

2009 Applications made to Wine Grapes

Sum of 2	Total
ALUMINUM PHOSPHIDE	78
ALPHA-(PARA-NONYLPHENYL)-OMEGA-HYDROXYPOLY(OXYETHYLENE)***	13
ALPHA-(PARA-(1,1,3,3-TETRAMETHYLBUTYL)PHENYL)-OMEGA-HYDROXYPOLY(OXYETHYLENE)***	3
AZOXYSTROBIN	5
BACILLUS PUMILUS, STRAIN QST 2808	3
BACILLUS THURINGIENSIS, SUBSP KURSTAKI, STRAIN ABTS-351	24
BOSCALID	13
COCONUT DIETHANOLAMIDE***	1
COPPER HYDROXIDE	13
DIMETHYLPOLYSILOXANE***	5
DIPHACINONE	3
DODECYLBENZENE SULFONIC ACID***	13
EDTA, TETRASODIUM SALT***	23
FATTY ACIDS, MIXED***	8
FENARIMOL	2
FLUAZIFOP-P-BUTYL	1
GLUFOSINATE-AMMONIUM	21
GLYPHOSATE	4
GLYPHOSATE, DIAMMONIUM SALT	112
GLYPHOSATE, ISOPROPYLAMINE SALT	34
GLYPHOSATE, POTASSIUM SALT	63
IMIDACLOPRID	13
ISOPROPYL ALCOHOL***	73
LECITHIN***	6
LIME-SULFUR	1
MYCLOBUTANIL	1
NORFLURAZON	1
OXYFLUOREN	9
PETROLEUM DISTILLATES, REFINED***	2
PHOSPHORIC ACID***	13
POLYETHER MODIFIED POLYSILOXANE***	1
POTASSIUM BICARBONATE	9
PROPIONIC ACID***	73
PYRACLOSTROBIN	24
QST 713 STRAIN OF DRIED BACILLUS SUBTILIS	4
SILICONE DEFOAMER***	13
SODIUM XYLENE SULFONATE***	13
SPINOSAD	9
STRYCHNINE	8
SULFUR	209
TETRAPOTASSIUM PYROPHOSPHATE***	13
TRIETHANOLAMINE***	13
TRELOXYSTROBIN	4
Grand Total	953

COMMON NAME	Type of Pesticide	Formulation	Application Method	14 Mile Applies (Y/N)
Fumitoxin	rodenticide	pellet/tablet	below ground	N
Buffer P.S.	adjuvant	liquid	ground	Y
Activator 90	adjuvant	liquid	ground	Y
Quadris	fungicide	liquid	ground	Y
Sonata	fungicide	liquid	ground	Y
Dipel	insecticide	liquid, dry flowable	ground	Y
Pristine	fungicide	dry flowable	ground	Y
No Foam B	adjuvant	liquid	ground	Y
Champ, Kocide	fungicide	liquid, dry flowable	ground	Y
Activator 90	adjuvant	liquid	ground	Y
Gopher Getter	rodenticide	bait	above ground	N
No Foam B	adjuvant	liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
LI 700	adjuvant	liquid	ground	N
Rubigan	fungicide	liquid	chemigation	Y
Fuslade	herbicide	liquid	ground	Y
Rely	herbicide	liquid	ground	Y
Roundup	herbicide	liquid, dry flowable	ground	Y
Roundup	herbicide	liquid, dry flowable	ground	Y
Roundup	herbicide	liquid, dry flowable	ground	Y
Roundup	herbicide	liquid, dry flowable	ground	Y
Admire, Alias	herbicide	liquid, dry flowable	ground	Y
No Foam B	insecticide	liquid	ground	N
LI 700	adjuvant	liquid	chemigation	Y
Lime Sulfur	adjuvant	liquid	ground	Y
Rally	fungicide	liquid	ground	Y
Solicam	herbicide	water soluble powder	ground	Y
Goal	herbicide	dry flowable	ground	Y
An Adjuvant	adjuvant	liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
Pro Silicone 100	adjuvant	liquid	ground	Y
Kaligreen	fungicide	scubite powder	ground	Y
LI 700	adjuvant	liquid	ground	Y
Pristine	dry flowable	dry flowable	ground	Y
Serenade	fungicide	liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
Success	insecticide	liquid	ground	Y
Strychnine	rodenticide	bait	below ground	N
Sulfur	fungicide	obst. liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
No Foam B	adjuvant	liquid	ground	Y
Flint	fungicide	granular	ground	Y

Adjuvants used with the Pesticides

Buffer P.S., Activator 90, No Foam B, LI 700, Pro Silicone 700.

Pesticides used on Wine Grapes - 2010

Product Name	Active Ingredient	Type of Pesticide	Formulation Applied	Application Method	1/4 Mile Applies (Y/N)
ABOUND FLOWABLE FUNGICIDE	AZOXYSTROBIN	FUNGICIDE	LIQUID	GROUND	Y
ACTIVATOR 90	ADJUVANT	ADJUVANT	LIQUID	GROUND	Y
AE F106464 00 SC43 A4 INSECTICIDE	IMIDACLOPRID	INSECTICIDE	LIQUID	CHEMIGATION	N
AGRI-DEX	ADJUVANT	ADJUVANT	LIQUID	GROUND	Y
ALIAS 2F	IMIDACLOPRID	INSECTICIDE	LIQUID	CHEMIGATION	N
AMTIDE IMIDACLOPRID 2F INSECTICIDE	IMIDACLOPRID	INSECTICIDE	LIQUID	CHEMIGATION	N
BAYTHROID XL	BETA-CYFLUTHRIN	INSECTICIDE	LIQUID	GROUND	Y
BSP LIME SULFUR SOLUTION	LIME-SULFUR	FUNGICIDE	LIQUID	GROUND	Y
CLEAN CROP MALATHION 8-E INSECTICIDE	MALATHION	INSECTICIDE	LIQUID	GROUND	Y
CREDIT XTRA MIXED SALT SYSTEMIC HERBICID	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
CROPSMART GLYPHOSATE 41 PLUS	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
CSC WETTABLE OR DUSTING SULFUR	SULFUR	FUNGICIDE	DUST	GROUND	Y
DELEGATE WG	SPINETORAM	INSECTICIDE	LIQUID	GROUND	Y
DUPONT MATRIX SG HERBICIDE	RIMSULFURON	HERBICIDE	LIQUID	GROUND	Y
ENTRUST	SPINOSAD	INSECTICIDE	LIQUID	GROUND	Y
FLINT FUNGICIDE	TRIFLOXYSTROBIN	FUNGICIDE	LIQUID	GROUND	Y
GLYFOS BULK	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
GLYFOS GOLD HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
GLYFOS HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
GREEN CYPRESS LIME-SULFUR SOLUTION	LIME-SULFUR	FUNGICIDE	LIQUID	GROUND	Y
HONCHO PLUS HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
JMS STYLET-OIL	ADJUVANT	ADJUVANT	LIQUID	GROUND	Y
KALIGREEN	POTASSIUM BICARBONATE	FUNGICIDE	LIQUID	GROUND	Y
KUMULUS S FUNGICIDE	SULFUR	FUNGICIDE	LIQUID	GROUND	Y
LI 700	ADJUVANT	ADJUVANT	LIQUID	GROUND	Y
IMACHO 2.0 FL	IMIDACLOPRID	INSECTICIDE	LIQUID	CHEMIGATION	N
MILSTOP BROAD SPECTRUM FOLIAR FUNGICIDE	POTASSIUM BICARBONATE	FUNGICIDE	LIQUID	GROUND	Y
MON-52249 HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
OMNI OIL 6-E	MINERAL OIL	INSECTICIDE	LIQUID	GROUND	Y
PRISTINE FUNGICIDE	BOSCALID, PYRACLOSTROBIN	FUNGICIDE	LIQUID	GROUND	Y
RALLY 40W AGRICULTURAL FUNGICIDE IN WATE	MYCLOBUTANIL	FUNGICIDE	LIQUID	GROUND	Y
RED-TOP DUSTING SULFUR	SULFUR	FUNGICIDE	DUST	GROUND	Y
ROUNDUP POWERMAX HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
ROUNDUP WEATHERMAX HERBICIDE	GLYPHOSATE	HERBICIDE	LIQUID	GROUND	Y
RUBIGAN E.C.	FENARIMOL	FUNGICIDE	LIQUID	CHEMIGATION	Y
SCYTHE	NONANOIC ACID	HERBICIDE	LIQUID	GROUND	Y
SERENADE ASO	DRIED BACILLUS SUBTILIS	FUNGICIDE	LIQUID	GROUND	Y
SIMAZINE 90DF	SIMAZINE	HERBICIDE	LIQUID	GROUND	Y
SONATA	BACILLUS PUMILUS, STRAIN QST 2808	FUNGICIDE	LIQUID	GROUND	Y
SULFUR DF	SULFUR	FUNGICIDE	LIQUID	GROUND	Y
TENN-COP 5E	COPPER SALTS OF FATTY AND ROSIN ACIDS	FUNGICIDE	LIQUID	GROUND	Y
THIOLUX DRY FLOWABLE MICRONIZED SULFUR	SULFUR	FUNGICIDE	LIQUID	GROUND	Y
THIOLUX DRY FLOWABLE SULFUR	SULFUR	FUNGICIDE	LIQUID	GROUND	Y
THIOLUX JET	SULFUR	FUNGICIDE	LIQUID	GROUND	Y
Grand Total			481		

Pesticides used on Wine Grapes - 2011 (through March)

	Total	Active Ingredient	Type of Pesticide	Formulation Applied	Application Method	1/4 Mile Applies (Y/N)
DITERA DF BIOLOGICAL NEMATOCIDE	2	Myrothecium Verrucaria	Nematicide	Liquid	Chemigation	N
FUMITOXIN TABLETS	28	Aluminum Phosphide	Rodenticide	Pellet/Tablet	Below Ground	N
GOAL 4F	19	Oxyfluoren	Herbicide	Liquid	Ground	Y
LI 700	1	An Adjuvant	Adjuvant	Liquid	Ground	Y
ROUNDUP POWERMAX HERBICIDE	64	Glyphosate	Herbicide	Liquid	Ground	Y
SULFUR DF	1	Sulfur	Fungicide	Dust/Liquid	Ground	Y
Grand Total	115					



Supervisor Jeff Stone
4080 Lemon Street, 5th Floor
Riverside, CA 92501

Frank Coyle
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Wine Country Plan

Dear Supervisor Stone:

As you know, I am the managing partner of the Ponte Family Winery and Ponte Vineyard Inn. For a number of years, I have worked with all of the parties concerning the Wine Country Plan. I am supportive of the Wine Country Plan and all of your efforts. However, I want to point out to you an area that, in my view, should not be included in the Wine Country. That area is the area south of Temecula Parkway. It really does not make economic sense for Wine Country nor does it enhance the Wine Country Plan. In fact, it may harm the Wine Country Plan by introducing an area that is contiguous to hundreds of homes and involve the vintners and others in an issue involving pesticides and agricultural uses.

In addition, I have reviewed the General Plan of the County and find that Anza Road is to be a four lane road in that area and certainly Wine Country could not support such a roadway project. Accordingly, I hope you will give serious consideration to removing this area from the Wine Country designation. Thank you again for all of your efforts and time that you spend with us.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudio Ponte", written over a horizontal line.

Claudio Ponte

cc: Sam Alhadeff

Wine

Corporate

30343 Caswood Street, Suite 206
Agoura Hills, CA 91301
Tel: (818) 706-8311
Fax: (818) 706-8340

Winery

35053 Rancho California Road
Temecula, CA 92591
Tel: (951) 694-8850
Fax: (951) 694-8883

www.pontewinery.com

Barton, Karen

From: judithfost1@verizon.net
Sent: Monday, December 02, 2013 4:19 PM
To: COB
Subject: Wine Country Trails Network

Please support and approve the proposed Wine Country Trails plan. It is critical that the many horse property owners throughout the Wine Country have a connected series of trails on which to exercise their horses. Horses have helped define the Wine Country for decades. The Trails plan is essential to FINALLY preserve the unique rural/agricultural ambiance we have.

Thank you,

Judith A. Foster, home owner and horse owner
38830 Berenda Rd.
Temecula, CA 92591
951-308-2357

Barton, Karen

From: Jan Fluegge <tractorjan@yahoo.com>
Sent: Monday, December 02, 2013 4:34 PM
To: COB
Subject: Wine Country Trails Network

I strongly urge you to approve the proposed Wine Country Trails plan. It is critical that the many horse property owners throughout the Wine Country have a connected series of trails on which to exercise their horses.

Horses have helped define the Wine Country for decades. The Trails plan is essential to FINALLY preserve the unique rural/agricultural ambiance we have.

Thank you,

Jan Fluegge, home owner and horse owner
38830 Berenda Rd.
Temecula, CA 92591
951-308-2357

Barton, Karen

From: Kathy Spano <jumplatigo22@yahoo.com>
Sent: Monday, December 02, 2013 4:36 PM
To: COB
Cc: Juanita Koth
Subject: support wine country equestrian

I moved out to Temecula from Orange County about 9 years ago. I was so impressed with the equine community, the beauty, and how there was so much space to have your horses and ride on trails. I even rode my horse to get my mail which is unheard of in Mission Viejo. However, growing up in Mission Viejo we used to ride our horses to the store. I was really looking for a lifestyle that was a bit slower paced than the city and when I found Temecula I was so excited not only for the equine life but for the education. I wanted my children to have an excellent education and also enjoy the horses with me. Temecula is the perfect place. I got a job at VRMS as a math teacher and have been there for 9 years. My children went through GOHS and are now in college. My daughter started a horse training business at Galway downs and is finding success. We had lived in a track home in Temecula and recently saved enough money to buy 20 acres so I can have room for our horses. We did our due diligence and made sure our property was part of the Temecula Wine country plan for the equine. I was told over and over (and it was written) that it would be. However, I just recently just found out that the boundary was changed to exclude my property and the 10 or so horse properties just past me. I am at the corner of Anza and Santa Rita (the south side of 79). Since we have had the property I have been on trail numerous times. This is my relaxation after school or on the weekends after teaching almost 200 adolescents. If this were to change I would be devastated.

I **strongly** urge you to put my property along with my neighbors in the boundary of Temecula Equine Wine Country

I **strongly** urge you to approve the proposed Wine Country Trails plan. It is critical that the many horse property owners throughout the Wine Country have a connected series of trails on which to exercise their horses.

Horses have helped define the Wine Country for decades. The Trails plan is essential to FINALLY preserve the unique rural/agricultural ambiance we have.

Thank you.

Kathy Spano

Barton, Karen

From: Graham, Kerri L <kerri.graham@av.abbott.com>
Sent: Tuesday, November 19, 2013 11:34 AM
To: Stark, Mary; COB; Nanthavongdouangsy, Phayvanh; Coyle, Frank
Subject: Approve Trails Plan For Wine Country
Attachments: [Untitled].pdf

Dear Commissioners and Supervisors,

I whole heartedly support the approval of the proposed Trails Plan for Wine Country. Please find attached my letter requesting the approval of these trails.

Thank you,

Kerri Graham

40710 Los Ranchos Circle
Temecula, CA 92592

November 16, 2013

To: Riverside County Planning Commissioners and Board of Supervisors

Subject: Support for Proposed Wine Country Trails Network

Dear Commissioners and Supervisors,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you approve the proposed trails plan for Wine Country.

Horse owners need a connected series of trails throughout the proposed Wine Country to enable them not only to enjoy a recreational sport they love but to keep their horses healthy through daily exercise. This applies for both competitive riders and pleasure riders.

The proposed map is the result of much work by your Parks Staff and local riding groups, landowners, vintners and residents, involving collaboration and compromise from all. The map will preserve precious historic routes as well as critical connector routes to allow riders to get from soon-to-be-landlocked areas to Riverside's wonderful Vail Lake, Lake Skinner and (soon) Diamond Valley Lake.

I urge you to pass the proposed trail map.

Sincerely,



Kerri Graham
40710 Los Ranchos Circle
Temecula, CA 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

Horse owners need a connected series of trails throughout the proposed Wine Country to enable them not only to enjoy a recreational sport they love but to keep their horses healthy through daily exercise. This applies for both competitive riders and pleasure riders.

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I urge you to pass the proposed trail map.

Sincerely,



Signature

BARBARA J. DUBBERS

Printed Name

38920 WAYMAN WAY,

Address

SAGE, CA 92544

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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I urge you to pass the proposed trail map.

Sincerely,



Signature

Helen R. Haedke

Printed Name

Address

36850 Avenida Verde
Temecula, CA 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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I urge you to pass the proposed trail map.

Sincerely,



Signature

Printed Name BENG L. OOT

Address 36850 Avenida Verde

Temecula CA 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

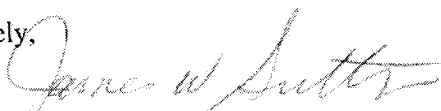
I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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I urge you to pass the proposed trail map.

Sincerely,



Signature

Printed Name

JAMES W SUTTON

Address

42594 Rivera Dr.

Temecula Ca 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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I urge you to pass the proposed trail map.

Sincerely,

Signature *Debra G. Moss*

Printed Name *Debra G. Moss*

Address *36370 Summitville Street
Temecula, CA 92592*

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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I urge you to pass the proposed trail map.

Sincerely,

Signature



Printed Name

CORRY COSSEY

Address

25137 CORTE PICO
MURRIETA CA 92563

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

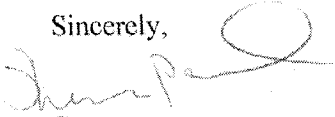
I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

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The proposed map is the result of much work by your Parks Staff and local riding groups, landowners, vintners and residents, involving collaboration and compromise from all. The map will preserve precious historic routes as well as critical connector routes to allow riders to get from soon-to-be-landlocked areas to Riverside's wonderful Vail Lake, Lake Skinner and (soon) Diamond Valley Lake.

I urge you to pass the proposed trail map.

Sincerely,



Signature

Shawn Bellon
Printed Name

Address

4444 Kingston Dr
Temecula, CA 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

Horse owners need a connected series of trails throughout the proposed Wine Country to enable them not only to enjoy a recreational sport they love but to keep their horses healthy through daily exercise. This applies for both competitive riders and pleasure riders.

The proposed map is the result of much work by your Parks Staff and local riding groups, landowners, vintners and residents, involving collaboration and compromise from all. The map will preserve precious historic routes as well as critical connector routes to allow riders to get from soon-to-be-landlocked areas to Riverside's wonderful Vail Lake, Lake Skinner and (soon) Diamond Valley Lake.

I urge you to pass the proposed trail map.

Sincerely,


Signature

Printed Name Marsha Bustin

Address 41935 Calle Cabrillo
Temecula, CA 92592

November 15, 2013

To: Riverside County Board of Supervisors
Riverside County Planning Commissioners

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I am a landowner in the Temecula Valley. I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

Horse owners need a connected series of trails throughout the proposed Wine Country to enable them not only to enjoy a recreational sport they love but to keep their horses healthy through daily exercise. This applies for both competitive riders and pleasure riders.

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I urge you to pass the proposed trail map.

Sincerely,


Signature

Printed Name Leonard Bustin

Address 21935 Calle Cabrillo
Temecula, CA 92592

November 15, 2013

To: Riverside County Planning Commissioners
Riverside County Board of Supervisors

Subject: Support for Proposed Wine Country Trails Network

Dear Supervisors and Commissioners,

I strongly support the proposed Wine Country Trails Network, and ask that you recommend the proposed map for approval by the Board of Supervisors.

I am a frequent user of Temecula Valley trails. Horse owners need a connected series of trails throughout the proposed Wine Country to enable them not only to enjoy a recreational sport they love but to keep their horses healthy through daily exercise. This applies for both competitive riders and pleasure riders.

The proposed map is the result of much work by your Parks Staff and local riding groups, landowners, vintners and residents, involving collaboration and compromise from all. The map will preserve precious historic routes as well as critical connector routes to allow riders to get from soon-to-be-landlocked areas to Riverside's wonderful Vail Lake, Lake Skinner and (soon) Diamond Valley Lake.

I urge you to pass the proposed trail map.

Sincerely,



Signature

Printed Name: STACY RAGER

Address 43120 Corte Landeros
Temecula, CA 92592

Barton, Karen

From: Adrian McGregor <macsgarden2004@yahoo.com>
Sent: Tuesday, December 03, 2013 2:03 AM
To: Coyle, Frank; District1; District2; District3; District4 Supervisor John J Benoit; District5; COB
Subject: Fw: Dec 3, 2013 RCIP Temecula Wine Country EIR and the County of Riverside EIR of the RCIP General Plan
Attachments: Temecula Wine Country EIR Dec 3 2013 Finale.doc

----- Forwarded Message -----

From: Adrian McGregor <macsgarden2004@yahoo.com>
To: Planner Frank Coyle <fcoyle@rctlma.org>; Clerk of the County of Riverside Kecia Harper-Ihem <cob@rcbos.org>
Sent: Tuesday, December 3, 2013 2:00 AM
Subject: Dec 3, 2013 RCIP Temecula Wine Country EIR and the County of Riverside EIR of the RCIP General Plan

Please include the following statements attached into public record for the Dec 3, 2013 Temecula Wine Country Hearing, into the General Plan EIR, as well. I am writing my statements as a private citizen without the assistance of an attorney. I believe them to be true.

Thank you,

Mrs. Adrian J. McGregor
P.O. 894108
Temecula, CA 92589
macsgarden2004@yahoo.com

I also wish to state that since 2000, I have requested to be notified electronically regarding any RCIP and Temecula Wine Country hearings. This year since Mrs. Cooper leaving, that has not happened. I wish to request it, again.

Dec. 2, 2013

To Whom it may concern regarding the following EIR of the Temecula Wine Country, **“1:30 P.M. PUBLIC HEARINGS: Please place the following statements into public record re: the EIR of the Temecula Wine Country and its guidelines, which also includes the omission of the “original 1989 description of roads re: the length of Rancho CA Road from the I-15 Freeway to east to the ending of Rancho CA Road at the intersection of Washington / Benton Rd. / and Rancho CA intersection, which is located at the base of Lake Skinner in the French Valley.”**

AND, the hearing of the Temecula Wine Country to be held on Dec 3, Tuesday, 2013.

- 16-1 **TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING:** Public Hearing on the Temecula Wine Country Community Plan - The Project is generally located in the Southwest Area Plan (SWAP) of the General Plan in the southwestern portion of unincorporated Riverside County. The Project area covers approximately 18,990 acres of land located approximately three miles north of the San Diego County border, east of the City of Temecula, south of Lake Skinner, and northwest of Vail Lake; 18,990 Gross Acres. The Project applicant is the County of Riverside and the EIR Consultant is RBF Consulting. Recommendation for Tentative Certification of Programmatic Environmental Impact Report No. 524; Tentative Approval of General Plan Amendment No. 1077 of the existing Southwest Area Plan (SWAP) and other elements of the General Plan including, but not be limited to, 1) Deletion of the policies of the Citrus Vineyard and Valle de Los Caballos Policy Areas, specifically policies SWAP 1.1 through SWAP 2.1 and the addition of the Temecula Valley Wine Country Policy Area, 2) Revisions to the SWAP Statistical Summary, 3) Deletion of the boundaries of the Citrus Vineyard and Valle de Los Caballos Policy Areas and addition of the boundary of the Temecula Valley Wine Country Policy Area, 4) Revisions to the Circulation Network, 5) Revisions to the Trails and Bikeway Systems map, 6) Revisions to the General Plan Circulation Element Circulation Network, 7) Revisions to the General Plan Circulation Element Trails Network, and 8) Amendment to any other portions of the General Plan reflecting changes arising from the proposed SWAP amendments; Adoption of ORDINANCE NO. 348.4729, an Ordinance of the County of Riverside, Amending Ordinance No. 348 to add four new Zoning Classifications that implement the General Plan: 1) Wine Country – Winery, 2) Wine Country - Winery Existing, 3) Wine Country – Residential, and 4) Wine Country – Equestrian; and Adoption of the Replacement of the Citrus Vineyard Policy Area Design Guidelines with the Temecula Valley Wine Country Design Guidelines & Addition of the Greenhouse Gas Reduction Workbook. (16-3 of 09/24/2013) [\$0]

List of all files: (broken down into small files)

Part 1

Part 2

Part 3

Part 4
Part 5
Part 6
Part 7
Part 8
Part 9
Part 10
Part 11
Part 12
Part 13
Part 14

16-2 TRANSPORTATION & LAND MANAGEMENT AGENCY: Approval of the Proposed Update to the Wine Country Signage Program – Design Guidelines. (3-71 of 09/24/2013)

The Transportation history of Rancho CA Road has existed since the late 1800's. In 1977 on all maps Rancho CA Rd. was clearly marked and paved. It started at the Hwy 395 before it was a freeway. It was from the off ramp/turn lane as Rancho CA Rd. going East around the areas now Lake Skinner, and ended at the intersection of Washington Rd. and Benton Rd.

All information from 2000 on from both the City of Temecula and the County of Riverside Transportation Staff was in agreement to the above statement. Since the Sphere of Influence of the City of Temecula Taking over the French Valley/the 18,000 acre Temecula Wine Country and what now is being called in 2012 and 2013 as 16.3, DOES NOT include the historical description of the Dept. of Transportation's Rancho CA Road. **Of special concern is the presentation since the 1980's, in the 2003 General RCIP, and the Master Plan of District 3's Wine Country Unincorporated Area, IS NOW MISSING.

MY LEGAL CONCERNS I believe to be genuine. All of the 1998 to 2009 road descriptions show the Rancho CA Road to be NO Larger than 3 lanes. BUT, as of 2013 on Dec 1, 2013 I discovered that that COMPLETE length of Rancho CA Rd has been ALTERED, as all of the signs have been CHANGED. Rancho Rd. NOW only goes "just past" Wilson Creek Winery at E. Benton Rd. After that...the Rancho CA RD. has been changed to signs STATING that it is Warren Rd. from E. Benton Rd to right before Glen Oaks Rd. And, that from there EAST to the base of Skinner DAM, Rancho CA Rd.'s name has been altered to Borel Rd. until AULD Rd, near the prison in the French Valley.

NONE of the Road's changes of names and length was SHARED in the District 3 EIR of 2002-03 to present, 2013. WHY NOT? I believe this might invalidate any information of terminology and legal papers of the Wine Country written prior to this date of Dec 3, 2013. THIS IS significant I believe after having attended four years of Transportation Study Hearings and Meetings when the Expressway Freeway was selected of Butterfield Stage Rd. ...Then, later changed in less than 60 days by Jeff E. Stone, Ron Roberts, Robin Lowe, and the City Council

members of the City of Temecula with Stephen Brown's letter requested to be written by Jeff E. Stone, then 2002 City Councilman.

The terminology amendment written on July 23, 2008 by Jeff Stone's staff, and presented by Planner Derek Hull for Jeff E. Stone DID NOT describe Rancho CA Road as it is silently being changed with NEW Street SIGNS. In fact the entire No. Agenda No. 7666 now is blacked out and does not show its content. Nor, was this amendment a legal hearing held on July 23, 2008.

But, it's changing of the Temecula Wine Country from being a 1968 first planting of wine vines by Vincent and Audrey Cilurzo in an area of about 3,000 acres in grapes to up to 18,000 acres planted BEFORE the Pierce's Disease occurred, SUPERVISOR JEFF E. STONE MODIFIED ITS SIZE TO BE AS AN AGENDA AMENDMENT OF TERMINOLOGY OF NO LONGER 18,000 ACRES. Stone modified the size of Temecula Wine Country to be MADE larger as 11.85 square miles out to the French Valley. Rancho CA Road STILL went from the I-15 Freeway to Benton Rd./Washington/ Benton Rd. INTERSECTION at the base of Lake Skinner DAM.

We, the residents have had legal deeded description of the length of Rancho CA Rd. and properties along it.....CHANGED. I believe this modifies the written description of what the Temecula Wine Country actually is, and possibly is a silent modification of what deeded properties description of their Title Deeds has been changed. This was done without my knowledge. All of the signs NOW on DEC 2, 2013 are NOW CHANGED.

The street signs and the misplacement of Rancho CA Road ... Borel Rd. ... and Washington... and ending Rancho CA Road AT BUCK RD. may be possible manipulation of Penal Code 115's, as governance by a Supervisor WITHOUT TRANSPARENCY. This dates back to June 2008 online correspondence of Supervisor Stone telling all Dept. Staffing to complete their Tasks within 60 Days to PREVENT ANY Court Litigation to the July 23, 2008 changing of the Temecula Wine Country litigation, and the SPECIAL side bar of amending Ma and Pa businesses from the Wine Country on Aug. 6, 2008, which I attended. Yet, the public was told the Planning Commissioners would discuss and vote on removing zoning rights of smaller parcel businesses, WOULD BE DONE Aug, 20th, 2008, WHICH IT WAS NOT. It was done Aug. 6, 2008 in a moot hearing NOT taking public comment nor letters, and led by Planning Commissioner John Petty.

IN 2008 and 2009 Federal Mandates by President Obama were made to curb Global Greenhouse pollution. "That NO MORE RURAL Development could be made." Yet, Stone continues to do it. AND, NOW, is activating the Disney Developer Scheme, of "Theme Park Development" buried deep within this new Temecula Wine Country Plan. IF the County Supervisors approved this Plan, they are ALSO ignoring Federal Mandates ignored in the 2003 to 2013 EIR of the RCIP General Plan and its 5 Districts to ROLL BACK EPA pollution of particulate carbon monoxide soot to 1995 standards.

Supervisor Jeff E. Stone, his District 3 Temecula Wine Country Plan, the sphere of Influence City of Temecula, HAVING THE COUNTY OF RIVERSIDE STAFFING TRANSPORTATION

COMMENTS WRITTEN IN LETTER NO. 10, THAT THE BUILDING OF THE EASTERN SOUTHERNLY BYPASS EXPRESSWAY WILL HAVE AT LEAST 6% CARBON MONOXIDE PARTICULATE SOOT CONTAMINATION IN ALL OF THE LOW LAYING VALLEYS ALONG THE EXPRESSWAY FROM THE I-15 FREEWAY NEAR RAINBOW CANYON IMMIGRATION STATION TO THE I-10 FREEWAY AT BANNING/BEAUMONT OFF RAMP.

THE DEPT. OF TRANSPORTATION STAFF, THE EIR OF THE OMISSION OF THE PARSONS 2007 EASTERN SOUTHERNLY PORTION OF THE ANZA FREEWAY APPROVED BY STAKEHOLDERS, WHICH INCLUDED THE STAFFING OF BOTH THE COUNTY AND THE CITY OF TEMECULA, AND ITS CITY COUNCIL. I BELIEVE THE OMISSION OF THE APPOINTED DESIGN SOUTHERNLY PORTION OF THE PARSONS MAPPING, ASSIGNED TO BE DRAWN BY HIGHPOINT, INC AND DAN STEPHANSON OF RANCON, BY SUPERVISOR JEFF E. STONE, HIS STAFFING AND THE DEPT. OF TRANSPORTATION STAFF FEMALE PRESENTOR FOR PATTI ROMO, EXECUTIVE TRANSPORTATION DIRECTOR, AND C. LUNA, AND THE SUPERVISOR, "DELIBERATELY WITHHELD, WITH THE SEPT. 2012 EIR TEMECULA WINE COUNTRY PLANNING COMMISSIONERS OF RIVERSIDE HEARING HELD IN TEMECULA CITY HALL, IS A PENAL CODE 115 VIOLATION POSSIBLY. WHY? Because, Romo sent an engineer female to state, "Anza Rd. connection to the I-15 not fully funded in 2012, is OMITTED" from this RCIP. The Stakeholder Minutes of 2006 and 2007 CLEARLY state that the expressway is FULLY FUNDED. I believe the deliberate OMISSION of this up to 100,000 vehicles per day between the I-15 and the I-10, to be a negative act against the people of under their Governance.

SIGNIFICANT DELETION of FACTS, is regarding the HORSE TRAILS. I attend ALL of the Transportation workshops. We were CLEARLY told that all of the expressway roads could have tunnel clearances in the Anza Rd. for horses, their riders, walkers, bicyclists, and wildlife to use. ...JUST LIKE ON THE 605, 415, SANTA ANA FREEWAY, ETC. THAT, SINCE THE ANZA RD. WAS ASSIGNED WITH A 50 YEAR METRO PRESERVE EVERY FIVE YEAR REVIEW FOR TAKING MORE LANDS, THE HORSE TRAILS WOULD JUST BE MOVED OVER.

ALL OF THIS INFORMATION IS NOW WITHIN THIS JEFF E. STONE DISTRICT 3 RCIP EIR AND RCIP GENERAL PLAN ARE BEING WITHHELD OUT OF THE WRITING OF THIS RCIP EIR FOR 2013 TO 2021. THE JUSTIFICATION OF DEMEANING FACTS IS NOT UNDERSTOOD BY ME.

ALSO, SUPERVISOR JEFF E. STONE I THINK IS IGNORING THE RIGHTS OF 10,000 RESIDENTS TO 35 WINERIES. AND, WHILE COMMITTING POSSIBLE ACTS AGAINST WE CITIZENS AND RURAL RESIDENTS, IS STRIPPING THE DEEDED LEGAL RIGHTS OF TRACK NO. 6410 OF 64 RURAL PARCELS AND CONTINUING DOWN MADERA DE PLAYA PARCELS WEST OF CALLE CONTENTO TOTALING 118 SINGLE FAMILY RESIDENT PARCELS, MAY BE VIOLATING OUR DEEDED RIGHTS TO HAVE FREE FRANCHISE OF

22 RURAL BUSINESSES, AND EACH PARCEL HAS DEEDED RIGHTS TO HAVE A HALF ACRE WINE TASTING BUSINESS.

Free rights to make franchise at JUST THAT. A supervisor CAN NOT violate federal/state laws of free rights for franchise to ALLOW ONLY VINTNERS to be in business.

Also, our area has "paper rights" to be in business as wineries UNLESS they mail a registered letter and form to the Temecula Vintners' Association, mailed registered, to THEN no longer be in the Wine business...but, a developer?? How can this be?

The documentation review of 2000 of the Supervisors and their staff gave into testimony on Sept. 22, 2013, that only a few hotels may be added in a limited water area ONLY if the Eastern Section of the Colorado River flows. Crisis on Tap, March 2009, clearly states that the Colorado River will be dry behind Hoover Dam by 2021.

The 2003 to 2013 RCIP General Plan and its 5 Master Plans, especially District 3, have VIOLATED the US Supreme Courts Judges' Decision, "That you may NOT issue Paper Water Rights to a Developer IF it takes the WATER AWAY from the existing RURAL Community." NOW, the County of Riverside is attempting to delete/omit I believe the LACK of WATER in the Temecula Wine Country and the entire County of Riverside. The Sam Pratt Letter written in 2002 to the Supervisors and to the City of Temecula Council, which included Councilman Jeff E. Stone, THAT THE CITY OF TEMECULA WOULD VIOLATE THE STATUTES OF LIMITATION OF IMPORTING WATER INTO THE AREA OF THE CITY OF TEMECUL WHEN 18,000 MORE HOMES WERE TO BE BUILT; ABOUT 77,000 HOMES TOTAL. Rancho Water is WAY over its IMPORTING WATER FORMULA.

I, Adrian J. McGregor, as a private individual without the council of an attorney, request that these statements be placed into public testimony of the Temecula Wine Country EIR.

It is of great concern to me that the pretext of wanting open horse riding be designed so horses may ride at Lake Skinner from all ends of the valleys. Lake Skinner being a drinking water lake EXCLUDES any ENTRANCE of horses around the lake for about five or more months per year. I learned this when I used to own horses. They can not risk horse feces from entering the lake from rain runoff.

The City of Temecula "guttled" the Los Ranchitos Horse Trails and their deeded rights to dedicated trails. They wanted to move traffic. So, they widen the Ynez and other road ways, and eliminated trail riding within the city. Since the City of Temecula WILL BE taking over the 22 to 24 miles of Temecula Wine Country and has designed the new roads, per statements of the engineering of Riverside County Offices to me, I believe the horses and our walking our animals on our ONCE country roads may be eliminated at ANY TIME. They have no use for our rural property zones and DEEDED property rights. We are in their way.

Jeff E. Stone, his staffing, the City of Temecula Staff and their City Council, have NO LEGAL right to TAKE trails through our private properties. It violates our legal property rights, endangers us to law suits, and SETS US UP TO HAVE BOTH THE COUNTY, THE VINTNERS AND THE CITY OF TEMECULA TO PLACE ELIMINATE DOMAIN TAKING OF OUR PROPERITES. HORSE TRAILS WERE THE EXCUSE IN MONTEBELLO, ANAHEIM, ORANGE COUTNY TO VIOLATE CITIZENS PRIVATE PROPERTIES. THEN, ONCE THEY ILLEGALLY TOOK THEM FROM THE RESIDENTS, THEY CAME FOREWARD WITH ELECTRICAL LINES, TAKING YOUR HOMES, ETC.

THE 10,000 RESIDENTS NEED TO AWAKEN.....THE LAW SAYS, AS STONE HAS SAID MANY TIMES, **"IF WE DO NOT HEAR FROM YOU, THEN WE INTERPUT THIS TO MEAN TO AGREE WITH WHAT WE ARE DOING OR GOING TO DO TO YOU!"**

Signed,

Mrs. Adrian J. McGregor
P.O. Box 894108
Temecula, CA 92589
Macsgarden2004@yahoo.com

951.676.5024

Dec. 2, 2013

Submitted to the Clerk of the Board, C. Luna, Frank Coyle, and County Supervisors.

Barton, Karen

From: Sandy Gesswein <horselovinmama57@yahoo.com>
Sent: Monday, December 02, 2013 6:52 PM
To: COB
Subject: trails in wine country

November 30, 2013

To: Board of Supervisors

Re: Support of Wine Country Trails Plan

I **strongly** urge you to approve the proposed Wine Country Trails plan. It is critical that the many horse property owners throughout the Wine Country have a connected series of trails on which to exercise their horses.

Horses have helped define the Wine Country for decades. The Trails plan is essential to FINALLY preserve the unique rural/agricultural ambiance we have. Please do not take this away for those of us who love our horses and the enjoyment it allows us riding these beautiful trails.

Thank you.

Happy Trails!
Sandy Gesswein

A horse gallops with its lungs, perseveres with its heart, and wins with its character

Barton, Karen

From: Jan Austin <janaustin@verizon.net>
Sent: Monday, December 02, 2013 11:43 PM
To: COB
Subject: Wine Country Trails Plan

November 30, 2013

To: Board of Supervisors

Re: Support of Wine Country Trails Plan

I **strongly** urge you to approve the proposed Wine Country Trails plan. It is critical that the many horse property owners throughout the Wine Country have a connected series of trails on which to exercise their horses.

Horses have helped define the Wine Country for decades. The Trails plan is essential to FINALLY preserve the unique rural/agricultural ambiance we have.

Thank you.

Janice Austin

Barton, Karen

From: lorraine harrington <lfh415@yahoo.com>
Sent: Tuesday, December 03, 2013 10:58 AM
To: COB
Cc: Johnson, George; Coyle, Frank; Nanthavongdouangsy, Phayvanh; Clack, Shellie
Subject: Support for Wine Country Plan with 2 Issues
Attachments: Harrington memo for BOS hearing 120313.docx

For the public record. I'll bring copies to the hearing. Thanks

To: Board of Supervisors Riverside County

Cc: George Johnson, Deputy CEO; Frank Coyle, Deputy Director Planning; Shellie Clack, County Counsel; Phayvahn Nanthavongdouangsey, Regional Planner

Re: Support for Wine Country Plan provided 2 issues are resolved

Dear Supervisors,

I am a landowner in the Wine Country, a member of Supervisor Stone's Advisory Council for drafting the Wine Country Community Plan and its Subcommittee on Trails, and a Board member of Rancho California Horsemen's Association. I urge you to approve the Plan in its entirety PROVIDED the following issues are addressed:

1. **Wording be included assuring current landowners that they will not lose any current land uses.** Repeatedly, George Johnson assured the Advisory Council that (and I paraphrase) "Whatever a landowner can do legally on a property now will be allowed to continue under the plan, even after sale of the property UNLESS the owner wants to do something new or bigger". We have asked in many public hearings to have this concept formalized into the Ordinance. In a private meeting with Mr. Johnson and County Counsel following the Sept 24 BOS hearing, it was explained to us that it might be difficult to put the wording into the Ordinance itself but that it could go as an attachment. Counsel and Staff were to work on this. To date, we have not seen any such wording. This is a very important concept for property owners, and business owners need the assurance as well. Everyone who picks up the Ordinance (including new investors) should be receiving it with the attachment so they clearly understand. In the spirit of Supervisor Stone's directive on 9/24 to make the Ordinance more user friendly, we urge you to insist that this clause be attached.
2. **Time period of 8 years during which the Wine Country Community Plan may not be changed be REINSERTED into the Ordinance.** This measure was voted in by the Advisory Council with only 1 opposing. We did not vote on that many issues in that committee, but this one we felt strongly about. In the Chairman's words it was one way to put "teeth" into the Plan, so our community could be assured that exceptions would not be granted even when very enticing investment dollars were involved. We understand that the General Plan has an 8 year period already but that only deals with changes coming from the property owner side; it does not prohibit County-initiated changes. The clause we support does both, and such a clause appeared in many drafts of the Plan. I have no idea why this notion disappeared in the most recent drafts. I urge you to instruct Staff to reinsert this clause.

Finally, I strongly support the proposed Trails Plan, and I think we have ways of addressing the objections that have been raised. We must remember that there are many, many horse properties **in all districts** – not just the Equestrian district. Many of those in the Residential and Winery districts have had development surround them such that they are close to being "landlocked", with no way to get their horses onto trails for exercise. The proposed Trails Plan – in addition to designing big loops around the area and out to the lakes - had these landlocked owners in mind,

to provide connectivity to the broader network of main pathways. The network, as planned, will certainly evolve as we implement it, but I urge you to **approve the proposed Trails Plan** so we can get started on that process.

I want to assure you that the concerns voiced recently by the Coalition against trails have been heard. They have raised issues of property loss, liability, privacy, noise, trash and dust, with many of these issues linked directly to the increase in traffic as a result of the growth of public trail-riding businesses. A couple of us who have worked on the Trails plan for years, and our District 3 Trails Committee member have met with several of the coalition members. First we attended a large meeting at which we asked folks to sign up for individual meetings (the same process we used with the winegrowers earlier). At those sessions we learned their specific concerns about specific trail segments, and in several cases together we were able to discuss potential options. In most of these discussions, a path forward seems possible; for example by altering the path. In a couple instances we were able to assure a long string of landowners who had thought they were going to be asked to provide easements, that the trail actually would not pass on their properties but on the other side of the property line where agreement had already been granted.

We also convened a meeting of the 5 public trail riding businesses currently operating in Wine Country. (Actually we have been meeting with them for about 5 months to guide them onto safer trails than the major roads they had been using, and to get them to wine taste only after the ride is finished; all but one company have moved in this direction). Through this meeting and the discussions with the residents, we have come up with 15 or so ideas for addressing the issues residents have raised.

This is how implementation should proceed - let's take a segment-by-segment approach to determine the appropriate usage (e.g., multi-use? Horses and joggers only, no bikes? Not appropriate for beginner-tourist riders, etc.) and the appropriate trail style (nature path vs. groomed trail).

To get to this Implementation stage we need the proposed Trails Plan to be approved. Please vote to approve on Dec 3.

Thank you.

Lorraine F. Harrington
35820 Pauba Road
Temecula CA

To Whom It May Concern:

I am writing this letter in strong opposition to the proposed expansion to the Temecula Wine Country Community Trails, General Plan Amendment No. 1077, and Program Environmental Impact Report No. 524, as it will significantly impact my property and way of life.

The expansion of these trails in residential areas will lead to multiple issues;

- Damage to natural vegetation in blue line and ethereal streams will lead to property erosion and water table contamination, all of which the State Water board clearly prohibits. (CEQUA)
- Fish and game protects the local ecosystem that provides food, shelter, and natural migration pathways for the local wildlife.
- Liabilities issues include the fact that homeowners could potentially be sued if someone gets injured on the community trails. The Vineyards use air cannons to scare birds away throughout the year, which potentially could spook a horse and cause injury. In addition, if there is an injury on the trail, there is no clear route for an emergency vehicle to assist an injured person.
- Agricultural issues include loss of vineyard production due to dust.
- Property values will be decreased for homeowners that have easements along the proposed trails. There is no funding associated with maintaining the integrity or esthetics of the proposed trails, which will lead to a pathway that is dangerous to traverse and is littered with trash and excrement.
- Health issues include: the increase of dust, airborne particles, flies, and noise.
- Crime issues: having strangers peering into our backyards and side yards will definitely lead to increased burglary, vandalism, verbal abuse, and mayhem. Additionally, Code enforcement and Riverside County Sheriffs will be unable to respond to any issues perpetrated on the trail, due to lack of access.
- As property owners in the wine country, for years we have been paying taxes to the CSA for road improvements. Currently, there's a lack of maintenance on the public roads, and some are still unpaved and dangerous to drive on. Will funding for the proposed trails come from CSA money? Will there be a public vote on where the funding of this project comes from?

These issues can be eliminated by removing all regional open space trails (denoted in pink on proposed map) and all community trails (denoted in red on proposed maps). We propose expanding trails East of Pauba Road, where there are current equestrian trails connecting to Vail Lake. In conclusion, we are opposed to the development of any trails in residential areas.

Print Name Jack Spreier Date 12/04/13

Signature 

Address or APN # 33754 Pauba Road, Temecula, CA 92592

Phone Number 714-981-7053

Wine Country Residential Coalition
951-201-1074, wonderwoman1970@msn.com

12-3-2013
2013-12-20 505 14-1

To Whom It May Concern:

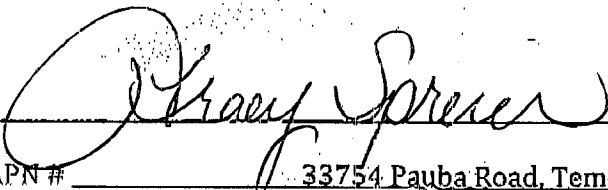
I am writing this letter in strong opposition to the proposed expansion to the Temecula Wine Country Community Trails, General Plan Amendment No. 1077, and Program Environmental Impact Report No. 524, as it will significantly impact my property and way of life.

The expansion of these trails in residential areas will lead to multiple issues;

- Damage to natural vegetation in blue line and ethereal streams will lead to property erosion and water table contamination, all of which the State Water board clearly prohibits. (CEQUA)
- Fish and game protects the local ecosystem that provides food, shelter, and natural migration pathways for the local wildlife.
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- Property values will be decreased for homeowners that have easements along the proposed trails. There is no funding associated with maintaining the integrity or esthetics of the proposed trails, which will lead to a pathway that is dangerous to traverse and is littered with trash and excrement.
- Health issues include: the increase of dust, airborne particles, flies, and noise.
- Crime issues: having strangers peering into our backyards and side yards will definitely lead to increased burglary, vandalism, verbal abuse, and mayhem. Additionally, Code enforcement and Riverside County Sheriffs will be unable to respond to any issues perpetrated on the trail, due to lack of access.
- As property owners in the wine country, for years we have been paying taxes to the CSA for road improvements. Currently, there's a lack of maintenance on the public roads, and some are still unpaved and dangerous to drive on. Will funding for the proposed trails come from CSA money? Will there be a public vote on where the funding of this project comes from?

These issues can be eliminated by removing all regional open space trails (denoted in pink on proposed map) and all community trails (denoted in red on proposed maps). We propose expanding trails East of Pauba Road, where there are current equestrian trails connecting to Vail Lake. In conclusion, we are opposed to the development of any trails in residential areas.

Print Name Tracy Spreier Date 12/04/13

Signature 

Address or APN # 33754 Pauba Road, Temecula, CA 92592

Phone Number 714-981-7052

Wine Country Residential Coalition

951-201-1074, wonderwoman1970@msn.com

VICE CHAIR
OF THE FOLLOWING COMMITTEES
HEALTH
ELECTIONS & CONSTITUTIONAL
AMENDMENTS
PUBLIC SAFETY

Senate

California Legislature

JOEL ANDERSON
SENATOR

THIRTY-SIXTH SENATORIAL DISTRICT

MEMBER
OF THE FOLLOWING COMMITTEES
BUDGET & FISCAL REVIEW
JUDICIARY

MEMBER
OF THE FOLLOWING
SUBCOMMITTEE
BUDGET & FISCAL REVIEW
SUBCOMMITTEE #5 ON
CORRECTIONS, PUBLIC SAFETY
& THE JUDICIARY



September 30, 2013

Riverside County Board of Supervisors
4080 Lemon Street
1st Floor
Riverside, CA 92501

Dear Supervisors,

I am writing in support of the Temecula Valley Wine County Agriculture Preserve. As the representative for the 36th State Senate district, which includes Temecula Wine County, I believe it is important to strengthen the Agriculture Preserve to ensure the long term viability of the wine-industry.

The Temecula Wine Country Agriculture Preserve represents .1% of the land in Riverside County, yet its impact on economic development is extensive due to the thousands of direct and indirect jobs created by the wine industry and the tourism it attracts.

Due to the unique geography, climate, and soil conditions in the region, Temecula's wine industry cannot be re-located. Without vigilant stewardship, Temecula Wine Country could fall victim to incompatible uses and development that would diminish its agricultural capacity and result in substantial economic loss to the region.

Temecula Wine Country is a jewel of the county that we must work together to safeguard for future generations. I look forward to partnering with you to conserve this precious resource.

Sincerely,

A handwritten signature in black ink that reads "Joel Anderson".

Joel Anderson
Senator, District 36

STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4036
FAX (916) 447-9008
SENATOR.ANDERSON@SEN.CA.GOV

EL CAJON DISTRICT OFFICE
500 FESLER STREET, #201
EL CAJON, CA 92020
TEL (619) 596-3136
FAX (619) 596-3140

TEMECULA DISTRICT OFFICE
27555 YNEZ ROAD, #204
TEMECULA, CA 92591
TEL (951) 676-1020
FAX (951) 676-1030

2013-10-119964

TEMECULA: No more room at Great Oak



Hundreds of Great Oak High School students make their way to their classrooms during their passing period in Temecula in 2012. The school has maxed out on enrollment in 2013.

BY TOM SHERIDAN

Published: October 06, 2013; 12:21 PM

Apparently, Great Oak High School is becoming a little too popular.

This year's freshman class at Great Oak has 946 students as of Tuesday, Oct. 2, according to Temecula Valley Unified School District Spokeswoman Melanie Norton.

The other two comprehensive high schools in the district -- Temecula Valley and Chaparral -- have a combined 1,396 freshmen.

Submitted by

Fred Bartz

12/3/2013

Item

16-1

(date)

That means that over 40 percent of the freshman in the school district this year are attending Great Oak.

As a result, Great Oak has reached its capacity of 3,558 students, prompting the district to prohibit new enrollment or intra-district transfers. Norton said there are currently 54 students on a wait list to attend Great Oak. Great Oak co-principal Marc Horton said it is unlikely that any of those students will get into Great Oak this year.

“After long meetings and discussions about how we best serve our students, everybody felt like there was no choice but to shut enrollment,” said Horton, who shares principal duties with Keith Moore.

Chaparral -- with 2,930 students -- is also at capacity, Norton said, but there is no wait list. Temecula Valley, with 2,565 students, is accepting new enrollment as well as students who cannot get into Chaparral or Great Oak.

Much of the new development in the city is on the south side of town, where Great Oak is located. But in recent years students in the district were able to freely secure transfers to Great Oak, as long as they announced their intention prior to the start of their sophomore year.

That is no longer the case.

“While we’ve seen the enrollment at Great Oak increasing in recent years, it’s very difficult to know exactly how many new students will enroll each year,” Norton wrote in an email. “Every year we develop enrollment projections based on the number of new housing developments coming in to the region. Unfortunately, we have no way of knowing how many new families will move into existing homes, whether they have children, and the age of their children.”

Norton pointed out that the intra-district transfer policy was always based on space availability. Prior to this year, that was never a problem. Now it is.

“Obviously it’s a good problem to have -- a situation where we have families and parents wanting to come to our school,” said Horton. “It’s much in part due to the staff. It’s also much in part due to the culture and climate of the school. It’s very unique. You can feel it on campus, the spirit runs throughout the school.”

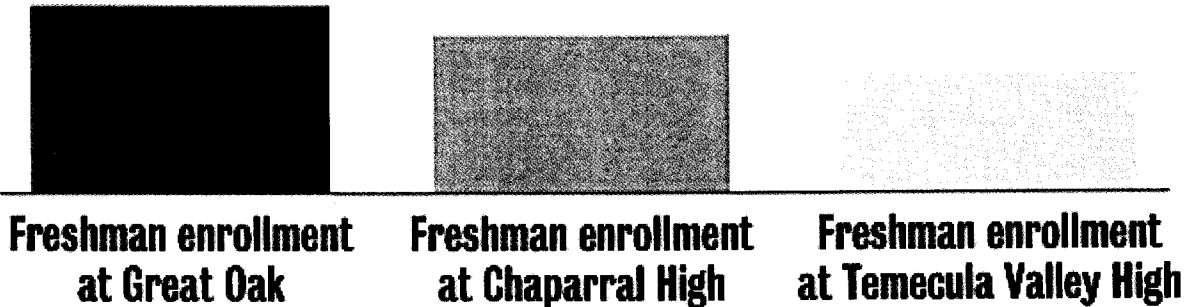
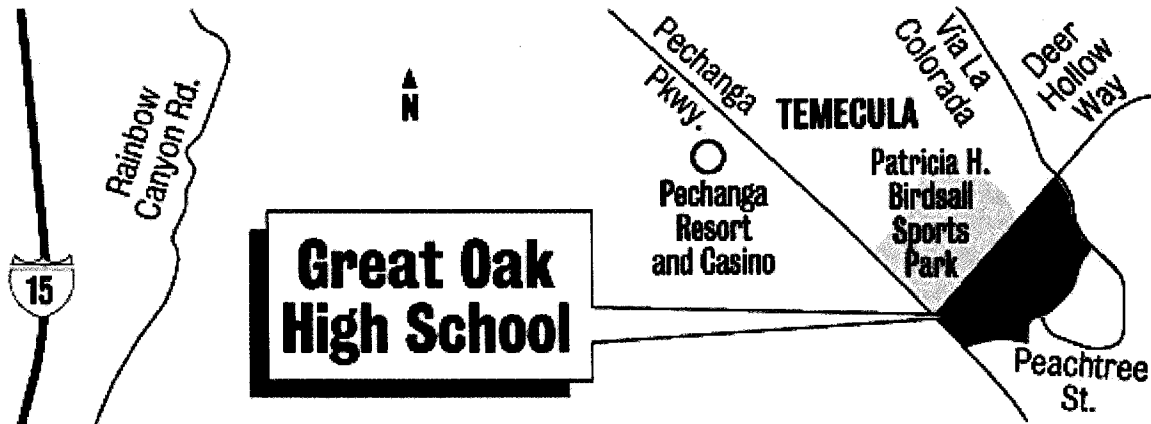
In the nine years since Great Oak High School opened, it has established a reputation as a school with high academic standards, solid sports programs, an array of extra-curricular opportunities and an International Baccalaureate program.

Hover below to view interactive content.



ALL FULL AT GREAT OAK HIGH

Great Oak High School has reached capacity, forcing the Temecula Valley Unified School District to take steps to limit transfers and new enrollment. The district has two other high schools, Chaparral and Temecula Valley.



All of that has made the school that sits near the southern border of Riverside County a desirable location.

Operating at capacity has spread staff a little thinner. Horton said that many teachers are on six-fifths schedules -- meaning they are teaching six classes instead of five and a prep period. He said that in some cases teachers, are also changing rooms at some point during the day to get all those classes covered.

The problem is space, Horton said.

"No one has wanted to close the enrollment," said Horton. "District officials have not wanted to, we have not wanted to. It's no one's desire to do that. But it finally got to the point where there were no more classrooms."

A handful of students interviewed after school on Friday, Oct. 4 -- the day of the school's homecoming football game -- said that membership in extra-curricular activities such as the Nintendo club, ROTC and Student Venture appears to be up this year. And everybody seemed aware of its academic reputation.

Great Oak's Academic Performance Index, based largely on standardized test scores, is 861. That makes it the fourth-ranked high school in Riverside and San Bernardino counties, but first among the larger comprehensive high schools.

Freshman Sierra Martin conceded that there are a lot of students at Great Oak and sometimes it can be tough getting from class to class. But she said that her peers take pride in their API ranking and more.

"I have to admit that the school is very spirited," said Martin.

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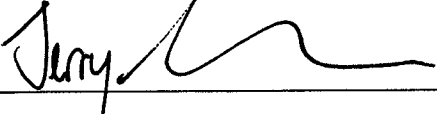

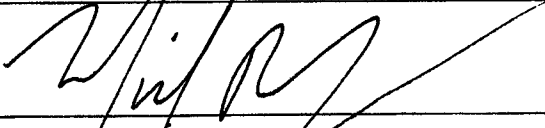
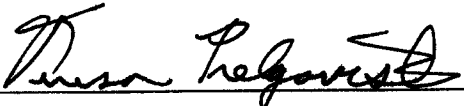

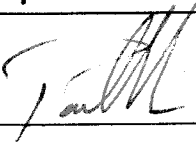
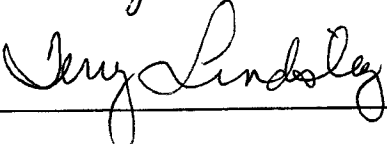
PROPERTY OWNER PETITION

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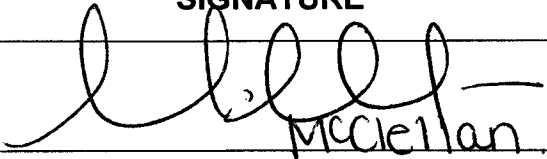
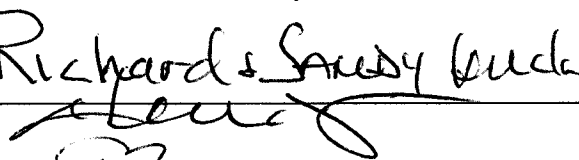
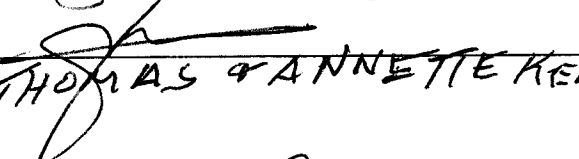
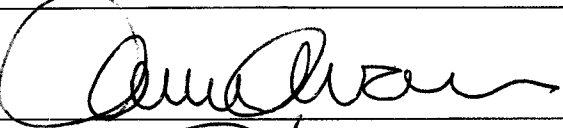
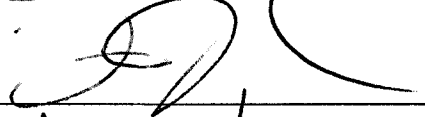

ADDRESS

SIGNATURE	ADDRESS
	34579 Serdonis St, Temecula
	34565 Serdonis St. Temecula
	34614 Serdonis St.
JOSE JUDITH	34607 Serdonis Street
	44614 HOWELL MTN.
	44482 Howell Mtn. St.
Mina Ayala	44473 Howell Mt. St.
	44468 Howell Mt St.
	44501 Howell Mtn St 92592
ERNESTO MEJIA	433939 Galeron St.
 PAUL WHITE	44389 REIDEL ST 92592
Cheryl Brown	44144 Reidel St. 92592
	44953 Silver Rose St. 92592

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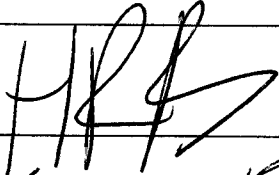


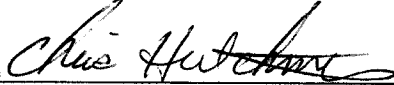
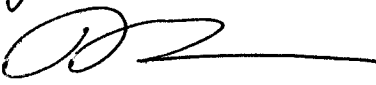


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SIGNATURE	ADDRESS
 McClellan	34548 Desante Ct Temecula Ca 92592
Richard's Sandy Buck 	34562 DESANTE CT TEMECULA, CA 92592
 THOMAS & ANNETTE KELLY	34555 DESANTE CT TEMECULA CA 92592 34541 DESANTE CT TEMECULA CA 92592
Carla Carter	34527 Desante Ct. Temecula CA 92592
Christine Linn	34520 Desante Ct. Temecula Calif 92592
	34602 COLLIER Falls Ct TEMECULA CA 92592
	34504 Collier Falls Ct Temecula, CA 92592
Matt Goull	34504 Collier Falls Ct. Temecula CA 92592
	34574 Collier Falls Ct Temecula, CA 92592
John A. Deagen Dehn	34574 Collier Falls Ct Temecula, CA 92592
John R. Rodwell	34546 Collier Falls Ct Temecula, Ca 92592
James Benoit	34567 COLLIER FALLS CT TEMECULA, CA 92592
Kathryn Minto	34567 Collier Falls Ct Temecula, Ca 92592

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	33901 Parador street
	33901 Parador Street
	33921 Parador st
	34312 COPPOLA ST.
Carol Johim	44737 Quixote St.
M. Jane Kester	44123 REIDER ST
	44627 Howell Mountain St.
Nick Scriver	44613 Howell Mountain st.
	34609 Collier Falls CT
Ruth Labrum	34593 Serdonis St.
Kristi Canova	34586 SERDONIS St.
Scott 	34586 SERDONIS STREET
Yvonne Wey	33938 Parador St


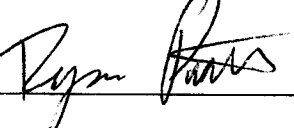

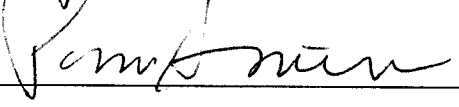
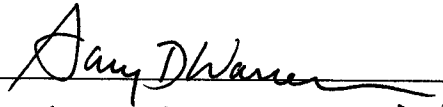
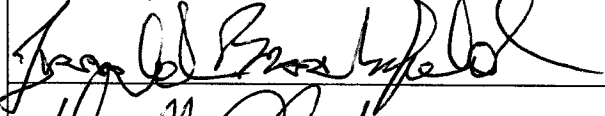

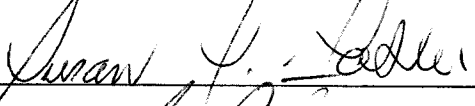
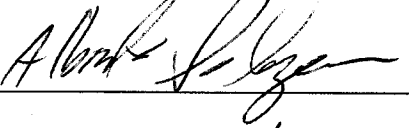
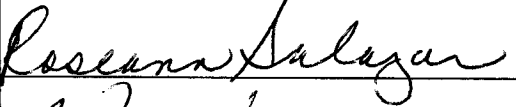
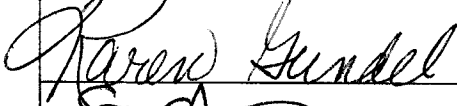


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ADDRESS

	44262 Marcelina Court
	44641 Howell MOUNTAIN ST.
	44641 Howell Mountain ST
	33906 CALAFIA ST Tem.
	34602 Cowen Falls Ct, Temecula
	82459 Gordon's Street
	44529 Howell Mountain St Temecula Ca 92592
	44529 Howell Mountain St Temecula CA 92592
	44515 Howell Mt ST Temecula CA 92592
	44515 Howell mtw. st, Temecula CA 92592
	44730 Frags Leap St. Temecula CA 92592
	34534 DeSoto Ct. Temecula CA 92592
	34534 DeSoto Ct. Temecula CA 92592

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ADDRESS

Robert Turley	34771 Regusci Court Temecula, CA 92592
Sandy Turley	" "
ROBERT TAVANO	44888 Bouchaine ST TEMECULA, CA 92592
Karen Jayar	44888 Bouchaine Temecula, CA 92592
Xie Koszowski	44898 Bouchaine St Temecula, CA 92592
Thomas Koszowski	44595 Bouchaine ST Temecula CA 92592
Patricia S. Woolley PATRICIA S. WOOLLEY	34098 VANDALE CT TEMECULA, CA 92592
Dumbally Jones	44714 DUCKHORN ST Temecula, CA 92592
Marsha Baum	44691 Duckhorn St. Temecula, CA 92592
Alan J. Pries	44684 Pride Mountain St. Temecula, Ca 92592
Hilaine Anderson	44852 CORISON ST TEMECULA. 92592
Elyzeth Vies-Wallen	45201 Anza RD Temecala, CA 92592
Joyce R. Viet	45201 ANZA RD TEM. CA. 92592

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Robb Wallen	45201 ANZA RD. TEMECULA, CA 92592
Monica Hargis	45019 Vine Cliff St Temecula, CA 92592
Steve Hargis	45019 Vine Cliff St Temecula, CA 92592
Anthony Tierney	45028 Vine Cliff St Temecula, CA 92592
Peter Sienna	45028 Vine Cliff St Temecula, CA 92592
Alexander Domaden	44970 Kelham Ct. Temecula, CA 92592
Bonny Dussan	44980 Kelham Ct Temecula CA 92592
Laura Stone	44947 Kelham Ct. Temecula, CA 92592
	44947 Kelham Ct TEMECULA, CA 92592
	44957 Kelham Ct Temecula CA 92592
Oscar Zepeda	44957 Kelham Ct Temecula
Jorge E Bustos DAS	34261 San Simeon St Temecula, Ca 92592
G.P. Baum	44691 Duckhorn St. Temecula, CA 92592

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Robb Pui	44721 DUCKHORN ST. TEMECULA, CA 92592
Base Apple	44734 Duckhorn St Temecula CA 92592
Wendy	44711 DUCKHORN ST TEMECULA, CA 92592
Jennifer Gordon	44711 Duckhorn St. Temecula, Ca 92592
Kinda K. Davis	34201 San Simon St Temecula, CA 92592
Dodge Greer	34221 San Simon St Tem. CA 92592
Sanny Margarian	34181 San Simon Temecula, Ca 92592
William Joseph	4483 Corison St Tem Ca 92592
RLS	44615 Kornell St. Temecula, CA 92592
Rachid	44615 Kornell St. Temecula, CA 92592
al. Hley	44618 Kornell St. Temecula, CA 92592
James M Bailey	44605 Kornell St Temecula, CA. 92592
Karen Bailey	44605 Kornell St Temecula, CA 92592

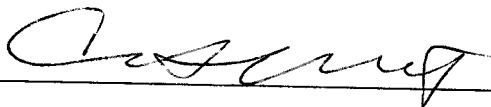
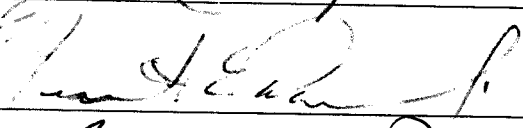

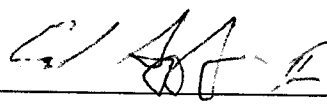


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	34261 San Simeon St Tem 92592
MBM Margosian	34181 San Simeon St Temecula CA 9259
July H. Putes	34271 San Simeon St. - Temecula CA 9259
Bradley P. O'Neil	34271 SAN SIMEON ST. TEMECULA, CA 92592
Karen Holtzgren	34251 SAN SIMEON ST., TEMECULA, CA 92592
	34231 SAN SIMEON ST Temecula CA 92592
Joyce M. McDaniel	34231 SAN SIMEON ST TEMECULA CA 92592
Lynne Inzer	34221 San Simeon St Temecula CA
	34214 San Simeon St., Temecula, CA.
	44842 CORISON ST. TEMECULA, CA 92592
Dan A. Wheeler	44849 Corison St Temecula, CA 92592
	44852 CORISON TEMECULA CA 92592
	44862 CORISON ST TEMECULA, CA 92592

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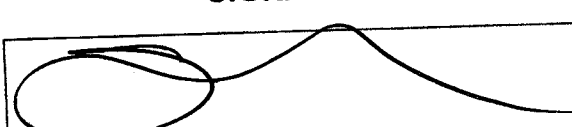
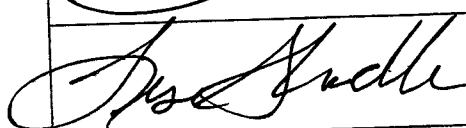
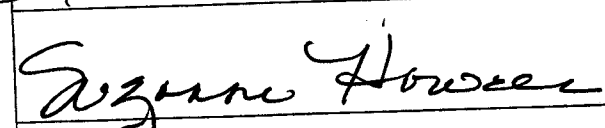
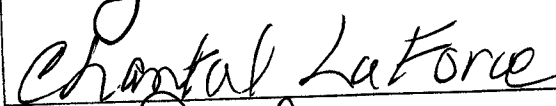
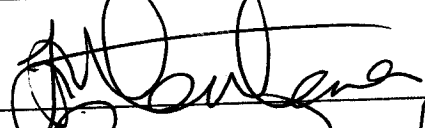
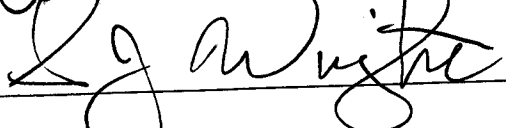
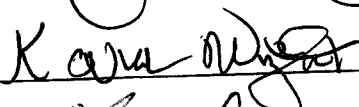
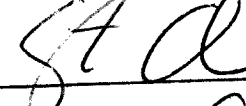
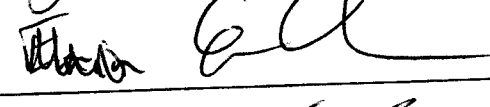

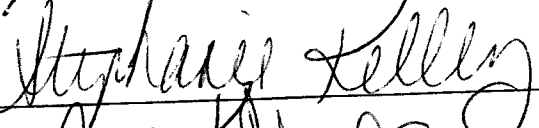
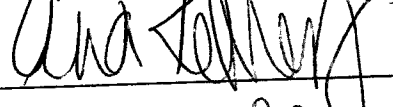
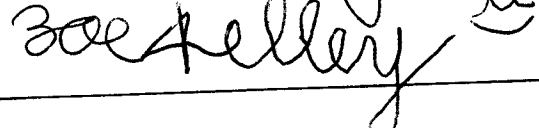
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see

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ADDRESS

	44965 Bouchaine St. Temecula, CA 92592
	44965 Bouchaine St. Temecula, CA 92592
	44985 Bouchaine Temecula, CA 92592
	44995 Bouchaine Temecula, CA 92592
	44998 Bouchaine St Temecula, CA 92592
	44928 Bouchaine St. Temecula, CA 92592
	
	44664 Frogs Leap St Temecula CA 92592
	44664 Frogs Leap St Temecula CA 92592
	44729 MUMM St Temecula, CA 92592
	44729 MUMM ST TEMECULA, CA 92592
	44729 MUMM ST. TEMECULA, CA 92592
	44729 MUMM ST. TEMECULA, CA 92592

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ADDRESS

Debra Espanga	44878 Bouchaine St.
Jose Espanga	44878 Bouchaine St.
Minnie Espinosa	44878 Bouchaine St.
Shauna Espanga	44878 Bouchaine St.
max Espanga	44878 Bouchaine St.
Phillip Chellara	44878 Bouchaine St.
Victoria Emerick	44424 Kingston Dr
Dillon Emerick	"
Reno R. Renaldi III	R.R.D. 44875 Bouchaine St
Debbi Edrington	[Signature] 44875 Bouchaine St.
Frank Shaffer	44873 LONGFELLOW AVE 92592
Harold Shaffer	44873 Longfellow Ave.
William Grand	44885 Bouchaine St.

11

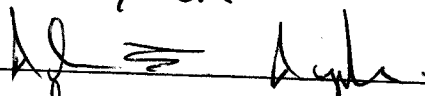

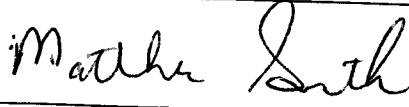
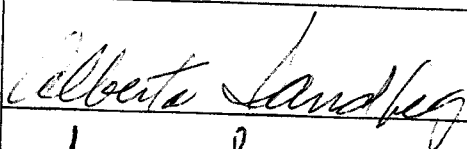
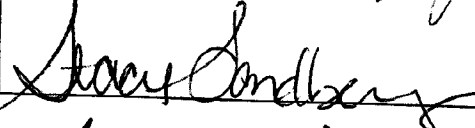
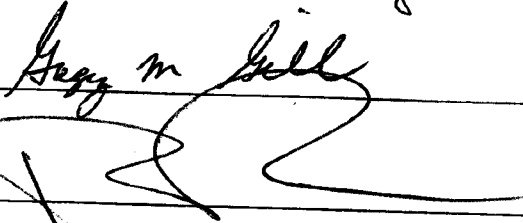
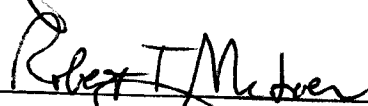

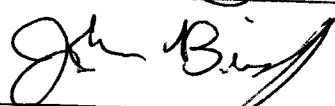
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ADDRESS

SIGNATURE	ADDRESS
AL AYALA 	44473 HOWELL MNTN ST. TEMECULA, CA 92592
Summer Kinderspacian 	44510 HOWELL MOUNTAIN ST. TEMECULA, CA 92592
Matthe Smith 	44543 Howell Mountain Temecula, CA, 92592
Alberta Sandberg 	44524 Howell Mountain Temecula, Ca 92592
Jacq Sandberg 	44524 HOWELL MOUNTAIN ST. TEMECULA, CA 92592
	44510 Howell Mountain St. Temecula, CA 92592
Robert T. Medver 	44557 Howell Mountain Street Temecula, CA 92592
	44487 HOWELL MNTN ST. TEMECULA, CA 92592
John Bishop 	44496 Howell Mountain St TEMECULA, CA 92592

PROPERTY OWNER PETITION

TO: Chairman Benoit, Supervisors Ashley, Jeffries, Stone and Tavaglione

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ADDRESS

Nancy Waters	44983 Silver Reef, Temecula CA 92592
Keith J. Waters	44983 SILVER RISE TEMECULA 92592
Pamela D. Webb	44538 HOWELL MOUNTAIN ST TEMECULA, CA
Robert J. Webb	44538 HOWELL MOUNTAIN ST TEMECULA CA 92592
Willie J. Webb	33825 Rustridge St, Temecula, Ca. 92592
Marilyn Christoff	33825 Rustridge ST. Temecula, CA 92592
Mike R. J.	34413 Champoux Ct Temecula, CA 92592
Kathleen Rigali	34413 CHAMPOUX Ct. TEMECULA, CA 92592
Nancy Young	44734 Quixote St. Temecula Ca. 92592
G. J.	44988 Bouchaine St. Temecula CA 92592
Heidi Webb	34176 Regusci Court Temecula, ca. 92592

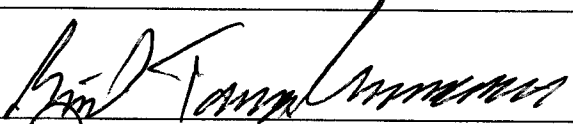
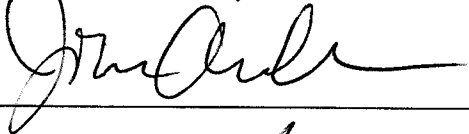
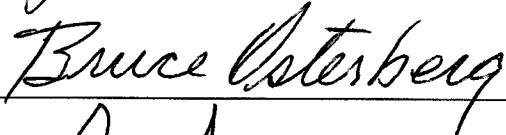


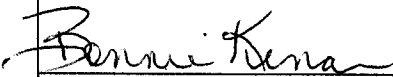
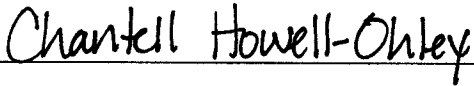
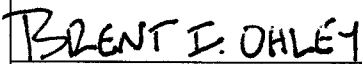
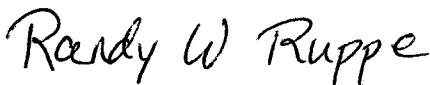

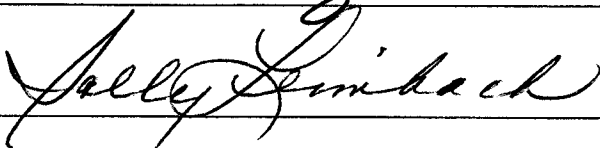
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	34525 Collier Falco Ct. Temecula, Ca. 92592
	34569 Desank Ct. Temecula CA 92592
	34359 LAMBORN ST. TEMECULA, CA 92592
	34201 SAN SIMEON ST TEMECULA, CA. 92592
	44585 HOWELL MOUNTAIN ST TEMECULA, CA, 92592
	44585 Howell Mountain Temecula, Ca. 92592
	44599 Howell Mtn. St. Temecula, 92592
	44599 HOWEL MOUNTAIN ST TEMECULA, CA. 92592
	34448 Coppola St Temecula, CA 92592
	33850 SATTUI ST. TEMECULA, CA 92592
	33912 Rutledge St. Temecula, CA 92592

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ADDRESS

<i>Rose Costa</i>	44977 Duke St Morgan Hill
<i>Mike Costa</i>	
<i>MIKE FEENEY</i>	
<i>MIKE FAGAN</i>	
<i>Lulu Fagan</i>	
<i>Albi Olmy</i>	
<i>Mimi Danel</i>	Wildomar CA
<i>[Signature]</i>	Winchester, CA
<i>Michael Jarama</i>	MONROE CA.
<i>CHRISTOPHER STANGE</i>	30881 White Rocks Tamuca CA
<i>Matt Costa</i>	Castro Valley, CA
<i>[Signature]</i>	Duke St. Tamuca CA
<i>Brook's Hastings</i>	Castro Valley, CA

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SIGNATURE	ADDRESS
Kim Ly	44459 Howell Mountain St Temecula, CA, 92592
[Signature]	44459 Howell Mountain St
[Signature]	44431 Howell Mtn. St. Temecula, CA 92592
[Signature]	44403 Ravel St TEMECULA, CA 92592
[Signature]	34605 Pico Ct Temecula, CA 92592
[Signature]	44655 HOWELL Mtn.
[Signature]	34600 Serdonis street, Temecula
[Signature]	44544 Serdonis Street
Eric Benoit	34551 SERDONIS STREET, TEMECULA
Tina Collins	34516 SERDONIS ST.

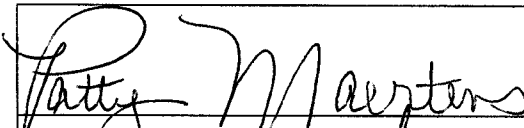
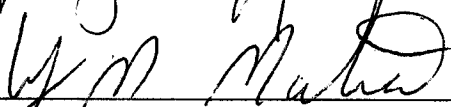
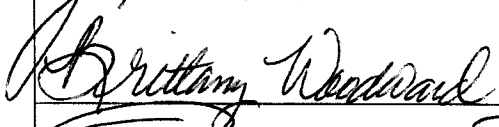
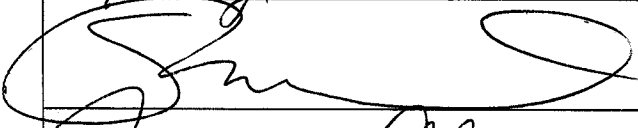
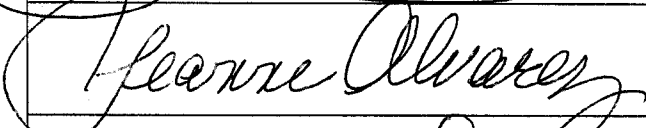
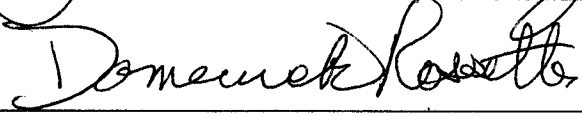

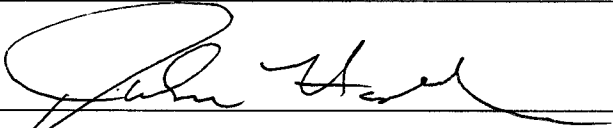

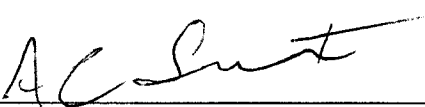
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	44967 Kelham CT Temecula, CA 92592
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	44977 KELHAM CT TEMECULA CA 92592
	44977 KELHAM CT TEMECULA CA 92592
	44950 Kelham CT Temecula CA 92592
	44950 Kelham CT Temecula CA 92592
	44960 Kelham CT. Temecula, CA 92592
	44960 Kelham CT. Temecula, CA 92592

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Jim Lyell	44459 Howell Mountain St Temecula, CA, 92592
John Housley	44459 Howell Mountain St
Sam Miletto	44431 Howell Mtn. St. Temecula, CA 92592
John Furti	44403 Reed St TEMECULA, CA 92592
Pat Bell	34605 Pico Ct Temecula, CA 92592
Robert Johnson	44655 HOWELL Mtn.
Dave Perry	34600 Serdonis Street, Temecula 92592
John	34544 Serdonis Street
Eric Benoit	34551 SERDONIS STREET, TEMECULA
Tina Collins	34516 SERDONIS ST.
Bonnie Cannon	45045 Rutherford St.
John G. Thomas	34075 Hartwell Ct. Temecula, CA 92592
Francis Cannon	45045 Rutherford ST Temecula, CA 92592

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ADDRESS

SIGNATURE	ADDRESS
<i>Franky Guq</i>	32308 Fraside Dr Temple, Ca 92592
<i>Toddow Ben</i>	"
<i>Gelia H. Wood</i>	"
<i>Janelle Kempton</i>	33845 Rustridge St.
<i>DANIEL KEMPTON</i>	33845 Rustridge St.
<i>Irene Eisenhut</i>	44975 Rutherford
<i>Lee Eisenhut</i>	"
<i>Katherine Eisenhut</i>	"
<i>mark guin</i>	"
<i>Kathy H. Kelly</i>	34(B) GOOSPCROSS CT.
<i>Stephen Hardy</i>	" "

Client's Copy

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October 30, 2012

File No.
32652.2

VIA ELECTRONIC MAIL ONLY

Michelle Clack, Esq.
Deputy County Counsel
Office of Riverside County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

E-Mail: mclack@co.riverside.us
Facsimile: (951) 955-6322

Re: Calvary Chapel Bible Fellowship Expansion and Ancillary Elementary School
("Calvary Expansion").

Dear Shellie:

It was nice seeing you at the October 22, 2012 meeting with the Deputy Agricultural Commissioner. As promised, this preliminary letter addresses the process Calvary apparently must follow in proposing a General Plan Amendment ("GPA"). First, I assume County Counsel agrees with the conclusions set forth in Matt Strait's emails dated October 15 and October 18, 2012, requiring that Calvary obtain a GPA as part of its pending Application to expand the Church and to construct a private elementary school ("Application"); that Calvary first comply with Ordinance 348, Article II, section 2.4¹, the so-called General Plan Initiation Process or GPIIP ("GPIIP Ordinance"); and that, if the Board of Supervisors denies the GPIIP, Calvary cannot proceed further with its Application. If this is not your understanding, please let me know immediately. Based on Matt's emails (attached), such a denial would constitute exhaustion of Calvary's administrative remedies at the County level since it would have no further recourse. Please confirm that you share his understanding.

¹ The General Plan Initiation Process or GPIIP, at Ord. 348.4573 § 2.4, or, alternatively, section 17.08 *et seq.* of Title 17.

Submitted by Robert Tyler

12/3/2013 Item 16-1
(date)

After so many years, Calvary is very frustrated that the County only now is requiring a GPIIP which effectively means that Calvary is starting from scratch. Given the extensive public debate on the Calvary Expansion relative to adoption of the Wine Country Community Plan ("WCCP"), the GPIIP should be processed with all due haste. This is particularly the case since Supervisor Stone (in whose district Calvary is located) has expressly supported a school and church for years. Moreover, the Planning Commission itself requested on August 22, 2012, that religious institutions and ancillary schools be evaluated as part of the WCCP Environmental Impact Report ("EIR"). Since these two issues so obviously overlap, we are proposing that the GPIIP, if it is even required, be placed on the next Planning Commission hearing agenda. This is the hearing at which the scope of the WCCP EIR relative to churches and schools is being addressed.

Preliminarily, however, it remains unclear whether a GPA is actually required or whether the County's amendments to Land Use Policy 6.2 ("LU 6.2") deleting churches and schools was, in fact, a clerical error that could be fixed *nunc pro tunc* or otherwise could be readily corrected. We discuss the basis of such a correction in Section 2, below. To avoid further debate or delay, Calvary is prepared to process a provisional GPIIP this week pending your determination whether it is required in light of the LU 6.2 discussion below.

1. Calvary Satisfies the GPIIP Requirements

As part of its GPIIP application, Calvary is prepared to present evidence supporting the necessary findings required under Ordinance 348 subsection (F)(2), as follows:

Entitlement/Policy Amendments. A planning commission resolution recommending approval of an entitlement/policy amendment and a board of supervisor's resolution approving an entitlement/policy amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any general planning principle set forth in general plan Appendix B; or any foundation component designation in the general plan;
- b) The proposed amendment would either contribute to the purposes of the general plan or, at a minimum, would not be detrimental to them;

These first two findings are the mandatory findings the County must make in approving any GPA.

Calvary's proposed GPA does not affect a foundational element and amounts to a textual change in the Citrus/Vineyard ("C/V") Policy Area. The amendment would add language permitting religious institutions and ancillary elementary school facilities by way of a new Southwest Area Plan Policy within the C/V Policy Area. The proposed Policy would comport with other C/V Policy Area policies as follows:

[New] SWAP 1.7: Allow for the integration of places of religious worship and ancillary elementary school facilities on 20 acres or more provided that the facilities maintain the rural, agricultural character of the area by conforming to planting and design requirements not inconsistent with the goals of the Citrus/Vineyard Policy Area.

The proposed GPA further would not attempt to change the land designation of the project parcel, which is currently designated as Agriculture. Indeed, the project would further the goals of preserving the rural character of the area and adhering to the applicable planting requirements since Calvary has long committed to plant at least 75 percent of the parcel if required.

Schools in agriculturally zoned areas, moreover, are not an anomaly. Notably, the language of the Agriculture *zoning ordinances* make it clear that schools and churches are compatible uses depending upon the type of agriculture involved. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

While schools and churches are expressly permitted uses in the Light and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.² The County appears to be distinguishing between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use. Because the Citrus/Vineyard Policy Area is essentially quasi agricultural and quasi tourist, it is more akin to the Light/Heavy Agriculture zones. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas.

The Calvary Expansion also is in harmony with the County's Vision which, among other goals, seeks "critical community facilities," including schools, in both urban and rural

² Specifically, the "Light Agriculture with Poultry" zone and the "Agriculture - Dairy" zone, at Ord. 348b, Articles XIIIa and XIVa, respectively.

areas.³ This “Healthy Communities” vision strives to allow residents to take advantage of the amenities, both natural and built, surrounding them, and seeks to foster an environment where County residents can choose to live close to their work, schools, parks or open space. Allowing a school and place of worship furthers the goal of providing sensitively built amenities to residents of the Citrus/Vineyard Policy Area. In this regard, Calvary draws many of its members from the C/V area whose children would have the benefits of attending a religious elementary school in close proximity to their home.

Finally, the GPA does not conflict with any general planning principle found in Appendix B of the General Plan; indeed, this amendment typifies the type of projects envisioned by these guiding principles. For example, Calvary’s expansion contributes positively to the goal of promoting a “unique community identity,” while still adhering to the principles of the agricultural land use designation.

Calvary further satisfies two other findings set forth in GPIP Ordinance: (1) special circumstances or conditions have emerged that were unanticipated in preparing the general plan; and (2) a change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.⁴

2. Special Circumstances Warrant the Amendment

The special circumstance in this instance derives from the apparently inadvertent elimination of the language in Land Use Policy 6.2 that previously permitted churches and private schools.⁵ Until 2009, LU 6.2 was the General Plan policy that expressly allowed for places of religious worship and schools in Agricultural land use designations. This change was adopted by County Board of Supervisors Resolution 2009-118, approving a cycle of general plan amendments, including GPA No. 1073 which changed LU 6.2. This amendment was initiated by the County purportedly to allow “public facilities in any land use designation” except for certain Open Space designations,⁶ and to clarify that public facilities, as defined by the policy, were not intended to be limited to the “Public Facilities”

³ See General Plan Amendment 1096 (adopted by Board resolution 2011-156 on October 18, 2011), which adopted the “Healthy Communities” provisions as part of the General Plan’s Vision chapter.

⁴ These additional Entitlement/Policy Amendment findings are set forth in Riverside County code section 17.08.040(F)(2)(c) and (d); the County must make at least three findings (in addition to the two mandatory findings cited above) in order to approve a GPA.

⁵ LU 6.2 previously allowed “educational [and] religious ... uses established to serve the surrounding community” to be found consistent with Agricultural designation provided that the facility is “compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods” and the location will not jeopardize public health, safety and welfare.

⁶ Resolution 2009-18, p. 20, II. 21-24.

land use designation. Unfortunately, the definition of “public facilities” in the new language of LU 6.2 is “all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, and all facilities operated by any combination of these agencies.” The definition does not encompass religious uses or private schools.

The circumstances and record underlying the 2009 change to LU 6.2 show no evidence that the County intended an outright exclusion of churches or schools in Agricultural areas. Indeed, as discussed above, the zoning ordinance still allows them in agriculturally *zoned* areas. Thus, the elimination of the previous language of 6.2 appears to be a case of unintended consequences and should be corrected. Importantly, if this ordinance were corrected as discussed below, it would eliminate the need for Calvary to go through the GPIP and GPA process.

It also appears that religious institutions and schools were deleted inadvertently because other changes processed at or about the same time contemplate child care facilities in agricultural zones, arguably an even more sensitive use. General Plan Amendment 883 was approved by the Board of Supervisors on June 9, 2009, at the same time as GPA 1073 referenced above. GPA 883 proposed numerous changes throughout the General Plan to incorporate greater acknowledgement and integration of “day care” or “child care” centers. Although “child care” is not expressly defined in the GPA, one parenthetical explains it as “infants, toddlers, preschool and school age children.” One of the many changes proposed - and passed - included an amendment to the then-existing LU 6.2, identified by the bolded, underlined text below:

LU 6.2 Direct public, educational, **child day care centers**, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space - Rural and Agriculture designations, under the following conditions: (AI 1,3).

This amendment goes on to list nearly *two pages* of additional new language regarding child care centers, all apparently intended to be part of LU 6.2. The Board of Supervisors approved GPA 883 - as written -- in Resolution 2009-118. And yet, by that same Resolution, the Board of Supervisors also approved GPA 1073, which drastically changed the language of LU 6.2 and eliminated its prior reference to “educational [and] religious...uses,” and did not account for the simultaneous changes to LU 6.2 being approved in GPA 883. In short, it appears that on June 9, 2009, the Board of Supervisors approved two amendments to LU 6.2 that are in conflict with one another, and nothing in the minutes or other documentation suggests there was a resolution to this conflict. At

minimum, the fact that the Board approved GPA 883, which retained the references to religious and educational uses in Agricultural areas, suggests that the elimination of those uses by GPA 1073 was a mistake.⁷

Calvary's proposed GPA simply restates the intention of the County to allow churches and ancillary elementary schools here in the C/V Policy Area. As the General Plan states, "[t]he Land Use Plan focuses on preserving the unique features found only in the Southwest planning area and, at the same time, accommodating future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan." (General Plan, Southwest Area Plan 2008, p. 15).

3. *Excluding Religious Institutions and Ancillary Private Schools from Foundation Elements of the General Plan Without any Rational Basis is a De Facto Violation of Federal Law.*

Calvary further submits that the GPA is necessary to comport with the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"),⁸ a law that protects churches from discriminatory or overly burdensome zoning and land use schemes. By implication, the lack of any express right to build a religious institution and ancillary school in a light agricultural area such as the C/V Policy Area is discriminatory. First, as the County knows, both private and public schools were located throughout the region in agricultural areas prior to 2009. The blanket elimination of language permitting such uses without a rational basis constitutes a de facto ban on religious freedoms. Second, the C/V Policy Area allows large-scale secular gatherings, such as concerts, weddings and conferences, and allows for "special occasion facilities."⁹ By permitting these activities but restricting places of religious worship, the County is treating religious entities unequally with similarly situated secular entities in direct violation of RLUIPA.

RLUIPA prohibits the government from implementing 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."¹⁰ Arguably, the elimination of the original LU 6.2, which provided for churches, and the resultant inability to find consistency for a church or religious school in the C/V Policy Area, could be viewed as implementing a land use

⁷ A thornier issue may be determining which amendment to LU 6.2 is operative. Both resolutions were passed "as recommended" by the same, single motion; the GPAs "as recommended" contained the conflicting language described here.

⁸ 42 U.S.C. §2000cc

⁹ See GPA 1056 amending the SWAP to include special occasion facilities.

¹⁰ 42 U.S.C. §2000cc(b)

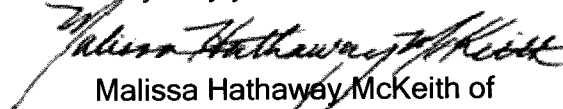
regulation that discriminates against religious land use while promoting “special occasion facilities.”

Likewise, prohibiting Calvary from developing its property in a manner that accommodates its growing congregation and the desire to provide elementary education is not the “least restrictive means” of achieving a compelling government interest, as RLUIPA requires.¹¹ As we heard firsthand from the Deputy Agricultural Commissioner on October 22, 2012, the County’s regulations concerning pesticide application in the area of schools has worked successfully as evidenced by the fact that the Deputy Commissioner was unaware and has failed to identify a single lawsuit, violation or formal complaint. Therefore, any argument that religious institutions and ancillary private elementary schools are incompatible in wine country due to pesticide regulations is a pretext and is not supported by any substantial evidence.

Moreover, Calvary already has agreed to abide by conditions of the Agricultural Commissioner that would require it to refrain from holding school at times when spraying or other foliar application was required during school hours, and we are willing to submit to reasonable conditions on a permit to accommodate the surrounding vintners. That the vintners declined participating in the meeting with the Agricultural Commissioner on October 22, 2012 strongly suggests that they have no evidence that such mitigation is not effective.

Whether Calvary’s individual application proceeds before the WCCP is adopted or the WPPC is amended to permit religious institutions and ancillary elementary schools, it is time the County put this issue to rest. In August, the Planning Commission voted to evaluate the issue of religious institutions and ancillary schools as part of the WCCP, and Calvary agreed to contribute \$100,000 toward the analysis of religious institutions and ancillary elementary schools as part of the recirculated EIR¹² Calvary remains willing to do so if a GPIIP is granted signaling that this effort is not in vain. Therefore, to the extent you decide the GPIIP is required, we urge that it be calendared at the Planning Commission hearing on December 5, 2012.

Very truly yours,



Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

¹¹ *Int’l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1070 (9th Cir. 2001).

¹² Under the WCCP, the Wine Country-Winery area replaces the existing C/V Policy Area.

Michelle Clack, Esq.
October 30, 2012
Page 8

MHM
Enclosure

Cc: Matt Straite, Planner, County of Riverside (via e-mail only)

*Clerk's
copy*

**CIVIL CODE
SECTION 840-848**

840. The owner of a life estate must keep the buildings and fences in repair from ordinary waste, and must pay the taxes and other annual charges, and a just proportion of extraordinary assessments benefiting the whole inheritance.

841. Coterminous owners are mutually bound equally to maintain:
1. The boundaries and monuments between them;
2. The fences between them, unless one of them chooses to let his land lie without fencing; in which case, if he afterwards incloses it, he must refund to the other a just proportion of the value, at that time, of any division fence made by the latter.

841.4. Any fence or other structure in the nature of a fence unnecessarily exceeding 10 feet in height maliciously erected or maintained for the purpose of annoying the owner or occupant of adjoining property is a private nuisance. Any owner or occupant of adjoining property injured either in his comfort or the enjoyment of his estate by such nuisance may enforce the remedies against its continuance prescribed in Title 3, Part 3, Division 4 of this code.



843. (a) If real property is owned concurrently by two or more persons, a tenant out of possession may establish an ouster from possession by a tenant in possession in the manner provided in this section. This section does not apply to the extent the tenant out of possession is not entitled to possession or an alternative remedy is provided under the terms of an agreement between the cotenants or the instrument creating the cotenancy or another written instrument that indicates the possessory rights or remedies of the cotenants. This section supplements and does not limit any other means by which an ouster may be established.

(b) A tenant out of possession may serve on a tenant in possession a written demand for concurrent possession of the property. The written demand shall make specific reference to this section and to the time within which concurrent possession must be offered under this section. Service of the written demand shall be made in the same manner as service of summons in a civil action. An ouster is established 60 days after service is complete if, within that time, the tenant in possession does not offer and provide unconditional concurrent possession of the property to the tenant out of possession.

(c) A claim for damages for an ouster established pursuant to this section may be asserted by an independent action or in an action for possession or partition of the property or another appropriate action or proceeding, subject to any applicable statute of limitation.

(d) Nothing in this section precludes the cotenants, at any time before or after a demand is served, from seeking partition of the property or from making an agreement as to the right of possession among the cotenants, the payment of reasonable rental value in lieu
Submitted by Bill Pankouhr
12/3/13 Item 16-1
(date)

of possession, or any other terms that may be appropriate.

845. (a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. If any owner who is a party to the agreement refuses to perform or fails after demand in writing to pay the owner's proportion of the cost, an action for specific performance or contribution may be brought against that owner in a court of competent jurisdiction by the other owners, either jointly or severally.

(c) In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Any owner of the easement, or any owner of land to which the easement is attached, may apply to any court where the right-of-way is located and that has jurisdiction over the amount in controversy for the appointment of an impartial arbitrator to apportion the cost. The application may be made before, during, or after performance of the maintenance work. If the arbitration award is not accepted by all of the owners, the court may enter a judgment determining the proportionate liability of each owner. The judgment may be enforced as a money judgment by any party against any other party to the action.

(d) In the event that snow removal is not required under subdivision (a) or under any independent contractual or statutory duty, an agreement entered into pursuant to subdivision (b) to maintain the easement in repair shall be construed to include snow removal within the maintenance obligations of the agreement if all of the following exist:

(1) Snow removal is not expressly precluded by the terms of the agreement.

(2) Snow removal is necessary to provide access to the properties served by the easement.

(3) Snow removal is approved in advance by the property owners or their elected representatives in the same manner as provided by the agreement for repairs to the easement.

(e) The provisions of this section do not apply to rights-of-way held or used by railroad common carriers subject to the jurisdiction of the Public Utilities Commission.

846. An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock

collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

846.1. (a) Except as provided in subdivision (c), an owner of any estate or interest in real property, whether possessory or nonpossessory, who gives permission to the public for entry on or use of the real property pursuant to an agreement with a public or nonprofit agency for purposes of recreational trail use, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in this civil action if any of the following occurs:

(1) The court has dismissed the civil action upon a demurrer or motion for summary judgment made by the owner or upon its own motion for lack of prosecution.

(2) The action was dismissed by the plaintiff without any payment from the owner.

(3) The owner prevails in the civil action.

(b) Except as provided in subdivision (c), a public entity, as defined in Section 831.5 of the Government Code, that gives permission to the public for entry on or use of real property for a recreational purpose, as defined in Section 846, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in this civil action if any of the following occurs:

(1) The court has dismissed the civil action upon a demurrer or motion for summary judgment made by this public entity or upon its own motion for lack of prosecution.

(2) The action was dismissed by the plaintiff without any payment from the public entity.

(3) The public entity prevails in the civil action.

(c) An owner of any estate or interest in real property, whether possessory or nonpossessory, or a public entity, as defined in

Section 831.5 of the Government Code, that gives permission to the public for entry on, or use of, the real property for a recreational purpose, as defined in Section 846, pursuant to an agreement with a public or nonprofit agency, and is a defendant in a civil action brought by, or on behalf of, a person who seeks to restrict, prevent, or delay public use of that property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in the civil action if any of the following occurs:

- (1) The court has dismissed the civil action upon a demurrer or motion for summary judgment made by the owner or public entity or upon its own motion for lack of prosecution.
- (2) The action was dismissed by the plaintiff without any payment from the owner or public entity.
- (3) The owner or public entity prevails in the civil action.
- (d) The California Victim Compensation and Government Claims Board shall allow the claim if the requirements of this section are met. The claim shall be paid from an appropriation to be made for that purpose. Reasonable attorney's fees, for purposes of this section, may not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made, and may not exceed an aggregate amount of twenty-five thousand dollars (\$25,000). This subdivision shall not apply if a public entity has provided for the defense of this civil action pursuant to Section 995 of the Government Code. This subdivision shall also not apply if an owner or public entity has been provided a legal defense by the state pursuant to any contract or other legal obligation.
- (e) The total of claims allowed by the board pursuant to this section shall not exceed two hundred thousand dollars (\$200,000) per fiscal year.

846.2. No cause of action shall arise against the owner, tenant, or lessee of land or premises for injuries to any person who has been expressly invited on that land or premises to glean agricultural or farm products for charitable purposes, unless that person's injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee. The immunity provided by this section does not apply if the owner, tenant, or lessee received any consideration for permitting the gleaning activity.

846.5. (a) The right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys, is a right of persons legally authorized to practice land surveying and it shall be the responsibility of the owner or tenant who owns or controls property to provide reasonable access without undue delay. The right of entry is not contingent upon the provision of prior notice to the owner or tenant. However, the owner or tenant shall be notified of the proposed time of entry where practicable.

(b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.

(c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in

direct cooperation with the engineer or surveyor and at no charge to him.

847. (a) An owner, including, but not limited to, a public entity, as defined in Section 811.2 of the Government Code, of any estate or any other interest in real property, whether possessory or nonpossessory, shall not be liable to any person for any injury or death that occurs upon that property during the course of or after the commission of any of the felonies set forth in subdivision (b) by the injured or deceased person.

(b) The felonies to which the provisions of this section apply are the following: (1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, or threat of great bodily harm; (5) oral copulation by force, violence, duress, menace, or threat of great bodily harm; (6) lewd acts on a child under the age of 14 years; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any other felony in which the defendant inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing great bodily injury; (17) exploding a destructive device or any explosive with intent to murder; (18) burglary; (19) robbery; (20) kidnapping; (21) taking of a hostage by an inmate of a state prison; (22) any felony in which the defendant personally used a dangerous or deadly weapon; (23) selling, furnishing, administering, or providing heroin, cocaine, or phencyclidine (PCP) to a minor; (24) grand theft as defined in Sections 487 and 487a of the Penal Code; and (25) any attempt to commit a crime listed in this subdivision other than an assault.

(c) The limitation on liability conferred by this section arises at the moment the injured or deceased person commences the felony or attempted felony and extends to the moment the injured or deceased person is no longer upon the property.

(d) The limitation on liability conferred by this section applies only when the injured or deceased person's conduct in furtherance of the commission of a felony specified in subdivision (b) proximately or legally causes the injury or death.

(e) The limitation on liability conferred by this section arises only upon the charge of a felony listed in subdivision (b) and the subsequent conviction of that felony or a lesser included felony or misdemeanor arising from a charge of a felony listed in subdivision (b). During the pendency of any such criminal action, a civil action alleging this liability shall be abated and the statute of limitations on the civil cause of action shall be tolled.

(f) This section does not limit the liability of an owner or an owner's agent which otherwise exists for willful, wanton, or criminal conduct, or for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(g) The limitation on liability provided by this section shall be in addition to any other available defense.

848. The owner of mineral rights, as defined by Section 883.110, in

real property shall give a written notice to the owner or the owner's representative of the real property who is listed as the assessee on the current local assessment roll or lessee, if different from the mineral rights owner, and to any public utility which has a recorded interest in the real property, if there is to be excavation of the utility interest, prior to the first entry upon the real property to prospect for, mine, or extract any mineral. The written notice shall be given by certified mail or acknowledged personal delivery to the owner, the owner's representative, or lessee, and shall inform the owner, the owner's representative, or lessee and the public utility of the extent and location of the prospecting, mining, or extracting operation, and the approximate time or times of entry and exit upon the real property.

If the mineral rights owner has not complied with this notice requirement, the owner of the real property listed on the current assessment roll or any public utility which has a recorded interest in the real property may request a court to enjoin the prospecting, mining, or extracting operation until the mineral rights owner has complied. The absence of a known owner on the assessment roll or any public utility which has a recorded interest in the real property relieves the mineral rights owner of the obligation to give the written notice to the owner or public utility.

For purposes of this section, an "acknowledged personal delivery" means that the written notice is personally delivered to the owner, the owner's representative, or lessee, and the owner, the owner's representative, or lessee acknowledges, in writing, receipt of the notice.

Landowners' Liability for Horse Trail Easements
[Civil Code §846 and Assumption of the Risk]

The question of liability of landowners for injury to persons using trails on easements is an important one to homeowners on the Plateau. Courts in the State of California, as well as the state legislature, are also concerned about this topic. This article is submitted in the hopes of promoting reasoned discourse among all interested parties.

California Civil Code §846 is often referred to as California's recreational use statute. The purpose of §846 is to encourage property owners to allow the general public to recreate free of charge on privately owned property. In order to encourage this use, it insulates landowners from lawsuits by people injured while using their property for recreational purposes. Section 846 grants this immunity from liability to an owner of any estate or any other interest in real property, whether possessory or nonpossessory. As they have been described, the trail easements granted to the LCPOA are non-possessory interests in the land and the grantee's interest [LCPOA] is limited to the use granted in the easement. *Cody F. v. Falletti* [2001] 92 Cal. App. 4th 1232 at 1242-43; *Van Kiomenpenburg v. Berghold* [2005] 126 Cal. App. 4th 345, at 349-350. Thus, Section 846 applies to trail easements given for recreational use. The statute also applies to other recreational uses such as skateboarding and cycling.

There are 2 exceptions in the statute that preserve the liability of the landowner: 1) Where the landowner willfully or maliciously fails to warn or guard against a danger, or 2) where consideration was paid in return for permission to enter and use the property. To trigger the consideration exception of Civil Code §846, payment must be made in exchange for permission to enter the property or received from others for the same purpose. For the exception to apply, consideration must generally be paid in the form of an entrance fee.

Legal opinions that set precedent – that is, court cases that establish law – are issued by appellate courts. Decisions of the trial level courts are typically not intended to be published as precedent. Because the immunity of landowners for recreational use is well settled, very few cases involving Civil Code 846 are appealed. The majority of recreational use cases are thrown out at the trial level and are never heard from again. The result is that there are not a lot of appellate cases on point.

One of the few appellate decisions arose in 2005 when the California Court of Appeal decided the matter of *Miller v. Weitzen*, 133 Cal. App. 4th 732; 35 Cal. Rptr. 3d 73. In *Miller*, a horse rider sued a landowner and an association for injuries sustained when the rider fell from her horse after the horse stumbled on a trail. The injured rider claimed that she paid dues to a riding club that included a trail maintenance fee. Evidence was given at trial that although the riding club did not maintain the trail, it occasionally gave money to the Association, which did maintain the trail. The Court instructed the jury that it could not impose liability on the landowners unless it found that they acted willfully or maliciously. The jury did not make that finding and decided that the landowner had no liability for the injuries. The injured rider appealed that decision. The California Court of Appeal upheld the judgment in favor of the landowner based on Civil Code section 846 and further determined that riding club dues were not paid consideration for permission to enter the property. The association was not a party to the appeal so no precedent was established as to it. The bottom line as to the individual landowner was immunity from liability.

Protection of landowners from liability when a rider is injured on the owner's property is also found in legal doctrines known as Assumption of the Risk. These principles establish that, as a matter of law and policy, a defendant owes no duty to protect a plaintiff from particular harms. Applied in the horse trail context, the doctrines preclude liability for injuries arising from those risks inherent in horseback riding. Riders are deemed to have voluntarily assumed and appreciated these risks, even if the risks are merely within the range of possibilities. Others have no legal duty to eliminate those risks or otherwise protect a rider from them. In applying this Assumption of the Risk principle, the courts do not ask what risks a particular plaintiff subjectively knew of and chose to encounter, but instead they evaluate the fundamental nature of the sport and the defendant's role in or relationship to that sport in order to determine whether the defendant owes a duty to protect a plaintiff from the particular risk of harm.

None of these doctrines provides landowners with absolute immunity from liability for injury. We have seen that the landowner is responsible for harm caused deliberately or maliciously. Similarly, there may be facts where a rider is held not to have assumed the risk of a particular harm. The important point for us to remember is that, in general, the deck is stacked in favor of the landowner, to encourage the existence of open recreational areas that can be enjoyed by the public.

Law Offices of Adel & Pollack
1100 Glendon Avenue, Suite 1080
Los Angeles, CA 90024
951 719 4555 310 443 4455
www.apinjurylaw.com

Do you have time to
mention his ability
value & place there
into the public record?

**LEWIS
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& SMITH LLP**

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December 2, 2013

VIA E-MAIL ON 12/2/13
AND HAND DELIVERY ON 12/3/13

Kecia Harper-Ihem
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor
Riverside CA 92501
cob@rcbos.org

Re: Redhawk Valley Citrus

Dear Ms. Harper-Ihem:

We are working with a group of owners that own a property called Redhawk Valley Citrus. Redhawk Valley Citrus is depicted on Exhibit "1" to this letter as part of a group of documents that are included here as Exhibit "1." The third page depicts the property. This property is west and/or south of Anza Road and is currently scheduled for development as rural residential but the following is an interesting fact to note. Since February of 2008, the owners have been in a GPIP process. The Planning Commission passed the GPIP on to the Board of Supervisors and unfortunately, since the time it has been at the Board, it has not been brought forward for processing for a General Plan Amendment. Quite frankly, this is due to a number of factors some of which the owners do not understand.

This property is currently proposed to be included in the Wine Country south and west of Temecula Parkway. This area totals approximately 883 acres. By way of historical background, the owners of the properties in the area signed and served petitions on the County requesting their property not be included in Wine Country. There were approximately 85% of the owners that wished their property not be included. Historically, there have never been any vineyards in the area. If you were to track the number of discussions that took place among the various committees, and by reference herein we ask these be included as part of the record, you would find that most committees were either neutral or voiced concerns about inclusion into Wine Country. There were others, of course, who thought it should be included in Wine Country and today there are three proposed "zones" for Wine Country: hospitality, vineyards and equestrian.

Submitted by Steve Falvey

12/3/2013 Item 16-1
(date)

The owners took this matter to the Planning Commission and the Planning Commission hearing of November 20, 2013. By an overwhelming recommendation of four votes to one, the Commissioners suggested this area be deleted from the Wine Country plan. There were many reasons given for their recommendation and those are obviously to be included in the record. However, the purpose of this letter is to clearly define the concerns that exist as follows:

1. If you will note in the documents submitted, Ben Drake and Gary Thornhill, a prominent vineyard manager and the former Assistant City Manager and Planning Director of the City of Temecula both questioned the inclusion of Wine Country in this area. This inclusion would impact a rapidly urbanizing area. One of the exhibits depicts all of the number of projects that have been approved since 2005. Morgan Hill alone has 1100 units currently constructed and occupied with more to come. The challenge for including this area in Wine Country can be summarized as follows:
 - a. Attached as Exhibit "2" to this letter is correspondence from McMillan Farm Management with regard to spraying and the challenges that exist with regard to spraying.
 - b. Attached as Exhibit "3" to this letter is a report that the County has had on file since May 19, 2011 when the Deputy Agricultural Commissioner Pesticide Use Informant sent the memo to Greg Neal. In summary, the author from the State in this memo suggests there are concerns with regard to pesticides and spraying in areas that are near to occupied residences, businesses or churches unless occupants are contacted and permission is given in writing. We have asked the Planning staff to provide to us or reference Conditions of Approval for right to farm in the Morgan Hill project, as well as, the other projects we mentioned in a memo that was sent to Mr. Coyle and referencing the projects that had been recently approved in the exhibit that you have.

We are going to suggest to you that the Environmental Impact Reports supporting the Wine Country project has no analysis of the impact of pesticides and sprayings in a rapidly urbanizing area, nor has considered such with regard to the contiguous property of Morgan Hill and all of the other projects referenced on our exhibit.

If the Environmental Impact Report has not referenced and discussed this issue, it would be subject to revisions, at the very least, or further study and recirculation. (Please note the discussion of the report "Agricultural Urban Interface Discussion pages 3 and 4).

A second concern relates to the incompatibility of land uses with the existing urbanization areas. Traffic, greenhouse gas, and other impacts need to have been considered in the Environmental Impact Report. We do not believe that there was adequate discussion and analysis of study of the impact of Wine Country and a gateway in the southern area on traffic and traffic conditions involving circulation between Wolf Creek,

Kecia Harper-Ihem
Clerk of the Board of Supervisors
December 2, 2013
Page 3

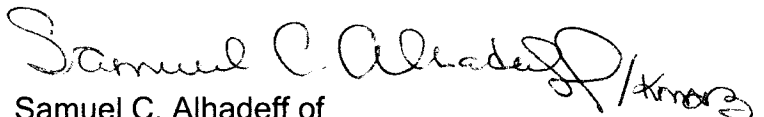
Pechanga Parkway, Anza Road and the Morgan Hill unrelated projects. You should also note as Mr. Thornhill makes reference, the fact that the County General Plan Circulation Element requires Anza Road to be a four lane road. That necessity now has to be changed with a proposed uses if included in Wine Country.

Finally, as I indicated, this property has been in the GPIIP process for almost five years. It appears that the owners would have a fair argument that their property value has been depressed and that there may have been an inverse taking or damaging as a result of these discussions. Please note also that despite requests, these folks have never been able to go forward with the GPIIP process for General Plan Amendment at the Board of Supervisors.

A great deal of time and effort has been spent on Wine Country and Supervisor Stone has exercised good leadership in moving the project forward. There is simply a difference of opinion with regard to this particular area and I think the Planning Commissioners recognized the concerns when they evaluated this area. There is also, as I indicated previously, differences of opinion with regard to what should be done in this area. Claudio Ponte had submitted an undated letter some months ago suggesting this area should not be included in Wine Country and since that time, he has advised me that he has become neutral at best, and that perhaps the area should be considered for inclusion in Wine Country. This is the substance of a democracy in the sense that there are really varied opinions as to this area. These owners respectfully submit that the area should not be included in Wine Country for the reasons in this letter. They incorporate by reference all their prior submittals and to make sure we have no challenge, they are incorporating by reference all materials that those persons living in Morgan Hill and related areas asserted during the Liberty Quarry matter when they were concerned about ambient fumes and dust from the quarry operations. We think these concerns need to be addressed also with regard to spraying and pesticides.

Thank you for taking time to consider these requests. The Wine Country Plan is a wonderful plan to bring forward for the area. There is just simply a difference of opinion as to this particular region.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch
Attachments

cc: Frank Coyle, Olivia Barnes

Exhibit "1"

**Steve Galvez
31938 Temecula Pkwy #A369
Temecula, CA 92592**

November 5, 2013

Riverside County Planning Commissioners
County of Riverside

RE: WCCP Area South of State Route 79

Dear Commissioners,

My name is Steve Galvez and I am a resident of Temecula, more specifically I have lived in the Redhawk area for over 12 years. I along with a few partners own a sixty acre parcel south of State Route 79 that borders Anza Rd. I have attached an exhibit with this letter that outlines the location of our property and the approved residential communities that are adjacent to our property. These communities were approved in 2005 through 2007 for 7200 sq ft minimum lots. In fact, a couple of these maps were recently resubmitted for map revision in the last couple of months where they were approved for their respective revisions and did not incur any public resistance.

We purchased our parcel in December of 2005 and on February 9, 2008 we submitted our project for the General Plan Initiation process. We did receive unanimous approval from the Planning Commission to proceed to the Board of Supervisors, however it was at this time that we found out that our area was schedule to be included in the WCCP. Since then we have attended every single meeting and submitted various documents and exhibits to the county representatives requesting that the area south of State Route 79 not be included in the WCCP. We have also met with several representatives from the City of Temecula and have determined that the only issue is mitigating traffic at Interstate 15 and Temecula Parkway. We welcome the opportunity to be part of the solution of this issue.

The "new" proposed uses for this area are Wine Country and Hospitality Zones. I believe that these are inconsistent uses for what has already been approved in this area. We have surveyed the landowners in the area and over 85% are requesting residential development. We are in agreement with this majority. Point of Fact, members of the advisory committee inclusive of Ben Drake and Claudio Ponte have recommended that this area be removed from the WCCP. Mr. Gary Thornhill, the former Director of Planning and Assistant City Manager of Temecula, has also submitted letters to the County of Riverside that outline his concerns of this area being included in the Wine Country. Mr. Thornhill strongly believes that this area is best suited for residential development due to the approved tracts in the area, Morgan Hill Development and the ultimate need to construct Anza Rd as the Eastern by-pass, which would also assist with the traffic issue solution. I have also attached Mr. Thornhill's exhibit to this letter.

Mr. Fred Bartz recently sent an email to the County opposing any developments outside of wineries in the area directly behind Morgan Hill. It would appear that Mr. Bartz is trying to protect the area of the properties that do not border Anza Rd. However, DR Horton has already begun constructing homes on lot sizes that range between 7200 and 10,000 sq ft, which are larger than many of the lots that currently

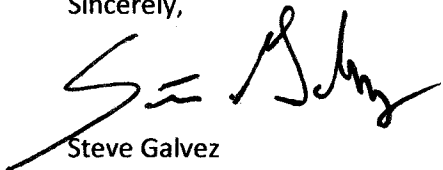
exist in Morgan Hill. The County of Riverside has designated Anza Road as a four lane CIP project that is partially funded and constructed by development and is sorely needed in the area. Unfortunately, the newer uses that are proposed in the WCCP could not support the financing of these infrastructure solutions. This type of infrastructure is simply not capable of supporting a hotel and/or Winery Country traffic through residential areas.

Recently we were required to aerially spray our citrus grove to combat potential infestation with Asian Citrus Psyllid, in a state mandated program. As a result of this, we received many complaints and threats from our new neighbors, a few of which I have attached to this letter. You will please notice that my neighbors are not against any development. They prefer development to pesticide spraying.

It must be noted as well that Mr. Bartz and myself, as well as many other area residents opposed the Liberty Quarry. We vehemently opposed the Quarry due to its nuisance and silica dust contamination which pollutes the air that we all breathe. Approving a Winery district next to thousands of homes would only exacerbate the problem. Pesticide spraying will be required to support increased grape production, and as we've seen this only leads to greater public outcry as time goes on. Residential development in this area, on the other hand makes financial sense, funds the infrastructure needed, increases the tax base of the city, and avoids potential chemical pollution issues and claims going forward. Further, it is consistent with the existing and approved future residential developments.

I respectfully thank you for your time and efforts to further improve our community and the adjacent properties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Galvez', written in a cursive style.

Steve Galvez
Redhawk Valley Citrus

EXHIBIT

LOCATION OF PROPERTY

**LOCATION OF FUTURE APPROVED AND
EXISTING COMMUNITIES AND LOT SIZES**

CURRENT GENERAL PLAN DESIGNATION

CURRENT ZONING DESIGNATION

EXHIBIT

LETTER FROM GARY THORNHILL

LETTER FROM BEN DRAKE

LETTER TO PATRICK RICHARDSON

February 22, 2013

Supervisor Jeff Stone

Third District

County Administration Center

4080 Lemon St, Fifth Floor

Riverside, CA 92501

Re: Redhawk Valley Citrus

Dear Supervisor Stone

As you are aware, I outlined our client's concerns to your office in a previous letter to you dated May 9, 2011. I realize that there may still be some questions on your part with respect to the ultimate land use determination for this property. As outlined in my prior letter, we strongly believe that this property and, in fact, this general area, is not appropriate for winery related uses, and as such, should not be a part of the Wine Country Master Plan. I will briefly summarize the reasons that the subject property is more suitable for residential development.

The currently proposed boundary, in our opinion, is not in the best location, as it is located adjacent to existing and approved, but yet to be developed, medium family residential homes. Many of the uses in the proposed Winery District are incompatible with single family residential uses. They will generate significant lighting, noise, dust, pesticide use, weekend traffic, and odor issues that are exceedingly difficult to mitigate. In addition, many of the wineries have special events, concerts, and hospitality uses that will further degrade the residents' quality of life on weekends. Currently, the only way to access most of the lands is to pass through existing residential neighborhoods to the west of Anza Road from the Butterfield Stage Road area. Our team believes that many of these impacts can be better dealt with by moving the boundary east towards the Los Caballos Road area. I have looked at this area very carefully and feel that the most logical location for the boundary is along the westerly property lines of the parcels that front Los Caballos Road (see Exhibit A). In my opinion, this will provide for a superior buffer between existing and future residential and winery related uses and minimize future Winery District/residential conflicts. The interface in the currently proposed plan for this area creates a

condition that, to the best of my knowledge, exists nowhere else along the boundary between wine country and the City of Temecula. The proposal to allow winery, resort, and entertainment related uses in the south Anza Road area would allow for the construction of incompatible uses immediately adjacent to existing and approved, but not yet constructed single family residential homes. The current worst case situation is along Butterfield Stage Road, north of Rancho California Road, where medium density residential uses in the City of Temecula are immediately adjacent to agricultural uses in the county and are only separated by Butterfield Stage Road. Nowhere else along the entire boundary can one find a direct interface between urban and agricultural uses, except in this latest county proposal for the south Anza Road area.

One of the key issues related to the designation of this property for winery related uses is how future infrastructure will be financed and constructed. If this property and others within the Anza Road area are designated as rural, it will be almost impossible to create a financing mechanism to construct key bridge and road improvements that are absolutely critical for the region. As you know, Jeff, the only way to get these improvements financed is through residential development and the creation of assessment districts to finance these improvements.

Just to confirm our suspicions about traffic impacts, we asked our traffic engineer to model winery related and medium density development uses, and he concluded that the winery related uses generate more traffic than if properties were built out as residential uses. The real troubling impacts of the winery related uses occur on weekends, which create the biggest impacts on the residents and the freeways and Temecula Parkway off-ramps. As you are aware, this interchange, even with the planned improvements, will not sufficiently handle the large volume of weekend traffic that these proposed changes will generate if this large area is included in the wine country plan and is subsequently built out as wineries, resorts, lodging, and entertainment related uses.

In summary, we believe that the currently proposed boundary, as depicted in the attached exhibit, should be moved easterly to Los Caballos Road, at a minimum and, further, that this property be permitted to be built out residentially, consistent with most of the properties to the south of the property, including Morgan Hill. We are puzzled as to why any of the land south of State Highway 79S was included in the study area, to be quite frank. This area has not had any real historic association with wine country and, in our opinion, is an illogical area to be included in the new wine country boundaries.

Thank you for your consideration of this critical issue. If you have any questions or would like to discuss this matter further, please contact me.

Sincerely

Gary Thornhill, President

Tierra Verde

April 8, 2013

Supervisor Stone
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501

Frank Coyle
County Administration Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501

George Johnson
County Administration Center
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Re: Anza Road Project/Wine Country

Gentlemen:

As you know, I am very active in the agricultural industry here in the Riverside County area and Wine Country in Temecula. I have enlisted a number of years working with the wine growers and addressing their needs here in the Temecula Wine Country. I have also been very active in working on the Wine Country Plan.

A number of us question and continue to question the inclusion of a wine country area south of Temecula Parkway. From a historical point of view, this does not make much sense. In reviewing the agricultural opportunities in the area, I need only to remind you there are several hundred homes in the area which would be impacted by agricultural spraying. Those homes have children living in them 24 hours a day, 7 days a week. In addition, this is an area that has never really had any intense wine growing or viticulture.

To myself and others, it does not make sense to include a wine country designation in this area and we would respectfully ask that you reconsider such a designation. Thank you in advance for your anticipated courtesy and cooperation. Please let me know when the next meetings will be held for the Wine Country Plan at the County Board of Supervisors. We have not heard any information in a few months.

Sincerely,

Ben Drake

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BISGAARD
& SMITH LLP**
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May 8, 2013

Patrick Richardson, AICP
Director of Planning and Redevelopment -
City of Temecula
41000 Main Street
Temecula, CA 92590

Re: Anza Road Project

Dear Mr. Richardson:

Thank you for providing us with your letter of April 21, 2011, to Carolyn Syms Luna concerning a question that arose that Ms. Luna asked you about and you were responding to her request when you sent the letter in discussing an "urban limit boundary." We have reviewed the information you provided. We realize there is no urban limit boundary. We also realize that our client's property, as we discussed the other day, is in the County of Riverside. As you now know, this party is in a GPIP process and is at the Board of Supervisor's requesting that the matter be placed on an agenda to proceed and allow the property to go forward in a planning process. The GPIP requires the Board of Supervisors allow such process to occur.

I really appreciate the time that you, Aaron and Greg spent with Mr. Galvez and myself. I think it is fair to summarize that the concern of the City, as it was in the Morgan Hill Project which was approved by the City Council of Temecula, relates solely to traffic mitigation and really traffic mitigation at the I15 and Temecula Parkway. Accordingly, I am going to be discussing with the Supervisor that the concern of the City relates to traffic and traffic mitigation. Obviously, this project would have to study and provide traffic mitigation measures if it is to be approved in the County of Riverside.

Patrick Richardson
May 8, 2013
Page 2

I intend on discussing this issue with the Supervisor and suggesting that if he has any questions, that his office could call you to confirm that the real concern relates to traffic issues and that traffic issues, just as in the Morgan Hill Project and the proposed project, needs to be reviewed at the time the Conditions of Approval would be provided for this project. Thank you again.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

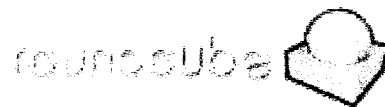
SCA:ch

cc: Aaron Adams
Greg Butler
Peter Thorson, Esq.

EXHIBIT

**EMAIL FROM NEIGHBOR REGARDING
AERIAL SPRAYING**

Subject: **RE: Orange Grove**
From: Diane Pinter <Diane_Pinter@ajg.com>
To: Steve Galvez <steve@stevegalvez.com>
Date: 2013-02-13 14:12



Hi Steve:

While I understand that things have been the way they've been for many years, no one seems to have an answer for the fact that we get a lot of drainage onto our property even when there's not a broken pipe. I heard this morning it was really bad because Zoltan called me and now I know why. We did manage to get our organic cert. last year, but we have another inspection this Friday with the CCOF. Appreciating the fact that you said the water that drains from your property onto ours is "clean" with no chemicals, I doubt the CCOF would approve that since it runs through an orchard that's not organic.

Riverside Cty. was out to do their storm water inspection or something like that a month or so ago and they too were scratching their heads over these pipes under the road that drain onto our property. I believe it's been that way forever which is why it's such question mark for everyone.

Please also know that the reason my husband created the berm if you will, (so now it's like a small lake) is because all that water that drains onto our property erodes our property terribly and causes enormous growth that we have to deal with and pay to clear. In addition, the erosion has already cost us a row of trees as they fall into the wash as a result of all that water flowing through our property so we are trying to stop this ongoing damage.

No one is looking for a problem but what's fair is fair and what drains onto our property is not the high quality of well water that we run our property with.....it's even a different color so I really do question just how "clean" it is.

Communication is always appreciated as it would have been recently when a helicopter was landing on our property and spraying chemicals in the area. Once again, my husband and the new horse property owner in the neighborhood and all neighbors were livid that no one extended the courtesy to let the neighbors know what was going on that day and then the workers had the audacity to argue with my husband while planting their aircraft on our land. We have animals to protect and it smelled terrible for days afterwards.

You have to remember, we and others live there year round and we all treat one another with utmost respect and help each other out all the time. Again, no one is looking for trouble, but let's communicate and be more courteous to one another.

My personal hope is that you will go forward with your development and that these issues will be rectified once and for all but I understand that these things take time.

Good luck with your broken pipe and let me know what else transpires.

Thank you for the e-mail.

Diane Pinter
Managing Director - Business Management
Gallagher Entertainment

505 N. Brand Blvd. | Suite 600 | Glendale, CA 91203
Direct 818.539.1271 | Fax 818.539.1571
Main 818.539.2300 | Main Fax 818.539.2301

Exhibit "2"

Serving Agriculture Since 1910



MCMILLAN FARM MANAGEMENT COMPANY

Citrus • Avocados

29379 Rancho California Road, Suite 201
Temecula, CA 92591-5208
(951) 676-2045
FAX (951) 676-8633

November 27, 2013

Steve Galvez
Redhawk Valley Citrus
45621 Corte Royal
Temecula, CA 92592

Dear Steve,

This letter will confirm that pesticide applications are a necessary part of agriculture in the Temecula Valley.

Pesticides are expensive and only applied when necessary to solve a specific insect or mite pest problem. They are not applied on a pre-determined calendar schedule but rather applied as various pests need to be controlled. The typical citrus grove is sprayed by helicopter or ground spray rigs 3-4 times per year. Now that a new insect pest (Asian Citrus Psyllid) has been found in Temecula's citrus groves, additional chemical applications will be required.

My company has been farming in the Temecula area for more than 40 years and as more people have moved into rural areas of Temecula, the application of pesticide has become much more difficult because of perceived chemical dangers by neighboring residences. Concerned neighbors call and complain to myself, the commercial pest control company, Riverside Agricultural Commissioner's office and even sometimes to the County Sheriff's office.

With a population of over 100,000 people now living in Temecula, and the resulting people problems, as well as other economic concerns, commercial citrus groves are on their way out of the area. This is inevitable!

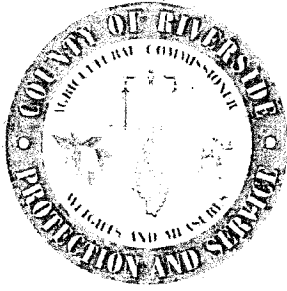
Sincerely,

McMillan Farm Management

Gary L. McMillan

GM:rct

Exhibit "3"



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

TO: Greg Neal, Planning Department
FROM: *Robert Mulherin*
Robert Mulherin, Deputy Agricultural Commissioner, Pesticide Use Enforcement
RE: Wine Country Church and School Project
DATE: May 19, 2011

Greg, per your request for a draft report by May 19, 2011, attached please find a document addressing potential impacts associated with development located in proximity to agricultural production areas, specifically, near winegrape production. Also attached is a summary of various agricultural chemicals used on Temecula Valley vineyards within the last 3 years.

BACKGROUND

May 19, 2011

Farmland is a vital economic resource to Riverside County supplying food, fiber and nursery plants to not only the residents of Riverside County but throughout the country and the world. There is a rich and varied assortment of agricultural commodities produced in Riverside County, including but not limited to vegetables, field crops, citrus, avocados, table grapes and wine grapes. Agricultural production occurs in four separate districts within Riverside County, (Riverside/Corona, San Jacinto/Temecula, Coachella Valley and Palo Verde Valley) and contributes approximately 4 billion dollars to the economy of Riverside County.

Within the San Jacinto/Temecula agricultural production area, wine grapes are produced on approximately 2,000 acres. The wine grape industry and its connecting tourist industry contribute approximately \$100 million to the local and regional economy. Grapes are vulnerable to Pierce's Disease (PD), *Xylella fastidiosa*, a bacterial disease that is vectored by Glassy-winged Sharpshooter (GWSS). The insect and bacterium are an ongoing threat to the vineyards in the Temecula Valley. During the late 1990s, the GWSS/PD complex resulted in a 40% vineyard loss and threatened the associated tourism industry.

The Riverside County Board of Supervisors recognizes the value of the wine grape industry and its contribution to the economy of Riverside County. In August 1999, the Board adopted Resolution Number 99-369 and declared a local emergency for Riverside County due to the threat of GWSS/PD to wine grape production and the connecting tourist industry. This Emergency Declaration has been renewed every two weeks since it was adopted. In 2000, an area-wide management program was initiated within the Temecula Valley through a Cooperative Agreement between the USDA and Riverside County, and the University of California, Riverside to prevent the further spread of GWSS/PD. Under the area-wide management program, grapes and citrus are treated with insecticides to control Glassy-winged

Sharpshooter which effectively diminishes the spread of Pierce's Disease. The aggressive approach by the wine grape industry to control GWSS/PD was instrumental in saving wine grape production in Riverside County. Without these treatments, the wine grape growers would be in the same situation they were facing in the late 1990s.

PESTICIDE USE RESTRICTIONS

In general, the use of agricultural chemicals near establishments such as schools and churches becomes more difficult, whether they are conventional or organic, due to use restrictions contained in the California Food and Agricultural Code, California Code of Regulations and the pesticide permit. There is potential for adjacent growers to suffering damage to the crop or possibly losing it altogether. If the nearby or adjacent agricultural operation is a vineyard, the vineyard operator risks having the vines infected by Pierce's Disease and eventually losing the vines.

When pesticides are applied, it must be done according to the directions and requirements listed on the pesticide label. They must be applied safely and they must not be allowed to drift off site nor contaminate public or private property. To aide in the safe application of pesticides, the Agricultural Commissioner may impose permit/pesticide use conditions that are in addition to the laws and regulations governing pesticide use, in order to prevent "undue hazards" associated with sensitive sites per Food and Agricultural Code Section 14006.6. Each site that is proposed for treatment is evaluated individually to determine what permit/pesticide use conditions will be required.

Due to past situations that have occurred in agriculture/urban interfaces, the Riverside County Agricultural Commissioner's has the following general pesticide use conditions:

- Buffer Zones
 - ✓ do not make applications within 150 feet with a ground rig (or within 300 feet with an aircraft) of sensitive sites, such as occupied residences or businesses or churches unless occupants are contacted and permission is given in writing to apply closer;

- ✓ do not make applications within 300 feet of field workers;
- Schools – no foliar applications are allowed within ¼ mile of a school (including daycare centers) in session with a ground rig or within ½ mile with an aircraft.
 - ✓ In session means during regularly scheduled class times.
 - ✓ Applications are allowed before/after school and during weekends, holidays and vacations, provided that the school and school grounds are not being used for an event such as a public event, meeting, sports activity, etc.
- Some pesticides, such as Sulfur Dust are difficult to control and contain during the application due to the dust formulation; therefore, the application may not be allowed in certain areas. Restrictions and conditions of use are on a site-by-site basis.
- The above restrictions do not apply to agricultural chemicals injected into a drip irrigation system and do not apply to hand applied (backpack sprayer) foliar materials.

AGRICULTURAL/URBAN INTERFACE DISCUSSION

In California, increasing pressure has occurred on agriculture as suburban development has moved into what were traditionally agricultural areas and Riverside County is no exception to this pressure. Some of these new residents are often not as understanding nor accepting of farming activities and practices – the noise of tractors, dust being generated during plowing and discing of fields, odors of animals, applications of fertilizers and applications of pesticides. As a result, some agricultural operations are forced to amend their farming practices and activities or cease their operations altogether.

One long-term solution to this problem is effective land use planning. This could include boundaries for urban growth and, where appropriate the use of buffer zones between urban and agricultural areas. If farmland in Riverside County is to be maintained and agriculture is to remain a critical part of the economy in Riverside County, consideration should be given to land use planning decisions that minimize urban development/agricultural conflicts.