white background.

Michael W. Newcomb  
Attorney at Law





1 units (density yield) are placed in close proximity with the purpose of creating the  
2 largest potential development envelope for vineyards or equestrian uses.

3 c. **COMMERCIAL EQUESTRIAN ESTABLISHMENT.** An equestrian facility  
4 ~~with one or more incidental commercial uses, such as a petting zoo, polo-grounds,~~  
5 ~~Western style store, restaurant, rodeo arena or special occasion facility that~~  
6 contains a minimum of twenty (20) enclosed stalls ~~for that is used to boarding~~  
7 horses in return for compensation.

Comment [SPC1]: Clarification by the Planning Department

8 d. **COMMERCIAL WINERY.** An agricultural facility designed and used to crush,  
9 ferment and process grapes into wine. Such facility operates appurtenant and  
10 incidental commercial uses such as wine sampling room, retail wine sales, gift  
11 sales, delicatessen, restaurant, lodging facilities and special occasion facilities.

12 e. **COTTAGE INDUSTRY.** A home-based occupation or service carried on by a  
13 resident within his dwelling in return for compensation, provided such use,  
14 occupation or service is incidental and secondary to the principal use of a dwelling  
15 as a residence. Such activity is conducted in a manner not to give an outward  
16 appearance or manifest any characteristics of a business. Cottage industry may  
17 include, but not limited to, knitting, sewing, quilting, pottery, accounting, scrap  
18 booking and cooking.

19 f. **COTTAGE INN.** A dwelling unit with ~~five (5) or fewer guest rooms, which~~  
20 ~~provides lodging and breakfast for temporary overnight occupants in return for~~  
21 ~~compensation and is solely owned and operated by the property owner. In addition~~  
22 ~~to ~~the~~ a main kitchen, a Cottage Inn may contain one kitchenette. Cooking~~  
23 ~~provisions, such as a stove, microwave or grill, are prohibited in the guest rooms.~~

Comment [MC2]: Clarification by the Planning Department

Comment [MC3]: Clarification by the Planning Department

24 g. **COUNTRY INN.** A facility, which may be an extension of the main dwelling  
25 unit, with 11 to 20 guest rooms that provides lodging and breakfast for temporary  
26 overnight occupants in return for compensation. In addition to a main kitchen, a  
27 Country Inn may contain one kitchenette per guest room. Cooking provisions, such  
28 as a stove, microwave or grill, are prohibited in the guest rooms.

- 1 h. DELICATESSEN. A small facility that offers such food items as, but not limited  
2 to, made to order sandwiches, salads, cheese plates and a variety of beverages in  
3 return for compensation.
- 4 i. EQUESTRIAN ESTABLISHMENT. An equestrian facility where horses, donkeys,  
5 mules and ponies are kept, sheltered, trained, nursed, or boarded in return for  
6 compensation. An equestrian establishment may include enclosed stalls, shelters,  
7 arenas, paddocks, pens, as well as associated appurtenant structures or buildings,  
8 including but not limited to, barns, tack sheds, washing stations, hot walkers or  
9 other equestrian exercise equipment storage areas, equestrian training schools,  
10 small-scale animal hospitals, feed storage facilities, covered forage/hay storage  
11 areas, equestrian trail riding areas and equestrian trailer parking areas.
- 12 j. EQUESTRIAN LAND. A fenced-in open area that is actively managed to  
13 control weeds and used for, but not limited to, grazing of equestrians or other  
14 livestock, equestrian holding areas, open corrals, exercise areas, riding area, or  
15 equestrian racing rings. Buildings shall not be allowed in such open area.
- 16 k. EQUESTRIAN SHOW FACILITY. A facility that holds a maximum of one  
17 hundred (100) people, which provides a venue for judged exhibition events,  
18 training events, competition of horses or equestrian sport activities.
- 19 l. GUEST ROOM. A lodging room with bathroom access, which accommodates  
20 one or two persons and contains basic furniture, such as one or two beds,  
21 nightstands, dresser, desk, chair, wardrobe or built in closet and a television.
- 22 m. GUEST SUITES. A guest room with only one access that accommodates a  
23 maximum of four persons and contains one bedroom, additional living space,  
24 luxury bathroom, closet and may include a kitchenette per guest room. Cooking  
25 provisions such as a stove, microwave or grill, are prohibited in the guest suite.
- 26 n. HOTEL. A lodging facility with more than 20 guest rooms or guest suites, which  
27 provides lodging and breakfast for temporary overnight occupants, in return for  
28 compensation. In addition to a main kitchen, a hotel may have one kitchenette per

Comment [MCA]: Clarification by the Planning Department

1 guest room or guest suite. Cooking provisions, such as a stove, microwave or grill,  
2 are prohibited in guest rooms and guest suites.

3 o. INCIDENTAL COMMERCIAL USE. A commercial use that is directly  
4 related and secondary to the principal agricultural or equestrian use located on the  
5 same parcel or project site.

6 p. KITCHENETTE. An area that may include a small counter, cabinets and mini  
7 refrigerator used for providing food and drinks for non-monetary consumption to  
8 guests. Cooking provisions such as a stove, microwave or grill, are prohibited in  
9 the Kitchenette.

Comment [MCE]: Clarification by the Planning Department

10 q. LODGING FACILITIES. Bed and Breakfast Inns, Country-inns, Hotels and  
11 Resorts.

12 r. NET PROJECT AREA. The portion of a site that can actually be built upon.  
13 The following are not included in the net project area: public or private road rights-  
14 of-way, public open-space, and flood ways.

15 s. PRODUCTION LOT. A legal lot of twenty (20) gross acres or more that is set-  
16 aside for planting vineyards through a deed restriction or other conservation  
17 mechanism.

18 t. PRODUCTION WINERY. An agricultural facility solely designed and used to  
19 crush, ferment and process grapes into wine. The facility may also bottle and  
20 distribute such wine. Such facility does not operate any appurtenant or incidental  
21 commercial uses.

22 u. RESORT. A full-service hotel with guest rooms, guest suites, or free standing  
23 villas or casitas, which provides lodging and meals for visitors, in return for  
24 compensation. Such facility may provide additional commercial and recreational  
25 uses such as spas, amphitheaters, conference rooms, golf-courses and banquet-halls  
26 operated by one entity for the convenience of the resort guests.

27 v. SET ASIDE AREA. An area that is restricted for the specific use of planting  
28 vineyards or equestrian lands.

1 w. **SPECIAL OCCASION FACILITY.** An indoor or outdoor facility, which may  
2 include a gazebo, pavilion, amphitheater, auditorium, structures and buildings,  
3 which is used on special occasions such as weddings, parties, concerts,  
4 conferences, charity events and fundraiser events for a specific period of time in  
5 return for compensation. An outdoor special occasion facility may include a  
6 gazebo, pavilion, or amphitheater for wedding ceremonies, concerts or other  
7 celebrations. An indoor special occasion facility shall include a building or other  
8 structure for wedding receptions, conferences or other celebrations conducted  
9 entirely within the structure or building.

10 x. **TEMECULA VALLEY WINEGROWERS ASSOCIATION EVENT.** A  
11 fundraising effort conducted at a winery by one or several member wineries of the  
12 Temecula Valley Winegrowers Association, including but not limited to, region-  
13 wide barrel tastings, where food and wine samplings are provided to participants.  
14 Such events shall not include crushing events and shall be limited to eight (8)  
15 events per year.

16 y. **VINEYARD.** A farm where grapevines are planted, grown, raised or cultivated for  
17 the purpose of producing grape wine.

18 z. **WINE CLUB ACTIVITY.** A social gathering held at a Commercial Winery where  
19 its wine club members receive their membership wine and may participate in wine  
20 tasting and purchase additional wine products. Attendance is limited to wine club  
21 members and their guests.

22 ~~z-aa. **WINE CLUB EVENT.** A social gathering promoted by a Commercial Winery held  
23 in its facility exclusively for its wine club members and their guests.~~

24 ~~aa-bb. **WINE SAMPLING ROOM.** A permanent building used located within a  
25 commercial winery where visitors taste wine in return for monetary compensation.~~

26 ~~bb-cc.~~

27 **SECTION 14.92. AUTHORIZED USES. WINE COUNTRY – WINERY (WC-W)**

28 **ZONE.** The following provisions shall apply to the WC-W Zone:

Comment [MCS]: Clarification by the Planning Department

Comment [MCS]: Clarification by the Planning Department

Comment [MCS]: Planning Commission Recommendation

Comment [MCS]: Clarification by the Planning Department

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

a. ALLOWED USES:

- (1) One-family dwelling.
- (2) ~~Cottage Inn.~~
- (3) Cottage Industry.
- (4) Temecula Valley Winegrowers Association Event.
- (5) Vineyards; groves; equestrian lands; field crops; flower, vegetable, and herb gardening; orchards; apiaries; the drying, processing and packing (other than canning) of fruits, nuts, vegetables and other horticultural products where such drying, processing or packing is in conjunction with an agricultural operation or an incidental commercial use as defined in this ordinance.
- (6) The grazing of sheep, goats or cattle where such grazing operation is conducted on fields for the purpose of clearing stubble or unharvested crops, without limit as to the number of animals per acre, for a period of not more than 30 days within any six-month period.
- (7) The non-commercial keeping, raising or boarding of horses, cattle, sheep and goats on lots 20,000 square feet or larger and 100 feet in width, provided they are kept not less than 50 feet from any dwelling units other than a dwelling unit located on the same lot. The number of such animals is not to exceed two (2) animals per gross acre of all the land available; provided however, the systematic rotation of animals with more than two (2) animals per gross acre is permitted so long as the total number of permitted animals is not exceeded.
- (8) Future Farmers of America or 4-H projects.
- (9) The on-site outside storage of materials used in conjunction with a farm or equestrian land including irrigation equipment and farming

1 machinery is allowed as an accessory use to the farm or equestrian  
2 land.

- 3 (10) The on-site outside storage of materials is allowed as an accessory  
4 use on lots from one-half acre to one acre provided the amount is  
5 limited to one hundred (100) square feet with a maximum height of  
6 six feet (6') and is allowed as an accessory use on lots one acre or  
7 larger provided the amount is limited to two hundred (200) square  
8 feet with a maximum height of six feet (6').

9 b. **CONDITIONALLY PERMITTED USES WITH A PLOT PLAN.** Any  
10 permit that is granted shall be subject to such conditions as shall be necessary to  
11 protect the health, safety or general welfare of the community. The following uses  
12 are permitted provided a plot plan has been approved pursuant to Section 18.30 of  
13 this ordinance.

- 14 (1) In addition to the principal dwelling, a one-family dwelling may be  
15 permitted for each ten (10) acres of a farm in accordance with  
16 Section 14.96.a.(11) herein, ~~including mobile homes on permanent~~  
17 ~~foundations. The total number of such additional dwellings for any~~  
18 ~~farm shall not exceed four.~~

- 19 (2) A temporary stand for the display and sale of agricultural products of  
20 any authorized use that are produced on contiguous lots owned or  
21 leased by the owner or occupant of the premises. The duration of  
22 sales from the temporary stand shall not exceed a period of three  
23 continuous months or a total of six months during any calendar year.  
24 The stand shall not exceed 300 square feet and shall not include any  
25 permanent building or structure. Off-street parking shall be  
26 provided as required in Section 18.12 of Ordinance No. 348, except  
27 that no paving shall be required.  
28

Comment [MC10]: Clarification by the Planning Department

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (3) Production Winery only in conjunction with an established on-site vineyard and on a parcel no less than five (5) acres but no more than ten (10) gross acres.
- (4) Commercial Winery, only in conjunction with an established on-site vineyard and a minimum parcel size of ten (10) gross acres.
- (5) The following appurtenant and incidental commercial uses, only in conjunction with a Commercial Winery, an established on-site vineyard, and a minimum gross parcel size of ten (10) acres:
  - a. Wine sampling room;
  - b. Wine Club Activities;
  - b.c. Four (4) Wine Club Events per year with a maximum of one hundred (100) guests per event.
  - e.d. Retail wine sales;
  - d.e. Gift sales; and
  - e.f. Delicatessen
- (6) The following appurtenant and incidental commercial uses, only in conjunction with a Commercial Winery, an established on-site vineyard, and a minimum gross parcel size of twenty (20) acre:
  - a. Wine sampling room;
  - b. Retail wine sales;
  - c. Gift sales;
  - d. Wine Club Activities;
  - e. Four (4) Wine Club Events per year with a maximum of one hundred (100) guests per event.
  - d.f. Special occasion facility;
  - e.g. Bed and Breakfast Inn;
  - f.h. Country Inn;
  - g.i. Hotel;

Commission (MC11) Planning Commission  
re authorization

Commission (MC12) Planning Commission  
re authorization

[Redacted]

1                   h.j. Spa or professional culinary academy in conjunction with  
2   hotel; and

3                   i.k. Delicatessen or restaurant; drive-thru restaurants shall not be  
4   permitted.

5                   c.       **CONDITIONALLY PERMITTED USES WITH A CONDITIONAL USE**  
6                   **PERMIT.**     Any permit that is granted shall be subject to such conditions as  
7                   shall be necessary to protect the health, safety or general welfare of the community.  
8                   The following uses are permitted provided a conditional use permit has been  
9                   approved pursuant to Section 18.28 of this ordinance:

10                   (1)     Farm employee housing.

11                   (2)     The following appurtenant and incidental commercial uses, only in  
12                   conjunction with a Commercial Winery, an established on-site  
13                   vineyard, and a minimum parcel size of ~~forty (40) gross acres~~

14                   a.     Wine sampling room;

15                   b.     Retail wine sales;

16                   c.     Gift sales;

17                   d.     Wine Club Activities:

18                   e.     Four (4) Wine Club Events per year with a maximum of one  
19                   hundred (100) guests per event.

20                   d.f. Special occasion facility;

21                   e.g. Resort;

22                   f.h. Golf course in conjunction with resorts;

23                   g.i. Spa or professional culinary academy in conjunction with  
24   resorts; and

25                   h.i. Delicatessen or restaurant; drive-thru restaurants shall not be  
26   permitted.

27                   d.     Clustered single family dwelling subdivision that complies with Ordinance  
28                   No. 460 and the development standards set forth in section 14.96.c. herein.





1 SECTION 14.93. AUTHORIZED USES. WINE COUNTRY - WINERY EXISTING

2 (WC-WE) ZONE.

3 a. ALLOWED USES for the ~~twenty-nine thirty twenty-eight 28 (2929)~~  
4 existing wineries as set forth in Figure 4a of the Wine Country Policy Area  
5 attached hereto:

Comment [MC15]: Clarification by the Planning Department

- 6 (1) One-family dwelling.
- 7 (2) Cottage Inn.
- 8 (3) Cottage Industry.
- 9 (4) Temecula Valley Winegrowers Association Event.
- 10 (5) Vineyards; groves; equestrian lands; field crops; flower, vegetable,  
11 and herb gardening; orchards; apiaries; the drying, processing and  
12 packing (other than canning) of fruits, nuts, vegetables and other  
13 horticultural products where such drying, processing or packing is in  
14 conjunction with an agricultural operation or an incidental  
15 commercial use as defined in this ordinance.
- 16 (6) The grazing of sheep, goats and cattle where such grazing operation  
17 is conducted on fields for the purpose of clearing stubble or  
18 unharvested crops, without limit as to the number of animals per  
19 acre, for a period of not more than 30 days within any six-month.
- 20 (7) The non-commercial keeping, raising or boarding of horses, cattle,  
21 sheep, and goats on lots 20,000 square feet or larger and 100 feet in  
22 width, provided they are kept not less than 50 feet from any  
23 dwelling units other than a dwelling unit located on the same lot.  
24 The number of such animals is not to exceed two (2) animals per  
25 gross acre of all the land available; provided however, the  
26 systematic rotation of animals with more than two (2) animals per  
27 gross acre is permitted so long as the total number of permitted  
28 animals is not exceeded.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (8) Future Farmers of America or 4-H projects.
- (9) The on-site outside storage of materials used in conjunction with a farm or equestrian land including irrigation equipment and farming machinery is allowed as an accessory use to the farm or equestrian land.
- (10) The on-site outside storage of material is allowed as an accessory use on lots from one-half acre to one acre provided the amount is limited to one hundred (100) square feet with a maximum height of six feet (6') and is allowed as an accessory use on lots one acre or larger provided the amount is limited to two hundred (200) square feet with a maximum height of six feet (6').

b. **CONDITIONALLY PERMITTED USES WITH A PLOT PLAN.** Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community. The following uses are permitted provided a plot plan has first been approved pursuant to Section 18.30 of this ordinance.

(1) In addition to the principal dwelling, a one-family dwelling may be permitted for dwelling for each ten (10) acres of a farm in accordance with Section 14.96.a (11) herein.

~~(1)~~(2) A temporary stand for the display and sale of agricultural products of any authorized use that are produced on the lot where such stand is located or are produced on contiguous lots owned or leased by the owner or occupant of the premises. The duration of sales from the temporary stand shall not exceed a period of three continuous months or a total of six months during any calendar year. The stand shall not exceed 300 square feet and shall not include any permanent building or structure. Off-street parking shall be provided as

Comment [MC16]: Clarification by the Planning Department

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

required in Section 18.12 of Ordinance No. 348, except that no paving shall be required.

~~(2)(3)~~ Production Winery, only in conjunction with an established on-site vineyard and on a parcel not less than ~~one (1) acre~~ or more than ~~ten (10) gross acres~~.

~~(3)(4)~~ The following appurtenant and limited incidental commercial uses, only in conjunction with an established on-site vineyard and a minimum parcel size of ~~one (1) gross acre~~:

- a. ~~Bed and Breakfast Inn~~; and
- b. ~~Spa and cooking school~~ only in conjunction with a Bed and Breakfast Inn; and
- b.c. ~~Cooking school in conjunction with a Bed and Breakfast Inn~~.

~~(4)(5)~~ The following appurtenant and limited incidental commercial uses, only in conjunction with an established on-site vineyard and a minimum parcel size of ten (10) gross acres:

- a. ~~Special Occasion Facility~~; or
- b. Country Inn; and
- c. ~~Spa only in and cooking school in~~ conjunction with a Country Inn; and
- d. ~~Cooking school only in conjunction with Country Inn~~.

~~(5)(6)~~ The following appurtenant and incidental commercial uses, only in conjunction with a ~~Commercial Winery~~, an established on-site vineyard, and a minimum parcel size of ten (10) gross acres:

- a. ~~Wine sampling room~~;
- b. ~~Retail wine sales~~;
- c. ~~Gift sales~~;
- d. ~~Wine Club Activities~~.



Comments (PNC-1): Clarification by the Planning Department



1 e. ~~Four (4) Wine Club Events per year with a maximum of one~~  
2 ~~hundred (100) guests per event.~~

3 ~~d.f. Special occasion facility; and~~

4 ~~e.g. Bed and breakfast inns; or~~

5 ~~f.h. Restaurant; however, drive-thru restaurants shall not be~~  
6 ~~permitted.~~

7 ~~(6)(7)~~ The following appurtenant and incidental commercial uses, only in  
8 conjunction with a Commercial Winery, an established on-site  
9 vineyard, and a minimum parcel size of fifteen (15) gross acre:

10 a. Wine sampling room;

11 b. Retail wine sales;

12 c. Gift sales;

13 d. Wine Club Activities;

14 e. Four (4) Wine Club Events per year with a maximum of one  
15 hundred (100) guests per event.

16 ~~d.f. Special occasion facility; and~~

17 ~~e.g. Country-inn; or~~

18 ~~f.h. Restaurant; however, drive-thru restaurants shall not be~~  
19 ~~permitted.~~

20 ~~(7)(8)~~ Farm employee housing

21 c. Clustered single family dwelling subdivision that complies with Ordinance  
22 No. 460 and the development standards set forth in section 14.96.c. herein

23 SECTION 14.94. AUTHORIZED USES. WINE COUNTRY – EQUESTRIAN (WC-E)

24 ZONE.

25 a. ALLOWED USES:

26 (1) One-family dwelling.

27 (2) Cottage Inn.

28 (3) Cottage Industry.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (4) Equestrian Establishment.
- (5) Vineyards; groves; equestrian lands; field crops; flower, vegetable, and herb gardening; orchards; apiaries; the drying, processing and packing (other than canning) of fruits, nuts, vegetables and other horticultural products where such drying, processing or packing is in conjunction with an agricultural operation or an incidental commercial use as defined in this ordinance.
- (6) The grazing of sheep, goats or cattle where such grazing operation is conducted on fields for the purpose of clearing stubble or unharvested crops, without limit as to the number of animals per acre, for a period of not more than 30 days within any six-month period.
- (7) The noncommercial keeping, raising or boarding of horses, cattle, sheep, goats on lots 20,000 square feet or larger and 100 feet in width, provided they are not less than 50 feet from any dwelling unit other than a dwelling unit located on the same lot. [REDACTED]  
[REDACTED]  
[REDACTED] number of such animals is not to exceed five (5) animals per gross acre of all the land available; provided however, the systematic rotation of animals with more than five (5) animals per gross acre is permitted so long as the total number of permitted animals is not exceeded.
- (8) Farms or facilities for the selective or experimental breeding and raising of horses, cattle, sheep, and goats subject to the limitations set forth in subsection a.(7) herein.
- (9) Future Farmers of America or 4-H projects.
- (10) The on-site outside storage of materials used in conjunction with a farm or equestrian land including irrigation equipment and farming

[REDACTED]

1 machinery is allowed as an accessory use to the farm or equestrian  
2 use.

- 3 (11) The on-site outside storage of materials is allowed as an accessory  
4 use to the agricultural operations on lots from one-half acre to one  
5 acre provided the amount is limited to one hundred (100) square feet  
6 with a maximum height of six feet (6') and is also allowed as an  
7 accessory use on lots one acre or larger provided the amount is  
8 limited to two hundred (200) square feet with a maximum height of  
9 six feet (6'). [REDACTED] or more.

10 b. **CONDITIONALLY PERMITTED USES WITH A PLOT PLAN.** Any  
11 permit that is granted shall be subject to such conditions as shall be necessary to  
12 protect the health, safety or general welfare of the community. The following uses  
13 are permitted provided a plot plan has first been approved pursuant to Section  
14 18.30 of this ordinance.

- 15 (1) In addition to the principal dwelling, a one-family dwelling ~~for each~~  
16 may be permitted for each ten (10) acres of a farm in accordance  
17 with Section 14.96.a (11) herein. [REDACTED]

- 18 [REDACTED]  
19 [REDACTED]  
20 (2) A temporary stand for the display and sale of agricultural products  
21 of any authorized use that are produced on contiguous lots owned or  
22 leased by the owner or occupant of the premises. The duration of  
23 sales from the temporary stand shall not exceed a period of three  
24 continuous months or a total of six months during any calendar year.  
25 The stand shall not exceed 300 square feet and shall not include any  
26 permanent building or structure. Off-street parking shall be  
27 provided as required in section 18.12 of Ordinance No. 348, except  
28 that no paving shall be required.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (3) Commercial Winery only in conjunction with an established on-site vineyard and a minimum parcel size of ten (10) gross acres.
- (4) The following appurtenant and incidental commercial uses, only in conjunction with a Commercial Winery, an established on-site vineyard, and a minimum parcel size of ten (10) gross acres:
  - a. Wine sampling room;
  - b. Retail wine sales;
  - c. Gift sales; and
  - d. Delicatessen

(5) [REDACTED] in conjunction with an [REDACTED] [REDACTED]

Comment [C25] - Clarification by the Planning Department  
[REDACTED]

- (6) A Commercial Equestrian Establishment that includes one or more of the ~~The~~ following appurtenant and incidental equestrian uses only in conjunction with a ~~Commercial Equestrian Establishment, an~~ established on-site equestrian land, and a minimum parcel size of ten (10) gross acres:
  - a. Petting Zoo; and
  - b. Polo-grounds; ~~and~~
  - c. ~~Horse~~ Equestrian show facility

Comment [C27] - Clarification by the Planning Department

- (7) A Commercial Equestrian Establishment that includes one or more of the ~~The~~ following appurtenant and incidental equestrian uses only in conjunction with a ~~Commercial Equestrian Establishment, an~~ established on-site equestrian land, and a minimum parcel size of twenty (20) gross acres:
  - a. Western style store, such as but not limited to, saddle and harness shop, tack shop, feed and grain store, custom-crafted equestrian goods shop, horse rental facility, and

Comment [C28] - Clarification by the Planning Department

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

b. Delicatessen or restaurant; drive thru restaurants shall not be permitted.

c. **CONDITIONALLY PERMITTED USES WITH A CONDITIONAL USE PERMIT.** Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community. The following uses are permitted provided that a conditional use permit has first been approved pursuant to Section 18.28 of this ordinance.

- (1) Farm employee housing.
- (2) ~~A Commercial Equestrian Establishment that includes a Special~~ **Special** ~~Occasion Facility only~~ **Occasion Facility only** —in conjunction with a ~~Commercial Equestrian Establishment~~, an established on-site equestrian land, and a minimum parcel size of hundred (100) gross acres.
- (3) ~~A Commercial Equestrian Establishment that includes one or more of the following appurtenant and incidental equestrian uses only~~ **A Commercial Equestrian Establishment that includes one or more of the following appurtenant and incidental equestrian uses only** in conjunction with a ~~Commercial Equestrian Establishment~~, an established on-site equestrian land, and a minimum parcel size of fifty (50) gross acres:
  - a. Horse racing track or rodeo arena; and
  - b. ~~Large-scale animal hospital that provides that temporary~~ **Large-scale animal hospital that provides that temporary** boarding facilities ~~are established~~ **are established** for the purposes of boarding sick or injured animals.



Comment [MCS] is Classification by the Planning Department

**SECTION 14.95. AUTHORIZED USES. WINE COUNTRY – RESIDENTIAL (WC-R)**

ZONE.

- a. **ALLOWED USES:**
  - (1) One-family dwelling.
  - (2) Cottage Inn.
  - (3) Cottage Industry.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (4) Vineyards; groves; equestrian lands; field crops; flower, vegetable, and herb gardening; orchards; apiaries; the drying, processing and packing (other than canning) of fruits, nuts, vegetables and other horticultural products where such drying, processing or packing in conjunction with an agricultural operation or an incidental commercial use as defined in this ordinance.
- (5) The grazing of sheep, goats or cattle where such grazing operation is conducted on fields for the purpose of clearing stubble or unharvested crops, without limit as to the number of animals per acre, for a period of not more than 30 days within any six-month period.
- (6) The noncommercial keeping, raising or boarding of horses, cattle, sheep, and goats on lots 20,000 square feet or larger and 100 feet in width, provided they are kept not less than 50 feet from any dwelling unit other than a dwelling unit located on the same lot. The number of such animals is not to exceed five (5) animals per gross acre of all the land available; provided however, the systematic rotation of animals with more than five (5) animals per gross acre is permitted so long as the total number of permitted animals is not exceeded.
- (7) Farms or establishments for the selective or experimental breeding and raising of horses, cattle, sheep, and goats subject to the limitations set forth in section 14.95.a. ~~(7)~~ herein.
- (8) Future Farmers of America or 4-H projects.
- (9) The on-site outside storage of materials used in conjunction with a farm or equestrian land including irrigation equipment and farming machinery is allowed as an accessory use to the farm or equestrian land.



1 (10) The on-site outside storage of materials is allowed as an accessory  
2 use on lots from one-half acre to one acre provided the amount is  
3 limited to one hundred (100) square feet with a maximum height of  
4 six feet (6'). ~~The on-site outside storage and is allowed as an~~  
5 accessory use on lots one acre or larger provided the amount is  
6 limited to two hundred (200) square feet with a maximum height of  
7 six feet (6').

Comment [MC3]: Clarification by the Planning Department

8 b. **CONDITIONALLY PERMITTED USES WITH A PLOT PLAN.** Any  
9 permit that is granted shall be subject to such conditions as shall be necessary to  
10 protect the health, safety or general welfare of the community. The following uses  
11 are permitted provided a plot plan has first been approved pursuant to Section  
12 18.30 of this ordinance.

13 (1) In addition to the principal dwelling, ~~a one one-family dwelling~~  
14 ~~may be permitted for each ten (10) acres of a farm in accordance~~  
15 ~~with Section 14.96.a (11) herein, including mobile homes on~~  
16 ~~permanent foundations for each ten (10) acres of a farm. The total~~  
17 ~~number of such additional dwellings for any farm shall not exceed~~  
18 ~~four.~~

Comment [MC4]: Clarification by the Planning Department

19 (2) A temporary stand for the display and sale of agricultural products  
20 of any authorized use that are produced on the lot where such stand  
21 is located or are produced on contiguous lots owned or leased by  
22 the owner or occupant of the premises. The duration of sales from  
23 the temporary stand shall not exceed a period of three continuous  
24 months or a total of six months during any calendar year. The stand  
25 shall not exceed 300 square feet and shall not include any permanent  
26 building or structure. Off-street parking shall be provided as  
27 required in Section 18.12 of Ordinance No. 348, except that no  
28 paving shall be required.

1 (3) Commercial Winery, only in conjunction with an established on-site  
2 vineyard and a minimum parcel size of ten (10)  
3 gross acres.

4 (4) The following appurtenant and detached structures, only in  
5 conjunction with a Commercial Winery, an established on-site  
6 vineyard, and a minimum parcel size of ten (10) gross acres:

- 7 a. Wine sampling room.
- 8 b. Retail wine sales and
- 9 c. Gift sales.

10 c. Clustered single family dwelling subdivision that complies with Ordinance  
11 No. 460 and the development standards set forth in section Section 14.96.c.  
12 herein.

Commission (MC35) Classification by the Planning  
Department

13 **14.96. DEVELOPMENT STANDARDS**

14 a. General Standards. The following standards shall apply to all uses and development  
15 in the WC-E, WC-R, WC-W and WC-WE zones:

- 16 (1) Lots shall have a minimum average width of two hundred feet (200').
- 17 (2) Site layouts and building designs shall minimize noise impacts on  
18 surrounding properties and comply with Ordinance No. 847.
- 19 (3) Drainage channels shall be constructed to avoid undermining or eroding the  
20 roadbed.
- 21 (4) Curbs, gutters and streetlights shall be constructed in accordance with  
22 Temecula Valley Wine Country Design Guidelines.
- 23 (5) Site layout and design shall be consistent with existing and planned  
24 recreational trails and bike paths set forth in the Riverside County General  
25 Plan and ~~the Temecula~~ the Temecula Valley Wine Country Design  
26 Guidelines.  
27  
28

- 1 (6) All utilities shall be installed underground except electrical lines rated at  
2 33kV or greater which may be installed above ground.
- 3 (7) All exterior lighting shall comply with applicable requirements of  
4 Ordinance Nos. 655 and 915.
- 5 (8) All exterior lighting, including spotlights, floodlights, electric reflectors and  
6 other means of illumination for signs, structures, landscaping, parking,  
7 loading, unloading and similar areas, shall be focused, directed, and  
8 arranged to prevent glare and direct illumination of streets or adjoining  
9 property.
- 10 (9) On-site advertising signs shall be compatible with the rural atmosphere of  
11 the area and comply with all applicable County signage requirements.
- 12 (10) Permanent buildings and structures used in conjunction with drying,  
13 processing, and packing operations shall be located not less than fifty feet  
14 (50') from the boundaries of the property line except when the site is  
15 located next to Rancho California Road, Monte De Oro Road, Anza Road,  
16 Glen Oaks Road, Pauba Road, De Portola Road, Buck Road, Borel Road,  
17 Butterfield Stage Road, Calle Contento Road, Camino Del Vino Road, and  
18 Highway 79 South where the minimum setback requirement shall be one  
19 hundred feet (100').
- 20 (11) Additional one-family farm employee dwellings shall comply with all of the  
21 following:
- 22 a. Dwelling shall be located on a lot being farmed and may be  
23 occupied by the owner, operator or employœ of the farming  
24 operation.
- 25 b. Dwelling shall not be rented or offered for lease
- 26 c. Dwelling shall be located not less than fifty feet (50') from any  
27 property line, except when the site is located next to Rancho  
28 California Road, Monte De Oro Road, Anza Road, Glen Oaks Road,

1 Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield  
2 Stage Road, Calle Contento Road, Camino Del Vino Road, and  
3 Highway 79 South where the minimum setback requirement shall be  
4 one hundred feet (100').

5 d. Dwelling shall be screened from view at the front property line by  
6 shrubs or trees.

7 c. Dwelling, sanitary facilities and utilities shall conform with all  
8 requirements of law including the County Public Health Department  
9 and Building and Safety Department.

10 b. Residential Standards. In addition to the General Standards, the following  
11 standards shall apply to all residential developments in the WC Zones. The  
12 following standards shall not apply to residential tract and parcel maps tentatively  
13 approved prior to the effective date of this ordinance nor shall they apply to final  
14 maps recorded prior to the effective date of this ordinance. Such maps shall  
15 comply with the development standards of their respective zoning classifications in  
16 Ordinance No. 348.

17 ~~(1) The minimum lot size shall be ten (10) gross acres in the WC-E Zone.~~

18 ~~(2) Except for clustered subdivisions, the minimum lot size shall be twenty~~  
19 ~~(20) gross acres in the in the WC-W, and WC-WE and WC-E Zones.~~

20 ~~(1) —~~

21 ~~(2)(3) Except for clustered subdivision, the minimum lot size shall be five (5)~~  
22 ~~gross acres in the WC-R Zone.~~

23 ~~(2)(4) The minimum setback requirement for all buildings shall be fifty feet (50')~~  
24 ~~from the road right of way, except when the site is located next to Rancho~~  
25 ~~California Road, Monte De Oro Road, Anza Road, Glen Oaks Road, Pauba~~  
26 ~~Road, De Portola Road, Buck Road, Borel Road, Butterfield Stage Road,~~  
27 ~~Calle Contento Road, Camino Del Vino Road, and Highway 79 South~~  
28 ~~where the minimum setback requirement shall be three hundred feet (300').~~

Comment [MC34] Planning Commission  
Recommendation

Comment [MC37] Planning Commission  
Recommendation

1 The minimum three hundred feet (300') setback requirement does not apply  
2 when it makes a single lot undevelopable for a one family dwelling. In such  
3 event, the minimum setback requirement shall be one-third of the residential  
4 lot.

5 ~~(4)~~(5) The rear and side setback shall be at a minimum equal to the building height  
6 and in all WC Zones, shall not be less than ten (10) feet.

7 ~~(5)~~(6) The maximum height for a dwelling unit shall be thirty feet (30') except  
8 where the project design incorporates terraced lot pads, then the maximum  
9 height of the dwelling unit shall not exceed forty feet (40') when measured  
10 from the lowest finished graded pad floor level.

11 ~~(6)~~(7) All residential developments shall record a Right-to-Farm covenant,  
12 pursuant to Ordinance No. 625 to protect the vineyard uses from residential  
13 encroachment and conflicting land uses.

14 c. **Clustered Subdivision Development Standards**

15 In addition to the General Standards and Residential Standards, the following standards  
16 shall apply to clustered residential developments in the WC Zones:

17 (1) Site layout and design shall maximize unique site characteristics including,  
18 but not limited to, the natural topography, scenic vistas, soil quality and  
19 drainage patterns.

20 ~~(2)~~ [REDACTED]  
21 [REDACTED]

22 ~~(3)~~(2) The minimum lot size shall be one (1) gross acre.

23 ~~(4)~~(3) Prior to tentative approval of an applicable subdivision map, at least seventy  
24 five percent (75%) of net project area shall be set-aside for planting  
25 vineyards through production lots or deed restriction.

26 ~~(5)~~(4) Fifty percent (50%) of the set-aside area shall be planted prior to issuance of  
27 the building permit for the first dwelling unit and twenty five percent (25%)  
28 prior to issuance of certificate of occupancy for the first dwelling unit.

Comments (MCAE) Planning Commission  
Recommendation

Comments (MCAE) Planning Commission  
Recommendation

Comments (MCAE) Planning Commission  
Recommendation

[REDACTED]

1 ~~(6)(5)~~ A clustered development consisting of forty (40) acres or more shall  
2 provide at least one (1) production lot

3 ~~(7)(6)~~ A production lot that provides 25 gross acres or more shall be allowed only  
4 a Production Winery. Incidental commercial uses such as eating, living,  
5 ~~lodging, lodging~~ or special occasion facilities shall not be allowed in  
6 conjunction with the winery.

7 ~~(8)(7)~~ The set-aside areas shall be maintained for production of grapes in  
8 perpetuity by any of the following: property owner, home owners  
9 association or County Service Area.

10 ~~(9)(8)~~ On-site improvements for clustered lots including, but not limited to, roads,  
11 signage, parking, street furniture and exterior lighting shall be compatible  
12 with the rural atmosphere of the area and comply with all applicable County  
13 signage requirements.

14 ~~(10)(9)~~ On-site improvements for production lots and deed restrictions  
15 ~~including restrictions including~~, but not limited to, lighting, ingress and  
16 egress shall be limited to improvements necessary to maintain the  
17 production lots and deed restrictions.

18 ~~(11)(10)~~ Clustered subdivisions shall include an established on-site vineyard  
19 and comply with Ordinance No. 460.

20 d. ~~d. Production Winery Standards. In addition to the General Standards, the~~  
21 ~~following standards shall apply to all Production Wineries in the W/C zones:~~

22 (1) The ~~minimum lot size shall be five (5) gross acres.~~

23 (2) ~~The rear and side setback shall be a minimum equal to four (4) times the~~  
24 ~~building height.~~

25 (3) The Production Winery shall be ~~less than 1,500 square feet in size.~~

26 (4) A total of ~~seventy-five percent (75%) of the net project area shall be planted in~~  
27 ~~vineyards prior to issuance of certificate of occupancy or final inspection,~~  
28 whichever occurs first.

Comment (MCA2) Planning Committee  
Recommendation

1 e. Commercial Winery Standards. In addition to the General Standards, the following  
2 standards shall \_\_\_\_\_ apply to all ~~Commercial Wineries in the WC zones~~

- 3 (1) The minimum lot size shall be ten (10) gross acres.
- 4 (2) ~~A total of seventy-five percent (75%) of the net project area shall be planted~~  
5 ~~in vineyards prior to issuance of certificate of occupancy or final inspection,~~  
6 whichever occurs first. Fifty percent (50%) of the vineyard requirement  
7 shall be planted prior to issuance of building permit for the winery. The  
8 remaining twenty-five percent (25%) of the vineyard shall be planted prior  
9 to issuance of certificate of occupancy or final inspection of the winery,  
10 whichever occurs first.
- 11 (3) To achieve the seventy-five percent (75%) planting requirement, ten percent  
12 ~~(10%) of the net project area may include the planting of olive trees and~~  
13 ~~sixty-five percent (65%) of the net project area shall be planted in~~  
14 ~~vineyards.~~
- 15 (4) The seventy-five (75%) planting requirement shall not include water  
16 features, natural or manmade lakes or the planting of grapevines in parking  
17 lots, but may include planting in the road right of way as may be approved  
18 by the Director of Transportation or his designee.
- 19 (5) Prior to obtaining Certificate of Occupancy, A Commercial Winery shall  
20 obtain all applicable permits or licenses required by the California  
21 Department of Alcoholic Beverage Control.
- 22 (6) ~~The grapes utilized in wine production and retail wine sales shall meet the~~  
23 ~~following minimum requirements: fifty percent (50%) shall be grown or~~  
24 ~~raised on site and twenty-five percent (25%) shall be grown or raised in the~~  
25 ~~Central Valley wine production area, except when:~~

Comment [MCA3]: Clarification by the Planning Department

Comment [MCA4]: Planning Commission recommendation

- 26 a. An exemption from this requirement may be requested for the first  
27 three years from the permit's effective date.  
28



- 1                   b.     An exemption from this requirement may be requested when the  
2                             Board of Supervisors has declared an Agricultural Emergency for  
3                             the Temecula Valley Wine Country Area. Such request shall be for  
4                             a specific period of time and any winery within the Temecula Valley  
5                             Wine Country Area Policy Area may apply.
- 6                   c.     Exemption requests shall be made on forms provided by the County  
7                             Planning Department and shall be filed with the Planning Director,  
8                             accompanied by the fee set forth in Ordinance No. 671.

9     ~~(8)~~ A Commercial Winery shall produce at least fifty percent (50%) of its wine  
10             sold on-site.

11     ~~(7)(9)~~ A Commercial Winery shall be at least fifteen hundred (1,500) square feet  
12             in size and with a capacity to produce at least 3,500 gallons of wine  
13             annually as determined by the County Agricultural Commissioner.

14     ~~(8)(10)~~ A Commercial Winery with one or more high intensity commercial uses  
15             including, but not limited to, a Special Occasion Facility, restaurant or in  
16             conjunction with lodging facilities on twenty (20) to less than forty (40)  
17             gross acres shall be at least three thousand five hundred (3,500) square  
18             feet and shall have the capacity to produce at least 7,000 gallons of wine  
19             annually as determined by the County Agricultural Commissioner.

20     ~~(9)(11)~~ A Commercial Winery with one or more high intensity commercial uses  
21             including, but not limited to, a Special Occasion Facility, restaurant or  
22             lodging in conjunction with lodging facilities on forty (40) gross acres or  
23             more shall be at least six thousand five hundred (6,500) square feet and  
24             shall have the capacity to produce at least fourteen thousand (14,000)  
25             gallons of wine annually as determined by the County Agricultural  
26             Commissioner.

27     ~~(10)(12)~~ Prior to issuance of the building permit for any incidental  
28             commercial uses, the Commercial Winery shall be constructed.



Comment [MC48]: Planning Commission Recommendation

Comment [MC47]: Clarified by the Planning Department

Comment [MC48]: Planning Commission Recommendation

Comment [MC47]: Clarified by the Planning Department

Comment [MC48]: Planning Commission Recommendation

1 ~~(11)~~(13) Prior to issuance of certificate of occupancy for any incidental  
2 commercial uses, the Commercial Winery shall be operational.

3 ~~(12)~~(14) Buildings and structures shall be designed in a rural, equestrian or  
4 wine country theme consistent with the Temecula Valley Wine Country  
5 Design Guidelines.

6 ~~(13)~~(15) The minimum setback requirement for all buildings shall be fifty  
7 feet (50') from the road right of way; except when the site is located next to  
8 Rancho California Road, Monte De Oro Road, Anza Road, Glen Oaks  
9 Road, Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield  
10 Stage Road, Calle Contento Road, Camino Del Vino Road, and Highway 79  
11 South where ~~the~~ the minimum setback requirement shall be equal to four (4)  
12 times the building height measured from the lowest finished graded pad.

13 ~~(14)~~(16) The rear and side setback shall be at a minimum equal to four (4)  
14 times the building height.

15 ~~(15)~~(17) No building or structure shall exceed ~~forty~~ ~~five~~-feet (540') in height,  
16 ~~except where the project design incorporates terraced padslots, then the~~  
17 ~~maximum height shall be fifty feet (50') when measured from the lowest~~  
18 ~~finished graded pad. Such height limitation does not include architectural~~  
19 ~~elements such as spires, minarets, chimneys or similar structures.~~  
20 ~~Additionally, no building shall exceed two (2) habitable stories. ~~spires,~~~~  
21 ~~minarets, chimneys or similar structures.~~

22 ~~(16)~~(18) Automobile parking spaces shall comply with Section 18.12 of  
23 Ordinance No. 348 and shall be consistent with the rural standards of the  
24 Temecula Valley Wine Country Policy Area of the Riverside County  
25 General Plan and the Temecula Valley Wine Country Design Guidelines.  
26  
27  
28



Comment [MC12]: Planning Commission recommendation

Comment [MC13]: Planning Commission recommendation

Comment [MC14]: Planning Commission recommendation

1 ~~(17)~~(19) Loading, trash, and service areas shall be screened by structures or  
2 landscaping and shall be located and designed in such a manner as to  
3 minimize noise and odor impacts to adjacent properties.

4 ~~(18)~~(20) Outside storage areas shall be screened from view by structures or  
5 landscaping.

6 ~~(19)~~(21) All roof mounted mechanical equipment shall be screened from the  
7 ground elevation view to a minimum sight distance of thirteen hundred  
8 twenty feet (1,320').

9 e. Special Occasion Facility Standards. In addition to the General Standards, the following  
10 standards shall apply to all special occasion facilities in the WC zones:

11 (1) The minimum lot size for special occasion facilities in conjunction with a  
12 winery shall be twenty (20) gross acres in the WC-W zone and ten (10)  
13 gross acres in the WC-WE.

14 (2) The minimum lot size for special occasion facilities in conjunction with a  
15 commercial equestrian establishment shall be hundred (100) gross acres in  
16 the WC-E zone.

17 (3) The minimum setback requirement for all buildings shall be one hundred  
18 feet (100') from the road right of way; except when the site is located next  
19 to Rancho California Road, Monte De Oro Road, Anza Road, Glen Oaks  
20 Road, Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield  
21 Stage Road, Calle Contento Road, Camino Del Vino Road, and Highway 79  
22 South where the minimum setback shall be equal to four (4) times the  
23 building height measured from the lowest graded pad, three hundred feet  
24 (300').

25 (4) The maximum height for a special occasion facility shall be thirty feet (30')  
26 except where the project design incorporates terraced lots, then the  
27 maximum height of the special occasion facility shall be forty feet (40')  
28 when measured from the lowest finished graded pad, floor level. Such

1 height limitation does not include architectural elements such as spires,  
2 minarets, chimneys or similar structures.

Comment [MC57]: Planning Commission  
Recommendation

- 3 (5) Buildings and structures shall be designed in a rural, equestrian or wine  
4 country theme consistent with the Temecula Valley Wine Country Design  
5 Guidelines.
- 6 (6) Loading, trash, and service areas shall be screened by structures or  
7 landscaping and shall be located and designed in such a manner as to  
8 minimize noise and odor impacts to adjacent properties.
- 9 (7) Automobile parking spaces shall comply with Section 18.12 of Ordinance  
10 No. 348 and shall be consistent with the rural standards of Temecula Valley  
11 Wine Country Policy Area of the Riverside County General Plan and the  
12 Temecula Valley Wine Country Design Guidelines.
- 13 (8) All special occasion facilities shall conduct a noise study or an acoustical  
14 analysis if an outdoor facility is proposed. Based on such study or analysis,  
15 the Planning Director may deny or require as a condition of approval that  
16 the project applicant enter into a good neighbor agreement with the  
17 surrounding neighbors.
- 18 (9) Outside storage areas and the material therein shall be screened with  
19 structures or landscaping.
- 20 (10) All roof mounted mechanical equipment shall be screened from the ground  
21 elevation view to minimum sight distance of thirteen hundred twenty feet  
22 (1,320').

23 f. Lodging Facility Standards. In addition to the General Standards, the following standards  
24 shall apply to all lodging facilities as defined in this ordinance in the WC zones:

- 25 (1) The minimum lot size for a Bed and Breakfast Inn, Country Inn and Hotel  
26 in conjunction with a winery and established on-site vineyard in the WC-W  
27 zone shall be twenty (20) gross acres.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (2) The minimum lot size for a Bed and Breakfast in conjunction with an established on-site vineyard in the WC-WE zone shall be five (5) gross acres and ten (10) gross acres with a winery and established on-site vineyard.
- (3) The minimum lot size for a Country Inn in conjunction with an established on-site vineyard in the WC-WE zone shall be ten (10) gross acres and fifteen (15) gross acres with a winery and established on-site vineyard.
- (4) The minimum lot size for resorts in conjunction with a winery and established on-site vineyard in the WC-W zone shall be forty (40) gross acres.
- (5) A maximum of two (2) guest rooms per gross acre shall be permitted for a lodging facility.
- (6) Buildings and structures shall be designed in a rural, equestrian or wine country theme consistent with the Temecula Valley Wine Country Design Guidelines.
- (7) The minimum setback requirement for all buildings shall be fifty feet (50'); from the road right of way, except when the site is located next to Rancho California Road, Monte De Oro Road, Anza Road, Glen Oaks Road, Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield Stage Road, Calle Contento Road, Camino Del Vino Road, and Highway 79 South where the minimum setback requirement shall be equal to four (4) times the building height measured from the lowest graded pad ~~five hundred feet (500')~~.
- (8) The maximum height for Country-Inns, Hotels and Bed and Breakfasts shall be thirty feet (30') except where the project design incorporates terraced lots, then the maximum height shall be forty feet (40') when measured from the lowest finished graded pad floor level. Such height limitation does not



1 include architectural elements such as spires, minarets, chimneys or similar  
2 structures.

- 3 (9) Resorts shall be a maximum of two (2) habitable stories high and shall not  
4 exceed forty feet (40') in height, ~~except~~ except where the project design  
5 incorporates terraced lots, then the maximum height shall be fifty feet (50')  
6 in height when measured from the lowest finished floor level graded pad.  
7 Such height limitation does not include architectural elements such as  
8 spires, minarets, chimneys or similar structures.

- 9 (10) Loading, trash, and service areas shall be screened by structures or  
10 landscaping and shall be located and designed in such a manner as to  
11 minimize noise and odor impacts to adjacent properties.

- 12 (11) Automobile parking spaces shall comply with Section 18.12 of  
13 ~~Ordinance of~~ Ordinance No. 348 and shall be consistent with the rural  
14 standards of the Temecula Valley Wine Country Policy Area of the  
15 Riverside County General Plan and the Temecula Valley Wine Country  
16 Design Guidelines.

- 17 (12) Outside storage areas and the material therein shall be screened with  
18 structures or landscaping.

- 19 (13) All roof mounted mechanical equipment shall be screened from the ground  
20 elevation view to a minimum sight distance of thirteen hundred twenty feet  
21 (1,320').

22 g. Commercial Equestrian Establishment Standards. In addition to the General Standards,  
23 the following standards shall apply to all Commercial Equestrian Establishments in the

24 WC-E zone:

- 25 (1) The minimum lot size for a commercial equestrian establishment shall be  
26 ten (10) gross acres.  
27 (2) A commercial equestrian establishment shall have a minimum of twenty  
28 (20) enclosed stalls.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (3) At least seventy-five percent (75%) of the net project area shall be set-aside for permanent equestrian lands prior to issuance of certificate of occupancy for the commercial equestrian establishment.
- (4) The minimum setback requirement for all buildings shall be fifty feet (50'); from the road right of way, except when the site is located next to Rancho California Road, Monte De Oro Road, Anza Road, Glen Oaks Road, Pauba Road, De Portola Road, Buck Road, Borel Road, Butterfield Stage Road, Calle Contento Road, Camino Del Vino Road, and Highway 79 South where the minimum setback requirement shall be equal to four (4) times the building height measured from the lowest finished graded pad. ~~one hundred (100')~~
- (5) The maximum height of a building or structure shall be thirty feet (30') except where the project design incorporates terraced lots, then the maximum height shall be forty feet (40') when measured from the lowest finished graded pad floor level. Such height limitation does not include architectural elements such as spires, minarets, chimneys or similar structures.
- (6) Buildings and structures shall be designed in a rural, equestrian or wine country theme consistent with the Temecula Valley Wine Country Design Guidelines and in a manner that provides a sanitary and healthful environment for the horses.
- (7) Enclosed commercial stalls shall provide a minimum of 12'x12' space per horse.
- (8) Outdoor corrals shall provide a minimum of 12'x12' space per horse or animal and may be partially covered.
- (9) Automobile parking spaces shall comply with Section 18.12 of this ordinance and shall be consistent with the rural standards of the Temecula



1 Valley Wine Country Policy Area of the Riverside County General Plan and  
2 the Temecula Valley Wine Country Design Guidelines.

3 (10) Corrals, exercise rings, arenas, and any other disturbed soil area shall be  
4 regularly watered or otherwise treated to prevent the emanation of dust.

5 (11) Manure disposal shall be managed to discourage breeding grounds for flies  
6 and pests.

7 (12) If on-site composting can be achieved, the compost area shall be sited at  
8 least fifty feet (50') from waterways and hundred feet (100') from existing  
9 residential dwelling(s) or adjacent lot."

10 Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days

11 after its adoption.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28





**Rancho  
Water**

**Board of Directors**

Ben R. Drake  
President

Stephen J. Corona  
Sr. Vice President

Lisa D. Herrman

John E. Hoagland

William E. Plummer

Roland C. Skumawitz

James "Stew" Stewart

**Officers**

Matthew G. Stone  
General Manager

Richard S. Williamson, P.E.  
Assistant General Manager

Jeffrey D. Armstrong  
CFO/Treasurer

N. Craig Ellitharp, P.E.  
Director of Operations &  
Maintenance

Andrew L. Webster, P.E.  
Chief Engineer

Kelli E. Garcia  
District Secretary

James B. Gilpin  
Best Best & Krieger LLP  
General Counsel

September 18, 2013

**VIA EMAIL TRANSMISSION AND REGULAR MAIL**

Frank Coyle, Deputy Director  
**County of Riverside**  
Transportation and Land Management Agency  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501

**SUBJECT: WINE COUNTRY COMMUNITY PLAN FINAL  
PROGRAM EIR NO. 524 – NOTICE OF INTENT TO  
CERTIFY AN ENVIRONMENTAL IMPACT REPORT**

Dear Mr. Coyle:

Rancho California Water District (RCWD/District) appreciates the opportunity to provide written comments on the proposed Temecula Valley Wine Country Community Plan. The District recognizes the value this plan has placed on water quality and the efforts the County of Riverside has put forth in assisting RCWD with its mission to provide reliable water service and to protect the community's water supply. RCWD's comments are as follows:

1. **Final Environmental Impact Report (EIR), Public Services, Recreation and Utilities – Mitigation Measure PSU Water-3**

Mitigation Measure PSU Water-3, which partially reads:

*"All implementing projects shall be required to use graywater advanced water conservation pursuant to the intent of Riverside County Policy OS 2.5 through implementation of at least the following best management practices:"*

RCWD requests to revise Mitigation Measure PSU Water-3, as follows:

*"All implementing projects shall be required to use ~~graywater~~ advanced water conservation pursuant to the intent of Riverside County Policy OS 2.5 through implementation of at least the following best management practices:"*

Please note that Mitigation Measure PSU Water-3 is for advanced water conservation regardless of the type of water supply used; therefore, the word "graywater" should be deleted.

2. Final EIR, Public Services, Recreation and Utilities – Mitigation Measure PSU Sewer-1

Mitigation Measure PSU Sewer-1 is noted as follows:

*“Interim to sewer services in this region, all implementing projects proposed for construction in the Project Area shall provide onsite wastewater treatment to meet compliance with the Basin Plan Groundwater Quality Objectives, as well as, additional conditions for salinity management to the satisfaction of the County Department of Environmental Health and the San Diego Regional Water Quality Control Board (SDRWQCB).”*

RCWD requests to revise Mitigation Measure PSU Sewer-1, as follows:

*“Interim to sewer services in this region, all implementing projects proposed for construction in the Project Area shall provide onsite wastewater treatment which does not exceed a wastewater discharge of 1,200 gpd and to meet compliance with the Basin Plan Groundwater Quality Objectives, as well as additional conditions for salinity management to the satisfaction of the County Department of Environmental Health, the Rancho California Water District, and the San Diego Regional Water Quality Control Board (SDRWQCB).”*

The request to modify Mitigation Measure PSU Sewer-1 is to clarify that the analysis used in the Final EIR was based upon the implementation of Eastern Municipal Water District sewer facilities for parcels that will exceed a wastewater discharge of 1,200 gpd. RCWD's request is for this limit to remain in effect for the entire Wine Country Community Plan until a Local Agency Management Program is adopted and the San Diego Regional Water Quality Control Board's Basin Plan is modified, per the requirements of the State Water Resources Control Board's Onsite Wastewater Treatment System Policy, and RCWD adopts its Salt and Nutrient Management Plan.

3. Final EIR, Public Services, Recreation and Utilities – Mitigation Measure PSU Sewer-2

The *Temecula Valley Wine Country (TVWC) Draft Conditions of Approval* incorporated in the last sentence of the revised mitigation measure was adopted by the Board of Supervisors on April 24, 2012, not February 14, 2012 (as currently written).



Letter to Frank Coyle/County of Riverside

September 18, 2013

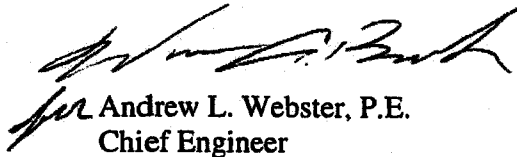
Page 3

---

Thank you again for the opportunity to provide written comments on the proposed Temecula Valley Wine Country Community Plan. If you should have any questions or need additional information, please contact me at this office at (951) 296-6900.

Sincerely,

**RANCHO CALIFORNIA WATER DISTRICT**

  
for Andrew L. Webster, P.E.  
Chief Engineer

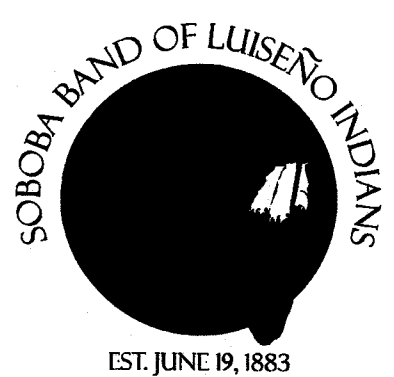
cc: Matt Stone, General Manager  
Rich Williamson, Assistant General Manager  
Warren Back, Engineering Manager-Planning

13\AW:WB:lm092\FEG



September 18, 2013

Attn: Frank Coyle, Deputy Planner, Project Manager  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
P.O. Box 1409  
Riverside, CA 92502-1409



**Re: Final Program EIR 524 and Temecula Valley Wine Country Community Plan (TVWCCP)- General Plan Amendment No. 1077**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseño Indians is requesting the following:

1. **Government to Government** consultation in accordance to SB 18. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. Soboba Band of Luiseño Indians continue to be a lead consulting tribal entity for this project.
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

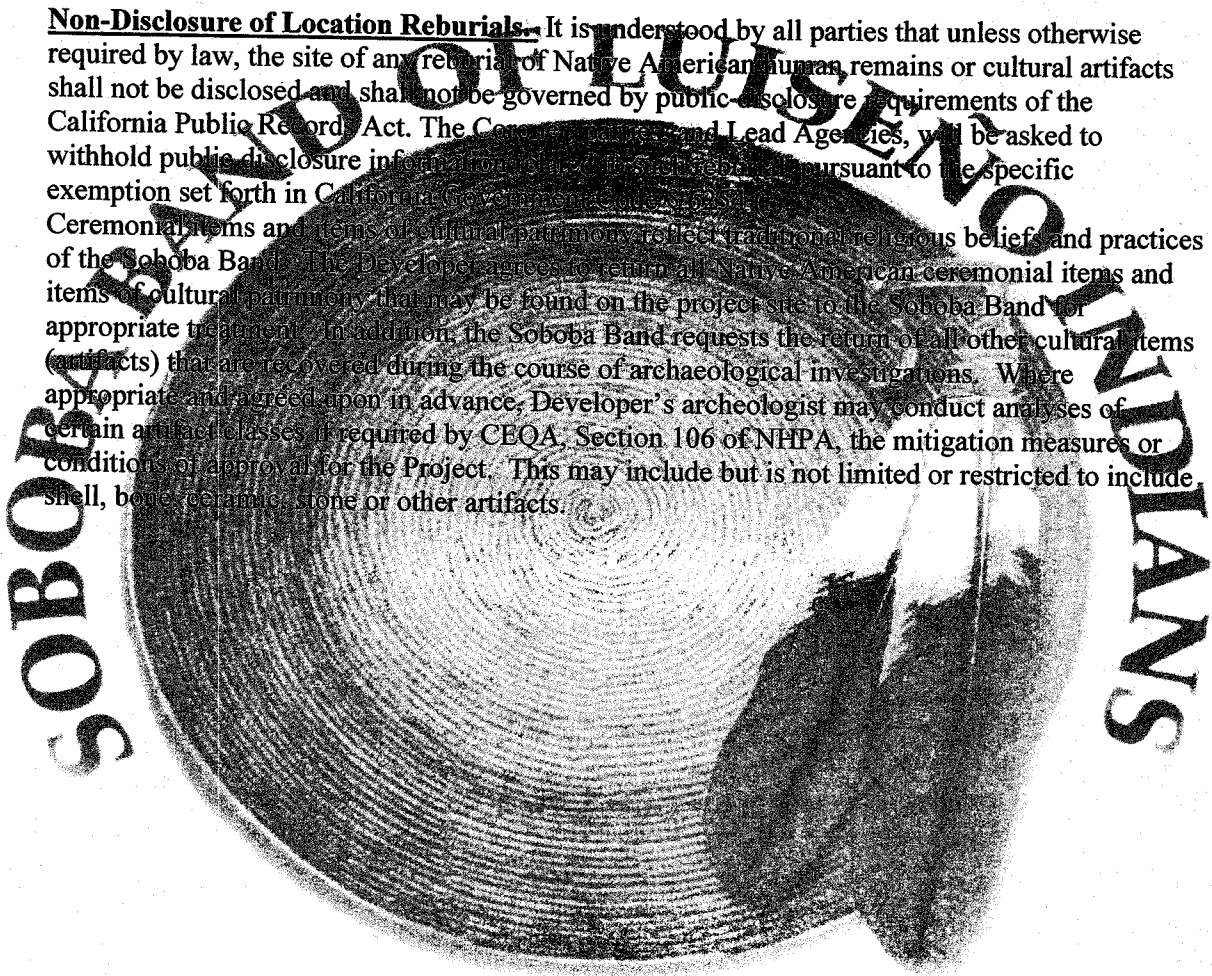
The Soboba Band of Luiseno Indians is requesting a face-to-face meeting between the County of Riverside and the Soboba Cultural Resource Department. Please contact me at your earliest convenience either by email or phone in order to make arrangements.

Sincerely,

Joseph Ontiveros  
Director of Cultural Resources  
Soboba Band of Luiseño Indians  
P.O. Box 487  
San Jacinto, CA 92581  
Phone (951) 654-5544 ext. 4137  
Cell (951) 663-5279  
[jontiveros@soboba-nsn.gov](mailto:jontiveros@soboba-nsn.gov)

**Coordination with County Coroner's Office.** The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

**Non-Disclosure of Location Reburials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Record Act. The Coroner, Lead Agencies, and Lead Agencies, will be asked to withhold public disclosure information regarding such reburials pursuant to the specific exemption set forth in California Government Code Section 6254.6. Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes as required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited to include shell, bone, ceramic, stone or other artifacts.



**Cultural Items (Artifacts).** Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. When appropriate and agreed upon in advance, the Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

**Treatment and Disposition of Remains**

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact.

September 23, 2013

The Honorable Jeff Stone  
County of Riverside Supervisor, Third District  
4080 Lemon Street Riverside  
Post Office Box 1486  
Riverside, CA 92502

Supervisor Stone:

I am writing to express my concerns with the following items outlined in the *Temecula Valley Wine Country Community Plan*:

**Wine Club Activities: Four (4) Wine Club Events per year with a maximum of one hundred (100) guests per event.** This will restrict winery owners from maximizing potential revenue from their established, loyal customer base. For example, the South Coast Winery Resort & Spa Wine Club has close to 8,000 members, and we hold approximately twelve events per year that are exclusive to our Wine Club members. These members-only events range from appreciation events and early wine release parties to our annual holiday party. All of these events receive RSVP's of well over 100 of our members. Making this limitation a "conditional use" of the *Temecula Valley Wine Country Community Plan* will restrict potential business growth for any future wineries that endeavor to have their Wine Club reach South Coast Winery Resort & Spa's levels and maintain member satisfaction levels consistent within the industry. I suggest that this item be reevaluated to encourage business growth, instead of limiting it, for any future wineries.

**Commercial Winery Standards: The grapes utilized in wine production and retail wine sales shall meet the following requirements: fifty percent (50%) shall be grown or raised onsite and twenty-five (25%) shall be grown or raised in Riverside County.** I respectfully request that this be reevaluated. Requiring 50% of the grapes used in wine production to be grown onsite may become a limitation to the types of wines that are produced at any given winery. For example, at South Coast Winery Resort & Spa we can have up to 54 different wines for sale at any given time. The reason that I am able to do that is by maintaining vineyards throughout Temecula Valley Wine Country. More acreage of planted vineyards = more potential to diversify the types of wines that can be produced in Temecula Valley Wine Country.

Thank you for your time and consideration.

Sincerely,

James A. Carter  
Owner/Vintner, South Coast Winery Resort & Spa  
California State Winery of the Year 2008, 2009 & 2013

---

**From:** Coyle, Frank  
**Sent:** Friday, September 20, 2013 11:00 AM  
**To:** Nanthavongdouangsy, Phayvanh  
**Subject:** Fwd: Public Hearing Notice

FYI....

Sent from my iPhone

Begin forwarded message:

**From:** A Abot <[temecula30@gmail.com](mailto:temecula30@gmail.com)>  
**Date:** September 20, 2013, 8:13:11 AM PDT  
**To:** <[fcoyle@rctlma.org](mailto:fcoyle@rctlma.org)>  
**Subject:** Public Hearing Notice

Mr. Frank Coyle,

We would like this response to your public hearing notice to be placed into record and viewed by the supervisors. We would also like a copy of the entire record reviewed by the supervisors on the 24 of September showing this objection, in its entirety listed within that document.

Thank you,

Wine Country Residents

Adrian McGregor

Sep 18, 2013

To: Riverside County Board of Supervisors, Planning Commissioners, Mr. Frank Coyle  
Planning Director and Staff.

We wish to put into record that we do not support any of your proposed changes; 1)General Plan Amendment No. 1077 2)Ordinance amendment No. 348.4729 3) replacement of the Citrus Vineyard Policy Area and all changes proposed therein.

We have been long term residents of Temecula Valley Wine Country for more than 26 years. We have lived here before most who currently reside in the proposed plan area and most



of the current vintners/winemakers and before most who have decided the "vision" to this area were even aware of this area. We have watched this area and Temecula develop from a 1 stop sign town into the area we now call Wine Country.

Over the past 26 years we as long term residents have attended road meetings, planning meetings, community meetings and more. We have seen the way the wind has been blowing for many years. More precisely we have seen the favors doled out to residents who support local politicians....dirt roads being paved that just so happened to have the CSA presidents or members living on it. Bonds put in place to pay for things like roads and road maintenance that in 26+ years have never come. We have seen winery projects fly through construction while spec homes get hassled at the county offices.

We have watched while the powers that be, plan and do as they like with no regard to what the residents wish. We personally know of handfuls of residents that have been handpicked to sit on committee boards because they are friends, neighbors or stakeholders in projects within the project boundary area. For the past several years there has been AD HOC meetings that were held in SECRET from the majority of the public and held at times that make it virtually impossible to attend (during normal business hours 9am-5pm) . The members of a AD HOC committee by definition should be residents of an affected area who can provide a diverse perspective with ought having a monetary or other gain for their part in the decision process. The very members of the AD HOC committee who provided you the planning commission and staff with planning and vision crafting information are invalid members at best. Any Vintner should be excluded, hotel owner, land developer etc. It should be the residents who live and reside in the affected policy area who should have the lion's share of the say. Your HOC members started off solely as vintners and in a community meeting held in 2011 at Palomar Winery Bill Wilson of Wilson creek admitted that for several years this was a violation of ethical practice and petitioned for more members to be added to the panel... and more were added, more vintners...it was not until the final year that there was a voice for the residents...but that was too little too late.

A further violation is that each AD HOC meeting was by mailed invitation only (though public could attend if they could find out about the secret time and location) this invitation was facilitated by Dan Stephenson of Rancon Real Estate and a member of the Hoc committee. His personal secretary sent out the invitations..... How was this list derived? I believe that it is an ethical if not a legal violation to run meetings this way that will affect residents land rights, uses, future values, bonds and taxes that are being proposed. We feel that a mailing should have been sent to each and every resident allowing them to attend such meetings...just like this public hearing notice was sent out. To get a chance to voice our opinions after all is said and done is ridiculous and shows contempt for the residents. And we have heard over my many years from previous and current sitting members the statement, "well where were you when we were having meetings over the past few years" "why are you just speaking out now after time and money has been spent to arrive at this decision" We will tell you where all the residents were..... At home, right where you wanted us, so you could be left to do what you wanted.

We feel that the work of the HOC committee should be ignored and the process started over fairly and ethically, with no bias.

Previous general plan amendments have been submitted with inaccurate information in order to achieve a planned purpose. For example.....one of the first community meetings held in 2008 at the St. Jean de lustinac Catholic school off Butterfield Stage rd. Was held to discuss code enforcement, sewers in wine country and changes to the C/V zone like "special occasion" facilities. In the staff report included in the general plan amendment is clearly describes this

meeting and what was discussed in order to lend support to eliminating special occasion facilities from properties that do not have vineyards and wineries. It stated that the community members were overwhelmingly against the special occasion facilities. We have submitted requests for the minutes of this meeting and been informed that there were no minutes taken and no recordings made from your staff. Yet you have specific information from the meeting in your staff report.... Was this information derived from some bodies memory? The point we are getting to is that we were at this meeting and like most we have a very good recording of this meeting that has great audio and video and completely contradicts the "specific" information included in the staff report that led to the banning of these "special occasion facilities". At that time it was a hot topic in the papers and there was one place in litigation with the county for the right to run their business.

At that meeting planning commissioner Petty was asked 2 times for clarification about sewers and who would pay for them and the infrastructure and if it would be paid in part or in full by taxes or bonds to the residents...he stated, "only the affected properties along Rancho California road would who choose to be a part of the sewer network would be subject to its cost". The second question asked for clarification and made the point that if a resident lived a mile down an intersection road from Rancho California road in the C/V zone would they or could they be levied for the cost of the sewers and commissioner Petty answered, "no they would not be affected and would only be subject to fees if they choose to hook up to the sewers". The board of supervisors just approver 2 million dollars for the sewers/infrastructure and as reported in the press enterprise and Californian the wineries along Rancho Cal road could kick in as much as 5 million for this project..... 7 million is not nearly enough for the sewer system..... this leads the residents to assume that bonds "new taxes" will be imposed to all in the planning area to pay for sewers to only the wineries. Why would we want to pay for sewers for the wineries? To keep our ground water clean? If they are polluting it with their septic, fertilizers and pesticides they should be responsible for it in its entirety. South Coast specifically has septic leaching problems that spill out RAW into the ground behind them every major event or concert and the smell can be smelt for quite a distance. With the new Ponte hotel and South Coast Winery and similar projects approved before sewers were approved leads the residents to assume that it was a done deal with the county with no public input (notice sent to all residents).

We understand that change comes and development..... we want to make clear that we are not against vintners or more wineries opening in wine country. We do want to make very clear that we are against residents loosing property rights and value to their property due to these changes. We believe that businesses should be considered of every size and taken on a case by case process. We think that you as the board of Supervisors and planning commission need to bring back into your vocabulary the term, "grandfathering" and "pre-existing non-conforming use". Many residents have different uses for their properties that have been in existence well before many of your ordinances and plan amendments existed. It is unethical to not consider them.

The business term, "barriers to entry", is one that seems to be prevalent in this area. It seems according to the reading of the plan amendments that a lot is being asked of a resident who wishes to utilize the full potential of his/her property. To have a business in the winery area, one must have at least 20 acres.... 5 acres, 10 acres 40 acres separation is really not the issue. It has been in many staff reports that sound studies show that music coming from wineries interferes with residents.... we all know sound travels for 2+miles even at a low decibel level in wine country. So the size of the lot really is not an issue and will not reduce the sound problems. Next is the requirement of vineyards being planted at 75%. Well the area was C/V....that's Citrus Vineyard, with citrus coming first..... now that the "vision" is wine I feel it is an undue hardship to only consider, "incidental commercial uses" if we only plant grape

vines....many have a variety of citrus planted and planted for years..... Again the term grandfathering comes into play and should be considered as a equal substitute to vineyards if they were in existence prior to your plan changes. Next the 75% part of that..... well most of the current vineyards do not have 75% of their property planted in grapes or at some point during operation and good standing with the county. So this should be a negotiable % as well. I understand that 75% is a good starting line, but take out right of ways, parking lots, buildings and it is hard to get a full 75% planted and have a winery or business worth having on 10 acres. Next is the production of 3,500 gallons of wine annually. Really..... You are forcing us to make alcohol to have a business??? Did you consider that it could be strictly against an owner's religion to drink, purchase, consume and produce alcohol? It seems that this part of the plan amendment would violate many ethics laws at the federal and state level. This might want to be reviewed before religious and other lobbies get wind of this.

The Eastern Bypass Highway... this is something that supposedly does not exist, yet I have maps, billing and hundreds of pages of accounting and meetings for this, "secret" project. This is the connection of the 15 fry near the Pechanga reservation and following Anza rd all the way toward the 10 fry in Beaumont/Banning. This project will affect property values and cause loss of property through "eminent domain" use for street widening. We think that residents should have proper county notice well in advance of this project so that they have the opportunity to sell before they are offered pennies on the dollar for their land. Further, for years this project's existence has been denied by the county, city of Temecula, city of Hemet yet there are maps, and current surveys done each year for this project. Either it is being hidden for a reason or the spending should stop for a project that according to the county does not exist as an option currently.

Each of these parts of SWAP 1.3-1.6 are barriers to entry that put an undue financial pressure to enter into a business that might not be what the land owner wishes to enter into, in order to pursue a business that the land was intended to be used for. The barriers to entry into the, "incidental business" as you call it only benefit the existing wineries, who mainly helped craft these policies.....does this not seem a bit self serving??

On top of that California is in and has been in a drought for several years and at the state and federal level we are mandated to conserve water, plant drought tolerant plants, remove lawns and plants that use too much water...in Temecula over watering can earn you a ticket from code enforcement and water rates have been going up per Rancho water and EMWD. With this well known to you planning commissioners, and supervisor Stone..... Why would you force a person who wants to have some sort of business like B&B, boutique shop, special occasion facility etc to plant 75% of their property in grapes. Draining our already low water reserves and to produce a luxury item.....WINE. These crops are not food crops...they are for the production of alcohol. We think this further lends to allowing citrus back into the definition and with equal value and property rights, or other FOOD crops.

We may seem harsh in some of our wording but we really want to implore you to reevaluate some of these SWAP points to make more practical and ethical sense. We just don't see how you can justify and truthfully state that in order to run a business in the affected areas you must produce 3,500 gallons of alcohol a year and waste all that water.....how much water would be wasted? It is proposed that up to 144 wineries could have residence in this policy area...at 3,500 gallons annually = 504,000 gallons of alcohol...or water wasted and we know it is probably many more times that number in actual water used to grow this crop.

We are not in favor of the listed changes specifically and indirectly associated in the notice and also the points brought up in this letter.

Sincerely,

Wine Country Residents;

Adrian MCGregor, Gamal Rashwan, Alexandria Abbot, Ray & Patty Nardeau, Jose Contreras,  
Bobbi Vanente, Laura & Carlos Reyes, Tina & Hugo Vechi

---

**From:** Coyle, Frank  
**Sent:** Monday, September 23, 2013 6:46 AM  
**To:** Nanthavongdouangsy, Phayvanh  
**Subject:** FW: submitted testimony for Tues. 1:30pm Wine Country Hearing

For your files..

---

**From:** Adrian McGregor [mailto:macsgarden2004@yahoo.com]  
**Sent:** Monday, September 23, 2013 12:25 AM  
**To:** Coyle, Frank; Clerk of the County of Riverside Kecia Harper-Ihem  
**Subject:** submitted testimony for Tues. 1:30pm Wine Country Hearing

I would like to remind you that I presubmitted a package to be given to each supervisor at the EIR General Plan and SW RCIP Master Plan, and the Temecula Wine Country EIR. It was done over four months ago.

My Name is Adrian J. McGregor  
P.O. Box 894108  
Temecula, CA 92589  
(Residence: 34555 Madera de Playa Temecula, CA 92592  
Phone: 951.2940786  
e-mail address: [macsgarden2004@yahoo.com](mailto:macsgarden2004@yahoo.com)

Date Sept. 28th, 2013

- I did NOT receive an electronic e-mail notification as requested since May 2008 on record that a Wine Country or RCIP hearing was to occurred.
- NO one received the LEGAL allotted PRIO TIME Notification of the legal documentation as completed for the 20-20 Plan until a mailed letter with the postage stamp of Sept. 13th, 2013 was delivered on the 17th of September...(Asked neighbors)
- I was mailed an electronic CD to my home with a stamped postage of Sept. 13th, 2013...left on my door step..for us to step upon.
- NO LEGAL Documentation was made available 60 days prior to this hearing.
- **AT no time did Petty or the other planning commissioners discuss or state at the two EIR hearings HELD IN TMECULA that you plan to take residential lands away from residents or property owners upon 12 roads 300 feet on each side of the road.**
- **NOR did you state that our property constitutional rights would be violated by giving the rights to an elite group whom you call vintners as "**

**These are conservation easements. These easements will give the land to an environmental group. Its in their plan. They just don't get it.**

**They call it an "Agricultural Preservation Easement". Its all Sustainable Development. Give your property to us and we decide what to do with it.**

**[http://www.utsandiego.com/uniontrib/20050907/news\\_1b7wine.html](http://www.utsandiego.com/uniontrib/20050907/news_1b7wine.html)**

---

## Temecula Agricultural Conservancy[edit source]

---

Concurrently, Temecula Agricultural Conservancy (TAC), a 501 (c) (3) non profit public benefit corporation, was formed with the primary mission of preserving vineyards, and open space suitable for vineyards. TAC will work with the County Supervisors as it implements the new zoning ordinance by holding open space, vineyards and/or conservation easements, ensuring that the land remains in vineyards in perpetuity.

TAC also works with vineyard owners who wish to voluntarily protect their vineyards with conservation easements in an effort to ensure that the vineyards remain. Conservation easements are used to preserve farmland and open space throughout the United States. An agricultural conservation easement recorded on vineyard land limits the future use of that land to vineyards in perpetuity, but the vineyard owner continues to own and farm the land. By donating a conservation easement to TAC, a vineyard owner can receive a charitable tax deduction. Grants provided by the California Farmland Conservancy Program are available to organizations like TAC.<sup>[11]</sup> These grants can be used to purchase conservation easements from vineyard owners.

## Temecula Valley Winegrowers Association[edit source"]

- **The government... Supervisors are going to give the Vintners monies to take their neighbors' LANDS. THIS was never presented at the two Temecula EIR Planning Commissioners Hearings. THIS may break Penal Code 115. I think...in that you are illegally by resolution are giving our Constitutional RIGHTS away to use our deeded property rights to an elite group... Vintners and Supervisors and City... against the RESIDENTS.**
- **2006 and 2007 giving the Southern Section of the Eastern Mts. Expressway Designated to High from the land to Dan Stephenson's Rancho with documented statements that the Parsons Mapping and full funding for the Anza Rd. some of the L-16 (not fully funded) IS OMITTED FROM THIS 2014 TO 2024.**
- **☐ Luna did not even attend and speak the information**
- **Sewers would not have been discussed and their payment NEVER had held Propostion 218 voter election.**

- **\*\*IMPORTANT: Another breaking of Constitutional Laws I believe, you are stripping 120 or 119 properties of my parcel track 6410 and the track to the West of us and Calle Contento of OUR DEEDED PROPERTY RIGHTS to have rural businesses. AND giving the right exclusively ONLY to Wine Makers...their hotel restrauants and who own planted vineyards.**

**YOU have no legal rights to give ONLY FREE Franchise to the Vintners over 9,000 residents, etc.**

**Most importantly of ALL, Ranchso CA Water District since 2007 does not issure agricultural water metors.**

- **2008 MWD spokesperson stated IT never has had as part of its charter to supply agri waters: ONLY give service to URBAN Areas**

**EIR of 2003-2013 at its Hemet EIR Hearing, Planning Commissioner Weber CLEARLY stated to County Staff summary of the RCIP General Plan and the SW Master Plan...."The Plan will run out of water before it is COMPLETED. Weber then stated, "When do you plan to tell the farmers (which are VINTNERS) that THEY WILL STOP FARMING!!!!!"**

**Now, with the federal and global forecasting that all areas of the US will be at least eleven degrees warmer, and that due to Global Warming WATER will be in VERY SHORT SUPPLY. IN 2013 electrical generation will cease at HOOVER DAM due to NOT ENOUGH WATER TO GO THROUGH THE GENERATOR TURBINES.**

**All water users in the TEMECULA Valleys will PAY FULL domestic pricing per EACH and Every Gallon. With the wine crops in danger from lack of water, TOO MANY salts and chemicals from regenerated water, AND massive SHRINKING NORTHERN CA WATERS to give the NEEDED 1% variance formula Napa and the northern wine countries must have....using cleaner snow pack waters....GRAPE VINES DIE.**

- **Summation: I wish to place into Public Record that the above STATEMENTS I believe to be true without the advise of an attorney; that I am a private citizen. THAT government WOULD take our constitional property rights and give them to a small selected group, who will not have enough water to grow grapes due to 1/ Lack of Water and Unable to have the Napa Wine Grape Growing 1% clear Sierra cleaner waters to blend with their recycled salt ladden waters of LIMITED GROUNDWATERS of 30% verses the growing population.**
- **That the Supervisors have NOT possibly been told that THE MWD IMPORTED WATER FORMULA WAS PUT INTO PUBLIC INFORMATION TO THE COUNTY OF RIVERSIDE AND TO JEFF E. STONE AS A CITY OF TEMECULA COUNCILMAN IN 2002 IN LETTER FORM BY COUNCILMAN ALBERT SAMUEL PRATT. VERSES THE PRESENT INCREASING WORLD DROUGHT.**
- **YOU ARE ALSO IGNORING POSSIBLY COMPLETE FACTS THAT THE Percie's Disease Sharp Shooter moves from one plant of any type....to domestic trees/landscaping....when it is not feeding on grapes, its favorite.**

**The pollution along the Anza Rd. connection to the I-15 is NOTED by the County of Riverside Staff to the City of Temecula Staffing and to Jeff E. Stone as a Councilman in 2005 in the City of Temecula's 20 Year Growth Plan in Letter No. 10 for the EIR for the City of Temecula. THE COMPLETED Eastern Bypass from the I-10 at Banning/Beaumont on ramp to the I-15, WILL**

**CAUSE IN ALL LOW LAYING VALLEYS 6% Hot Spot Carbon Monoxide Soot Partile Contamination.**

**It is of interest that ....the City of Temecula owns property along the new Butterfield Stage Rd. improvement extension, and that EMWD will be running the sewer right by those properties...purchased as 179 acres in 2001, which Jeff E. Stone knows of, but, that the County GPS does not show, nor the County Assessor's Offices have no listings of any of the City of Temecula Holdings. I asked why to the assessors offices? They told me that once a city buys land, THEY PAY ZERO Taxes Yearly.**

**It seems that the ethics of Government with the United Nations Act 21 that the City of Temecula signed up to be within in...could be interpeted to be...or might be thought to be "a differential judgment of the law vs....against the rights of we citizens.**

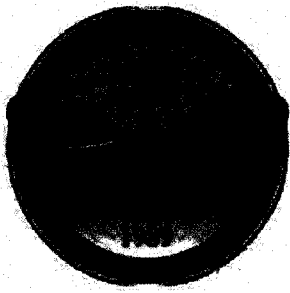
**THERE IS NO WATER TO SUPPORT THIS.....  
AND, PUTTING WRAP AROUND TAXATION TO THE INDIVIDUAL FOR AN ELEITE GROUP OF BUSINESS MEN...AND THEIR INVESTORS IS AGAINST ALL FREE INTERPRISE LAWS, THE AMERICAN DREAM...AND CONSTITUTIONAL RIGHTS.**

- **2002 Federal Supreme Court Judges Rulings, Clearly STATES, "You may not take an individual's or and established Community's Water Rights and give them away as PAPER WATER RIGHTS to a Developer's new wants to new concept of community....OVER the established community's water rights and to exist. This was given to Jeff E. Stone as a Councilman of the City of Temecula, the night I presented him and all of the councilmen with their Mr. Pottie's Liter of Water. I told him then, that to wish to push us into the Charle Heston film, "Sylvonent Green", would be criminal...when it is a vanishing industry of FARMERS per MWD statement..."We give water to URBAN areas, NOT to farmers."... RCWD told we farmers that all discounted water rates END in 2013.**
- **Where will the Water come to put into the new vintners' sewer system that will cost at least \$55 Million Dollars...?**

**Respectfully submitted,**

**Mrs. A. McGregor  
macsgarden2004@yahoo.com**





## MEMORANDUM

TO: Patrick Richardson, Director of Planning/Redevelopment  
FROM: Amer Attar, Acting City Engineer  
DATE: September 19, 2013  
SUBJECT: Wine Country Community Plan - Final Program Environmental Impact Report

---

Prepared By: Jerry Gonzalez, Associate Engineer – Traffic

The City of Temecula's Traffic Engineering Division has reviewed the Final Program Environmental Impact Report (PEIR) document's response to comments. Prior to the City's acceptance of the Final PEIR document the following items will need to be addressed or clarified:

1. Response No. 10.11 – The Traffic Impact Study (TIS) indicates the proposed project, under Existing Plus Project Conditions, will have a direct impact at several intersections located in the City of Temecula. It is not unreasonable to require the project to mitigate the impact by constructing or providing a "fair share" contribution, equal to the impact, to construct the improvements needed to mitigate the impact. Please revise response.
2. Please revise Response No. 10.24 as shown:

Winchester Road at Ynez Road – The first paragraph is confusing and should be revised. For example: "This intersection operates at an unacceptable LOS E with the proposed project. However, due to the proposed project's decreased land use density, the intersection operation is expected to improve to acceptable levels as compared to the No Project condition."

Please add the following at the end of second paragraph: "Project shall provide a fair share contribution through the project TIF toward the implementation of revised Adaptive Traffic Signal Timing Program."

Margarita Road at Rancho California Road – Please explain why proposed roadway improvements were deleted at this intersection.

Margarita Road at Rancho Vista Road – Please explain why proposed roadway improvements were deleted at this intersection. Also, the first paragraph is confusing and should be clarified. For example: "This intersection operates at an unacceptable LOS E with the proposed project. However, due to the proposed project's decreased land use density, the intersection operation is expected to improve to acceptable levels as compared to the No Project condition."

Please add the following at the end of second paragraph: "Project shall provide a fair share contribution through the project TIF toward the implementation of revised Adaptive Traffic Signal Timing Program."

**Margarita Road at Pauba Road - The first paragraph is confusing and should be clarified. For example: "This intersection operates at an unacceptable LOS E with the proposed project. However, due to the proposed project's decreased land use density, the intersection operation is expected to improve to acceptable levels as compared to the No Project condition."**

**Please add the following at the end of second paragraph: "Project shall also provide a fair share contribution through the project TIF toward the implementation of revised Adaptive Traffic Signal Timing Program."**

**We would appreciate the opportunity to review the response to our comments. We look forward to working with the County of Riverside to develop a mitigation funding program and Memorandum of Understanding for the implementation of the identified roadway and network improvements.**

**If you have any questions, please contact Jerry Gonzalez, Associate Engineer – Traffic or me.**

**Cc: Dale West, Associate Planner**

*Daniel J. & Joyce D. McGinley  
39693 Calle Cabernet  
Temecula, CA 92591*

September 21, 2013

Riverside County Board of Supervisors  
4080 Lemon Street, 5<sup>th</sup> Floor  
Riverside, CA 92501

Dear Board Members:

For starters, please forgive me for not being able to present this letter to you personally but due to my teaching schedule at San Diego State University I am unable to attend this meeting. Thank you in advance for your willingness to hear this request with hope that you will consider the regulation of private residential homes being rented as vacation homes within Wine Country.

We, the neighbors on Calle Cabernet (Street in Temecula Wine Country) are encouraged with the continued growth of our Wine Country community. Very impressive! The Board has done a tremendous job of demonstrating their leadership in the Strategic Planning of this very important part of Riverside County.

We have watched the Board set high standards with the Wine Country business partners to maintain the quality of life for all of us who live here. We also commend you for taking tough action in the past on those businesses that had not previously met the standards that preserve the integrity of Wine Country. I believe the respect of these standards by the business owners and their willingness to incorporate them in their business practices not only make us good neighbors... it also makes us "friends"!

One of the more impressive areas of growth is that of the "Wine Country Hotels"... i.e. Ponte, South Coast, Wilson to mention a few. They're great! They're classy and they're beautiful! And we are confident that these responsible owners manage the hotels with the highest of standards as it relates to the behaviors of their guest... with no need for any further regulation by the Wine Country Leaders.

As pleased as we are with the hotel growth, we are discouraged with the unregulated growth of private residences being converted to rental properties within Wine Country. We specifically call out a beautiful property on our street located at 39895 Calle Cabernet. This property that we commonly refer to as the "Party House" is a beautiful home equipped with all the amenities for a fun filled weekend in Wine Country. The home advertises a pool, spa, high-tech entertainment equipment, outside barbeque kitchen to name a few. The view is gorgeous and the setting is tranquil; at least until the renters arrive. The owner does not live in this home; she has lived out of state for multiple years.

The home is rented online by the owner via a web site called "Vacation Rental by Owners" ([www.vrbo.com](http://www.vrbo.com)). The property with the identification number of 13104572469 advertises the home to sleeps 24 people and rents for \$625.00 per night. It's Gorgeous! It has a rental history that includes Wedding Type Ceremonies with Choir Singers, Graduation Parties, Company Parties, After Wedding Parties, Girl's Get Away Weekends, Birthday Parties, and San Diego Retreats to Wine Country. This list of rental history is not only stated in their rental comments, we personally witnessed and experienced all their fun times throughout the summer.

It all sounds fun, except if you are the neighbors who has to forfeit your quality of life for all these parties... weekend after weekend. Actually, renting this place is a real deal; \$625.00 / 24 people = a cost of \$26.04 per person, per night... LET'S PARTY!! I would suspect there is much louder partying in our neighborhood than you could get away with at South Coast or Ponte hotels! These "real resort properties" maintain Wine Country Standards. Just wait until the word gets out "on-line" about this "cheap rent" for a Wine County Party House... we'll never sleep! And you think the limos are bad... limos don't usually carry 24 happy people!

Obviously we call the police when it gets "over the top" and parties continue late into the night. But realistically it's not fun to keep calling the police... these officers have better things to do then chase down a bunch of partiers. We really do not enjoy calling the police on these renters. On a selected occasion when the police had been called... there was even a verbal confrontation between the renters and Police. On another occasion there were words exchanged with renters and my neighbors; not the tranquility we came here to enjoy. And when the police leave, the music volume usually goes back up within 10 minutes... what a hassle! What a terrible way to live in Beautiful Temecula Wine Country! All this so an unregulated, non-resident property owner can make a few bucks on the hard work of all of us here in Wine Country. We ask for your help to regulate this growing Wine Country issue.

Our request to the Board: Please commission a special task force to investigate the practice of residential property being converted to Rental Properties (exclusively in Wine Country). Please bring back the safety to our community along with the quality of life we have moved to Wine Country to enjoy!

Thanks for your attention! Thanks again for all you do for us in Wine Country!

Sincerely,

DAN

Daniel J. McGinley

---

**From:** Coyle, Frank  
**Sent:** Tuesday, September 24, 2013 6:48 AM  
**To:** Nanthavongdouangsy, Phayvanh  
**Subject:** FW: Wine Country Community Plan

They keep coming...

---

**From:** All of the Above (1) [<mailto:alloftheabove1@verizon.net>]  
**Sent:** Tuesday, September 24, 2013 5:10 AM  
**To:** Coyle, Frank  
**Cc:** [kteasda1@verizon.net](mailto:kteasda1@verizon.net)  
**Subject:** Wine Country Community Plan

I am a wine country resident, an active member of the winegrower's association, and I count several winery owners as friends and/or neighbors. I am, however, writing to protest the favoritism shown by certain provisions of the proposed ordinance. Specifically, I am protesting those sections which limit lodging facilities and associated uses on 5 acres to existing wineries only, rather than to existing vineyards and other properties. The apparent assumption is that only wineries have detrimentally relied upon prior law.

We are owners of 5.04 gross acres in the heart of wine country, which we purchased over 20 years ago, with the intent of opening a three-to-ten-room bed and breakfast inn. Seventy-five percent of the plantable land was immediately planted in winegrapes, as the then-proposed ordinance permitted inns only in conjunction with "producing" vineyards, and it took several years for a new vineyard to produce grapes. We relocated an historic home to the property, and graded for future expansion and parking.

After many years of following the changing laws and huge expense involved with development in wine country --even small development-- and the distractions of raising a family, we decided to postpone a wine country business. We still followed the changing laws, however, and I was repeatedly assured that a bed-and-breakfast or country inn (2 guest rooms per acre originally) with a cooking school (a later addition) would continue to be allowed on five acres. Almost two years ago, Mitra Mehta Cooper suggested that I await the adoption of the new plan, since it would be more favorable to small home-based businesses. Further, at least three winery owners told me that it was very difficult, if not impossible, for small operations to succeed in wine country; one told me to "make money in town and bring it back to wine country."

So, in 2010, rather than open a gluten-free bed-and-breakfast inn and cooking school at home, we opened a gluten-free bakery in downtown Temecula. We have been considering the possibility of remodeling at home to build a "hotel suite" (or one-suite bed-and-breakfast inn) and small cooking school in the next few years. With the demands of running a business, however, I did not follow the latest changes in the community plan. In fact, I only learned in the last few hours of the changes to the ordinance that would prevent our original or subsequent plans. I was able to get very little information from the head librarian at the Grace Mellman Library (despite the legal notice, and her best attempts.) An on-line search a few hours ago, revealed that, although we are directly across the street from an existing winery, we are not zoned the same. An inn on five acres with a cooking school, would only be allowed for existing wineries, which is a recent change and favorable treatment for the wineries. (Wilson Creek Manor and the Inn at Europa Village are the only wine country inns that I can think of, and neither was built as a winery inn. )

I am asking that you reconsider the inn/hotel suite/ cooking school/day spa provisions, that were, until recently, permitted on five acre vineyards.

Lorilyn Teasdale