

EXHIBIT D

CORRESPONDENCE

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JANUARY 20, 2010

RE: BUILDING PERMIT

LO: FLOWERFIELD ST AND SUNDOWN DR. N/W CORNER

SIR, REGARDING THE PROPOSAL TO GIVE A PERMIT TO BUILD A SUPER STRUCTURE ON THE N/W CORNER OF FLOWERFIELD STREET AND SUNDOWN DRIVE. I CLIMMON AND VIRGINIA KESSEE THE HOME OWNERS LOCATED ACROSS THE STREET ON THE SOUTH WEST CORNER FROM THE LOCATION (8680 FLOWERFIELD), HIGHLY OBJECT TO THAT PROPOSAL FOR NUMEROUS REASONS.

#1. MY HOME WAS DESIGNED AND BUILT TO HAVE A PANORAMA - PANORAMIC VIEW OF PHELAN AND BEYOND, IT IS BUILT TO HAVE THE BEST VIEW POSSIBLE IN AN L-SHAPE TO BE COMPLIMENTED BY BOTH STREETS, SUNDOWN AND FLOWERFIELD, HOWEVER TO ALLOW THIS ILLEGAL MEGA-STRUCTURE TO BE RE-BUILT AT THIS LOCATION WILL TAKE AWAY A BIG PORTION OF THAT VIEW AND DIMINISH MY QUALITY OF LIVING, MAKING ME FEEL CLOSED IN, SINCE MY BIG BAY WINDOWS ARE DIRECTLY FACING THAT LOCATION LOOKING NORTH, THEY WILL SERVE VERY LITTLE OR NO PURPOSE AT ALL EXCEPT GIVING US A VIEW OF THE MEGA STRUCTURE.

#2. AGAIN WHEN WE BUILT WE WERE TRYING TO MAKE GOOD OF OUR LAST DAYS-YEARS BY ENJOYING QUALITY OF LIFE THAT WOULD BE OPEN, FREE AND ACCESSIBLE, BUT AWAY FROM CROWDS AND TRAFFIC

THAT THIS PLACE HAVE GENERATED IN THE PAST,
#3. TO ALLOW THIS STRUCTURE TO BE REBUILT WILL
CAUSE MY PROPERTY VALUE TO DETERIORATE.
MORE CONSIDERATION SHOULD BE GIVEN TO RELOCATE
THE STRUCTURE IN THE FIELD BEHIND HIS HOME
AWAY FROM OTHER PEOPLE HOMES, THIS WOULD NOT BLOCK
ANYONE, THATS MY OPINION.

I AM REQUESTING TO BE PROPERLY NOTIFIED OF ANY
HEARING PRIOR TO ANY PERMIT GIVEN REGARDING THE
PROPOSAL OF PROJECT NUMBER P200900360/CF 50
THAT I CAN BE THERE WITH CHARTS PHOTOS AND
OTHER. PLEASE CONSIDER ALL OBJECTIONS

Climmon W. Kesse
Virginia D. Kesse

Creason, Tracy - LUS

From: Laura Nance <bubaanne@yahoo.com>
Sent: Sunday, November 25, 2012 4:55 PM
To: Creason, Tracy - LUS
Subject: project number P200900360 Ben Eaby Personal Area / Barn

Hello Tracy - I am responding to a letter I received about the project named above.

1. The letter states that the arena/barn will be used for personal use. However, Mr. Eby owns a horse business that he operates out of his home/this property. His business web site www.goldrushfarms.com which lists he as an owner, also lists an address of 5054 Sun Down Drive, Phelan CA. The SBCounty Tax Collector property search for this address lists APN 3037-161-18, which is the same as listed in the project location. As such, I believe he will be using this arena/barn for commercial use. I have great concerns about his existing commercial activities in this residential neighborhood and do not support his expanding them in this residential neighborhood. How is it that he can even be operating a commercial business of this magnitude in our residential neighborhood?

2. My home is already impacted by the large number of horses Mr. Eby maintains on his properties. His large number of horses (estimated at well over 50) and/or tractor/grading his land results in depositing a large amount of dirt and dust into the air, blowing into my property and settling in my in-ground pool. This problem already causes us a lot of work to maintain our yard and pool as a result of the dirt and dust his activities put into the air. My pool pump has to run a large number of hours to keep up with cleaning (causing higher electricity bills, wear and tear on my pool equipment and notable effort on my part) as a result of the dirt that blows into my property from Mr. Eby's commercial horse business. I am not in favor of any further development on the property in reference.

Thank you for the opportunity to submit my comments.

Ms. Tracy Creason
Senior Planner
County of San Bernardino
Land Use Services Department
County of San Bernardino
15900 Smoke Tree Street Suite 131
Hesperia, CA 92345

Susan Pennington
P.O Box 8094
Alta Loma, CA 91701
(909)944-4962
Owner: Susan E. Pennington
Separate Property Trust
Parcels:3037-171- 21, 22, 23
8695 Flowerfield St.
Phelan, CA 92371

RE: Ben Eby Personal Arena-Project No. P200900360

Dear Ms. Creason;

I have received your letter postmarked 11/19/2012. I am to understand from the aforementioned letter that Mr. Ben Eby, owner of the property parcel 3037-161-18; is once again requesting a variance for an existing non-permitted structure so that it can become a permitted structure with a requested zoning variance from your jurisdiction.

As a current developed landowner and taxpayer of the 3 properties directly to the East, (note address), I am decidedly against any such granted variance for the current structure. As you know, this structure was built with neither the proper planning clearances required by law or the required permit. The intent was to subvert the knowledge of your jurisdiction, the Building Code requirements, and any other property owner whom might object. The result was a partial collapse of the structure, misuse of the land, blockage of scenic views for already developed properties and a public safety hazard.

The existing structure should be dismantled immediately to any, current notice of non-conformance for its removal. Its existence, in its current state, presents not only a public hazard but is a complete and major exception to the current allowed land use where it is currently placed, constructed and has been used.

There should be no exceptions given the past intentions and actions by the current property owner, noted in a previous letter written to the county regarding this structure (submitted with this response), and I request that it be denied for the above listed reasons and all other objections to use and structures mentioned in the attached documents.

I will reserve my rights and enforcement of the current building code and land use by petition and legal remedy or both if the current structure in its current condition remains or if this proposed project is approved in its current state.

Sincerely,



Susan E. Pennington

RECEIVED
DEC 11 2012

PLANNING DIVISION

Attachment(s)

1. County Planning Project Notice response dated 8-7-2009
2. Letter dated 8/7/2009 Subject –Project Notice No. P200900360/CF
3. Photo looking South Flowerfield
4. Photo looking directly West from Pennington property line and view blight.



PLANNING DIVISION PROJECT NOTICE

San Bernardino County Land Use Services Department/Planning Division
15456 West Sage Street, Victorville, CA. 92392

15/11/2009

No. 1

ATTENTION PROPERTY OWNERS

The development proposal listed below has been filed with the County Land Use Services Department/Planning Division. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by this department no later than August 07, 2009 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Project Planner, CHRIS CONNER at (760) 843-4340 or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 843-4338.

ASSESSOR PARCEL NUMBER: 3037-161-18

(See map below for more information)

PROJECT NUMBER: P200900360/CF

APPLICANT: EBY, BEN W

LAND USE DISTRICT (ZONING): PH/RL-2.5

IN THE COMMUNITY OF: PHELAN/1ST/ SUPERVISORIAL DISTRICT

LOCATED AT: FLOWERFIELD STREET AND SUN DOWN DRIVE, NORTHWEST CORNER

PROPOSAL: MINOR USE PERMIT TO ESTABLISH A 20,000 SF COVERED ARENA, A 6,000 SF BARN FOR PERSONAL USE ONLY AND A MAJOR VARIANCE TO ALLOW THE ACCESSORY STRUCTURE TO EXTEND IN FRONT OF THE PRIMARY RESIDENCE ON A PORTION OF 4.28 ACRES

If you want to be notified of the project decision, print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.
Comments (If you need additional space, please attach additional pages):

VICINITY MAP



TO: PROJECT PLANNERS - TM
OBJECTION TO THE PROJECT
INCLUDES, ROADS UNSUITABLE
FOR TRAFFIC CONGESTION, NO
PARKING LEADING TO DESTRUCTION
OF SURROUNDING DESERT HABITAT,
LAND ZONE USE INAPPROPRIATE
FOR AREA, EROSION OF ROADS DUE TO INCREASED TRAFFIC,
POTENTIAL HAZARDS INCLUDING INCREASED FIRE RISK.

[Signature]
NATURE

8/7/09

DATE

HOMEOWNER PARCELS #
AGENCY 3037171210000
3037171220000

Susan E. Pennington
P.O. Box 8094
Alta Loma, CA 91701
(909)944-4662

ATTACHMENT
No. 2

August 7, 2009

San Bernardino County Land Use Services Department
Planning Division
15456 West Sage St.
Victorville, CA 92392
(760)843-4340

To Whom This Will Concern: RE PARCEL # 303716118

My name is Susan Pennington and I am the property owner of parcel numbers, 3037171210000, 303117122, 303717123 and 303717136, adjacent to proposed project number P200900360, applied for by Mr. Ben Eby. I am responding to the notice of the aforementioned planned proposed land use project. I see that part of the proposal has been listed for "personal use only," the 6000 sq ft barn. This does suggest to me that you are aware of the public use of the covered arena structure in the past.

As a homeowner, resident until 2005, and now a landlord of the Flowerfield properties, I was exceedingly surprised when I saw this structure for the first time. I was under the belief, at the time, that Mr. Eby had obtained permission to erect this building and that any say I had in the matter was long past. I had not received notice prior to its construction. In this letter, I plan to express to you what my opinion is on the planned proposal.

This is a rural residential area. Since that structure was erected a few years ago, I have had tenants complain to me of events occurring in the neighborhood. This structure was utilized as an event location for horse riding enthusiasts. There were large numbers of truck & horse trailer rigs parked all along the streets, loudspeakers & announcements being broadcast, audible at both my residences, and trash blown into my tenant's yard. These events occurred on a regular basis, more than once a month. I will obtain supporting statements from my tenants to back up this claim.

My opinion is as follows. This is a residential area. That is an industrial building. It has held "fair like venues" in the past, with no regard to the residential status of the neighborhood. It does not belong there. There are a good many "large metal garages" in the area, they are unpleasant enough, but a 20,000 sf metal structure has no place in a residential area. A fairground is more suitable for that type of structure and has sufficient space to hold crowds, parking, and service support, such as toilet facilities, trash removal and emergency medical services. A fairground's service support is also paid for by tax dollars and user fees, who will be paying the costs for Mr. Eby's events? Will he charge fees for his events? Did he charge them in the past? Were taxes paid on his proceeds, if he made any? The questions are larger than a simple request for a project. This is, I propose, a business venture and as such, it should be developed in an aptly designated "zoned business area."

As a landowner who developed my properties by adding residences, I was required to have various studies, and concern for the natural habitat was a major issue with the county planning department. This structure's previous use as a public event location, and in my

August 7, 2009

opinion may very well be its future use as well, brought disturbing noise levels into a quiet setting, caused the degradation of natural habitat by the use of surrounding land as parking, and widened & degraded the roads by increased traffic use.

My home is directly across the street from Mr. Eby's "covered arena." I drove to the area one day to visit my tenants while one of these events was taking place. Trucks and horsetrailer were parked all up and down the street, loudspeakers were blaring, and the blowing dust contributed to a very difficult conversation with my tenants. They told me it was not an unusual occurrence. Shortly, thereafter, they moved.

This building is the first thing one sees when approaching my residences and, upon exiting the front door of my home. It reduced my property's value even before the recession hit. Now, I have been told my values are even lower because of it. I have had some difficulty renting out my home because of the "events" which take place across the street. Tenants and prospective tenants have mentioned noise, crowds, parking, excessive dust, and flies as negative comments. Dust and flies are desert staples, but the crowds, noise and parking lot atmosphere are not, especially almost every weekend.

I am opposed to this project's approval and would very much be in approval of a return to the barn structure Mr. Eby previously had in that corner of his property. It would bring back a more normal looking desert habitat, rid the area of an out of place structure, and return the look of a rural residential neighborhood.

Sincerely,



Susan E. Pennington

Property Owner
8695 Flowerfield Street, Phelan, CA 92371

ATTACHMENT
No. 2



