


Agenda Item No.: 4.1
Area Plan: Southwest
Zoning District: Rancho California
Supervisorial District: First
Project Planner: Tim Wheeler
Planning Commission: January 18, 2017

APPEAL OF PLOT PLAN NO. 25922
CEQA Exempt
Applicant: Timothy and Elizabeth McVicker
Engineer/Representative: Lisa Merritt



Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

This appeal concerns the Planning Director's approval of Plot Plan No. 25922, which proposes to establish a Class II Kennel to house and care for the property owners' own personal dogs. There are currently 18 dogs at this location. A Class II Kennel allows between 11 to 25 dogs. As shown on Exhibit A, the project includes a proposed 480-square-foot accessory structure for kennel use; an existing 80-square-foot accessory structure for kennel use; an existing dog playground area which is enclosed by an existing 6-foot-high chain-link fence; an existing patio cover (attached to the existing dwelling); and food and water troughs under the patio cover. The proposed Class II kennel will not be open to the public.

The project is proposed to be located on a 6.20-gross-acre lot with an existing single-family residential home on the north side of Via Abril, south and east of Calle Cielo, and west of Tenaja Road at 17370 Via Abril. There is a blue-line stream that runs through the middle of the property. To the west of the blue-line stream is an existing 6-foot-high chain link fence. The entire property is surrounded by a 5-foot-high white vinyl fence with wire mesh that includes grates for water flow at the north and south sections of the blue-line stream. Additionally, there are double entry gates.

The appeal application, staff reports, and memorandum documents provided at the Planning Director's hearings are attached hereto and incorporated herein by reference.

ISSUES OF POTENTIAL CONCERN:

The project was heard at the Planning Director's hearing on August 29, 2016. The Planning Director heard staff's recommendation of approval of the plot plan for a Class II Kennel. The applicant and speakers in favor of or in opposition to the project were heard and presentations given. The Planning Director kept the public hearing open and continued the project to September 26, 2016, to correct the CEQA noticing and provide further review of the project.

At the September 26th Planning Director's hearing, additional public comments and presentations were given by both the applicant and parties in favor of or in opposition to the project. The Planning Director heard testimony from the public and the applicant regarding fencing to ensure the dogs remain on the applicant's property. Based on the public testimony, the Planning Director modified the conditions of approval by changing one condition regarding caretaker or hired employee(s) and added three (3) new conditions of approval regarding additional fencing and yearly inspections by Code Enforcement and reports provided to Code Enforcement. With these modifications and additions, the Planning Director approved the project at the hearing. A Notice of Decision was provided to the applicant and appellant on

September 29, 2016. The 10 day period for the Notice of Decision was between September 30, 2016 to October 11, 2016. On October 7, 2016, Scott Becker (the appellant) submitted an appeal.

The appeal application submitted by the appellant in opposition of the Class II Kennel approval cited the following reasons for the appeal:

1. The conditions of approval failed to require clearance from the Tenaja Community Services District which has already denied the application for violations of the property's Covenants, Conditions and Restrictions (CC&Rs).
2. A Class II Kennel is in direct conflict with the General Plan policies for the Santa Rosa Plateau which should guide land use decisions.
3. The Project was incorrectly categorically exempt from CEQA under Section 15301 and 15303. Section 15301 allows for an exemption for "existing uses" and the Class II Kennel is not an existing use.
4. Residents in the area testified as to problems with noise and the dogs howling.
5. Public safety regarding the type of dogs in the care of the applicants (huskies) deemed the fourth most dangerous animal based upon injuries or deaths to humans.
6. No hydrology studies regarding mitigation measures to address fecal and urine matter that will flow into the blue line stream that runs through the project property.
7. The definition of a Class II Kennel has been incorrectly applied to "personal dogs" which circumvents the County's limitation of four (4) per residential property.
8. Misrepresentation by the applicant of the project being a dog rescue operation under the guise of it being their own personal dogs so as to avoid complying with the County's requirements for a dog rescue operation.

Staff has the following responses to the reasons provided by the appellant:

1. The Tenaja Community Services District (TCSD) has no authority over land use determinations on properties within the County of Riverside, per Declaration of CC&Rs (parcels); TCSD Ordinance No. 1 of TCSD Establishing a Committee for the Enforcement of CC&Rs for Tracts within District Boundaries; and Memorandum dated April 16, 2001 regarding TCSD Basic Powers. The District has jurisdiction only over road improvements within their service area and workmanship or materials for structures per their Architectural Control Committee, per TCSD Architectural Control Committee (ACC) Plan Submittal requirements. Project opponents expressed concerns that the proposed Class II Kennel does not comply with applicable CC&Rs. The Project opponent referenced Section 18.1 of Ordinance No. 348, which provides that if any section of Ordinance No. 348 is in conflict with any other section thereof, or another County ordinance, then the more stringent requirements apply. Section 18.1 is not applicable to CC&Rs because private CC&Rs are not a County ordinance. CC&Rs are between private parties rather than between a governmental entity and a private party, and the County is not a party to the CC&Rs. Therefore, consistency with these private CC&Rs is a private property issue, and enforcement is done by the homeowners association, not the County of Riverside.

2. The General Plan's Rural Mountainous land use designation allows limited animal keeping and agricultural activities. Additionally, the Southwest Area Plan of the General Plan reiterates these uses in the Area Plan's Table 1: Land Use Designations Summary. A Class II Kennel is limited animal keeping, therefore, consistent with the subject site's land use designation.
3. As stated in the previous Planning Director's Staff Reports and this Appeal Staff Report for the Planning Commission, the project meets the requirements of the CEQA exemptions under State CEQA Guidelines sections 15301 & 15303. Also, that the Planning Director made findings that none of the exceptions in States CEQA Guidelines section 15300.2 apply. Please refer to items 15 thru 21 in this Appeal of Plot Plan No. 25922 Staff Report in regards to staff's finding for CEQA exemptions.

Note that the previous notice for the first Planning Director's hearing dated August 29, 2016 incorrectly stated the environmental determination sent out to property owners within a 1,600-foot-radius of the project site, as well as to those who requested notification by mail regarding the project. The original notice stated that a Mitigated Negative Declaration was being prepared. When the Planning Director's hearing was kept open for public comments and continued until September 26, 2016; noticing for that hearing was corrected to reflect an exemption from CEQA per sections 15301 and 15303. Noticing for this Appeal of Plot Plan No. 25922 was noticed for the same exemptions per CEQA.

4. The proposed project is located within the vicinity of a small number of other single family residences and vacant properties. There is an adjacent residential property directly to the east that is approximately 210 feet from the subject property and 380 feet northeast from the closest dog run and exercise area. This adjacent residence has equestrian-related activities on their property. To the south of Via Abril is another residence with equestrian-related activities (approximately 330 feet from the closest area of the subject property to which dogs have access). To the west there is a vacant parcel with permits issued for a dwelling to be constructed (approximately 960 feet from the closest are of the subject property to which dogs have access). And the parcel to the north is vacant. The project has been conditioned to include fencing with battens or wooden slats to assist in visual restriction and noise reduction. Also, Exhibit F (for fencing) denotes the area on the project site where the Class II Kennel will be located. Since Exhibit F shows no reason for kennel activity on the east side of the blue line stream, this restricts the kennel activity to just around the existing residence and the dog exercise and play areas on the west side of the blue line stream. This will restrict the dogs from interfacing with the existing equestrian property and provide a greater distance for any noise to travel.

The project must comply with Ordinance No. 847, which establishes countywide standards regulating noise. The project must also comply with Ordinance No. 878, which provides complaint procedures for noisy animals. In the past, one complaint has been made by a neighbor (case A15-036506 by Scott Becker), and an Animal Control hearing occurred on March 17, 2016. Based on the documented information provided by the Department of Animal Services and provided by the parties, as well as information presented by the testifying witnesses, Animal Control found that the owner's dogs should not be classified at this time as a public nuisance. It was emphasized that the hearing was strictly to determine whether the owner's dogs qualified as "noisy animals" as defined in Section 5 of Ordinance No. 878. A copy of the Animal Control hearing is provided within this Appeal Staff Report packet.

Included in the previous Planning Director's Staff Report and this Appeal Staff Report are the Noise Impact Analysis prepared by Roma Stromberg dated February 23, 2016 and a revised Noise Impact Analysis dated August 19, 2016.

To further address noise concerns, the following conditions of approval have been imposed on the project: (10 E. Health 1 and 10. Planning 6). The Environmental Health condition of approval requires the project to comply with Industrial Hygiene's recommendation that the dogs be kept indoors between the hours of 10 p.m. and 7 a.m. 7 days a week. The condition of approval (10 Planning 6) requires the dogs to be confined in a house-type enclosure between the hours of 8 p.m. and 7 a.m., except that the dogs may be allowed to relieve themselves with a supervised caretaker at 3:30 am. The applicant proposes to house the dogs within their private residence or within the 480 square foot accessory structure.

5. An existing double entry gate to the project site has been installed and, with the inclusion of the 6 or 7 foot high fencing with battens or wooden slats to be installed, further provides a restricted area for the kennel, and the height of the fencing should prevent the dogs from exiting the area perimeter of the kennel.
6. The California Department of Fish and Wildlife-Inland Desert Region (CFG) previously reviewed the Exhibit A for this project and had no further comments or concerns regarding the blue line stream and the kennel project. Further contact with the California Department of Fish and Wildlife regarding the restricted area on the west side of the blue line steam for the kennel and additional fencing resulted in no further comments from California Department of Fish and Wildlife regarding these revised conditions.
7. Ordinance No. 348 states that five (5) dogs or more requires a Class I Kennel, which allows up to 10 dogs on the project site. A Class II Kennel allows from 11 to 25 dogs on the project site. The term "personal dogs" as it pertains to this project is denoting that the project site is not being operated as a commercial dog kennel. There is no commercial parking for customers and no required road improvements for a commercial operation. Applicant states the dogs they have and want are for their own personal enjoyment.
8. The term rescue does not factor into the approval of this project since it is not a commercial operation being sought by the applicant. The applicant has stated previously that they assist people in inquiring dogs (huskies) for themselves by their non-profit organization. The non-profit organization is not run from the subject project site. The office location of the non-profit organization is 29997 Canyon Hills Suite 1603, Lake Elsinore, CA.

As of the date of both Planning Director hearings, the Planning Department received numerous inquiries, in writing, by email and by phone. All written correspondence provided for both hearings are included in this Appealed Staff Report packet. Staff will provide an update at the January 18th public hearing if additional correspondences are submitted regarding the project.

Planning Staff is recommending the Planning Commission deny the appeal and uphold the Planning Director's approval of Plot Plan No. 25922 based on the findings below:

SUMMARY OF FINDINGS:

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|---------------------------------------|---|
| 1. Existing General Plan Land Use: | Rural: Rural Mountainous (R: RM) |
| 2. Surrounding General Plan Land Use: | Rural: Rural Mountainous (R: RM) to the north, east, west, and south. |
| 3. Existing Zoning: | Residential Agricultural – 5 Acre Minimum (R-A-5) |
| 4. Surrounding Zoning: | Residential Agricultural – 5 Acre Minimum (R-A-5) to the north and east, Rural Residential (R-R) to |

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| | the south, and Residential Agricultural – 10 Acre Minimum (R-A-10) to the west. |
| 5. Existing Land Use: | Single family residence. |
| 6. Surrounding Land Use: | Single family residence with equestrian related activities to the east and south, vacant properties to the north and west; with said property to the west currently under construction for a dwelling. |
| 7. Project Data: | Total Acreage: 6.20 gross |
| 8. Environmental Concerns: | CEQA Exempt per State CEQA Guidelines sections 15301 and 15303 |

RECOMMENDATIONS:

DENY THE APPEAL of the Planning Director's decision on September 26, 2016, to approve Plot Plan No. 25922; and,

UPHOLD THE PLANNING DIRECTOR'S FINDING THAT PLOT PLAN NO. 25922 is exempt from CEQA pursuant to State CEQA Guidelines sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures), based on the findings set forth in this staff report; and,

UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF PLOT PLAN NO. 25922, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in this staff report.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site has a General Plan Land Use designation of Rural: Rural Mountainous (R: RM), and it is located within the Southwest Area Plan within the First Supervisorial District.
2. The project site is surrounded by properties that have a General Plan Land Use designation of Rural: Rural Mountainous (R: RM).
3. The project site is surrounded by properties with a zoning classification of Residential Agricultural – 5 Acre Minimum (R-A-5) to the north and east, Rural Residential (R-R) to the south, and Residential Agricultural – 10 Acre Minimum (R-A-10) to the west.
4. The project site has a zoning classification of Residential Agricultural – 5 Acre Minimum (R-A-5).
5. Pursuant to Section 18.45.b.2. of Ordinance No. 348, a Class II Kennel (11 to 25 dogs) is allowed in the Residential Agricultural (R-A) zoning classification with an approved plot plan.
6. Section 18.45.c. of Ordinance No. 348 establishes the following development standards for Class II Kennels:
 - a. Class II Kennels must include a single family dwelling to be used by a live-in caretaker.
 - b. No parcel with a kennel may contain more than the maximum number of detached single family dwelling units permitted by the existing zoning on the property.

- c. Multi-family dwelling units and attached single family dwelling units are not permitted in conjunction with kennels.
 - d. The minimum lot size for a kennel in an agricultural, residential, rural or open space zone is one acre (gross).
 - e. The applicant must obtain and continuously maintain all necessary licenses from the Riverside County Health Department.
 - f. All kennels are subject to Ordinance No. 630 (Regulating the Keeping and Control of Dogs, Cats, and Other Animals and Providing for the Control and Suppression of Rabies), which requires dogs to have currently valid license tags and be vaccinated against rabies, among other requirements.
7. The project is consistent with the above-referenced development standards for the following reasons:
- a. The project site has a permitted residence (dwelling) on site that is used by a live-in caretaker (either by the applicants or two caregivers of the dogs).
 - b. There is only one detached single family dwelling unit onsite, within the maximum number allowed in the R-A zone. Three (3) type of dwelling units shall be allowed on a property that has a Class II Kennel; a single family dwelling, a second unit, and a guest quarters (with no cooking kitchen).
 - c. There are no multi-family dwelling units, attached single family dwelling units, or additional single family dwelling units on the project site.
 - d. The lot size of the project site is 6.20 gross acres, which well exceeds the minimum required 1-acre gross lot size.
 - e. Pursuant to Ordinance No. 630, the applicant has the ongoing requirement that all dogs must have obtained and continuously maintain all licensing necessary from the Riverside County Health Department, be vaccinated against rabies, and otherwise comply with all other provisions of that ordinance. All dogs onsite currently meet these requirements. Included in the staff report are copies of Vaccinations and Microchipping of the dogs from the applicants.
8. Section 18.30.c of Ordinance No. 348 provides that no plot plan shall be approved unless it complies with the following standards:
- a. The proposed use conforms to all requirements of the General Plan, with applicable State Law and Riverside County Ordinances.
 - b. The overall development of the land is designed for protection of the public health, safety, and general welfare. It conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding properties.
 - c. For all plot plans which permit the construction of more than one structure on a single legally divided parcel shall be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in such a manner that each building is located on a separate legally divided parcel.
9. The proposed project meets all of the requirements of Ordinance No. 348 section 18.30.c. in that:
- a. The proposed project involves a Class II Kennel for the keeping of 11-25 dogs which is consistent with the Rural: Rural Mountainous General Plan land use designation which allows, among others, single family residential uses and limited animal keeping. Therefore, the project is consistent with the General Plan.
 - b. The proposed project design includes an insulated 480 square foot accessory structure with sound proofing materials. There is an existing 6 foot high chain-link fence surrounding the rear of the residential dwelling and along the west bank of the blue-line stream that runs

through the middle of the property. Additionally, the property is surrounded by an existing 5 foot high white vinyl fence with mesh and includes a double entry gate to prevent the dogs from escaping the property. Per the added conditions from the Planning Director's hearing dated September 26, 2016; Exhibit F (for fencing) included in this Appeal Staff Report packet states that the chain-link fencing along the west bank of the existing blue-line stream will be increased in height to 7 feet tall with opaque battens or wooden slats and a 6 foot high chain-link fence will be constructed with opaque battens or wooden slats along the north section of the property line, west of the blue-line stream; down the east section of the property line and concluding to the south of the property line section until it meets with the 7 foot high chain-link fence at the west bank of the blue-line stream. The Exhibit F (for fencing) also restricts the location of the Class II Kennel to within said chain-link fence area and no use of the kennel will occur through or on the east bank of the blue-line stream. Condition of Approval (10 Planning 1) also requires compliance with all applicable County ordinances, State and Federal laws. Therefore, the project is designed for the protection of the public health, safety and general welfare. There are two Class I Kennels within the Tenaja area. Plot Plan No. 24937 was approved October 18, 2011 and Plot Plan No. 25921 was approved March 4, 2016. The latter, a Class I Kennel is 600 feet from the subject property. No complaints have been brought against that said kennel. The applicants have had up to 18 dogs on the proposed subject site since December of 2015 and only one (1) noise complaint filed (copies of the Animal Control hearing included in this report package). Therefore, the proposed project is compatible with the present and future logical development of the surrounding properties.

- c. Only one (1) accessory structure is to be constructed for this proposed use.
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10. This project site is located within Criteria Cell No. 7101 of the Western Riverside County Multiple Species Habitat Conservation Plan ("WRCMSHCP") Boundary, and, as a result, is subject to Western Riverside County Regional Conservation Authority ("RCA") review. A Habitat Evaluation and Acquisition Negotiation Strategy ("HANS") application (No. HANS00413) was submitted to the County in accordance with Resolution No. 2013-111 and was reviewed by the County and RCA. The project site and Criteria Cell No. 7101 are located in Cell Group 'O.' The MSHCP criteria calls for 30-40% conservation in the northern portion of Cell Group 'O.' This parcel is located in the southern portion of Cell Group 'O'. For that reason, the County has determined, and RCA has confirmed, that no portion of the project site is required to be conserved. The project site does however have a blue-line stream that runs through the middle of the parcel, which was delineated in 2004. The riparian drainage must be avoided, as indicated in the Environmental Constraint Sheet (ECS) on the property. This project fulfills those requirements. The riparian drainage area is fenced off by a 5 foot high white vinyl fence with wire mesh running parallel to the blue-line stream, and none of the uses proposed under this project are within the riparian drainage area.
 11. Existing on the project site are two (2), 5000 gallon water tanks for fire protection and suppression, and the proposed project has received clearance through the Riverside County Fire Department.
 12. All persons within the County of Riverside that keep and control dogs, including those with Class II Kennels, are required to comply with Ordinance No. 630, including Section 14 (Stray or Barking Dogs) and Section 23 (Public Nuisance). Among other provisions, Ordinance No. 630 forbids persons in charge of dogs from allowing stray or barking dogs. To the extent problems arise from any of the dogs that are housed at the proposed Class II Kennel, Ordinance No. 630 provides procedures and remedies for ameliorating such problems. The dogs located at the proposed

project location are current in their licensing and vaccinations. Copies of licensing and vaccinations have been included in the Staff Report package.

13. The Environmental Health Department review of the Noise Impact Analysis submitted for this project recommends that all dogs be housed indoors between the hours of 10:00 p.m. and 7:00 a.m. Planning has conditioned the project regarding Animal Confinement (10 Planning 6) to further address the noise concerns by requiring that all dogs shall be maintained and confined in a house-type enclosure (the 480 square foot accessory structure) or the private residence between the hours of 8:00 p.m. and 7:00 a.m., except that the dogs may be allowed to relieve themselves with a supervised caretaker at 3:30 am per the site plans Exhibit A. Included in the staff report package is a copy of the daily schedule and mission statement for the proposed project.
14. A Determination made by Animal Control Services per a hearing dated March 17, 2016 cited at this time the existing dogs owned by the applicants are not a public nuisance. It was emphasized that the hearing was strictly to determine whether the dogs are “noisy animals” as defined in Section 5 of Ordinance 878.
15. This project has been determined to be categorically exempt from CEQA, as set forth per Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.
 - a. Section 15301 under State CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Under subsection (e), this includes additions to existing structures that will not result in an increase of 50 percent of the floor area of the structures before the addition or 2,500 square feet, whichever is less.
 - b. The proposed Class II Kennel includes the permitting of an existing 80-square-foot accessory structure for kennel use; an existing dog playground area which is enclosed by an existing 6-foot-high chain-link fence; an existing 520 square-foot patio cover attached to the existing 2,818 square-foot dwelling; and food and water troughs under the patio cover. There are no alterations proposed to the existing 80-square-foot accessory structure, the existing dog playground area including fence, existing patio cover, or the food and water troughs. These will continue to be used as they are currently being used, they would merely be permitted upon approval of Plot Plan No. 25922. Therefore, they are covered by the Class 1 exemption.
 - c. Section 15303(e) under State CEQA Guidelines exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
 - d. The project also proposes new construction and location of a single, new 480-square-foot accessory structure for kennel uses. The 480-square-foot structure is appurtenant to the existing single family residence. The proposed 480-square-foot accessory structure is approximately the same size as a two-car garage, an explicitly exempt structure under State CEQA Guidelines section 15303(e). It is much smaller in square footage than other uses that are also explicitly exempt under State CEQA Guidelines section 15303(c). Therefore, it is exempt under the Class 3 exemption.

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- e. None of the exceptions under State CEQA Guidelines section 15300.2 apply. There is no designated, precisely mapped, or officially adopted environmental resource of hazardous or critical concern on the project site or in the project area. Because of its distance from other uses and the few other projects in the area, there are no cumulative impacts that would result from this project. There are no unusual circumstances that will lead the project to have a significant impact on the environment in terms of land use and zoning compatibility. The R:RM land use designation encourages preserving large lots and limited animal keeping. Additionally, the zoning ordinance allows the keeping of horses, farm or establishments for the selective or experimental breeding and raising of farm stock or animals and the keeping or raising of mature female crowing fowl. As a result, it is not unusual for this area to see a variety of animals being kept on properties. In addition, kennels and catteries, including Class II kennels, are a permitted use in the relevant zone with a plot plan on lots larger than one acre. At over 6 acres, the lot in question is significantly larger than the minimum required for this use.
 - f. There are no scenic resources onsite that will be damaged or that are within a highway officially designated as a state scenic highway. The project site has not been designated a hazardous waste site included on any list compiled pursuant to Section 65962.5 of the Government Code.
16. There are no impacts as a result of this project that could affect the Santa Rosa Plateau Ecological Reserve as the kennel property is fully fenced, located approximately four (4) miles away and located over 200 feet way from a conservation area which is not an established wildlife corridor. The added condition of approval by the Planning Director regarding additional fencing of 6 feet in height along the north perimeter property line of the subject property and 7 feet in height east of the blue-line stream running through the subject property; all including the insert of wooden slats or battens will help prevent the dogs from climbing over the fences and keep them secluded in the project area of the kennel.
 17. The 480-square-foot accessory structure for kennel use is in concurrent processing with the Building Department under building permit BAS150253.

CONCLUSIONS:

1. The proposed project is consistent with the General Plan land use designation of Rural: Rural Mountainous (R: RM) and the Residential Agricultural – 5 Acre Minimum (R-A-5) Zoning Classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
2. The public's health, safety, and general welfare are protected through project design.
3. The proposed project is compatible with the present and future logical development of the area.
4. The proposed project will not have a significant effect on the environment.
5. The proposed project will not preclude reserve design for the WRCMSHCP.

INFORMATIONAL ITEMS:

1. Attached to this report are emails, letters, and other documents in opposition to and in support of this proposed Class II Kennel project.
2. The project site is **not** located within:

- a. A city sphere of influence; or
 - b. A 100-year flood plain, an area drainage plan, or dam inundation area; or
 - c. The Stephens Kangaroo Rat Fee Area or Core Reserve Area; or
 - d. A Parks and Recreation District; or
 - e. A liquefaction area; or
 - f. Half-mile of a fault line or zone.
3. The project site is located within:
- a. The Southwest Area Plan; and
 - b. The Tenaja Community Service District; and
 - c. The WRCMSHCP; and
 - d. The boundaries of Murrieta Valley Unified School District; and
 - e. San Juan Watershed; and
 - f. A high fire and State Responsibility Area.
4. The subject site is currently designated as Assessor's Parcel Number 932-020-024



DIRECTOR'S HEARING REPORT OF ACTIONS SEPTEMBER 26, 2016

1.0 CONSENT CALENDAR:

1.1 NONE

2.0 HEARINGS - CONTINUED ITEMS 1:30 p.m. or as soon as possible thereafter:

- 2.1 **PLOT PLAN NO. 25779** – Intent to Adopt a Mitigated Negative Declaration – Applicant/Engineer Representative: SAC Wireless – Owner: Wildrose Ridge, Roland Clark – First Supervisorial District – Glen Ivy Zoning Area – Temescal Canyon Area Plan: Community Development: Business Park (CD:BP) (0.25–0.60 FAR), Community Development: Light Industrial (CD:LI) (0.25–0.60 FAR), and Open Space: Mineral Resources (OS-MIN) – Location: Southeasterly of Stellar Court, northwesterly of Dawson Canyon and easterly of Interstate 15 and Knabe Road – Zoning: Wildrose Specific Plan, Planning Area III-4 (SP176 PAIII-4) – **REQUEST:** Propose to permit a wireless telecommunication facility that will be disguised as a pine tree consisting of a 60 foot tall monopole, twelve (12) panel antennas, one (1) microwave dish, two (2) fiber demarcation boxes, twelve (12) RRUs, two (2) equipment cabinets, one (1) DC generator, and two (2) GPS antennas within an enclosed 576 sq. ft. lease area. Continued from August 22, 2016. Project Planner: Tim Wheeler at (951) 955-6060 or email at twheeler@rctlma.org.
- Staff Report Recommendation:
**ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and,
APPROVAL OF THE PLOT PLAN.**
- Staff's Recommendation:
**ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and,
APPROVAL OF THE PLOT PLAN.**
- Planning Director's Action:
**ADOPTED A MITIGATED NEGATIVE DECLARATION; and,
APPROVED THE PLOT PLAN.**
- 2.2 **PLOT PLAN NO. 25922** – CEQA Exempt per Section 15301 and 15303 – Applicant: Timothy & Elizabeth McVicker – Engineer/Representative: Southland Engineering – First Supervisorial District – Rancho California Zoning Area – Southwest Area Plan – Rural: Rural Mountain (R:RM) (10 Acre Minimum) – Location: Northerly of Via Abril, westerly of Tenaja Rd., and southerly and easterly of Calle Cielo – 6.20 Gross Acres – Zoning: Residential Agricultural – 5 Acre Minimum (R-A-5) **REQUEST:** Propose to establish a Class II Kennel to house and care for the property owners' own personal dogs. There are currently 18 dogs at this location. A Class II Kennel allows between 11 to 25 dogs. The project includes a proposed 480 sq. ft. accessory structure for kennel use; an existing
- Staff Report Recommendation:
**FIND THE PLOT PLAN EXEMPT FROM CEQA EXEMPT; and,
APPROVAL OF THE PLOT PLAN.**
- Staff's Recommendation:
**FIND THE PLOT PLAN EXEMPT FROM CEQA EXEMPT; and,
APPROVAL OF THE PLOT PLAN.**
- Planning Director's Action:
**FOUND THE PLOT PLAN EXEMPT FROM CEQA EXEMPT; and,
APPROVED THE PLOT PLAN with modifications and additions to the Conditions of Approval.**

80 sq. ft. accessory structure for kennel use; an existing dog playground area which is enclosed by an existing 6-foot-high chain-link fence; an existing patio cover (attached to the existing dwelling); and food and water troughs under the patio cover. The proposed Class II Kennel will not be open to the public. Continued from August 29, 2016. Project Planner: Tim Wheeler at (951) 955-6060 or email twheeler@rctlma.org.

3.0 HEARINGS - NEW ITEMS 1:30 p.m. or as soon as possible thereafter:

- 3.1 PLOT PLAN NO. 25796** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Verizon Wireless – Engineer Representative: SAC Wireless – Owner: Garner Valley Property Owners Association – Third Supervisorial District – Garner Valley Zoning District – REMAP Area Plan – Land Use Designation: Open Space: Conservation (OS:C) – Location: Southerly of Pathfinder Road, northerly of San Vito Circle, and easterly of Devil’s Ladder Road – Zoning: Open Area Combining Zone – Residential Developments (R-5) – **REQUEST:** Permit the construction of a wireless facility disguised as a pine tree that will include eight (8) panel antennas, eight (8) Radio Repeating Units, one (1) microwave dish, and two (2) surge protectors attached to a 50 foot tall monopole. The proposed project also includes two (2) equipment cabinets, one (1) backup generator, and two (2) Global Positioning System antennas within an enclosed 675 sq. ft. lease area. Project Planner: Tim Wheeler at (951) 955-6060 or email twheeler@rctlma.org.

Staff Report Recommendation:
ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and APPROVAL OF THE PLOT PLAN.

Staff’s Recommendation:
ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and APPROVAL OF THE PLOT PLAN.

Planning Director’s Action:
ADOPTED A MITIGATED NEGATIVE DECLARATION; and APPROVED THE PLOT PLAN.

- 3.2 PLOT PLAN NO. 25878** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Verizon Wireless – Engineer Representative: SAC Wireless – First Supervisorial District – Lake Matthews Zoning District – Lake Matthews/Woodcrest Area Plan: Rural Community: Low Density Residential (RC:LDR) (0.5 Acre Minimum) – Location: Southerly of Blackburn Road, westerly of Vista del Lago Road, northerly of El Sobrante Road, and easterly of McAllister Street – Zoning: Light Agriculture – 10 Acre Minimum (A-1-10) – **REQUEST:** Proposes to permit the construction of a wireless facility disguised as a palm tree that will include twelve (12) panel antennas, twelve (12) Radio Repeating Units, two (2)

Staff Report Recommendation:
ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and APPROVAL OF THE PLOT PLAN.

Staff’s Recommendation:
ADOPTION OF A MITIGATED NEGATIVE DECLARATION; and APPROVAL OF THE PLOT PLAN.

Planning Director’s Action:
CONTINUED TO OCTOBER 24, 2016.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Steve Weiss, ACIP
Planning Director

September 29, 2016

Timothy & Elizabeth McVicker
17370 Via Abril
Murrieta, CA 92562

Southland Engineering
2200 Business Way Suite 100
Riverside, CA 92501
Attn: Lisa Merritt

RE: Plot Plan No. 25922 (Class II Kennel for 11 to 25 dogs)
CEQA Exempt
Regional Team: Riverside

On September 26, 2016, the **Riverside County Planning Director** approved the above referenced case.

This action may be appealed within ten (10) days of the date of this notice. The appeal must be made in writing and submitted with a fee in accordance with Ordinance No. 671. An appeal of any condition constitutes an appeal of the action as a whole and requires a new public hearing.

Final Conditions will be sent following the close of the appeal period, if no appeal is filed.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Steve Weiss, AICP, Planning Director



Tim Wheeler, Urban Regional Planner III

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

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14:45

Riverside County LMS
CONDITIONS OF APPROVAL



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PLOT PLAN:TRANSMITTED Case #: PP25922

Parcel: 932-020-024

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

PPA - PROJECT DESCRIPTION

RECOMMND

This use hereby permitted proposes to establish a Class II Kennel to house and care for the property owners' own personal dogs. There are currently 18 dogs at this location. A Class II Kennel allows between 11 to 25 dogs. As shown on Exhibit A, the project includes a proposed 480-square-foot accessory structure for kennel use; an existing 80-square-foot accessory structure for kennel use; an existing dog playground area which is enclosed by an existing 6-foot-high chain-link fence; an existing patio cover (attached to the existing dwelling); and food and water troughs under the patio cover. The proposed Class II kennel will not be open to the public.

10. EVERY. 2

PPA - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PLOT PLAN; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the PLOT PLAN, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding,



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PLOT PLAN:TRANSMITTED Case #: PP25922

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10. GENERAL CONDITIONS

10. EVERY. 2 PPA - HOLD HARMLESS (cont.) RECOMMND

whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 PPA - CONFORM TO EXHIBIT RECOMMND

The development of the premises shall conform substantially with that as shown on Plot Plan No. 25922, Exhibit A dated May 16, 2016.

BS GRADE DEPARTMENT

10.BS GRADE. 1 USE - GENERAL INTRODUCTION RECOMMND

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE. 3 USE - OBEY ALL GDG REGS RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

10.BS GRADE. 4 USE - DISTURBS NEED G/PMT RECOMMND

Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.

E HEALTH DEPARTMENT

10.E HEALTH. 1 USE - NOISE STUDY RECOMMND

Noise Consultant: Roma Environmental Phone: (951)544-3170

Noise Study:"Noise Impact Analysis for Shadow Hysky Ranch, County of Riverside, California," February 23, 2016

Based on the County of Riverside, Industrial Hygiene Program's review of the aforementioned Noise Study,

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Riverside County LMS
CONDITIONS OF APPROVAL



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10. GENERAL CONDITIONS

10.E HEALTH. 1 USE - NOISE STUDY (cont.)

RECOMMND

PP25922 shall comply with the recommendations set forth under the Industrial Hygiene Program's response letter dated June 14, 2016 c/o Steve Uhlman (RivCo Industrial Hygienist).

For further information, please contact the Industrial Hygiene Program at (951) 955-8980.

10.E HEALTH. 2 USE - KENNEL FOR PERSONAL USE

RECOMMND

This review was for a Class II Kennel to house and care for the property owners personal dogs. If in the future this becomes any type of commercial operation, additional evaluation of the water source (a well) and the onsite wastewater treatment system will be required. Please contact (951)955-8980 for additional details.

10.E HEALTH. 3 USE - EXISTING OWTS

RECOMMND

Under the review of PP25922, an existing dog house is being permitted to connect to the existing onsite wastewater treatment system (OWTS). Any additional structures will require further evaluation from this department. Please call (951)955-8980 for any additional details.

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE - FLOOD HAZARD REPORT

RECOMMND

Bluebeam Session ID: 758-082-423
Plot Plan (PP) 25922 is a proposal to establish a Class II Kennel on a 6.2-acre site in the Rancho California Area. The site is located on the north side of Via Abril approximately 500 feet west of Tenaja Road. The site is Parcel 4 of Parcel Map 32083.

There is a natural watercourse that traverses the site and exits to the north. According to the Hydrology and Hydraulics Report dated October 3, 2005 for Parcel Map 32083 the natural watercourse has a tributary drainage area of 272 acres from the hills to south and east and a 100-year flowrate of 563 cubic feet per second. The 100-year floodplain limits for this watercourse along with a 50-foot erosion hazard setback from the limits from the floodplain limits are shown on the environmental constraint sheet that accompanied the final recorded map. The

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10. GENERAL CONDITIONS

10.FLOOD RI. 1

USE - FLOOD HAZARD REPORT (cont.)

RECOMMND

floodplain shall be kept free of any buildings and obstructions including fill slopes in order to maintain the natural drainage patterns of the area. In order to comply with the requirements of the Parcel Map 32083, any fencing inside the floodplain limits shall be of a "rail" type as stated on the environmental constraint sheet. Chain-link or mesh-type fencing will not be allowed within the floodplain limits as they block debris laden flows. The setback shall be kept free of all buildings in order to prevent flood damage to new structures. A tubular-steel, metal grate fencing for the bottom 24 inches is acceptable within the delineated floodplain limits. The proposed wire-mesh covering for the fence is only acceptable for areas outside the floodplain limits or above the bottom 24-inch elevation within the floodplain limits.

The existing improvements to the parcel are outside and setback from this watercourse. The kennel is intended to house and care for the property owners own personal dogs. The kennel will not be open to the public. There is an existing pre-manufactured shed that will be used as a dog house that is part of this proposal. No grading is proposed with this project.

10.FLOOD RI. 2

USE - FENCING REQUIREMENT

RECOMMND

The site is Parcel 4 of Parcel Map 32083. The floodplain for the natural watercourse traversing the site is delineated on environmental constraint sheet that was recorded with the final Parcel Map 32083. The natural watercourse and its associated floodplain must be kept clear of any obstructions in order to perpetuate the natural drainage patterns.

Any fencing inside the floodplain limits shall be of a "rail" type and no chain-link fencing will be allowed as stated on the environmental constraint sheet. Chain-link or mesh-type fencing will not be allowed within the floodplain limits as they block debris laden flows that are characteristic of natural watercourses.

A tubular-steel, metal grate fencing for the bottom 24 inches is acceptable within the delineated floodplain limits. Wire-mesh covering for the fence is only acceptable for areas outside the floodplain or above the bottom 24-inch elevation within the floodplain.

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10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 1 PPA - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes. The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A , unless otherwise amended by these conditions of approval.

10.PLANNING. 2 PPA - COMPLY BUILDING & SAFETY RECOMMND

Compliance with Department of Building and Safety directives and all required permits shall be obtained prior to establishment or continuation of the use.

10.PLANNING. 3 PPA - EXERCISE SPACE/SHELTER RECOMMND

Sufficient exercise space and adequate shelter from the elements shall be provided for all animals maintained.

10.PLANNING. 4 PPA - FOOD/WATER RECOMMND

Water for drinking shall be available at all times and a suitable and sufficient supply of appropriate food shall be maintained on hand and provided at appropriate intervals.

10.PLANNING. 5 PPA - FOOD STORAGE/SANITATION RECOMMND

Animal food shall be stored under sanitary conditions and food and water receptacles shall be of a material which can be easily cleaned and disinfected. Each kennel shall contain a water basin for cleaning of food and water receptacles.

10.PLANNING. 6 PPA - ANIMAL CONFINEMENT RECOMMND

All dogs shall be maintained and confined in a house-type enclosure (the 480 square foot accessory structure) or the private residence between the hours of 8:00 p.m. and 7:00 a.m., except that the dogs may be allowed to relieve themselves with a supervised caretaker at 3:30 am per the site plans Exhibit A.

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Riverside County LMS
CONDITIONS OF APPROVAL



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10. GENERAL CONDITIONS

10.PLANNING. 7 PPA - CARETAKER RECOMMND

A caretaker or hired employee per the requirements as stated in the operations plan are required to be on the kennel premises twenty-four (24) hours a day, seven (7) days a weeks.

REVISED CONDITION AT DIRECTOR'S HEARING PER PLANNING DIRECTOR ON SEPTEMBER 26, 2016.

10.PLANNING. 8 PPA - THE KENNEL RECOMMND

The dogs shall be not housed or maintained in any area which is less than twenty feet from any property line and no closer than five feet from any structure located on the kennel premises which is used for human habitation, except that where a dwelling house is located on the kennel premises any number of dogs may be taken in to said dwelling house. The term dwelling house shall also include a barn, garage, or similar appurtenant structure or outbuilding.

10.PLANNING. 10 USE - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this permit,
a) is found to be in violation of the terms and conditions of this permit,
b) is found to have been obtained by fraud or perjured testimony, or
c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10.PLANNING. 11 MAP - IF HUMAN REMAINS FOUND RECOMMND

The developer/permit holder or any successor in interest shall comply with the following for the life of this project:
Human remains require special handling, and must be treated with appropriate dignity. Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Specific actions must take place pursuant to CEQA Guidelines §15064.5e, State Health and Safety Code Section 7050.5 and Public Resource Code (PRC) §5097.98. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated



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10. GENERAL CONDITIONS

10.PLANNING. 11

MAP - IF HUMAN REMAINS FOUND (cont.)

RECOMMND

cemetery, the following procedures shall be followed:
a)There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
i)A County Official is contacted.
ii)The County Coroner is contacted to determine that no investigation of the cause of death is required, and If the Coroner determines the remains are Native American:
iii)The Coroner shall contact the Native American Heritage Commission within 24 hours.
b)The Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
c)The Most Likely Descendent (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for the treatment of human remains and any associated grave goods as provided in PRC §5097.98.
d)Under the following conditions, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods on the property in a location not subject to further disturbance:
i)The Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
(1)The MLD identified fails to make a recommendation; or
(2)The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation.

10.PLANNING. 12

MAP - UNANTICIPATED RESOURCES

RECOMMND

The developer/permit holder or any successor in interest shall comply with the following for the life of this project:
1)If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological reports and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. A cultural resources site is defined, for this condition, as being three or more artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.
a)All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the project



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10. GENERAL CONDITIONS

10.PLANNING. 12 MAP - UNANTICIPATED RESOURCES (cont.) RECOMMND

archaeologist, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find.

b)At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal (or other appropriate ethnic/cultural group representative) and the archaeologist, a decision is made, with the concurrence of the County Archaeologist, as to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.

c)Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate preservation or mitigation measures.

10.PLANNING. 13 PPA - REQUIRED KENNEL FENCING RECOMMND

Installation of a seven (7) foot high chain-link fence or comparable fence with opaque battens or wooden slats which will provide screening shall be required per Exhibit F of the plot plan. Also, the installation of a six (6) foot high chain-link fence or comparable fence with opaque battens or wooden slats shall be installed along the perimeter of the west side of the subject property and leading to the seven (7) foot high fence as per Exhibit F of the plot plan. All fencing will be designed as to not block or restrict the water flow of the subject property. Refer to APPROVED EXHIBIT F (for fencing) for location of required fencing and typical fence design.

ADDED CONDITION AT DIRECTOR'S HEARING PER PLANNING DIRECTOR ON SEPTEMBER 26, 2016.

10.PLANNING. 14 PPA - YEARLY INSPECTION/REPORT RECOMMND

The property owner(s) of the Class II Kennel shall allow for an annual inspection by the Code Enforcement Division to ensure said kennel is maintained and operational per the conditions of approval. The applicant/property owner(s) shall further provide an update and detailed operations report annually to the Code Enforcement Division. Said report, at a minimum shall provide compliance updates in relation to the conditions of approval for the plot plan. The report shall be submitted to the Code Enforcement and inspection completed annually of each calendar year.

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Riverside County LMS
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10. GENERAL CONDITIONS

10.PLANNING. 14 PPA - YEARLY INSPECTION/REPORT (cont.) RECOMMND

ADDED CONDITION AT DIRECTOR'S HEARING PER PLANNING DIRECTOR
ON SEPTEMBER 26, 2016.

TRANS DEPARTMENT

10.TRANS. 1 USE - STD INTRO (ORD 461) RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, it is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS. 2 USE - COUNTY WEB SITE RECOMMND

Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site:
<http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

10.TRANS. 3 USE - TS/EXEMPT RECOMMND

The Transportation Department has not required a traffic study for the subject project. The Transportation Department has determined that the project is exempt from traffic study requirements.

10.TRANS. 4 USE - NO ADD'L ON-SITE R-O-W RECOMMND

No additional on-site right-of-way shall be required on Via Abril since adequate right-of-way exists, per PM 215/21-24.

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Riverside County LMS
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20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 USE - EXPIRATION DATE-PP

RECOMMND

This approval shall be used within two (2) years of approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within a two (2) year period which is thereafter diligently pursued to completion or of the actual occupancy of existing buildings or land under the terms of the authorized use.

Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time request in which to use this plot plan. A maximum of three one-year extension of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this plot plan be initiated within five (5) years of the effective date of the issuance of this plot plan, this plot plan shall become null and void.

60. PRIOR TO GRADING PRMT ISSUANCE

TRANS DEPARTMENT

60.TRANS. 1 USE - SUBMIT GRADING PLAN

RECOMMND

When you submit a grading plan to the Department of Building and Safety, two sets of the grading plan (24" X 36") shall be submitted to the Transportation Department for review and subsequently for the required clearance of the condition of approval prior to the issuance of a grading permit.

Please note, if improvements within the road right-of-way are required per the conditions of approval, the grading clearance may be dependent on the submittal of street improvement plans, the opening of an IP account, and payment of the processing fee.

Otherwise, please submit required grading plan to the Transportation Department, Plan Check Section, 8th Floor, 4080 Lemon Street, Riverside, CA

Standard plan check turnaround time is 10 working days.

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Riverside County LMS
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80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 1 USE-NO GRADING VERIFICATION

RECOMMND

Prior to the issuance of any building permit, the applicant shall comply with the County of Riverside Department of Building and Safety "NO GRADING VERIFICATION" requirements.

90. PRIOR TO BLDG FINAL INSPECTION

PLANNING DEPARTMENT

90.PLANNING. 1 PPA - REQUIRED KENNEL FENCING

RECOMMND

The required fencing for the Class II Kennel must be installed as per APPROVED EXHIBIT F (for fencing). Fencing must be installed prior to the final of the 480 sq. ft. accessory structure for the kennel.

ADDED CONDITION AT DIRECTOR'S HEARING PER PLANNING DIRECTOR ON SEPTEMBER 26, 2016.

TRANS DEPARTMENT

90.TRANS. 1 USE - WRCOG TUMF

NOTAPPLY

Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt #: 16-323836

State Clearinghouse # (if applicable): _____

Lead Agency: COUNTY PLANNING Date: 09/28/2016

County Agency of Filing: RIVERSIDE Document No: E-201601082

Project Title: PLOT PLAN 25922 / EA 42860

Project Applicant Name: RIVERSIDE COUNTY PLANNING Phone Number: (951) 955-6060

Project Applicant Address: 4080 LEMON STREET, RIVERSIDE, CA 92502

Project Applicant: LOCAL PUBLIC AGENCY

CHECK APPLICABLE FEES:

- Environmental Impact Report _____
- Negative Declaration _____
- Application Fee Water Diversion (State Water Resources Control Board Only) _____
- Project Subject to Certified Regulatory Programs _____
- County Administration Fee _____ \$50.00
 - Project that is exempt from fees (DFG No Effect Determination (Form Attached))
 - Project that is exempt from fees (Notice of Exemption)

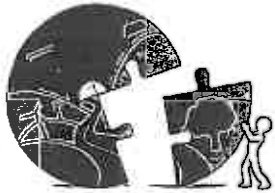
Total Received _____ \$50.00

Signature and title of person receiving payment:



Deputy _____

Notes:



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044
 County of Riverside County Clerk
FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409
 38686 El Cerrito Road Palm Desert, CA 92201

Project Title/Case No.: Plot Plan No. 25922/EA42860

Project Location: In the unincorporated area of Riverside County, more specifically located on the north side of Via Abril, south and east of Calle Cielo, and west of Tenaja Road

Project Description: Plot Plan No. 25922 proposes to establish a Class II Kennel to house and care for the property owners' own personal dogs. The project includes a proposed 480 -square - foot accessory structure for kennel use, an existing 80 square foot accessory structure for kennel use, a dog playground area, and an existing patio cover attached to the dwelling with food and water troughs. The kennel is not open to the public.

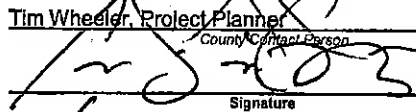
Name of Public Agency Approving Project: Riverside County Planning Department

Project Applicant & Address: Timothy and Elizabeth McVickers, 17370 Via Abril, Murrieta, CA 92562

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
 Categorical Exemption (15301-Existing Facility and 15303 - New Construction or Conversion of Small Structures)
 Statutory Exemption (_____)
 Other: _____

Reasons why project is exempt: The proposed Class II Kennel includes the permitting of an existing 80-square-foot accessory structure for kennel use; an existing dog playground area which is enclosed by an existing 6-foot-high chain-link fence; an existing patio cover attached to the existing dwelling; and food and water troughs under the patio cover. There are no alterations proposed to the existing 80-square-foot accessory structure, the existing dog playground area including existing patio cover, or the food and water troughs. These will continue to be used as they are currently being used. Therefore, they are covered by the Class 1 exemption. The project also proposes new construction and location of a single, new 480-square-foot accessory structure for kennel uses. The 480-square-foot structure is appurtenant to the existing single family residence. The proposed 480-square-foot accessory structure is approximately the same size as a (no-categories) an explicitly exempt structure under State CEQA Guidelines section 15303(e). It is much smaller in square footage than other uses that are also explicitly exempt under State CEQA Guidelines section 15303(c). Therefore, it is exempt under the Class 3 exemption.

Tim Wheeler, Project Planner County Contact Person 951-955-6060 Phone Number
 Signature Urban Regional Planner III Title July 25, 2016 Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA42860 ZCFG6232 County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-201601082
09/28/2016 03:21 PM Fee: \$ 50.00
Page 1 of 1

Removed: _____ By: _____ Deputy





RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

APPLICATION FOR APPEAL

Appeal of Application Case No(s): Plot Plan No. 25922; Timothy & Elizabeth McVicker

List all concurrent applications

Name of Advisory Agency: Planning Director

Date of the decision or action: September 26, 2016

Appellant's Name: Tenaja Environmental Concerns As E-Mail: tenajaeca@gmail.com

Contact Person: Marty Nicholson E-Mail: mnicholson@tylerbursch.com

Mailing Address: 24910 Las Brisas Road, Suite 110

Murrieta Street CA 92562
City State ZIP

Daytime Phone No: (951) 600-2733 Fax No: (951) 600-4996

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> • Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. • Planning Commission for: all other decisions. • County Hearing Officer for: Reasonable Accommodation Request 	<ul style="list-style-type: none"> • Clerk of The Board for: Appeals before the Board of Supervisors. • Planning Department for: Appeals before the Planning Commission and County Hearing Officer.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

APPLICATION FOR APPEAL

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> • Change of Zone denied by the Planning Commission • Commercial WECS Permit • Conditional Use Permit • Hazardous Waste Facility Siting Permit • Public Use Permit • Variance • Specific Plan denied by the Planning Commission • Substantial Conformance Determination for WECS Permit • Surface Mining and Reclamation Permit 	<p>Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.</p>
<ul style="list-style-type: none"> • Land Division (Tentative Tract Map or Tentative Parcel Map) • Revised Tentative Map • Minor Change to Tentative Map • Extension of Time for Land Division (not vesting map) 	<p>Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.</p>
<ul style="list-style-type: none"> • Extension of Time for Vesting Tentative Map 	<p>Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • General Plan or Specific Plan Consistency Determination • Temporary Outdoor Event 	<p>Within 10 days after date of mailing or hand delivery of decision of the Planning Director.</p>
<ul style="list-style-type: none"> • Environmental Impact Report 	<p>Within 10 days of receipt of project sponsor notification of Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.</p>
<ul style="list-style-type: none"> • Plot Plan • Temporary Use Permit • Accessory WECS Permit 	<p>Within 10 calendar days after the date of mailing of the decision.</p>
<ul style="list-style-type: none"> • Letter of Substantial Conformance for Specific Plan 	<p>Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • Revised Permit 	<p>Same appeal deadline as for original permit.</p>
<ul style="list-style-type: none"> • Certificate of Compliance • Tree Removal Permit • Reasonable Accommodation Request 	<p>Within 10 days after the date of the decision by the Planning Director.</p>
<ul style="list-style-type: none"> • Revocation of Variances and Permits 	<p>Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.</p>

STATE THE REASONS FOR APPEAL.

Clearly state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE,

APPLICATION FOR APPEAL

AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER. AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

The approval of a Class II Kennel Plot Plan is appealed based upon the following.

1. Conditions of approval failed to require clearance from the Tenaja Community Services District which has already denied the application for violations of the property's Covenants, Conditions and Restrictions ("CC&Rs")

2. A Class II Kennel is in direct conflict with the General Plan policies for the Santa Rosa Plateau which should guide land use decisions

3. The Project was incorrectly categorically exempt from CEQA under Section 15301 and 15303. Section 15301 allows for an exemption for "existing uses" and the Class II Kennel is not an existing use.

(SEE ATTACHMENT "A" FOR ADDITIONAL INFORMATION)

Use additional sheets if necessary.

Scott Becker

PRINTED NAME OF APPELLANT


SIGNATURE OF APPELLANT

October 7, 2016

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed Appeal application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
3. All appropriate filing fees.
(The Base fee plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable.)

* Current Planning LMS Replacement Condensed P.D. Application Forms 295-1013 Appeal Form.docx
Created: 07/06/2015 Revised: 08/21/2016

Comply with the Public Hearing Notice Label Requirements (Form 295-1051)

Continued from Page 3 of the Application for Appeal

3. **CEQA Categorical Exemptions, Section 15301 continued**: While applicants have illegal housed 18 dogs in violation of the County's ordinances which only allows a maximum of 4 dogs as personal pets, illegal use of the property cannot be properly classified as an "existing use" under the California Environmental Quality Act ("CEQA").

Section 15303(e) categorical exemption should not have been applied. Under Section 15303(e), projects may be exempt from CEQA if they are "accessory" projects to residential use. CEQA Guidelines provides examples of garages, swimming pools, carports and fences. A Class II Kennel is not an "accessory" to residential use but a completely new use of the property and therefore, the CEQA Section 15303(e) exemption should not have been applied. Staff's analysis totally disregarded the use being approved and only considered the structure.

Section 15303(c) is also not applicable in this project because under subsection (c) this exemption is only applied to commercial structures. The applicants insist this is "personal use" and therefore subsection (c) should not be applied. However, even if it were to be applied, subsection (c) expressly states that this exemption is NOT to be applied to projects located in "environmentally sensitive area." The project description fails to properly describe the project because it only determines the square footage of the kennel and fails to consider the dog playground area. There is no information on the square footage of the playground which is a part of the project.

Section 15300.2 does apply and has been incorrectly analyzed. If there is a significant effect on the environment, cumulative impact or unusual circumstances, then the above categorical exemptions should not be applied. In this case, the project is located next door to Cleveland National Forest and in close proximity to the Santa Rosa Plateau, both of which are environmentally sensitive areas. None of those agencies were contacted and no biological studies were done to determine the impact of a Class II Kennel to these areas.

This project is not exempt from CEQA and should have been properly studied prior to approval. CEQA issues include noise, public safety, traffic, air quality, hydrology, biological resources and cumulative impacts. See Exhibit "1" and "2" for additionally information.

4. **Noise Issues** – The residents of this area all testified as to problems with noise and the dogs howling. An abundance of information was presented as to the propensity of these animals to howl including neighbor testimony and sound clips of the howling.

5. **Public Safety** – The type of dog proposed for this project has been classified as the fourth most dangerous animal based upon actual deaths and injuries to humans. Testimony from residents provided evidence that the dogs have already escaped from the property and killed chickens and attacked a horse. According to the General Plan, the Santa Rosa Plateau is an equestrian community. Placing a Class II Kennel, with

dogs known to attack full grown cows, into an equestrian community is a public safety issue, especially in light of how far medical facilities are.

7. **Hydrology** – The project site has a blue line stream running through it. While a condition of approval is to fence off the blue line stream, there has been no study or mitigation measures to address fecal and urine matter that will flow into the blue stream when it rains. The hazardous waste may have a significant impact to the water quality downstream from this project but no study was required.

6. **Class II Kennel** – The definition of a Class II Kennel has been incorrectly applied to “personal use” of dogs which circumvents the County’s limitation of four dogs per residential property. Under Ordinance 348.21.40a, a Kennel is defined as “[a]ny building, structure, enclosure or premises whereupon, or within which, five or more dogs, four months of age or older, are kept or maintained.” The definition is lacking any indication whether the use is commercial or personal. The definition for a Class II Kennel states: “[a]ny building, structure, enclosure, or premise, whereupon, or within which, 11 or more dogs, four months of age or older, are kept or maintained. A Class II Kennel shall not include a sentry dog kennel.”

The intent of the County Board of Supervisors in adopting ordinances related to “kennels” is for commercial use; not personal use. This is evidenced by the developmental standards, more specifically the plot plan must show “[f]eatures such as kennels, exercise runs, **areas open to the general public** and noise control measures shall be shown.” (Ord. 348.1845 (D)(3)(d).) A Class II Kennel for personal use should not be applied.

7. **Misrepresentation by Applicants** – The project applicants are running a dog rescue operation under the guise of personal use in order to avoid complying with the County’s requirements for dog rescue operations. One of the limitations of a dog rescue operation is that only four personal dogs may be allowed. The applicants misrepresented the project to Tenaja Community Services District claiming they were building a shed, they have misrepresented the project to the County Planning Department claiming only personal use when they have a website showing the property as their dog rescue operation.

EXHIBIT “1”

TYLER  **BURSCH, LLP**
LAWYERS & ADVISORS

Reply To:
Riverside County Office:
24910 Las Brisas Road, Suite 110
Murrieta, California 92562
Telephone: 951.600.2733
Facsimile: 951.600.4996

www.tylerbursch.com

Orange County Office:
The Logos Building
3000 West MacArthur Boulevard
Suite 440
Santa Ana, California 92704
Telephone: 949.707.2733

May 23, 2016

VIA ELECTRONIC MAIL
AND U. S. MAIL

Mr. Timothy Wheeler
Project Planner
County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501
Email: twheeler@rcplma.org

Re: *Comments on Kennel II Application, Plot Plan #25922*

Dear Mr. Wheeler:

It was nice talking to you on the phone regarding Plot Plan #25922 and I sent a follow-up email requesting notification of any public hearings or actions taken on this matter. With that said, the law firm of Tyler & Bursch has been retained to represent the interests of the neighbors located in and around the project or the area known as the Tenaja Community Service District (hereinafter "TCSD").

To set the legal framework, the TCSD was formed by the residents to improve and maintain streets, bridges, culverts, curbs, gutters, drains, and works incidental thereto. Attachment "A" provides a copy of Restated Ordinance No. 5 which outlines the duties of the TCSD. However, TCSD has other powers including "to act as ex-officio governing body of any owner's association to administer existing Conditions, Covenants and Restrictions (hereinafter "CC&Rs"). Attachment "B" provides information about TCSD and the important paragraph, relating to CC&R enforcement powers, has been outlined. Attachment "C" provides a copy of Ordinance No. 1 which gives TCSD authority to enforce CC&Rs within the TCSD jurisdiction.

Regarding the McVicker's property, the TCSD has authority to enforce CC&Rs that run with the land within its boundaries. I am attaching a copy of the CC&Rs that relate to the McVicker's property. As you can see, pursuant to 3.05 Signs are covered; 3.06 Building Regulations are covered; and 6.03 Prohibited Operations and Uses do not allow for commercial, industrial or manufacturing operations of any kind and commercial ranching of cattle, horses and sheep are prohibited as well. Attachment "D" provides a copy of the CC&Rs, Recorded Document No. 524768 which every purchaser of real property is given constructive notice because the document is recorded. At the bottom of this letter, explains concerns with the County's definitions as they relate to kennels and the CC&Rs.

One of the ongoing issues with the McVicker's property is the lack of supervision of the dogs. Pursuant to Ordinance 348.4818, Section 1845(C) requires "All Class II Kennels and all catteries shall include a single family dwelling to be used by a live-in caretaker. . ." Evidently, the McVickers have someone on the property and we are assuming that person should be supervising the dogs, especially in light of the high numbers of dogs on the property. The McVickers originally placed 14 Siberian Huskies ("Huskies") on their property without a proper permit and now have 18 Huskies. While there is a person on the property, that person was unable to stop the dogs from escaping off the property on two occasions and attacking a horse, donkey and killing several chickens. These incidents are documented in photos and statements of neighbors who were placed in fear of their lives as this "pack of dogs" terrorized the neighborhood without any supervision or ability to notify the owners until they came home. Attachment "E" provides photos of the dogs after attacking neighbors' animals. When a neighbor came to get help from the McVickers, no one was available.

It is important to note the type of breed the McVickers have left in large numbers without proper supervision. Huskies are extremely hard to train, and they have a reputation as escape artists. "Siberian Huskies put the 'H' in 'Houdini'".¹ The article stated Huskies love to howl and are instinctive hunters. "Predatory instincts in the Siberian Husky are strong. While the Siberian is normally gentle and friendly with people and other dogs, owners MUST be aware that small animals in and around the home, such as squirrels, rabbits, birds, guinea pigs, hamsters, and CATS, are potential victims of their strong predatory instinct. They are swift, cunning, and patient in their hunting skills."² The article concluded one should not leave small children unattended around these types of dogs. Thus, PP#25922 is requesting to place 25 howling Huskies that have great escape abilities and a propensity to kill small animals at a location where help is not readily available. This is the very type of situation that Ordinance 630 was designed to prevent. You can imagine the fear of neighbors as they watch 5-6, maybe more, pack animals come onto their property without any supervision from the property owner maintaining the Type II Kennel. In one instance, the property owner was imprisoned in her house because of her fear of dogs and the Huskies that had decided to camp out on her property. This type of situation should not be allowed in light of Ordinance 630.

A significant concern of the neighbors is they bought property in the TCSD because it is horse country. Most all of the neighbors own horses and ride horses. It is the equestrian life-style that brought them to the area and encouraged them to invest. That purpose is negatively affected by wolf-like dogs who run in packs and attack horses. The situation creates a significantly dangerous environment for horses and their riders. For this reason alone, the County of Riverside should not approve the Kennel II permit.

To make matters worse, properties in the TCSD back up to a wildlife corridor. Protected species use the land behind the McVicker's home as a corridor. Placing 25 predatory, escape artists,

¹ Dogtime.com: <http://dogtime.com/dog-breeds/siberian-husky#slide/1>, last visited May 22, 2016.

² Siberian Husky Club of America, Inc., <http://www.shca.org/shcahp2a.htm>, last visited May 22, 2016.

Mr. Timothy Wheeler
May 23, 2016
Page 3 of 3

who like to howl, is bound to negatively affect biological resources, if not destroy them altogether. Regarding the howling, the noise has so negatively impacted the neighbors as to become untenable. The odor from 25 dogs urinating and defecating is certain to have significant impacts to biological resources, and the hydrology of the area, as well as general disturbance of residents' quiet enjoyment of their property.

As you know, the County of Riverside only allows one to four dogs on a property under normal circumstances. A person owning five or more dogs must apply for a license to operate a kennel. (Ordinance 6.08.050(A).) The County of Riverside's definition of "kennel" describes the buildings and number of dogs but does not describe the use as accurately as other jurisdictions. For example, the City of Riverside defines "kennel" to mean "commercial kennel" (Ordinance 8.18.010); Kern County defines "kennel" as "the business of boarding . . . dogs or cats." (Ordinance 7.04.150.) The problem is the County of Riverside has placed a limit on the number of dogs that can be on private property and yet, through its failure to accurately define kennels, has allowed private owners to disregard the limitation, exposing their neighbors and the community to nuisance and the expense of litigation. The neighbors request the County of Riverside adopt a more complete definition for "kennel" as commercial or business; not residential use. It is truly not a "residential" use or it would fall under the four or less dog limitation. If "kennel" clearly defined the use, the McVicker proposal would not be allowed under the CC&Rs. We encourage the County of Riverside to close the loophole in its Ordinance that circumvents the four dog restriction on property. We encourage the County of Riverside to adopt the City of Riverside's definition as more appropriate.

Lastly, the TCSD has the job of overseeing road improvements. Road improvements are paid for by the residents through individual assessments. There is an abundance of information on how the roads have deteriorated because they were not designed for increased use. The implementation of any kennel will impact traffic on the roads and should require, at a bare minimum, road improvements paid for by Plot Plan applicants so the neighbors are not subjected to the dust and traffic concerns that will come with Plot Plan entitlements. Moreover, this project must come before the TCSD, not only as governing body for enforcement of the CC&Rs, but also, because of road improvements and traffic conditions exacerbated by these types of projects.

In closing, I am available to discuss these concerns with you more fully. We encourage you to deny the requested permit as inappropriate for the neighborhood and based upon past incidents, this letter may be used in the future as notification to the County of Riverside that a huge safety concern existed prior to any approval project approval. I can be reached at (951) 600-2733 or at mnicholson@tylerbursch.com if you have any questions regarding this letter.

Kind regards,



Marty J. Nicholson, Esq.

Attachments

ATTACHMENT "A"

RESTATED ORDINANCE NO.5

**AN ORDINANCE OF THE TENAJA COMMUNITY SERVICES DISTRICT
REQUIRING OFFERS OF DEDICATION AND THE PREPARATION OF
CENTERLINE STUDY PROFILE FOR PUBLIC STREETS**

Section I. RECITATIONS OF FACT.

A. The Tenaja Community Services District (District) is empowered to improve and maintain streets, bridges, culverts, curbs, gutters, drains, and works incidental thereto subject to the consent of the Board of Supervisors of the County of Riverside.

B. Ordinance No. 460 of the County of Riverside authorizes the District to impose development standards for streets within its boundaries subject to the approval of the Director of Transportation of the County.

C. The Board of the Directors have heretofore adopted Ordinance No. 7 establishing design and construction standards for public streets which are to be imposed on all divisions of land within the District.

D. The Board of Directors has also required persons processing Schedule H and I Parcel Maps to prepare "Street Improvement Plans" for proposed public streets.

E. On June 24, 1993, the County of Riverside adopted a new standard which substitutes a "Centerline Study Profile" for "Street Improvement Plans" as of July 14, 1993.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TENAJA COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

Section II. Restatement of Ordinance No. 5.

This Ordinance shall constitute a complete restatement of Ordinance No. 5 and those portions of previously adopted Ordinances 4, 5 or 7 which are inconsistent with this restatement are to that extent repealed.

**Section III. CONDITIONS OF APPROVAL FOR SCHEDULES H AND I
PARCEL MAP DIVISIONS**

A. Prior to the approval by the County of Riverside of any Schedule H or Schedule I Parcel Maps as defined in Sections 10.13 and 10.14 of County Ordinance No.460, the owner or developer shall:

1. Irrevocably offer to dedicate to the Public all of the right of way for any public street(s) required for

the proposed division of land as defined in Ordinance No. 7.

2. Prepare a Centerline Study Profile pursuant to the standards adopted by the County of Riverside on June 24, 1993, and incorporated herein by reference.

B. Such offers of dedication and Study shall be predicated upon:

1. Preserving and maintaining access to public streets;

2. A street center-line profile extending a minimum of 600 feet beyond the boundaries of the proposed division of land;

3. Approval of the vertical and horizontal alignments by the District.

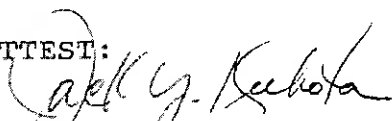
4. The ultimate construction of the street(s) in accordance with standards and specifications set forth in Ordinance No. 7.

Section IV. Effective Date -- An Urgency Measure.

This is an urgency measure adopted for the safety and welfare of the District and shall be effective immediately. The nature of the urgency is that applications for Schedules H and I Parcel Maps which are currently awaiting the approval of the County of Riverside must, under the terms of the current Ordinance No. 5, present Street Improvement Plans. Adoption of this ordinance will permit such applicants to process their maps with a Centerline Study Profile.

ADOPTED by the Board of Directors of the Tenaja Community Services District this 2nd day of September, 1993, by unanimous vote of the following Directors present: Palmer, Selzler, Leondis, and Natale.


Ken Palmer, President

ATTEST:

Jack Y. Kubota, Secretary

ATTACHMENT “B”



Tenaja Community Services District

MENU

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About the Tenaja CSD

The Tenaja Community Services District ("TCSD") was formed in 1985 pursuant to the Community Services District Act of California ("CSDA"), and encompasses approximately 6,400 acres of spacious rural land in the Santa Rosa Coastal Mountain Range between the City of Murrieta and the Cleveland National Forest.

TCSD receives its powers through the Community Services District Act of the State of California (CSDA) to undertake a number of local agency functions. Currently, however, the Board of Directors is primarily involved in the improvement and maintenance of streets. Since TCSD has no land-use powers, development is subject to the Southwest Area Community Plan of the County of Riverside which requires a minimum of five (5) acres for one (1) residence.

The CSDA authorizes Community Services Districts to exercise a number of municipal powers; the Tenaja Community Services District has, however, been granted authority over the following governmental functions:

1. The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
2. The constructing, opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
3. The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.

However, at this time the District only provides the services related to the improvement and maintenance of streets. The District's routine maintenance includes: culvert cleaning, tree trimming, pavement repair, overlays, striping, sign repair and replacement, shoulder replacement, and other related activities.

Under the CSD Act, Community Services Districts are empowered to raise taxes, finance improvement projects through assessment districts created under one or more Improvement Acts sanctioned by State law, and/or to pay for improvements upon the prior approval of the affected electorate through a process defined in Proposition 218. The Board of Directors may, therefore, impose assessments in accordance with its statutory authority or act as facilitator for special assessment districts or an assessment to be created through a Proposition 218 proceeding. As facilitator, the District will coordinate the engineering, development of plans, construction and the ultimate funding.

The CSDA requires the Board of Directors to meet at least quarterly. Currently the regular meetings for the TCSD Board are scheduled for the first Thursdays of each month at the District's office. The Board may, in addition, hold Special meetings or adjourn a regular meeting to another time and place.

The District is governed by a five-member Board of Directors who are residents of the District and elected by residents to four-year terms. The District posts agendas at the District office on the Friday before each month. In addition, agenda packets of each Board meeting are available on request for a nominal annual fee.

The CSDA has empowered the Board to act as ex-officio governing body of any owner's association to administer existing Conditions, Covenants and Restrictions (CC&R). The Board may, in addition appoint any number of advisory committees. Standing committees at this time are the Roads Committee and the Architectural Committee.

The Roads Committee and Architectural Committee meet every Thursday at 8:30 AM to review and discuss applications for easements, road encroachments, street maintenance and Architectural approvals.

DISCLAIMER: Information on this Website is subject to revision without notice.

Copyright 2010 Tenaja Community Services District

ATTACHMENT “C”

ORDINANCE NO. 1
TENAJA COMMUNITY SERVICES DISTRICT

ORDINANCE OF THE TENAJA COMMUNITY SERVICES DISTRICT
ESTABLISHING A COMMITTEE FOR THE ENFORCEMENT OF CC&R'S
FOR TRACTS WITHIN DISTRICT BOUNDARIES

THE BOARD OF DIRECTORS OF THE TENAJA COMMUNITY SERVICES DISTRICT HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals

a. Section 61601.16 of the Government Code empowers the Board of Directors of the Tenaja Community Services District to enforce the covenants, conditions and restrictions adopted for each tract within the boundaries of the District, and to assume the duties of the Architectural Control Committee for each tract within such boundaries, for the purpose of maintaining uniform standards of development.

b. The Board of Directors hereby finds and determines that it is feasible, economically sound, and in the public interest to undertake such duties and responsibilities.

c. A majority of the voters voting on the proposition has voted in favor of the adoption of such additional purpose pursuant to Section 61601 of the Government Code.

d. The Board of Directors desires to establish a committee to act as the Architectural Control Committee for all tracts within the District's boundaries.

Section 2. Creation and Membership. An Architectural Control Committee for the Tenaja Community Services is hereby created, the membership of which shall be comprised of five (5) members, appointed from the following categories:

a. Not less than two (2) members from the residents of the District;

b. Not more than three (3) members from the non-resident property owners of the District.

c. Not more than one (1) member who is neither a resident nor a property owner of the District.

Section 3. Duties. The Architectural Control Committee shall undertake and have the following duties, responsibilities and functions, together with the powers incidental thereto:

a. To review and make recommendations to the Board of Directors concerning the construction, alteration, or repair of structures as more specifically set forth in Declaration of Covenants, Conditions and Restrictions for tracts within the boundaries of the Tenaja Community Services District;

b. To review and recommend to the Board of Directors the enforcement of other provisions of any declaration of conditions, covenants and restrictions; and

c. To undertake such other duties as may be assigned by the Board of Directors.

Section 4. Appointments. Members of the Committee shall be appointed by the affirmative votes of not less than three (3) members of the Board of Directors.

Section 5. Term of Office. Each member of the Committee shall serve for a one (1) year term commencing on the date of appointment and expiring on June 30 of the designated expiration year. Each member of the Committee holding office as of June 1, 1987, shall, however, continue in such office until June 30 of 1988.

Section 6. Vacancies. All vacancies shall be filled by appointment of the Board of Directors by the affirmative votes of not less than three (3) members; where a vacancy shall occur leaving an unexpired term, the subsequent appointment shall be made for the balance of such unexpired term; except for the removal of a Committee member or vacancies due to absences, each Committee member shall continue to serve until his successor is appointed and qualified.

Section 7. Removal from Office. Any member of the Committee may be removed from such office, with or without cause, at any time, by the Board of Directors. No such removal shall, however, be effective unless a motion to that effect made at a regular, adjourned regular, special, or adjourned special meeting is carried by the affirmative votes of not less than three (3) members of the Board of Directors.

Section 8. Absences. Any member of the Committee who is absent without sufficient cause from three (3) successive regular meetings, shall be deemed to have vacated his or her office. An absence due to illness or an unavoidable absence from the District shall be deemed an excused absence of sufficient cause provided notice is given to the secretary of the Committee by such member on or before the day of any regular meeting.

Section 9. Compensation and Expenses. Each member of the Committee shall be entitled to such compensation as may be set by the Board of Directors. Such members shall be entitled to reimbursement for expenses incurred in the performance of their official duties if such expenses are approved in advance by the Board of Directors.

Section 10. Meetings. Except as otherwise expressly provided in this Ordinance, the Committee shall establish the time and place of its regular meetings. All such meetings shall be conducted in accordance with the provisions of the Ralph M. Brown Act. The Committee shall adopt rules for the transaction of its business and shall keep a record of its proceedings, which record shall be open to inspection by any member of the public.

Section 11. Officers. The Committee shall annually elect one of its members as Chairman and one of its members as Vice-Chairman. Such election shall take place at the first regular meeting in July of each year. The General Manager shall designate the secretary of the Committee and shall provide appropriate clerical assistance and shall be responsible for the maintenance of all its permanent records.

Section 12. Expenditures. The Committee shall have no authority to expend or authorize the expenditure of public funds except with the prior express approval of the Board of Directors.

ORDINANCE NO. 1

ADOPTED AT A REGULAR MEETING ON FEBRUARY 7, 1987

Moved by Director Palmer, seconded by Director Metcalf and approved by the following vote.

Ayes: Directors Hoboy, Lippert, Nesbitt, Palmer and Metcalf

Nays: None

Whereupon the President declared that Ordinance No. 1 was adopted, to be effective 30 days from date hereof.

President

ATTEST:

Secretary

ATTACHMENT “D”

MAIL TO:
RICHARD PIERCE
20625 SIERRA ELENA,
TENAJA, CA. 92562

AMENDED

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
(PARCELS)

524768
RECEIVED FOR RECORD
AT 8:00AM

DEC - 8 1998

Recorded in Official Records
of Riverside County, California

Recorder

Page 5

42

43/14

C
AR

THIS AMENDED DECLARATION, made this 25th day of November, 1998, by the record owners of certain parcels located within the real property described in more detail herein (individually and collectively hereinafter referred to as "Declarant").

DECLARANTS ARE:

ROBIN OXMAN
RICHARD PIERCE

ARTICLE I
RECITALS

1.01 On December 19, 1968 SANTA ROSA RANCHES, a partnership, composed of Temecula Properties, Inc., a California corporation, Temecula Investment Company, a California corporation, and Kaiser Rancho California, Inc., a California corporation, as partners, the developer, established Covenants, Conditions and Restrictions (the "Foundation Declaration") for certain property located in the County of Riverside, State of California, more particularly described therein;

1.02 Declarant constitutes fifty-one percent (51%) or more (based on the number of square feet subject to these restrictions) of certain real property in the County of Riverside, State of California as more particularly described in Exhibit "A" attached hereto (the "Area");

1.03 The Foundation Declaration will expire on December 19, 1998;

1.04 Declarant expressed by ballots distributed to all record owners its desire to amend, extend and replace the Foundation Declaration as set forth herein (the "Declaration");

1.05 Said ballots were dully distributed, collected, and counted as set forth in the affidavit attached hereto as Exhibit "B"; and

1.06 The Declarant by said ballots appointed Richard Pierce and/or Robin Oxman as attorney-in-fact with full power and authority to execute the Declaration on Declarant's behalf.

NOW, THEREFORE, Declarant hereby declares that the Area and Parcels thereof shall be held, sold and conveyed, subject to the following restrictions, covenants, and conditions.

524768

12 3 98

SECURITY UNION TITLE INS. CO.
NACIONAL AFFAIRS DIVISION
5814 Newhall Boulevard, Suite 200
Santa Fe Springs, CA 90670

RIVERSIDE

ARTICLE II
GENERAL PROVISIONS

2.01 Establishment of Restrictions.

Declarant, empowered pursuant to Section 7.02 of the Foundation Declaration, hereby declares that each Parcel within the Area is now held and shall thereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions herein set forth, each and all of which is and for, and shall inure to, the benefit of and pass with each and every Parcel of the Area and shall apply to and bind the heirs, assignees and successors in interest of Declarant and any owner thereof.

2.02 Purpose of Restrictions.

The purpose of these restrictions is to insure Area use and development of the Area, to protect the owner of each Parcel against improper use and development of surrounding Parcels as will depreciate the value of the Parcels or interfere with the beneficial use and enjoyment of the Parcels, to prevent haphazard and unsightly improvements, and in general to provide adequately for planned use and development of the Area in accordance with the terms hereof.

2.03 Definitions.

- (a) Improvements. "Improvements" shall mean and include buildings, barns, silos, cages, houses, outbuildings, sheds, parking areas, loading areas, fences, walls, poles, signs, streets, alleys and any other structures of any type or kind.
- (b) Declarant. "Declarant" shall mean the undersigned Owners, their heirs, successors and assigns.
- (c) Non-Area Resident. "Non-Area Resident" shall mean a property owner who resides outside the Area but within the Tenaja Community Services District.
- (d) Non-Resident. "Non-Resident" shall mean an Owner who does not own a residence on a Parcel.
- (e) Owner. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Parcel which is a part of the Area, but excluding those having such interest merely as security for the performance of an obligation.
- (f) Parcel. "Parcel" shall mean and refer to, unless otherwise specifically stated herein, any portion of the Area transferred, conveyed, or otherwise transferred to an Owner.
- (g) Resident. "Resident" shall mean an Owner who owns a residence on a Parcel.

ARTICLE III
REGULATION OF IMPROVEMENTS

3.01 Minimum Setback Line.

- (a) General. No structure of any kind, and no part thereof, shall be placed on any Parcel closer to the property line than herein provided.
- (b) Front Yard Setback. The front setback line is established fifty (50) feet from the front property line.

1111 Central Boulevard, Suite 200
Santa Fe Springs, CA 90670

(c) Side and Back Yard Setbacks. The setback lines from both the side and back yard property lines are each established at a minimum of thirty-five (35) feet from the said property lines.

(d) Setback Variances. An Owner may request a variance to the setback requirements referenced herein from the Architectural Control Committee established under ARTICLE V hereof by presenting to said committee a plot plan showing that the structures desired to be constructed cannot be reasonably accomplished without modifying said setback requirements.

(e) Retention of Slope Easements. Slope easements at a ratio of 2:1 are reserved for improvement of streets to ultimate standards of the governing agency.

3.02 Completion of Construction.

After commencement of construction of any structure or improvements, the work thereon shall be diligently prosecuted, to the end that the structure or improvements shall not remain in a partly finished condition any longer than reasonably necessary for completion thereof.

3.03 Fencing.

All Parcels on which animals are kept shall be adequately fenced so as to keep said animals on that Parcel and protect the crops and property of other Parcels.

3.04 Excavation.

Exposed openings resulting from any excavation made in connection with construction of improvements shall be backfilled and disturbed ground shall be leveled.

3.05 Signs.

(a) No signs, posters or displays ("Signs") shall be shown or displayed on a Parcel, except as follows:

- (1) To identify the name and address of the person or business occupying the premises;
- (2) To identify the offering of the premises for sale or lease; and
- (3) To identify prohibited uses of the Parcel.

(b) Signs, shall conform to the following sizes and standards:

- (1) For Parcels contiguous to a paved road no Sign shall be shown or displayed with a surface area that is greater than 6 square feet; and
- (2) For Parcels that are not contiguous to a paved road, Signs may be shown or displayed with a surface area that is not greater

than 32 square feet for the purpose of promoting the sale or lease of the Parcels.

(3) Road name Identification Signs shall conform to the "rural design" standards adopted by the Teneja Community Services District.

(4) Temporary directional Signs to Parcels may be shown or displayed so long as they are removed by the Owner within 5 calendar days of placement.

3.06 Building Regulations.

Any building or structure of whatever type shall be properly maintained. No building or other structure shall be built or erected unless the building or other structure is of a quality usual and customary for that type of building or structure and of good quality and design.

3.07 Maintenance and Storage.

(a) All Parcels shall be properly maintained. Rubbish and debris shall be promptly removed.
(b) No materials, supplies, trailers or equipment including propane tanks, well equipment, trash storage, and inoperable motor vehicles shall be stored in any area on a Parcel except inside a closed building or behind a visual barrier screening such areas from the view of traveled ways, public streets, and other Parcels; except that properly maintained stock trailers may be stored.

3.08 Preservation of Trees.

No oak trees now located on any portion of the Area shall be removed, cut down or in any way damaged or destroyed, except for the sole purpose of providing a driveway or building pad for a house or outbuilding.

3.09 Virus Free Grapes.

No grape vines shall be planted, stored, or transported across any portion of the Area, unless prior to such planting, storage or transportation across any portion of the Area of any grape vines, the person or persons undertaking such activity shall secure a certificate from the University of California Agricultural Extension Service that such grape vines are "virus-free" and such certificate shall be delivered to the Architectural Control Committee referred to in Article V hereof.

ARTICLE IV
ENFORCEMENT

4.01 Notice of Violation and Inspection

Subject to the qualifications set forth below in Section 4.02 (b) hereof, an Owner or Owners of any Parcel may notify in writing the Architecture Control Committee established in accordance with Section 5.01 (referred to hereinafter in this provision as the "ACC") the conditions that are alleged to be in violation or breach of any restrictions herein contained (the "Condition"), which notice shall include, but may not be limited to, the name and address of the Owner of the Parcel which is the subject of the notice (the "Parcel Owner"), a detailed description of the Condition, and the date and how the complaining Owner or Owners first discovered the Condition (the "Notice"). Within ten (10) days after receipt of the Notice, the ACC shall send to the Parcel Owner a letter which: (a) describes the Condition; and (b) requests the Parcel

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Owner to contact the ACC within five (5) days after receipt of the ACC's letter to set a date and time when the ACC shall inspect the Condition; provided, however, said inspection shall occur no later than fifteen (15) days after the date of the Notice. Failure of the Parcel Owner to agree to an inspection shall be deemed to be the express consent by the Parcel Owner to permit the ACC's inspection of the Condition on a date and time reasonably established and communicated to the Parcel Owner by the ACC.

4.02 Determination of Violation and Abatement.

(a) If the ACC after inspecting the Condition in accordance with Section 4.01 determines that it is a violation or breach of the restrictions contained herein, then the ACC shall send a written notice to the Parcel Owner of its findings, which notice shall also set forth a date by which the Parcel Owner must provide to the ACC proof acceptable to the ACC that the Parcel Owner has abated and removed the Condition. Any such abatement and removal shall be at the Parcel Owner's sole expense.

(b) Nothing contained in this ARTICLE shall prohibit an Owner, the TCSO and/or the ACC, enforcement authorities, or their representatives, from entering Parcels on which no Owner or Owner's agent or representative is present ("Unoccupied Parcels"), without first obtaining the Owner's permission, to facilitate the abatement and/or removal of nuisances, or conditions or activities prohibited hereunder, which are caused by persons who are trespassing on an Unoccupied Parcel. All Owners hereby authorize such entry for said specific purposes, provided, however, the Owners of Unoccupied Parcels shall thereafter be informed of such action and the outcome thereof.

(c) Any violation or breach of any one or more of the covenants or restrictions contained herein that is not abated and removed as set forth above in Section 4.02- a. may be enjoined or abated by the ACC or complaining Owner or Owners by an action of any court of competent jurisdiction, and damages may also be awarded against such violators. Violations shall be deemed to be a nuisance and remedies or enforcement may include an action at law or in equity to cause the violation to be cured, removed or otherwise corrected.

4.03 Attorneys' Fees.

In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision thereof, the losing party or parties shall pay the attorneys' fees of the prevailing party or parties in such amount as may be fixed by the Court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

4.04 Failure to Enforce Not a Waiver of Rights.

The failure of Declarant or any Owner to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restrictions.

9814 National C. Settlement, 1/1/2010
Santa Fe Springs, CA 90670

**ARTICLE V
ARCHITECTURAL CONTROL COMMITTEE**

5.01 Composition of the Committee.

The Declarant authorizes the Board of Directors for the Tenaja Community Services District (the "TCSD") to establish a five (5) member Architectural Control Committee (hereinafter referred to as the "Committee") for the purposes of maintaining uniform standards of development of the Area as adopted in this Declaration. Subject to the qualification set forth below, the TCSD shall solicit and appoint members of the Committee in accordance with the following composition:

- (a) There shall be two (2) Resident members; provided, however, one such member may be a Non-Area Resident; and
- (b) There shall be three (3) Non-Resident members.

If there are not a sufficient number of candidates for the TCSD to appoint the above member categories, then the TCSD shall appoint members from any category; provided, however, only one member may be a Non-Area Resident.

At such time when forty (40) percent of the Parcels have residences constructed on them, the TCSD shall solicit and appoint members of the Committee in accordance with the following composition:

- (a) There shall be three (3) Resident members; provided, however, one such member may be a Non-Area Resident; and
- (b) There shall be two (2) Non-Resident members.

If there are not a sufficient number of candidates for the TCSD to appoint the above member categories, then the TCSD shall appoint members from any category; provided, however, only one member may be a Non-Area Resident.

In the event of death or resignation of any member of the Committee, the TCSD shall designate a successor in accordance with above referenced member composition. The members of the Committee shall not be entitled to any compensation for services performed pursuant to this covenant.

5.02 Committee Approval.

The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee fails to approve or disapprove plans and specifications within thirty (30) days after such plans and specifications have been submitted to it, approval will not be required and such plans and specifications shall be deemed approved as submitted.

No building or other improvement shall be erected, placed or altered on any parcel nor County approval for such activity sought, until the designs and specifications and a plan showing the location of the improvement on the Parcel have been approved by the Committee as to quality of workmanship and materials.

5.03 Liability of Committee.

Neither Declarant, the members of the Committee nor its representative, their successors or assigns, shall be liable in damages to anyone submitting plans to them for approval, or to any Owner or lessee of any Parcel affected by this Declaration, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans submitted. Every person who submits plans to the Committee for approval agrees, by submission of such plans, and every Owner or lessee of any Parcel within the Area agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Declarant, the members of the Committee, or its representative, to recover any such damages.

ARTICLE VI
REGULATION OF OPERATIONS AND USES

6.01 Permitted Operations and Uses.

Unless otherwise specifically prohibited herein, any agricultural operation and use will be permitted if it is performed or carried out so as not to cause or produce a nuisance to adjacent parcels. Nuisance shall be defined in accordance with the County of Riverside ordinances and regulations.

6.02 Prohibited Operations and Uses.

No commercial, industrial or manufacturing operations of any kind shall be permitted or conducted on the Area; except for the following:

- (a) Professional, administrative, and instructional occupations, without external evidence thereof which are incidental to the primary buildings on the Parcel;
- (b) Commercial ranching of cattle, horses and sheep; and
- (c) Commercial farming, excluding commercial nurseries.

6.03 Prohibited Residential Uses.

Owners shall not use mobile homes, motor homes or trailers for residential purposes, except that trailers may be used as a residence by the Owner during the Owner's residence construction for no more than 18 months, unless otherwise extended by the Committee

6.04 Additional Prohibited Uses.

No person shall discharge firearms on any Parcel except to protect life and/or property, and no person shall dump trash, or take-off or land parasails, hang gliders or ultralight aircraft or other similar flying craft on any Parcel.

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South Peabody, CA 90570

ARTICLE VII
TERM, TERMINATION, MODIFICATION
AND ASSIGNMENTS OF DECLARANT'S RIGHTS AND DUTIES

7.01 Term.

This Declaration, every provision hereof and every covenant, condition and restriction contained herein shall continue in full force and effect for a period of ten (10) years from the date hereof, after which time this Declaration shall be automatically extended for successive periods of ten (10) years, unless this Declaration, or any covenant, condition or restriction contained herein, is terminated, extended, modified or amended in accordance with Section 7.02 hereof.

7.02 Termination and Modification.

This Declaration, or any provisions hereof, or any covenant, condition or restriction contained herein, may be terminated, extended, modified or amended, as to the whole of the Area or any portion thereof, with the written consent of the owners of fifty-one per cent (51%) of the Area based on the number of square feet subject to these restrictions; No such termination, extension, modification or amendment shall be effective until a proper instrument in writing has been executed and acknowledged and recorded in the office of the Recorder of Riverside County, California.

7.03 Assignment of Declarant's Rights and Duties.

Any and all of the rights, powers and reservations of Declarant herein contained may be assigned to any person, corporation or association which will assume the duties of Declarant pertaining to the particular rights, powers and reservations assigned, and upon any such person, corporation or association's evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein.

ARTICLE VIII
MISCELLANEOUS PROVISIONS

8.01 Constructive Notice and Acceptance.

Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Area is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person acquires an interest in the Area.

8.02 Rights of Mortgagees.

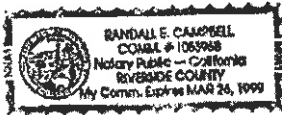
All restrictions and other provisions herein contained shall be deemed subject and subordinate to all mortgages and deeds of trust now or hereafter executed on and subject to these restrictions, and none of said restrictions shall supersede or in any way reduce the security or affect the validity of any such mortgage or deed of trust; provided, however, that if any portion of the Area is sold under a foreclosure of any

REPRODUCTION OF A PUBLIC RECORD
9214 Normal St., Fontana, CA 92335
951-791-1111
www.riversidecountyrecorder.com

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
 County of RIVERSIDE
 On NOVEMBER 25th 1998 before me, RANDALL E. CAMPBELL, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared ROBIN OXMAN AND RICHARD PIERCE
Name(s) of Signer(s)

personally known to me - OR - approved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Randall E. Campbell
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Document Date: 11/25/98 Number of Pages: (9)

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: ROBIN OXMAN

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer is Representing:
DECLARANTS



Signer's Name: RICHARD PIERCE

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer is Representing:
DECLARANTS



Notary Public in the State of California
 State of California, CA 92570

mortgage or under the provisions of any deed of trust, any purchaser at such sale, and his successors and assigns, shall hold any and all Area so purchased subject to all of the restrictions and other provisions of this Declaration.

8.03 Mutuality, Reciprocity, Runs with Land.

All restrictions, covenants, conditions and agreements contained herein are made for the direct, mutual and reciprocal benefit of each and every part and Parcel of the Area; shall create mutual, equitable servitudes upon each Parcel in favor of every other parcel; shall create reciprocal rights and obligations between the respective Owners of all Parcels and privity of contract and estate between all grantees of said Parcels, their heirs, successors and assigns; and shall, as to the Owner of each Parcel, their heirs, successors and assigns, operate as covenants running with the land, for the benefit of all other Parcels.

8.04 Paragraph Headings.

Paragraph headings, where used herein, are inserted for convenience only and are not intended to be a part of this Declaration or in any way to define, limit or describe the scope and intent of the particular provisions to which they refer.

8.05 Effect of Invalidation.

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

IN WITNESS WHEREOF, the Declarant, and each of them, by the undersigned attorney-in-fact, has executed this Declaration on the date first hereinabove written.



Robin Oxman, Attorney-in-Fact
for the Declarant



Richard Pierce, Attorney-in-Fact
for the Declarant

5814 Norwalk Boulevard, Suite 200
Santa Fe Springs, CA 90670

EXHIBIT 'A'
BOUNDARY DESCRIPTION

That portion of the Rancho Santa Rosa, in the County of Riverside, State of California, which Rancho was granted by the Government of the United States to Juan Moreno by patent dated October 10, 1872, and recorded January 8, 1873, in the office of the County Recorder of the County of San Diego, State of California, described as follows:

Beginning at Corner No. 4 of the Rancho Santa Rosa, thence S68°21'03"E 15429.80 feet along the southerly line of said Rancho;

thence leaving said southerly line N13°53'44"E 2491.75 feet;

thence N39°32'17"E 750.00 feet;

thence N32°32'51"E 762.59 feet;

thence N47°39'03"E 657.66 feet;

thence N39°32'17"E 1927.83 feet;

thence N58°04'58"E 4401.43 feet;

thence N32°03'43"E 1288.53 feet;

thence S89°33'10"E 2562.08 feet;

thence N01°57'51"W 1485.15 feet;

thence S80°17'44"W 559.10 feet to the beginning of a curve concave northerly having a radius of 1400.00 feet;

thence westerly 245.91 feet along said curve through a central angle of 10°03'50";

thence N00°21'34"E 436.05 feet to the beginning of a curve concave westerly having a radius of 1400.00 feet;

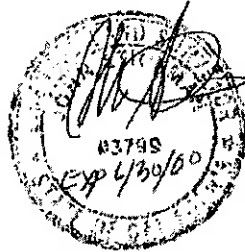
thence northerly 332.31 feet along said curve through a central angle of 13°38'00";

thence N13°14'28"W 2624.37 feet to the beginning of a curve concave easterly having a radius of 2400.00 feet;

thence northerly 851.03 feet along said curve through a central angle of 20°19'01";

thence N07°04'35"E 691.37 feet to the beginning of a curve concave westerly having a radius of 1200.00 feet;

thence northerly 598.76 feet along said curve through a central angle of 26°35'20";



3814 Norwalk Boulevard, Suite 200
San Jose, CA 95128

EXHIBIT "A"

thence N21°30'45"W 515.21 feet to the beginning of a curve concave easterly having a radius of 1200.00 feet;

thence northerly 277.98 feet along said curve through a central angle of 13°16'21";

thence N35°29'38"E 432.60 feet;

thence N51°34'35"W 207.06 feet to the beginning of a curve concave southerly having a radius of 500.00 feet;

thence westerly 445.97 feet along said curve through a central angle of 51°06'14";

thence S77°18'11"W 273.86 feet to the beginning of a curve concave northerly having a radius of 450.00 feet;

thence westerly 538.94 feet along said curve through a central angle of 68°37'10";

thence N34°03'39"W 166.30 feet to the beginning of a curve concave southerly having a radius of 300.00 feet;

thence westerly 544.28 feet along said curve through a central angle of 103°57'07";

thence S41°58'14"W 172.68 feet to the beginning of a curve concave northerly having a radius of 450.00 feet;

thence westerly 637.43 feet along said curve through a central angle of 81°08'35";

thence N56°51'11"W 33.06 feet to the beginning of a curve concave southerly having a radius of 450.00 feet;

thence westerly 319.39 feet along said curve through a central angle of 40°38'57";

thence S82°28'52"W 315.51 feet;

thence S86°15'45"W 713.26 feet to the beginning of a non-tangent curve concave southeasterly having a radius of 10000.00 feet, a radial line to said beginning bears N56°28'47"W;

thence southwesterly 3688.27 feet along said curve through a central angle of 21°07'88";

thence S12°50'06"W 80.92 feet to the beginning of a non-tangent curve concave southerly having a radius of 5250.00 feet, a radial line to said beginning bears N12°50'06"E;

thence westerly 943.43 feet along said curve through a central angle of 10°17'46";

(2)

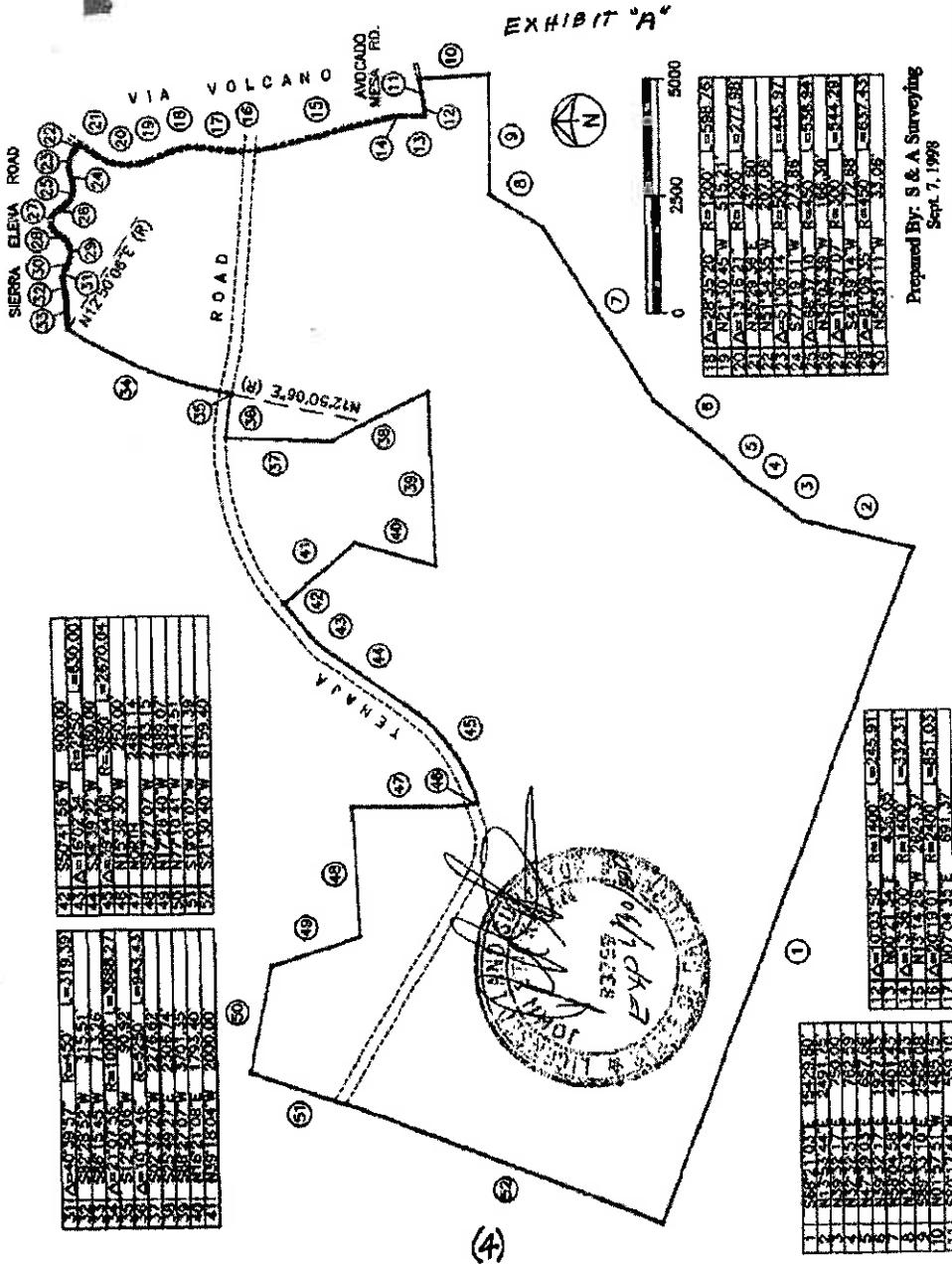
1:10,000 Original Survey
Scale For Springs, CA 90070

EXHIBIT "A"

thence S02°32'20"W 2276.62 feet;
thence S25°48'27"E 2308.74 feet;
thence S88°27'07"W 3701.35 feet;
thence N18°21'08"E 1793.40 feet;
thence N39°18'04"W 2000.00 feet;
thence S50°41'56"W 900.00 feet to the beginning of a curve concave
southeasterly having a radius of 2250.00 feet;
thence southwesterly 830.00 feet along said curve through a central angle
of 18°02'34";
thence S34°39'22"W 1860.00 feet to the beginning of a curve concave
northwesterly having a radius of 3850.00 feet;
thence southwesterly 2670.04 feet along said curve through a central
angle of 39°44'08";
thence N15°36'30"W 250.00 feet;
thence North 2461.14 feet;
thence S87°27'07"W 2763.15 feet;
thence N17°26'40"W 1989.07 feet;
thence N77°10'41"W 2344.51 feet to the westerly line of said Rancho
Santa Rosa;
thence S19°01'07"W 3211.39 feet along said westerly line;
thence S21°30'40"W 6159.40 feet along said westerly line to the Point
of Beginning.

(3)

9314 Nevada Boulevard, Suite 300
Santa Fe Springs, CA 90670



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
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EXHIBIT "B"

AFFIDAVIT

The undersigned, being of lawful age, do hereby depose and say under oath as follows:

1. We, individually and collectively, duly distributed, received and counted ballots (the "Ballots") to approve or disapprove the proposed extension, amendments, and replacement of the Covenants, Conditions and Restrictions; Riverside County Recordation No. 126373 ("Amended CC&Rs"); *RECORDED ON 12/30/68*
2. We counted the Ballots on November 25, 1998, which counting resulted in the record owners of fifty-one percent (51%) or more of the Area described in the Amended CC&Rs (based on the number of square feet subject thereto) voting to approve the Amended CC&Rs.
3. We have taken actions to preserve and maintain all of the Ballots counted by us at the offices of Tenaja Community Services District, 32395-B Clinton Keith Road, Suite 10, Wildomar, CA 92596.

Executed this 25th day of November, 1998 at Wildomar, California.

Robin Oxman
Robin Oxman

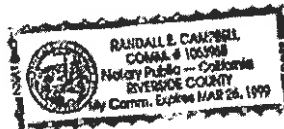
Richard Pierce
Richard Pierce

Paul Hoboy
Paul Hoboy

State of California)
County of Riverside)

Subscribed and sworn to before me
this 25th day of ~~NOVEMBER~~, 1998

Randall Campbell
Notary Public
My Commission Expires: 3-26-99



Notary Public - San Diego, CA 92101
Sandra Jo Sprague, CA 90570

ATTACHMENT “E”



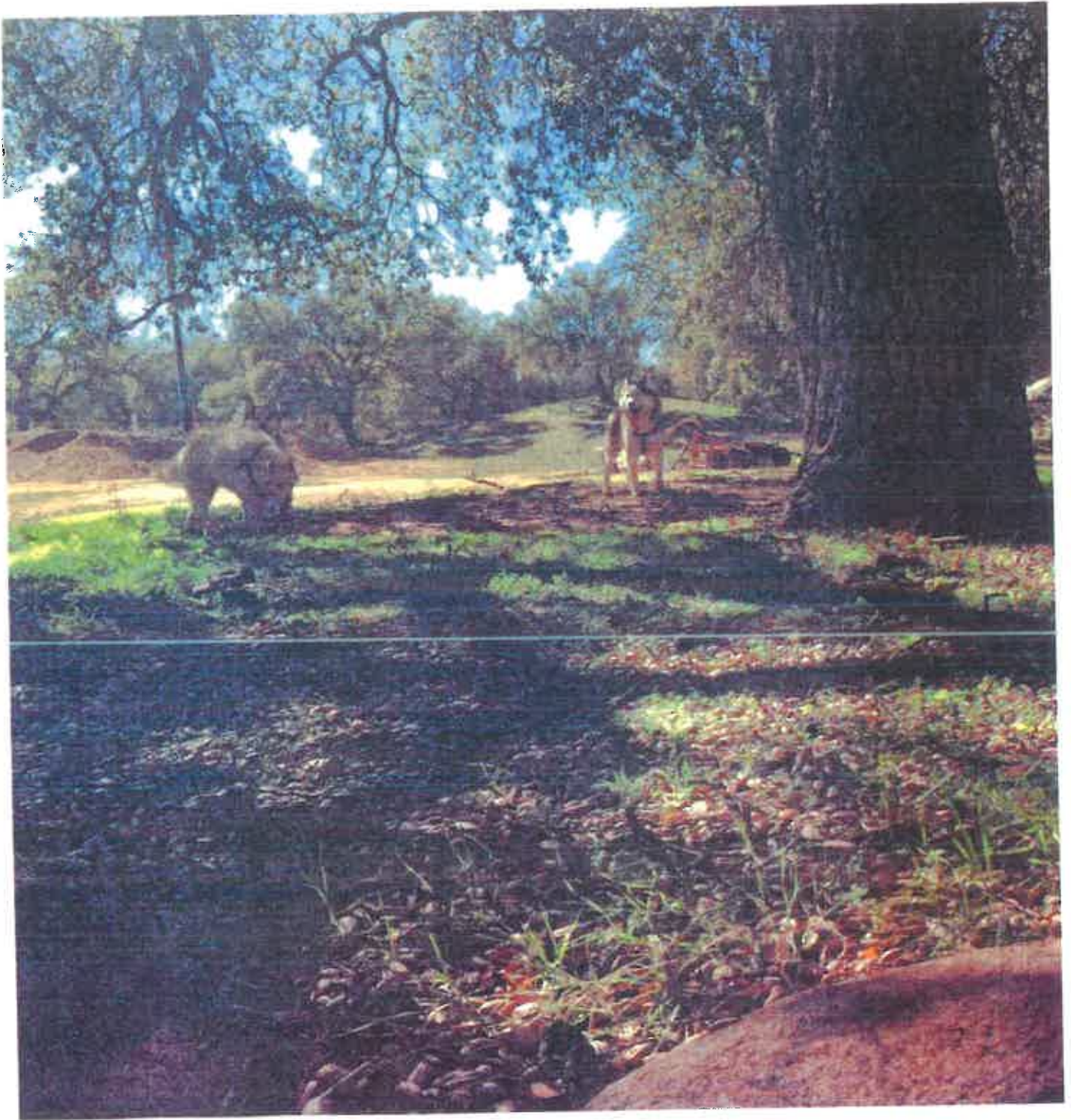


EXHIBIT “2”

Reply To:
Riverside County Office:
24910 Las Brisas Road, Suite 110
Murrieta, California 92562
Telephone: 951.600.2733
Facsimile: 951.600.4996

www.tylerbursch.com

Orange County Office:
The Logos Building
3000 West MacArthur Boulevard
Suite 440
Santa Ana, California 92704
Telephone: 949.707.2733

September 26, 2016

VIA ELECTRONIC
AND U.S. MAIL &

Mr. Steven Weiss
Planning Director
County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501
Email: sweiss@rctlma.org

Re: *Comments in Opposition to Plot Plan 25922, the Class II Kennel Project,
Applicants Timothy & Elizabeth McVicker*

Dear Mr. Weiss:

On behalf of the Tenaja Environmental Concerns Association, I submit these comments in opposition to the Class II Kennel, Plot Plan No. 25922 (the "Project") located in Santa Rosa Plateau.

I. CEQA Comments

It has been determined that the Project is exempt from CEQA under two categorical exemptions (Section 15301 and Section 15303). While on the surface those two categorical exemptions appear to apply, in a closer analysis the exemptions do not apply to this project for the following reasons:

A. Section 15301 "Existing Facilities" Exemption

Under Section 15301, the CEQA Guidelines ("Guidelines") state "[t]he key consideration is whether the project involves negligible or no expansion of an *existing use*." The Guidelines assist the determination by offering up examples of where the "existing facilities" exemption has been applied. The exemption has been applied in alterations involving interior partitions, plumbing and electrical conveyances; existing facilities of publicly owned utilities; existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails; restoration or rehabilitation of damaged structures to meet public health and safety; and additions to existing structures provided the addition will not result in an increase of more than: 50 percent of the floor area of the structures; or 10,000 square feet if (a) the project is in an area where all public services are available, and (b) the area in which the project is located is not environmentally sensitive. The Guidelines cite many other examples that deal with maintenance, minor repairs, demolition, conversions to office use, medical waste generator and family day care.

Of all of these examples, the only example that comes close to qualifying the project for this exemption is “additions to existing structures provided the addition will not result in an increase of more than: 50 percent of the floor area of the structures; or 10,000 square feet if (a) the project is in an area where all public services are available, and (b) the area in which the project is located is located is not environmentally sensitive.” The problem is “addition to existing structures” is not proposed by the Project. Moreover, if the Project were properly described by not only describing the kennel but the dog play area also being installed, the project would fall under the 10,000 square foot requirement. It is clear that this exemption is not available to projects that are located in environmentally sensitive areas, such as the Santa Rosa Plateau.

There are few areas within the County of Riverside that are more environmentally sensitive than the Tenaja Valley given its adjacent to Cleveland National Forest and in close proximity to the Santa Rosa Preserve. There is no “existing use” because the property has never been granted a Class II Kennel permit. Finally, the Project does not propose an addition to existing facilities. Given all of these factors and the examples provided by the Guidelines, a Section 15301 categorical exemption is not appropriate for this Project.

B. Section 15303 “New Construction of Small Structures”

Under Section 15303, the CEQA Guidelines (“Guidelines”) states “Class 3 consists of construction and location of limited numbers of new, small facilities or structures.” While this may appear to be exactly the situation for the Project, the Guidelines provide the examples such as: single-family residence in a residential zone; a duplex or multi-family residential structure; a store, motel, office, restaurant, or similar structure if the surrounding area is not environmentally sensitive; water main, sewage, electrical, gas or other utility; or accessory structures such as garages, carports, patios, swimming pools and fences.

The Project is not proposing adding residential use on top of residential use. (Section 15303(a) and (b).) Nor can a Class II Kennel be considered “accessory”¹ structure to the existing residential use. (Id. at (e).) The reasoning is few, if any, accessory structures require a Plot Plan, live-in caretaker and must comply with a rather long list of conditions outlined in Ordinance 630. Section 15303(c) does not apply because “Subsection (c) further limits the use of this exemption to those commercial projects which have available all necessary public services and facilities, and which **are not located in an environmentally sensitive area.**” (Cal. Resources Agency, California Environmental Resources Evaluation System, CEQA Guidelines; *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1255 [89 Cal.Rptr.2d 233, 240], as modified on denial of reh'g (Oct. 29, 1999).) (Emphasis added.)

Moreover, the Guidelines also establish exceptions to the exemptions. (Guidelines, § 15300.2.) “Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location,

¹ “Accessory” defined as an addition, decoration, attachment or add-on to the existing residential dwelling.

cumulative impact, or unusual circumstances.” (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 689, 46 Cal.Rptr.3d 387 (*Save Our Carmel River*).)

The Project is located between two of the most environmentally sensitive areas in the County of Riverside, if not in the entire State of California. The Project site is identified in the Multi-Species Habitat Conservation Program of the County of Riverside. Therefore, location is definitely a factor. Additionally, the County’s General Plan identifies the Santa Rosa Plateau as being a “unique” community due to its rural and environmental considerations justifying a finding of “unusual circumstances.” If the project is located in a “particularly sensitive environment” an ordinary insignificant impact may become significant. (Guidelines § 15300.2.) Under Section 15300.2 “an activity which would otherwise be categorically exempt is not exempt if there are ‘unusual circumstances’ which create a ‘reasonable possibility’ that the activity will have a significant effect on the environment.” (*Fairbank, supra*, 75 Cal.App.4th at 1259.) In summary, “[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1020.)

As you already know and the proponent has testified, the Project is one lot away from the Cleveland National Forest. In March 2011, the Pacific Southwest Regions of the US Forest Service announced its Ecological Restoration Implementation Plan for the Cleveland National Forest. In discussing the Project with land use staff at the Cleveland National Forest, they were unaware of the Project. Remember, the *SPAWN* court set aside the county’s categorical exemption because a project was adjacent to a protected anadromous fish stream and within a stream conservation area. (*Citizens for Environmental Responsibility, supra*, 242 Cal.App.4th at 569.) More importantly, if mitigation measures are proposed, such as when dogs are allowed outside, it precludes the County from an exemption finding. (*Id.* at 568.) For these reasons, the categorical exemptions should not apply.

II. General Plan Comments

The Project is located in the Southwest Area of the General Plan and land use decisions are guided by the Santa Rosa Plateau/De Luz Policy Area (hereinafter “Santa Rosa Plateau Policy Area”). The General Plan states that “the unique Santa Rosa Ecological Reserve is located in here [the Santa Rosa Plateau Policy Area] and . . . plays a *significant role in setting the character for the area.*” (Emphasis added.) The General Plan explains that the Santa Rosa Plateau is a unique community with ranch style estates which have an equestrian focus. “Extensive citrus groves and avocado orchards complete the sense of quiet and remoteness so predominant here.” The residents of the Tenaja Valley have already informed you of their love for horses and for the quiet enjoyment of their properties that they have come to treasure prior to the intrusion of the McVickers’ dogs.

The General Plan, Santa Rosa Plateau Policy Area land use concepts discusses “The Santa Rosa Plateau forms a high valley along the west side of the Southwest Planning Area and provides still another unique environment devoted to rural estates, groves and *natural habitat.*” (Emphasis added.) The General Plan further explains that “[t]he Santa Rosa Ecological Reserve and the

Cleveland National Forest are designated for open space uses to reflect the rich and *significant habitat these areas provide.*" (Emphasis added.) In looking at the Habitat Map, provided in the General Plan, the area darkest green (Habitat Conservation) is placed where the Project is located.

Statements from the Santa Rosa Plateau Policy Area include:

- Maintaining the rural and *natural character* of the area;
- *Address long term stability* of the Santa Rosa Plateau Ecological Reserve;
- In order to maintain the Plateau's attributes, *future development must be designed in accordance with the area's rural character*;
- *Limit impacts to the ecological preserve.* (Emphasis added.)

Moreover, since the Project site is in a Habitat Conservation area, the Multi-Species Habitat Conservation Plan Policies should apply including:

- *Provide stepping-stone habitat linkages for the California gnatcatcher* as well as other species through the preservation of *land from the Santa Rosa Plateau.*
- *Conserve the Tenaja corridor*, which promotes large mammal movement between the Cleveland National Forest and the Santa Rosa Plateau. (Emphasis added.)

These General Plan policies should direct the land use decisions in the Tenaja Valley, especially on the Project site because of its Habitat Conservation designation. Having served in the field of Parks and Recreation for over twenty-seven years, I can tell you that placing 25 non-native species in the center of the Tenaja corridor will have an impact on animal movement. The Project is one property away from the Cleveland National Forest and directly on the way to the Santa Rosa Plateau Reserve. It should be noted that animals have greater abilities to sense the presence of other animals and the scent of 18-25 dogs will affect the native wildlife inhabitants. You already know how it has negatively affected the human population.

Moreover, it is the type of dog that is of great concern. I can speak from experience since my son moved back home with his Siberian husky, I have personal experience regarding the breed. My home backs up to a densely vegetated hillside that is inhabited by a variety of wild animals including possums, rabbits, birds, rodents, etc. It only took one week before my son's Husky was no longer allowed in my backyard because the dog had killed so many of the animals. Just last week, my daughter informed me that while she was walking the dog on a leash on a horse trail, without warning the dog leaped from the trail towards a branch on a tree, grabbed a possum and shook it to death before she could take any action. When the experts state that Siberian Huskies have a high prey instinct, they most certainly mean it.

There is a reason why so many of these dogs end up in shelters and the biggest one is the howling. I have always been a dog lover until my son's dog came along. I do not like the breed because from the time I drive into the garage the dog starts "talking". It's more like nagging and the

Mr. Steve Weiss
September 26, 2016
Page 5 of 5

dog will not stop. At the last public hearing we had three clips so you could understand the noise concern. Due to technical difficulties, we were unable to play them. If you google husky howling, literally hundreds of clips will pop up because every owner of a Siberian husky experiences the howling. This breed is one of the noisiest dogs I have ever dealt with.

A Class II Kennel full of howling Siberian Huskies will significantly impact the Cleveland National Forest-Santa Rosa Plateau wildlife corridor. It doesn't take too much thought to realize if you were a wild animal and heard or smelled a pack of dogs, you would avoid the area. You heard from Project proponent that a 60lb husky attacked a full size cow. Additionally, since the California gnatcatcher's habitat has shrunk to almost disappearing, this Project is likely to harm this endangered species as well.

Finally, the Cleveland National Forest, the Santa Rosa Ecological Reserve, Fish & Game, Sierra Club and many other agencies are partnering in an attempt to restore the wildlife that use to flourish in this area. The Project is simply not logically located in this sensitive environment because it will negatively impact the efforts being made to restore the wildlife. It has and will continue to ruin the "quiet remoteness" that the General Plan identified.

If the General Plan Policies are to guide land use development, then this Project should be denied as totally incompatible with the long term stability of the Santa Rosa Plateau Ecological Reserve, the Cleveland National Forest's 2011 Ecological Restoration Plan, and the County's Santa Rosa Plateau Policies. That is why the residents of the Tenaja Valley respectfully request that you deny the Project.

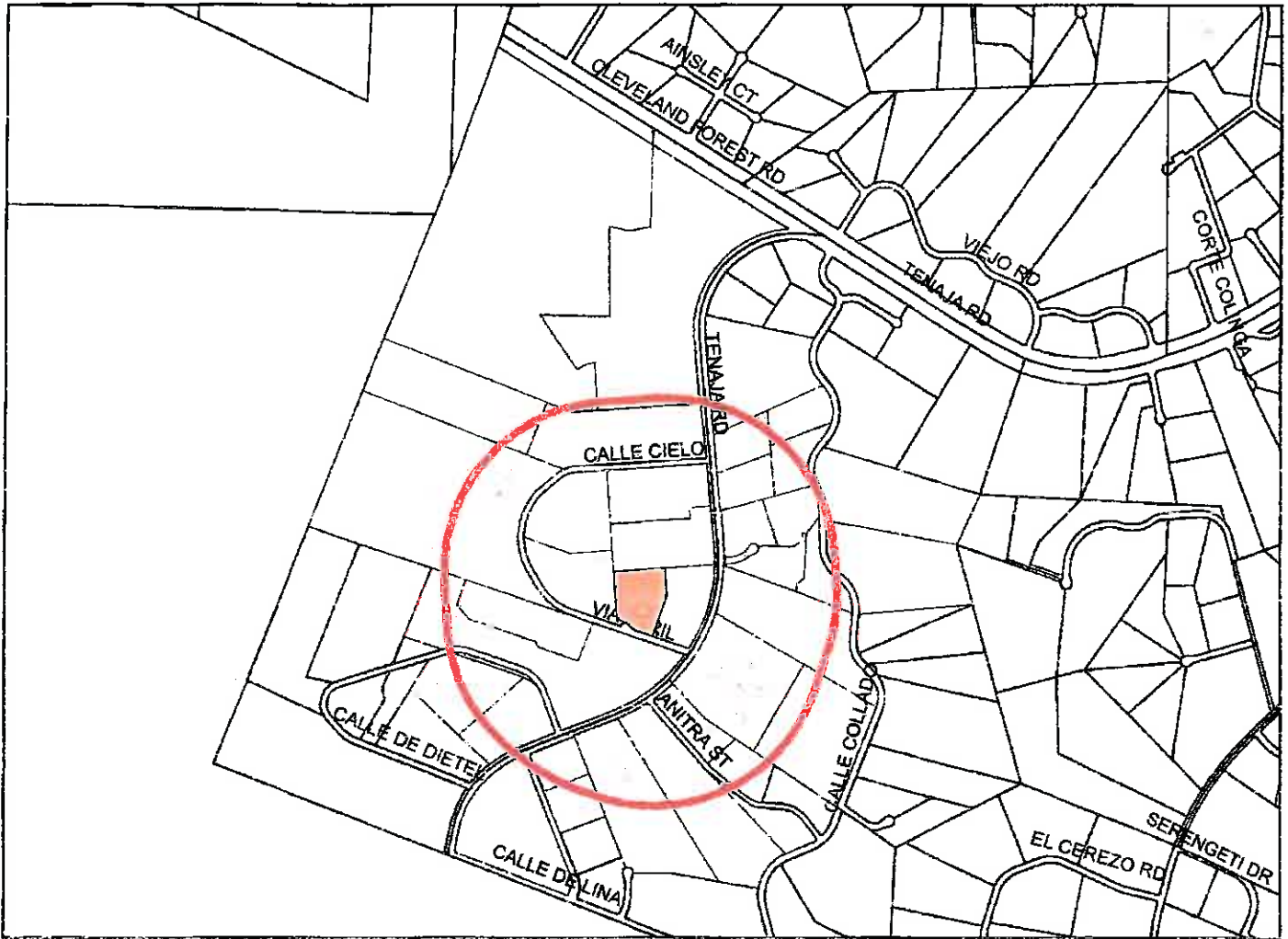
Kind regards,



Marty J. Nicholson, Esq.

MJN:jal

PP25922 (1600 feet buffer)



Selected Parcels

932-020-022	932-040-021	932-050-034	932-040-014	932-040-015	932-050-030	932-050-032	932-050-040	932-050-043	932-390-014
932-050-041	932-050-037	932-040-019	932-050-010	932-030-025	932-030-027	932-040-010	932-040-013	932-050-038	932-020-027
932-050-033	932-050-036	932-050-035	932-020-003	932-020-023	932-050-044	932-020-017	932-040-018	932-020-019	932-020-024
932-030-011	932-030-019	932-030-022	932-020-021	932-020-026	932-020-025	932-050-045	932-040-011	932-050-031	



1,200 600 0 1,200 Feet

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

ASMT: 932040018, APN: 932040018
MARY SCHMIDT, ETAL
17020 CALLE DE LINA
MURRIETA, CA 92562

ASMT: 932050035, APN: 932050035
CATHERIN BACA, ETAL
43200 TENAJA RD
MURRIETA, CA 92562

ASMT: 932020003, APN: 932020003
TIFFANY NELSON MCDANIEL, ETAL
43017 TENAJA RD
MURRIETA, CA 92562

ASMT: 932040019, APN: 932040019
KENNETH MISKAM
PO BOX 1077
MURRIETA, CA 92564

ASMT: 932050036, APN: 932050036
SHELLEY TAYLOR, ETAL
17540 EQUESTRE CT
MURRIETA, CA 92562

ASMT: 932020019, APN: 932020019
FRANK MINNAMEYER, ETAL
17402 VIA ABRIL
MURRIETA, CA 92562

ASMT: 932040021, APN: 932040021
LEYDA BEQUER, ETAL
4980 HIDDEN GLEN LN
YORBA LINDA, CA 92887

ASMT: 932050037, APN: 932050037
FRANCES JOHNSON
17545 EQUESTRE CT
MURRIETA, CA 92562

ASMT: 932020022, APN: 932020022
LUIS VILLATORO, ETAL
14761 ATHEL AVE
IRVINE, CA 92606

ASMT: 932050010, APN: 932050010
PATRICIA CONTRERAS, ETAL
17249 MARIPOSA AVE
RIVERSIDE, CA 92504

ASMT: 932050040, APN: 932050040
JOHN CARTER, ETAL
PMB 289
23905 CLINTON KEITH RD
MURRIETA, CA 92595

ASMT: 932020023, APN: 932020023
SARINA BECKER, ETAL
17250 VIA ABRIL
MURRIETA, CA 92562

ASMT: 932050031, APN: 932050031
KATHLEEN WORTHLEY, ETAL
43455 CALLE COLLADO
MURRIETA, CA 92562

ASMT: 932050041, APN: 932050041
DOMENICK ALDELLIZI
PO BOX 752
MURRIETA, CA 92564

ASMT: 932020024, APN: 932020024
TAMARA MCVICKER, ETAL
17370 VIA ABRIL
MURRIETA, CA 92562

ASMT: 932050032, APN: 932050032
ROSANNA NOVAK, ETAL
30831 AVENIDA BUENA SUERTE
TEMECULA, CA 92591

ASMT: 932050043, APN: 932050043
JO ANN COKER, ETAL
43930 ANITRA ST
MURRIETA, CA 92562

ASMT: 932020025, APN: 932020025
WESTERN RIVERSIDE CO REGIONAL CON AU
3525 14TH ST
RIVERSIDE, CA 92501

ASMT: 932050034, APN: 932050034
ALICIA BAUSLEY, ETAL
17520 EQUESTRE CT
MURRIETA, CA 92562

ASMT: 932050044, APN: 932050044
SHUKUEI HAYASHI, ETAL
32452 AZORES RD
DANA POINT, CA 92629

ASMT: 932040013, APN: 932040013
CATHERIN KAZMARK, ETAL
43905 ANITRA ST.
MURRIETA, CA 92562

ASMT: 932020027, APN: 932020027
PETER MCGOWEN
42991 TENAJA RD
MURRIETA, CA 92562

ASMT: 932040010, APN: 932040010
PHYLLIS SUNINS, ETAL
PO BOX 907
MURRIETA, CA 92564

ASMT: 932040015, APN: 932040015
TERI LAIDLAW, ETAL
29642 NOVACELLA
LAGUNA NIGUEL, CA 92677

ASMT: 932020014, APN: 932020014
GAME WILDLIFE CONSERV, ETAL
C/O BILL GALLUP
1807 13TH ST
SACRAMENTO, CA 95814

ASMT: 932030027, APN: 932030027
LUIGI VERNOLA
12218 BOMBADIER ST
NORWALK, CA 90650

ASMT: 932040011, APN: 932040011
NANCY FLEMING, ETAL
43870 ANITRA ST.
MURRIETA, CA 92562

ASMT: 932020045, APN: 932020045
WESTERN RIVERSIDE COUNTY REG CON
AUT
C/O ECONOMIC DEV AGENCY
3043 10TH ST STE 500
RIVERSIDE, CA 92501

ASMT: 932030022, APN: 932030022
T CLIPPINGER, ETAL
20670 AVD DE ARBOLES
MURRIETA, CA 92562

ASMT: 932020026, APN: 932020026
WESTERN RIVERSIDE CO REG CONSERV AUT
C/O DEPT OF FAC MANAGEMENT
3133 MISSION INN AVE
RIVERSIDE, CA 92507



County of Riverside Animal Service
Attn: Chris Mayer
6851 Van Buren Blvd.
Jurupa Valley, CA 92509

Southland Engineering
Attn: Lisa Merrit
2200 Business Way, Suite 100
Riverside, CA 92501

McVicker's Family Law Mediation Ctr.
29997 Canyon Hills Road, Suite 1603
Lake Elsinore, CA 92532

Larry David Myers
Attorney at Law
400 South Ramona Ave., Suite 213
Corona, CA 92879

Tyler & Bursch, LLP
Attn: Marty J Nicholson, Esq.
24910 Las Brisas Rd. Suite 110
Murrieta, CA 92562

McVicker's Family Law Mediation Ctr.
29997 Canyon Hills Road, Suite 1603
Lake Elsinore, CA 92532

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Jurupa Valley, CA 92509

Southland Engineering
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Riverside, CA 92501

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400 South Ramona Ave., Suite 213
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Tyler & Bursch, LLP
Attn: Marty J Nicholson, Esq.
24910 Las Brisas Rd. Suite 110
Murrieta, CA 92562



COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1612196

4080 Lemon Street Second Floor Riverside, CA 92502 (951) 955-3200	39493 Los Alamos Road Suite A Murrieta, CA 92563 (951) 600-6100	38686 El Cerrito Road Palm Desert, CA 92211 (760) 863-8277
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Received from: MCVICKER TIMOTHY AND ELIZABETH \$983.28
paid by: CK 13389
paid towards: PP25922 NOT EXEMPT FROM CEQA
at parcel #: 17370 VIA ABRIL MURR
appl type: PP03

By _____ Oct 11, 2016 09:16
MGARDNER posting date Oct 11, 2016

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
100001000100777520	CLERK OF THE BOARD	\$26.00
202033100200772210	LMS SURCHARGE	\$19.28
100003120100777180	PLANNING: APPEALS	\$910.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

Memorandum

TO: Ralph Morrow, General Manager
Tenaja Community Services District

FROM: James S. Okazaki

Date: April 16, 2001

Subject: Tenaja Community Services District-Powers

BASIC POWERS OF THE DISTRICT. The Tenaja Community Services District was formed on July 30, 1985 pursuant to Resolution No. 85-409 of the Riverside County Board of Supervisors which states that "...District is organized for the purposes of providing within said District:

- "(a) Collection, treatment or disposal of storm water;*
- (a) Collection or disposal of garbage or refuse matter;*
- (b) Protection against fire;*
- (c) Public recreation by means of parks, including, but not limited to, playgrounds, golf courses, swimming pools, or recreation buildings;*
- (d) Equipment and maintenance of a police department or other police protection to protect and safeguard life and property;*
- (e) The opening, widening, extending, straightening, surfacing and maintenance, in whole or in part, of any street in such district subject to the consent of the governing body of the county or city in which said improvement is to be made.*
- (f) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in (f), subject to the consent of the governing body of the county or city in which said improvement is made;*
- (a) The conversion of existing overhead electric and communication facilities to underground locations in accordance with Public Contracts Code Subdivision (1);"*

B. Administration of Covenants, Conditions & Restrictions.

FACTS: Developers commonly impose Covenants, Conditions, & Restrictions [CC&Rs] when a larger parcel of land is subdivided to assure that the improvement of each of the parcels within the boundaries of the tract will conform to a uniform standard. Such *CC&Rs* are typically administered by an Architectural Control Committee [ACC] comprised of and selected from among the owners within the tract. The powers of the *ACC* are derived from the provisions of the particular *CC&Rs*, and its jurisdiction is limited to the boundaries of the subdivision. A number of years ago Community Services Districts, particularly in the more sparsely populated areas of California discovered that developers of many of the subdivisions within their jurisdiction had adopted and recorded *CC&Rs*, but the owners had not created an *ACC* to administer them. Such Districts, therefore, prevailed upon the legislature to pass a law identical to Section 61601.16 of the Government Code which empowers the Board of Directors of the Tenaja Community Services to **enforce the covenants, conditions and restrictions adopted for each tract within the boundaries of the District, and to assume the duties of the Architectural Control Committee for each tract within the boundaries, for the purpose of maintaining uniform standards of development.**

QUESTION 1: State the specific law which forbids the District's utilizing public funds for the administration of the *CC&Rs*.

ANSWER 1:

To the best of our knowledge and belief, there are no statutes which specifically state that **Community Services District shall not expend its public funds for the administration of private *CC&Rs*** for the simple reason that the legislature would, in our opinion, have no reason to pass a law which states the obvious: [*The researching of relevant court decisions is far beyond the scope of this memorandum. If the Board of Directors desires a legal opinion with recitations of judicial decisions, we will provide such services by separate arrangement.] The basis of our opinion rests upon the following:

- (a) The Tenaja Community Services District is a local governmental agency possessing only such powers as are enumerated above [BASIC POWERS OF DISTRICT].
- (a) *CC&Rs* constitute **private** contracts among the owners of a particular subdivision.
- (b) Section 61601.16 essentially states that the five members of the Board of Directors of the Community Services District may take the place of the Architectural Control Committee to enforce the covenants, conditions and restrictions adopted for each tract within the boundaries of the District.
- (d) The Architectural Control Committee for each of the five (5) Subdivisions within the District can, therefore, administer only the *CC&Rs* for that tract. There are no carry-overs of *CC&Rs* from one tract to another, and certainly no granting of governmental powers to a private function simply

because the members of the Architectural Control Committee also happen to possess governmental powers in another role.

(e) The five members of Tenaja's Architectural Control Committee do not sit as a single body for all of the five subdivisions; rather, they act as a separate ACC for each of them, just as the Architectural Control Committee for Meadow Oaks administers only its CC&Rs.

(f) Any suggestion that "*CC&Rs are a general benefit to the District*" is not at all relevant, and in our opinion patently facetious! *QUERY: How does the administration of CC&Rs which affect only subdivision A beneficially affect subdivisions B, C, D, E and the areas with no CC&Rs?*

QUESTION 2: May funds collected for the administration of CC&Rs be utilized only for enforcement and not for *normal administration by district staff*?

ANSWER 2: No. All expenses related to the performance of the non-governmental function of administering the CC&Rs must be funded by the owners within the boundary of particular subdivision.

QUESTION 3: Must each CC&R be amended to provide for collection of funds?

ANSWER 3 : CC&Rs which do not provide for the collection of funds, must be appropriately amended. The amended CC&Rs must indicate the method of collection and the handling of delinquencies. Since the CC&R's are a private contract, the collection of funds for the administration and enforcement cannot be placed on the tax rolls.

QUESTION 4: How would the fees be collected ?

ANSWER 4: Unless the CC&R's specify the manner of collection, the Board may establish its own collection procedures. The CC&R's must first be amended to provide for the collection of funds.

QUESTION 5: Would these collections be subject to the provisions of Proposition 218?

ANSWER 5: To reiterate: Administration of the CC&Rs is a **non-governmental function**. Proposition 218 is, therefore, not applicable for the collection of funds for the administration and enforcement of the CC&R's.

TENAJA ARCHITECTURAL CONTROL COMMITTEE

Plan Submittal

Plans must have the following items:

1. APN number listed on the plans.
2. Address or location (by street name) on the plans.
3. Name, address, and telephone number of the owner.
4. Exterior colors.
5. Site plan and a grading plan.
6. Two (2) complete sets of drawings, less detail drawings.



Steve Weiss
Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

Date: January 18, 2017

Subject: Appeal of Approved Plot Plan No. 25922 of a Class II Kennel to Planning Commission

RE: Additional correspondence in opposition or support of the Approved Plot Plan No. 25922 of a Class II Kennel

To: The Planning Commission (For Planning Commission hearing dated January 18, 2017)

From: Tim Wheeler, Project Planner

Please find attached additional correspondences both in opposition and in support of the Approved Plot Plan No. 25922 of a Class II Kennel. These are additional correspondences received after the final preparation of the Staff Report for this Appeal of the Approved Plot Plan. The additional emails or letters have been received are:

- 1) Correspondence regarding Tenaja Community Service District's permit clearance on building permits applied in their area
- 2) Email from Elizabeth McVicker further inquiring about reason for delay of Appeal to Planning Commission hearing to January 18, 2017 with photo attached
- 3) Email from Kathy and Tony Barajas in support of the Approved Class II Kennel
- 4) Email from 1st District Office & Commissioner from Michael Juha in support of the Approved Class II Kennel
- 5) Email from Debra Brown in support of the Approved Class II Kennel. Email also includes the email from the appellant Scott Becker to the Tenaja Community area neighbors and residents.

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

CC&Rs That Govern The Project Site



Tenaja Community Services District – Architectural Control Committee

- ▶ McVicker’s submitted a plan for a “tough shed” not a Class II Kennel to the Architectural Control Committee.
- ▶ McVicker’s received approval to put in a storage shed; not a Class II Kennel.
- ▶ McVicker’s have been notified, they are in violation of the CC&Rs by their misrepresentation of their project.



10/11/16
14:27

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

ACCESSORY STRUCTURE Permit No: BAS150253

Parcel: 932-020-024

80. PRIOR TO BLDG PRMT ISSUANCE

TLMA DEPARTMENT

80.TLMA. 1

BP* TENAJA COMM SERVICE DIST

Prior to issuance of permit, clearance is required from the Teneja Community Service District. Please contact arlene Miller at 951 678-9778 for further details and requirements.

cleared
11/20/15
MET

TCSD Ltr dated 11/10/15

ARCHITECTURAL CONTROL COMMITTEE
TENAJA CSD
32395-B CLINTON KEITH ROAD
WILDOMAR, CA 92595
Tel: 951-678-9778

10 November 2015

Mr. Tim McVicker
17370 Via Abril
Murrieta, CA 92562

Re: Proposed storage shed at 17370 Via Abril in Tenaja CSD

Dear Mr. McVicker:

The Architectural Control Committee reviewed your plans for a proposed storage shed at the property at 17370 Via Abril, Murrieta, CA 92562. The review was conducted at the meeting of the Committee today. Thank you for having persons attending to answer the questions of the Committee about the drainage issue.

Your plans for the proposed storage shed are approved by the Architectural Control Committee.

Thank you for submitting your application. Please feel free to present this letter to the County of Riverside as evidence of approval by the Tenaja CSD Architectural Control Committee.

Please feel free to contact us with any questions.

This approval is valid for 120 days, during which time construction must start.

Your proposed storage shed must be built with appropriate permits from the County of Riverside, must have all utilities underground, and all outdoor lighting must comply with the restrictions required by the Palomar Observatory. Upon completion or final inspection, whichever comes first, all construction materials and equipment must be removed from your property promptly.

Sincerely,



Michael Juha, for the
Architectural Control Committee

Conditions of Approval

- ▶ **The County has always required Tenaja Community Services District approval or clearance as a condition of approval prior to issuing a permit.**



17402 Via Abril

- ▶ **BRS150297 County's Conditions of Approval Prior to Building:**
- ▶ **80.TLMA 001 "Clearance from Tenaja Community Services District is Required Prior to Issuance of Permit."**



10/11/16
14:28

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

NEW RESIDENTIAL BLDG PMT Permit No: BRS150297

Parcel: 932-020-019

80. PRIOR TO BLDG PRMT ISSUANCE

*cleared
10/30/15
MET*

TLMA DEPARTMENT

80.TLMA. 1

BP* TENAJA CSD CLEARANCE REQD

CLEARANCE FROM TENAJA COMMUNITY SERVICES DISTRICT IS
REQUIRED PRIOR TO ISSUANCE OF PERMIT.

*Per phone call with A. Miller
with TCSD. ok to clear COA.*

17250 Via Abril

- ▶ BRS072134 County's Conditions of Approval Prior to Building:
- ▶ 80.TLMA 001 "Prior to issuance of this permit, clearance must be obtained from the Tenaaja Community Services District."



10/11/16
14:28

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

NEW RESIDENTIAL BLDG PMT Permit No: BRS072134

Parcel: 932-020-023

80. PRIOR TO BLDG PRMT ISSUANCE

TLMA DEPARTMENT

80.TLMA. 1

BP* TENAJA COMMUNITY SVC DISTR

cleared
12/13/07
MET

Prior to issuance of this permit, clearance must be obtained from the Tenaja Community Service District. TCSD may be reached at: 32395 B Clinton Keith Rd., Suite 10, Wildomar, CA 92595, or by phone at 951 678-9778. Their web site is: www.tenajacsd.org.

TCSD Ltr dated 11/30/07
from RICHARD PIERCE

17370 Via Abril -Project Site

- ▶ BRS071556 County's Conditions of Approval Prior to Building:
- ▶ 80.TLMA 002 "Prior to Issuance of Permit, Clearance is Required from the Tenaja Community Services District. Please contact Arlene Miller for further details and requirements."



10/11/16
14:27

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

NEW RESIDENTIAL BLDG PMT Permit No: BRS071556

Parcel: 932-020-024

80. PRIOR TO BLDG PRMT ISSUANCE

TLMA DEPARTMENT

*clears
12/3/07*

80.TLMA. 2

BP* TENAJA CSD CLEARANCE

MET

PRIOR TO ISSUANCE OF PERMIT, CLEARANCE IS REQUIRED FROM THE
TENAJA COMMUNITY SERVICES DISTRICT. PLEASE CONTACT ARLENE
MILLER AT 951-678-9778 FOR FURTHER DETAILS AND
REQUIREMENTS.

*TCSD Ltr dated 11/29/07
From A. Miller*

Not Asking for Enforcement

- ▶ The County has required clearance from Tenaja Community Services District (“TCSD”) prior to issuance of any plot plan.
- ▶ The project property has been subject to that condition of approval in the past.
- ▶ The County is aware that clearance has not been given from TCSD.
- ▶ The County should require this project obtain clearance from TCSD prior to issuing a permit.



Wheeler, Timothy

From: Elizabeth Mcvicker <emcvicker@mcvickersfamilylaw.com>
Sent: Friday, December 09, 2016 10:43 AM
To: Wheeler, Timothy
Cc: 'Tim Mcvicker'; 'Larry Myers Esq.'; amartin@southlandengineering.com; Hildebrand, John; Weiss, Steven; Magee, Robert; 'Lisa Merritt'
Subject: RE: Appeal of the Planning Director's hearing for PP 25922
Attachments: Becker photo 12072016.jpeg

Dear Mr. Wheeler,

I hope that you and your staff are enjoying the holiday season. Tim and I do very much appreciate all of the time and effort the County has spent on our plot plan.

We also understand that we are going through a process for an ultimate decision to be rendered on our application for a discretionary Class II dog kennel for our personal dogs at our residence.

The intention of this email is solely to provide some information to you which may shed some light on the possible reason why Mr. Becker was not available for the December 7, 2016 Planning Commission hearing.

Tim and I were surprised to see Mr. Becker in attendance at the Tenaja CSD meeting on December 7, 2016 (photo of Mr. Becker in attendance at meeting attached).

Further, all day Thursday December 8, 2016, and all day today December 9, 2016, have been filled with preparations at our next door neighbor (17350 Via Abril Murrieta CA) Mr. Becker's back yard for his daughter's wedding tomorrow. Mr. Becker's yard is tented and there is hustle and bustle everywhere. Here is the link to his daughter's wedding information:

<https://www.theknot.com/us/sashell-becker-and-brandon-shaffer-dec-2016>

Tim and I are waiting on pins and needles for the next hearing on our kennel license which has been set for January 18, 2016 in accord with Mr. Becker's request and availability.

Very truly yours,

T. Elizabeth McVicker, CFLS* | McVicker's Family Law Mediation Center, PLC | Canyon Hills Marketplace | 29997 Canyon Hills Road, Suite 1603, Lake Elsinore, California 92532 | Direct Dial: 951 244-8659 | Fax: 951 244-3109 | emcvicker@alllegalaccess.com | www.alllegalaccess.com

*Certified as a Specialist in Family Law by the State Bar of California, Board of Legal Specialization.

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From: Wheeler, Timothy [mailto:TWHEELER@rctlma.org]
Sent: Thursday, November 17, 2016 6:05 PM
To: 'Elizabeth Mcvicker' <emcvicker@mcvickersfamilylaw.com>
Cc: 'Tim Mcvicker' <timothygmcvicker@gmail.com>; 'Larry Myers Esq.' <ldmyersesq@hotmail.com>; amartin@southlandengineering.com; Hildebrand, John <JHildebr@rctlma.org>; Weiss, Steven <SWeiss@rctlma.org>; Magee, Robert <RMagee@rcbos.org>; 'Lisa Merritt' <lmerritt@southlandengineering.com>
Subject: RE: Appeal of the Planning Director's hearing for PP 25922

Ms. McVicker,

The firm date for the Appeal of PP25922 (Class II Kennel) going to Planning Commission is January 18, 2017. As the appellant is not available for the next Planning Commission dates of December 7, 2016 or January 4, 2017; January 18th is the date for this appealed hearing. The appellant is the leading factor at this time for way this case is proceeding to Planning Commission. He has agreed to and is available for the January 18, 2017 date.

Tim Wheeler
Urban Regional Planner III
4080 Lemon St - 12th floor
Riverside, CA 92501
951-955-6060

How are we doing? Click the Link and tell us

From: Elizabeth Mcvicker [mailto:emcvicker@mcvickersfamilylaw.com]
Sent: Thursday, November 17, 2016 1:40 PM
To: Wheeler, Timothy
Cc: 'Tim Mcvicker'; 'Larry Myers Esq.'; amartin@southlandengineering.com; Hildebrand, John; Weiss, Steven; Magee, Robert; 'Lisa Merritt'
Subject: RE: Appeal of the Planning Director's hearing for PP 25922

Dear Mr. Wheeler,

Have you scheduled a firm date as of yet for the hearing on the appeal of our kennel license?

Thank you.

Sincerely,
Liz

T. Elizabeth McVicker, CFLS* | McVicker's Family Law Mediation Center, PLC | Canyon Hills Marketplace | 29997 Canyon Hills Road, Suite 1603, Lake Elsinore, California 92532 | Direct Dial: 951 244-8759 | Fax: 951 244-3109 | emcvicker@mcvickersfamilylaw.com | www.mcvickersfamilylaw.com

*Certified as a Specialist in Family Law by the State Bar of California, Board of Legal Specialization.

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From: Lisa Merritt [<mailto:lmerritt@southlandengineering.com>]

Sent: Friday, November 11, 2016 2:26 PM

To: 'Wheeler, Timothy' <TWHEELER@rctlma.org>

Cc: 'Elizabeth Mcvicker' <emcvicker@mcvickersfamilylaw.com>; 'Tim Mcvicker' <timothygmcvicker@gmail.com>; 'Larry Myers Esq.' <ldmyersesq@hotmail.com>; amartin@southlandengineering.com; 'Hildebrand, John' <JHildebr@rctlma.org>; 'Weiss, Steven' <SWeiss@rctlma.org>; 'Magee, Robert' <RMagee@rcbos.org>

Subject: RE: Appeal of the Planning Director's hearing for PP 25922

Good Morning Timothy,

I met with the McVicker's and their attorney, Larry Myers last night. Pursuant to our telephone conversation on Tuesday regarding Scott Becker's request for a later Planning Commission date due to an "elected" vacation he will be taking. We request that a later date be denied. Scott Becker is NOT the project appellant. The "so-called" Tenaja Environmental Concerns Association (TECA) is the appellant and they have counsel to represent their "Association". We cannot continue to appease Mr. Becker in his mission to destroy the lives of Tim and Elizabeth McVicker. As you know, the TECA was formed for the sole purpose of taking down the McVickers and their right to live their lives with their dogs. Every other resident in the Tenaja area is afforded that right; including the 18 illegally boarded horses next door on the Becker property. We all know that if this was a legitimate Environmental Concerns Association they would be addressing environmental concerns for all projects; including how to address the urine and fecal matter from their horses in and along streams and trails; as well as the cows, texas longhorns, etc... in the immediate area. As it stands now, the urine and fecal matter from the horses on the Becker property draining into the blueline stream have killed the trees the McVicker's planted, over and over again. Let's not give this bully credence to his false claims and the hysteria he has created in the community.

Please place this item back on the Dec 7th Planning Commission. It is not right to make Tim and Elizabeth wait any longer.

Thank you so much!

Lisa



Lisa A. Merritt, President

SOUTHLAND ENGINEERING

2200 Business Way, Suite 100

Riverside, CA 92501

951-788-8488 OFFICE

951-534-7128 CELL

From: Wheeler, Timothy [<mailto:TWHEELER@rctlma.org>]

Sent: Tuesday, November 8, 2016 12:20 PM

To: 'Lisa Merritt' <lmerritt@southlandengineering.com>

Cc: 'Elizabeth Mcvicker' <emcvicker@mcvickersfamilylaw.com>; 'Tim Mcvicker' <timothygmcvicker@gmail.com>; 'Larry Myers Esq.' <ldmyersesq@hotmail.com>; 'amartin@southlandengineering.com' <amartin@southlandengineering.com>; Hildebrand, John <JHildebr@rctlma.org>

Subject: RE: Appeal of the Planning Director's hearing for PP 25922

An Update:

I just finish emailing and speaking to the appellant (Mr. Becker) and he has requested a later date for the Planning Commission (PC) Appeal Hearing for PP25922. This will put the appeal into January as there are no further dates in December. Dates for the 2017 PC calendar have not yet been approved (they will be at the December PC hearing) and the next 2 tentative dates in January are 1/4/17 and 1/18/17. The tentative date requested by the appellant is 1/18/17. Once the 2017 PC calendar has been approved at Planning Commission, I will follow up with all parties involved on that approved/confirmed date.

Thank you

Tim Wheeler
Urban Regional Planner III
4080 Lemon St - 12th floor
Riverside, CA 92501
951-955-6060

[How are we doing? Click the Link and tell us](#)

From: Wheeler, Timothy
Sent: Tuesday, November 08, 2016 9:08 AM
To: 'Lisa Merritt'
Cc: 'Elizabeth Mcvicker'; 'Tim Mcvicker'; 'Larry Myers Esq.'; amartin@southlandengineering.com
Subject: RE: Appeal of the Planning Director's hearing for PP 25922

Good Morning Ms. Merritt,

We are scheduling the Appeal of PP25922 for Planning Commission for December 7th, 2016.

Tim Wheeler
Urban Regional Planner III
4080 Lemon St - 12th floor
Riverside, CA 92501
951-955-6060

[How are we doing? Click the Link and tell us](#)

From: Lisa Merritt [<mailto:lmerritt@southlandengineering.com>]
Sent: Wednesday, November 02, 2016 2:45 PM
To: Wheeler, Timothy
Cc: 'Elizabeth Mcvicker'; 'Tim Mcvicker'; 'Larry Myers Esq.'; amartin@southlandengineering.com
Subject: Appeal of the Planning Director's hearing for PP 25922

Hi Timothy,

Could you please let us know if you have secured the November 16th Planning Commission date??? We haven't heard anything from you in a while. Please respond at your earliest.

Thanks!

Lisa



Lisa A. Merritt, President

SOUTHLAND ENGINEERING

2200 Business Way, Suite 100

Riverside, CA 92501

951-788-8488 OFFICE

951-534-7128 CELL

Wheeler, Timothy

From: Tony & Kathy Barajas <tkbarajas@charter.net>
Sent: Sunday, January 08, 2017 4:05 PM
To: Magee, Robert; Wheeler, Timothy
Subject: SUPPORT FOR TIM MCVICKER/SHADOW HUSKY RESCUE - APPEAL OF PLANNING DIRECTOR'S DECISION TO APPROVE PLOT PLAN NO 25933.

Hello,

Mr. McVicker is doing the most wonderful work with the husky rescue he runs, saving many lives and he needs to be able to continue saving these dogs. He has done this all out of the love of the breed and his need to save as many as possible. He has a nice circle of supporters, including foster parents for these dogs until they are adopted out. With his acreage, it should not be an issue with his neighbors who apparently are doing their best to overturn the kennel license. This is also a horse community with large lots and so having a dog kennel/rescue should not interfere or cause any issues in the area. The lot sizes are not your typical residential community. Huskies are the most friendly non-aggressive dogs and are known not to be big barkers. I myself personally have a Husky, age 2, who welcomes everyone to my house, is not aggressive and does not bark hardly at all - he just wants to be friends with all. This is what the Husky is known for. In fact, before I got my own husky, I was told by several people as well as in doing my research into the breed, that husky are very friendly and in fact would probably welcome a burglar into the home versus protecting the home. I found this hilarious but it is actually very true - they are NOT aggressive dogs.

Please do not overturn and deny this class 2 kennel license. Please allow Mr. McVicker to continue his husky lifesaving acts. He has my full support (as well as many, many others) and I have volunteered myself to be a foster "mom" and am currently awaiting a dog that I can help save. Please, please support this wonderful rescue.

Cheers,

Kathy Barajas

Wheeler, Timothy

From: Magee, Robert <RMagee@RIVCO.ORG>
Sent: Monday, January 09, 2017 9:33 AM
To: Wheeler, Timothy
Subject: FW: Please approve kennel permit for McVicker

FYI.

From: Michael Juha [mailto:michaeljuha@gmail.com]
Sent: Sunday, January 08, 2017 12:41 PM
To: CLeach@adkan.com
Cc: Magee, Robert <RMagee@rcbos.org>
Subject: Please approve kennel permit for McVicker

Dear Planning Commissioner Leach:

Today, I received an email from Mr. Scott Becker soliciting that I help him fight the kennel permit sought by Mr. and Mrs. McVicker for their property in Tenaja CSD.

Unlike Mr. Becker, I encourage you to approve that kennel permit for the McVickers. I also encourage you to be wary of involving the County in disputes between owners of private properties when the disputes are based upon claims of violations of Covenants, Conditions, & Restrictions (aka CC&Rs).

I was a Board member for Tenaja CSD in 2014 and 2015. I was also a member of the Tenaja CSD Architectural Control Committee which reviewed and approved plans submitted by the McVickers.

I resigned from the Board of Tenaja CSD in 2016 after discovering unethical practices. I believe Mr. Scott Becker was appointed to replace me as a director.

Mr. Becker has been trying to engage the County, as well as Tenaja CSD, in his dispute with his neighbors, the McVickers. Mr. Becker has sought to obtain advantage for his complaint in any way he can (and this is normal human behavior). However, there are many facts which Mr. Becker chose to ignore.

First, Tenaja CSD no longer has the authority to enforce CC&Rs. After being founded by the County in 1985, Tenaja CSD was given the authority to enforce CC&Rs by California Government Code Section 61601.10 which authority was put into effect shortly after voters in Tenaja CSD approved taking on the responsibilities of Architectural Control in their November 1986 District election. However, Tenaja CSD lost this authority when Gov't Code Section 61601.10 was replaced with Gov't Code Section 61105 in year 2006. Tenaja CSD remained unaware of this change until 2014 when I made the Board and the General Manager of Tenaja CSD aware of the 2006 change in Gov't Code. When made aware of the change in Gov't Code, other Directors and the GM claimed it was a typographic error, and chose to ignore the issue. As a director, I asked that Tenaja CSD's GM contact State Assembly Member Melissa Melendez to obtain a correction to Gov't Code 61105. Tenaja CSD's Board and GM did nothing in the 3 years since early 2014 when they were notified of the change in law. In January 2014, in recognition of the change in law, I made a motion which was approved by a majority of the Board, that the activities of the Tenaja CSD Architectural Control Committee be restricted to assuring structures were set back from property boundaries by appropriate distances to protect roadways, and that the Architectural Control Committee also limit itself to ensuring proper drainages from any improved property. These

restrictions became the scope of work for the Tenaja CSD Architectural Control Committee in January 2014, and they prevail as the scope of work today.

Second, on 4-27-2001 the Legal Counsel of the Tenaja CSD advised the Tenaja CSD Board and GM that they were not empowered to spend public funds on CC&Rs matters, since CC&Rs were private property encumbrances and not rules, ordinances, or regulations issued by Tenaja CSD as a public agency. Tenaja CSD has 5 different sets of CC&Rs encumbering properties within the District, as well as a substantial land area with no CC&Rs. The Legal Counsel of Tenaja CSD advised the Board and GM to collect fees or other sources of non-public (not taxes or special assessments) funds to the extent the CC&Rs enabled them. Since 2001, Tenaja CSD has not made an effort to collect these non-public funds to provide for operation of the Architectural Control Committee.

Third, Tenaja CSD is not an equine community, or equestrian community, as Mr. Becker alleges. In the 1990s, Tenaja CSD asked voters to decide if the District should build and maintain trails in the community. The voters refused to approve an effort to build and maintain trails. As a result, equestrian trails are limited to whatever private property owners are willing to provide and maintain. Tenaja CSD has some property owners who own horses, but there are an equal number of property owners who do not own horses (and some have unused horse facilities).

Fourth, the McVickers desire to operate a dog rescue operation on their property, much like some of the equestrian property owners on the Santa Rosa Plateau operate horse rescue operations on their properties. The effort by the Beckers to stir up their neighbors ignore the fact that the rural area of Tenaja CSD is a suitable area for such animal rescue operations.

Fifth, the environmental concerns expressed by Mr. Becker from dog feces should also be applied to horse feces. As a Board member for Tenaja CSD, I had three owners of large acreages in Tenaja CSD become very upset when equestrians chose to ride through their properties without permission, and leave substantial evidence of their horses' passage in the form of urine and feces in stream beds which crossed both owners' properties. The equestrians have the attitude that if an owner does not fence their property, that property is free for the equestrians to use as they would like. And, the equestrians did take down owners' "No Trespassing" signs.

Sixth, given that the County is a public agency, I believe the County, like Tenaja CSD, is subject to restraints against using public funds to resolve private property disputes based upon CC&Rs. When I read the first objection raised by Mr. Becker in his text below, I am left wondering why the County is involved in this matter?

Here is the leading objection as presented in the text of Mr. Becker's email of today:

"1. A Kennel II operation is a commercial use of the property which violates our Covenants, Conditions and Restrictions ("CC&Rs"). All property owners should be concerned about commercial uses being allowed in violation of the CC&Rs that ensure our community remains rural and is not exposed by these types of commercial nuisances."

I question Mr. Becker's assertion that a Kennel II operation is a commercial use of property. If no money changes hands, how is an animal rescue operation a commercial operation?

I find the County involvement in this private property dispute troubling, since it uses public funds to resolve a private property dispute.

I also find it troubling that Mr. Becker is operating under the color of authority he obtains as a Board member of Tenaja CSD, as well as the Tenaja ECA (an entity he appears to have created).

I am aware that the McVickers employ personnel to be on duty 24/7 to tend the dogs on their property. The dog escape referred to by Mr. Becker occurred just once when a vendor vehicle failed to close a gate properly. I understand the McVickers have addressed this gate issue with a remedy. The McVickers are trying to comply with County Ordinances. It appears Mr. Becker wants to prevent the McVickers from compliance in the interest of gaining advantage in any eventual litigation he might pursue.

Does the County want to be a pawn in this contest of wills?

I recommend against it.

The Beckers need to resolve their dispute with the McVickers on their own, or through litigation in the courts.

Without going into all the details, some of the issues I have with Tenaja CSD which caused my resignation from the Board are related to filing false financial reports. Tenaja CSD has claimed the road right of way lands within the community as an asset on their balance sheet worth \$4.29 million. However, the County owns all the right of way lands, since those lands were dedicated to, and accepted by, the County. For example, the few right of ways in Tenaja CSD which had not been properly accepted by the County were finally accepted by the Board of Supervisors at their 22 April 2014 meeting. Tenaja CSD spent approximately \$43,000 on engineering and surveying to facilitate this acceptance of right of way by the County. The 22 April 2014 acceptance of right of way by the County completed the acceptance of all right of way land within Tenaja CSD. Given that fact, the financial statements of Tenaja CSD show a remarkable lack of a grasp of the obvious, and other Board members were unwilling to consider corrective action.

In the context of the foregoing paragraph, if a local agency will misrepresent ownership of land in its financial statements, how questionable are its other actions? I chose to quit being a Board member for such a local agency, despite having been elected by a landslide as a write-in candidate. The 80 households that voted for me expressed great disappointment when I resigned from the Tenaja CSD Board.

I made Mr. Becker aware of the reasons for my resignation shortly after I resigned.

Please feel free to contact me via email or telephone with your questions.

Michael Juha

Tel: 951-600-1462

Email: michaeljuha@gmail.com

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[County of Riverside California](#)

Wheeler, Timothy

From: Debra Brown <calle-el-sauce@verizon.net>
Sent: Monday, January 09, 2017 2:04 PM
To: Wheeler, Timothy; Weiss, Steven; Commision Leach; Magee, Robert
Subject: Commercial Class II Kennel January 18, 2016

Importance: High

To Whom It May Concern:

I wanted to reiterate my continued support in granting the requested Kennel License Permit. I truly believe that the party requesting the permit has but one goal in mind, to house their dogs in a safe and secure environment and that they are not proposing to operate an animal rescue and/or breeding facility.

I am both a dog and equine owner and also ride the trails of La Cresta and Tenaja. I strongly believe that this area is large enough to support not only equine ranches but canine kennels as well. All should have a place here on the Santa Rosa Plateau.

The minimum parcel is 5 acres, with many properties encompassing 10 acres or more. This is not the City. Those of us who reside here have chosen it for a reason. It is beautiful, natural land, abundant with space and wildlife. A home for both domestic and wild creatures alike. It is not by any means for the use equine only. I absolutely do not understand how the granting of a Kennel Permit would encroach on any of the equine owners' ability to ride and enjoy the many horse trails throughout the area, nor how it could possibly impose upon the California Environmental Quality Act or be in violation of the local CC&R's, both claims of which seem absurd (**please refer below to the email that I received from the opposing party**).

While some may view a kennel as a nuisance, a good kennel owner will take appropriate steps to safely confine their animals within their property and away from neighboring residences. Additionally, licensed kennels are subject to numerous regulations and on-going inspections beyond that of normal dog licensing. If down the road offenses are found or documented nuisances received the kennel permit could be revoked. The approval of kennel license is not "set in stone" for all time. Obviously, its ability to remain within the community will, in the long run, be dependent upon its Owners. From what I have read, the Owners requesting the kennel license are extremely caring individuals with only one goal in mind, to care for a group of well trained and socialized dogs that are undeniably considered "beloved family pets".

Please know that I have not met the owners of the proposed kennel, nor I have met those who are opposed to the kennel. I assume that I have been solicited by the opposing party through use of the Santa Rosa Plateau Riding Club's Members Directory. However, as being relatively new to the plateau I have not had the opportunity to attend any of the Riding Club Events or meet with its members.

Personally, I believe the persons that are seeking the kennel license are entitled to have the opportunity to prove themselves fit to successfully operate a safe, clean and contained home kennel. How is it that ranch owners of equine, fowl and other menagerie are not classified as "commercial use" and instead are justified and allowed while canine kennels (ranches) are not? As for the fear of losing our rural community... Seriously?? Where better for a kennel to reside but in a rural area? Is that not why the other types of ranches / animal housings are here? I know that's why the packs (and packs) of coyotes are here. As for howling dogs verses howling coyotes....the coyotes unanimously win that debate. Just saying.....

Debra Brown
20955 Calle El Sauce
Murrieta (La Cresta), CA 92562

From: tenajaeca@gmail.com

Sent: Sunday, January 08, 2017 9:56 AM

To: tenajaeca@gmail.com

Subject: FW: Fight Commercial Class II Kennel January 18, 2016

Fight Commercial Class II Kennel Use By Attending The County of Riverside Planning Commission Hearing 01/18/2017

Dear Friends and Neighbors,

As most of you are aware the Property owners who reside at 17370 Via Abril in Tenaja, have applied for a Class II Kennel Permit which will allow them to house 25 Siberian Huskies. They currently have 18 dogs on the property that have caused numerous disturbances, all well documented by Animal Control, Code Enforcement and Notarized Testimonials by surrounding neighbors. The County of Riverside Planning Commission's Public Hearing will take place **Wednesday, January 18th @ 9:00am to address our appeal** to permitting a commercial use in our quiet, rural community. In order to defeat this unlawful use, we need to let the County know our concerns by speaking out at the hearing. As most of you know, they have been secretly functioning as a rescue operation in our quiet Equine Community.

This hearing is held to determine if the Riverside County **Planning Commission** will **reverse the improper decision** that was made on September 26th by the **Planning-Director** who approved the Class II Kennel project. As most of you know, the Planning Director completely disregarded our Covenants, Conditions and Restrictions ("CC&Rs"), and the written request from our Architectural Control Committee to deny this request based on improper land use. The Planning Director also, erred—when he exempted the project from environmental review under the California Environmental Quality Act (CEQA), and completely ignored the fact that this kennel has been in violation of County regulations for over a year.

Remember, this issue is extremely important to all of us because if the Class II Kennel project, a commercial use, is allowed, it may open the doors to similar commercial uses and destroy the rural nature of our community negatively affecting property values. Additionally, information regarding the concerns is listed at the end of this email.

We are providing Transportation to and from the Hearing. We will be heading out at 6:30am, and will be making stops along Tenaja Road from our home at Via Abril, to Clinton Keith Rd.

IT IS URGENT THAT OUR COMMUNITY MAKE A STRONG SHOWING OF OPPOSITION BY ATTENDING THIS HEARING. OUR WAY OF LIFE AND THE FUTURE URBANIZATION OF OUR COMMUNITY IS AT STAKE. ALLOWING THIS KENNEL TO EXIST IN OUR COMMUNITY WILL SET A PRECEDENT THAT COULD BRING IN MORE COMMERCIAL OPERATIONS, TRAFFIC AND URBANIZATION TO OUR PEACEFUL AND EXTRAORDINARY VALLEY. COUNTY OF RIVERSIDE HEARING ADDRESS:

County of Riverside Administration Building
4080 Lemon St.
Board of Chambers, 1st Floor
Riverside, CA 92501

Here's a reminder why our community is in opposition of the Class II Kennel request:

1. A Kennel II operation is a commercial use of the property which violates our Covenants, Conditions and Restrictions ("CC&Rs"). All property owners should be concerned about commercial uses being allowed in violation of the CC&Rs that ensure our community remains rural and is not exposed by these types of commercial nuisances.
2. The dogs have "escaped" from the property and they are likely to do so again. Their first escape resulted in chickens killed, livestock attacked, and one neighbor so terrified to leave her house for over an hour. It is well documented that Siberian Huskies have a propensity to kill small animals, and attack large mammals as a pack, like horses. They are classified as the fourth most dangerous dog breed behind Pit Bulls and Rottweilers. The statistics show they have and will attack small, defenseless animals including children. (See Link Below). An Equine Community is no place for a Kennel that will house up to 25 dogs, especially this breed. This type of operation is simply incompatible with the area.
3. The dogs love to howl and when you have 18-25 of them howling, it is a nuisance that disturbs the quiet enjoyments of the neighborhood.
4. Numerous Environmental concerns with 18-25 dogs including defecating and urinating.
5. Siberian Huskies, like most dogs, require love and attention that two people simply cannot give 18-25 dogs. In most kennels, dogs are adopted out to loving families and do not spend their entire life in a kennel. In the proposed kennel, the dogs will be condemned to spending the rest of their lives in a 480 square foot kennel, without ever having an opportunity to have a family of its own, waiting on two people who work full time to come home. Experts on Huskies agree that the lack of attention results in serious negative behaviors. To wit, Huskies are #4 on the list of most dangerous dogs. Huskies are #2 on the noisiest dog breed list. Every reference book on Huskies agree, without proper care they will howl and become destructive. Husky breeds are excluded from coverage under most homeowner's insurance policies because of their aggressive nature and bite history. There is not a single Homeowners insurance policy that will provide coverage for 25 Huskies, it requires a "**Commercial**" Kennel policy to provide coverage for this potential liability exposure. Long story short, if you or your family is attacked, it will not be covered by the owner's insurance.

As you may know, the County of Riverside only allows four dogs to be kept on a **residential** property. This requirement is an excellent way to reduce private nuisances created by too many dogs on a property and the associated barking, howling and problems with dog fecal matter, and to ensure dogs receive the proper love and attention they deserve. We've all seen the commercials on television where animals must be "rescued" from cages on private property due to neglect. Dogs deserve a family; not treated as herds to be penned in mass numbers. If you care for animals, you know a permanent kennel life is no life for a dog.

In closing, If we don't stand up for the "no commercial use" prohibition today, and our CC&R's, we will lose valuable property rights we cannot get back in the future. Tenaja Community Services District ("TCSD") and Surrounding Communities CC&Rs prohibits commercial use which this clearly is.

As Residents of Tenaja, La Cresta and the Santa Rosa Plateau, I urge you to contact the County of Riverside and ask that they respect our CC&R's and their own Ordinances by declining the permit application.

Please send your e-mails to **both** the following individuals:

Planning Commissioner Leach at CLEach@adkan.com or call (951) 955-7436

Robert Magee at RMagee@rcbos.org or call 951-955-1010

If you would like more information, or to reserve seats on the bus, please send us an e-mail. You can also "Join the Event" on our Facebook Page.

Sincerely,
Scott Becker
TECA-Tenaja Environmental Concerns Association
TenajaECA@gmail.com
<https://www.facebook.com/tenaja.staff>



This email has been checked for viruses by Avast antivirus software.
www.avast.com



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Steve Weiss
Planning Director

Memorandum

Date: September 26, 2016

Subject: Plot Plan No. 25922 (proposed Class II Kennel)

RE: Additional correspondence in opposition and support for Plot Plan No. 25922 (proposed Class II Kennel)

To: Director Weiss (Hearing Officer for Director's Hearing September 26, 2016)

From: Tim Wheeler, Project Planner

Please find attached additional correspondences both in opposition and support for Plot Plan No. 25922 (proposed Class II Kennel) that have been received after the final preparation of the Staff Report for this Plot Plan. The additional emails or letters have been received:

- 1) Email from Tyler & Bursch, LLP lawyers for S. Becker
- 2) Julie Schwaiger in support of Class II Kennel
- 3) Gregory & Cornelia Brentano in opposition of Class II Kennel
- 4) Email from Elizabeth McVicker regarding their Class II Kennel project
- 5) Susan Frommer in opposition of Class II Kennel
- 6) Frank & Terry Minnameyer in opposition of Class II Kennel
- 7) Joan Patterson in opposition of Class II Kennel
- 8) Reem Haddad in support of Class II Kennel
- 9) Tina Clippinger in opposition of Class II Kennel
- 10) Hongran Stone in opposition of Class II Kennel
- 11) Debra Brown in support of Class II Kennel
- 12) Robbin Glatman in support of Class II Kennel
- 13) Robert Burdge in support of Class II Kennel
- 14) Scott Becker in opposition of Class II Kennel
- 15) Hard copy of PowerPoint presentation from Applicants for 9-26-16 hearing
- 16) Additional emails of support and documents provided by Elizabeth McVicker for Class II Kennel
- 17) Hard copy of PowerPoint presentation from Opposition for 9-26-16 hearing
- 18) Email from Tina Clippinger in opposition of Class II Kennel
- 19) Additional documents provided at the Director's Hearing: Animal Services Field Activity Log; Letter from Roma Stromberg regarding Noise Standard vs. Nuisance noise Standard with exhibits.

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Wheeler, Timothy

From: Weiss, Steven
Sent: Monday, September 26, 2016 11:37 AM
To: Wheeler, Timothy; Clack, Shellie; Cushman, Melissa
Subject: FW: Becker, Scott/Land Use Issues: Comments in Opposition to Plan Plan 25922, the Class II Kennel Project, Applicants Timothy & Elizabeth McVicker
Attachments: Ltr Nicholson to Weiss_9-26-16.pdf
Importance: High

FYI

From: Joy Lloyd [<mailto:jloyd@tylerbursch.com>]
Sent: Monday, September 26, 2016 11:28 AM
To: Weiss, Steven
Cc: Robert Tyler; Marty Nicholson; Joy Lloyd
Subject: Becker, Scott/Land Use Issues: Comments in Opposition to Plan Plan 25922, the Class II Kennel Project, Applicants Timothy & Elizabeth McVicker

Mr. Weiss:

Attached please find correspondence of today's date. Hardcopy to follow via U. S. Mail.

Should you have any questions, please contact our office.

Joy A. Lloyd

jloyd@tylerbursch.com

Legal Assistant

TYLER & BURSCH, LLP
LAWYERS & ADVISORS

24910 Las Brisas Road, Suite 110

Murrieta, California 92562

Tel: (951) 600-2733

Fax: (951) 600-4996

www.tylerbursch.com

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Reply To:
Riverside County Office:
24910 Las Brisas Road, Suite 110
Murrieta, California 92562
Telephone: 951.600.2733
Facsimile: 951.600.4996

www.tylerbursch.com

Orange County Office:
The Logos Building
3000 West MacArthur Boulevard
Suite 440
Santa Ana, California 92704
Telephone: 949.707.2733

September 26, 2016

VIA ELECTRONIC
AND U.S. MAIL &

Mr. Steven Weiss
Planning Director
County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501
Email: sweiss@rctlma.org

Re: *Comments in Opposition to Plot Plan 25922, the Class II Kennel Project,
Applicants Timothy & Elizabeth McVicker*

Dear Mr. Weiss:

On behalf of the Tenaja Environmental Concerns Association, I submit these comments in opposition to the Class II Kennel, Plot Plan No. 25922 (the "Project") located in Santa Rosa Plateau.

I. CEQA Comments

It has been determined that the Project is exempt from CEQA under two categorical exemptions (Section 15301 and Section 15303). While on the surface those two categorical exemptions appear to apply, in a closer analysis the exemptions do not apply to this project for the following reasons:

A. Section 15301 "Existing Facilities" Exemption

Under Section 15301, the CEQA Guidelines ("Guidelines") state "[t]he key consideration is whether the project involves negligible or no expansion of an *existing use*." The Guidelines assist the determination by offering up examples of where the "existing facilities" exemption has been applied. The exemption has been applied in alterations involving interior partitions, plumbing and electrical conveyances; existing facilities of publicly owned utilities; existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails; restoration or rehabilitation of damaged structures to meet public health and safety; and additions to existing structures provided the addition will not result in an increase of more than: 50 percent of the floor area of the structures; or 10,000 square feet if (a) the project is in an area where all public services are available, and (b) the area in which the project is located is not environmentally sensitive. The Guidelines cite many other examples that deal with maintenance, minor repairs, demolition, conversions to office use, medical waste generator and family day care.

Of all of these examples, the only example that comes close to qualifying the project for this exemption is “additions to existing structures provided the addition will not result in an increase of more than: 50 percent of the floor area of the structures; or 10,000 square feet if (a) the project is in an area where all public services are available, and (b) the area in which the project is located is located is not environmentally sensitive.” The problem is “addition to existing structures” is not proposed by the Project. Moreover, if the Project were properly described by not only describing the kennel but the dog play area also being installed, the project would fall under the 10,000 square foot requirement. It is clear that this exemption is not available to projects that are located in environmentally sensitive areas, such as the Santa Rosa Plateau.

There are few areas within the County of Riverside that are more environmentally sensitive than the Tenaja Valley given its adjacent to Cleveland National Forest and in close proximity to the Santa Rosa Preserve. There is no “existing use” because the property has never been granted a Class II Kennel permit. Finally, the Project does not propose an addition to existing facilities. Given all of these factors and the examples provided by the Guidelines, a Section 15301 categorical exemption is not appropriate for this Project.

B. Section 15303 “New Construction of Small Structures”

Under Section 15303, the CEQA Guidelines (“Guidelines”) states “Class 3 consists of construction and location of limited numbers of new, small facilities or structures.” While this may appear to be exactly the situation for the Project, the Guidelines provide the examples such as: single-family residence in a residential zone; a duplex or multi-family residential structure; a store, motel, office, restaurant, or similar structure if the surrounding area is not environmentally sensitive; water main, sewage, electrical, gas or other utility; or accessory structures such as garages, carports, patios, swimming pools and fences.

The Project is not proposing adding residential use on top of residential use. (Section 15303(a) and (b).) Nor can a Class II Kennel be considered “accessory”¹ structure to the existing residential use. (Id. at (e).) The reasoning is few, if any, accessory structures require a Plot Plan, live-in caretaker and must comply with a rather long list of conditions outlined in Ordinance 630. Section 15303(c) does not apply because “Subsection (c) further limits the use of this exemption to those commercial projects which have available all necessary public services and facilities, and which *are not located in an environmentally sensitive area.*” (Cal. Resources Agency, California Environmental Resources Evaluation System, CEQA Guidelines; *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1255 [89 Cal.Rptr.2d 233, 240], as modified on denial of reh'g (Oct. 29, 1999).) (Emphasis added.)

Moreover, the Guidelines also establish exceptions to the exemptions. (Guidelines, § 15300.2.) “Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location,

¹ “Accessory” defined as an addition, decoration, attachment or add-on to the existing residential dwelling.

cumulative impact, or unusual circumstances.” (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 689, 46 Cal.Rptr.3d 387 (*Save Our Carmel River*).)

The Project is located between two of the most environmentally sensitive areas in the County of Riverside, if not in the entire State of California. The Project site is identified in the Multi-Species Habitat Conservation Program of the County of Riverside. Therefore, location is definitely a factor. Additionally, the County’s General Plan identifies the Santa Rosa Plateau as being a “unique” community due to its rural and environmental considerations justifying a finding of “unusual circumstances.” If the project is located in a “particularly sensitive environment” an ordinary insignificant impact may become significant. (Guidelines § 15300.2.) Under Section 15300.2 “an activity which would otherwise be categorically exempt is not exempt if there are ‘unusual circumstances’ which create a ‘reasonable possibility’ that the activity will have a significant effect on the environment.” (*Fairbank, supra*, 75 Cal.App.4th at 1259.) In summary, “[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1020.)

As you already know and the proponent has testified, the Project is one lot away from the Cleveland National Forest. In March 2011, the Pacific Southwest Regions of the US Forest Service announced its Ecological Restoration Implementation Plan for the Cleveland National Forest. In discussing the Project with land use staff at the Cleveland National Forest, they were unaware of the Project. Remember, the *SPAWN* court set aside the county’s categorical exemption because a project was adjacent to a protected anadromous fish stream and within a stream conservation area. (*Citizens for Environmental Responsibility, supra*, 242 Cal.App.4th at 569.) More importantly, if mitigation measures are proposed, such as when dogs are allowed outside, it precludes the County from an exemption finding. (*Id.* at 568.) For these reasons, the categorical exemptions should not apply.

II. General Plan Comments

The Project is located in the Southwest Area of the General Plan and land use decisions are guided by the Santa Rosa Plateau/De Luz Policy Area (hereinafter “Santa Rosa Plateau Policy Area”). The General Plan states that “the unique Santa Rosa Ecological Reserve is located in here [the Santa Rosa Plateau Policy Area] and . . . plays a *significant role in setting the character for the area.*” (Emphasis added.) The General Plan explains that the Santa Rosa Plateau is a unique community with ranch style estates which have an equestrian focus. “Extensive citrus groves and avocado orchards complete the sense of quiet and remoteness so predominant here.” The residents of the Tenaja Valley have already informed you of their love for horses and for the quiet enjoyment of their properties that they have come to treasure prior to the intrusion of the McVickers’ dogs.

The General Plan, Santa Rosa Plateau Policy Area land use concepts discusses “The Santa Rosa Plateau forms a high valley along the west side of the Southwest Planning Area and provides still another unique environment devoted to rural estates, groves and *natural habitat.*” (Emphasis added.) The General Plan further explains that “[t]he Santa Rosa Ecological Reserve and the

Cleveland National Forest are designated for open space uses to reflect the rich and *significant habitat these areas provide.*” (Emphasis added.) In looking at the Habitat Map, provided in the General Plan, the area darkest green (Habitat Conservation) is placed where the Project is located.

Statements from the Santa Rosa Plateau Policy Area include:

- Maintaining the rural and *natural character* of the area;
- *Address long term stability* of the Santa Rosa Plateau Ecological Reserve;
- In order to maintain the Plateau’s attributes, *future development must be designed in accordance with the area’s rural character*;
- *Limit impacts to the ecological preserve.* (Emphasis added.)

Moreover, since the Project site is in a Habitat Conservation area, the Multi-Species Habitat Conservation Plan Policies should apply including:

- *Provide stepping-stone habitat linkages for the California gnatcatcher* as well as other species through the preservation of *land from the Santa Rosa Plateau.*
- *Conserve the Tenaja corridor*, which promotes large mammal movement between the Cleveland National Forest and the Santa Rosa Plateau. (Emphasis added.)

These General Plan policies should direct the land use decisions in the Tenaja Valley, especially on the Project site because of its Habitat Conservation designation. Having served in the field of Parks and Recreation for over twenty-seven years, I can tell you that placing 25 non-native species in the center of the Tenaja corridor will have an impact on animal movement. The Project is one property away from the Cleveland National Forest and directly on the way to the Santa Rosa Plateau Reserve. It should be noted that animals have greater abilities to sense the presence of other animals and the scent of 18-25 dogs will affect the native wildlife inhabitants. You already know how it has negatively affected the human population.

Moreover, it is the type of dog that is of great concern. I can speak from experience since my son moved back home with his Siberian husky, I have personal experience regarding the breed. My home backs up to a densely vegetated hillside that is inhabited by a variety of wild animals including possums, rabbits, birds, rodents, etc. It only took one week before my son’s Husky was no longer allowed in my backyard because the dog had killed so many of the animals. Just last week, my daughter informed me that while she was walking the dog on a leash on a horse trail, without warning the dog leaped from the trail towards a branch on a tree, grabbed a possum and shook it to death before she could take any action. When the experts state that Siberian Huskies have a high prey instinct, they most certainly mean it.

There is a reason why so many of these dogs end up in shelters and the biggest one is the howling. I have always been a dog lover until my son’s dog came along. I do not like the breed because from the time I drive into the garage the dog starts “talking”. It’s more like nagging and the

Mr. Steve Weiss
September 26, 2016
Page 5 of 5

dog will not stop. At the last public hearing we had three clips so you could understand the noise concern. Due to technical difficulties, we were unable to play them. If you google husky howling, literally hundreds of clips will pop up because every owner of a Siberian husky experiences the howling. This breed is one of the noisiest dogs I have ever dealt with.

A Class II Kennel full of howling Siberian Huskies will significantly impact the Cleveland National Forest-Santa Rosa Plateau wildlife corridor. It doesn't take too much thought to realize if you were a wild animal and heard or smelled a pack of dogs, you would avoid the area. You heard from Project proponent that a 60lb husky attacked a full size cow. Additionally, since the California gnatcatcher's habitat has shrunk to almost disappearing, this Project is likely to harm this endangered species as well.

Finally, the Cleveland National Forest, the Santa Rosa Ecological Reserve, Fish & Game, Sierra Club and many other agencies are partnering in an attempt to restore the wildlife that use to flourish in this area. The Project is simply not logically located in this sensitive environment because it will negatively impact the efforts being made to restore the wildlife. It has and will continue to ruin the "quiet remoteness" that the General Plan identified.

If the General Plan Policies are to guide land use development, then this Project should be denied as totally incompatible with the long term stability of the Santa Rosa Plateau Ecological Reserve, the Cleveland National Forest's 2011 Ecological Restoration Plan, and the County's Santa Rosa Plateau Policies. That is why the residents of the Tenaja Valley respectfully request that you deny the Project.

Kind regards,

A handwritten signature in black ink that reads "Marty J. Nicholson". The signature is written in a cursive, slightly slanted style.

Marty J. Nicholson, Esq.

MJN:jal

Wheeler, Timothy

From: Julie Schwaiger <schwaiger@prodigy.net>
Sent: Monday, September 26, 2016 11:12 AM
To: Weiss, Steven; Wheeler, Timothy
Subject: FW: Tim & Elizabeth McVicker

Also, I think the fact that these huskies, coming originally from multiple and different disadvantaged situations, get along so harmoniously with each other is clear testament to their gentleness!

When there are several huskies in a home, they obviously have easy-going characters to be living so well with each other. These dogs pose no harm to anybody!

It is a very wonderful thing that there are people in this world like Tim & Elizabeth to give them such a beautiful home.

From: Julie Schwaiger [<mailto:schwaiger@prodigy.net>]
Sent: Monday, September 26, 2016 11:02 AM
To: 'SWEISS@rctlma.org'; 'TWHEELER@rctlma.org'
Subject: Tim & Elizabeth McVicker

Dear Mr. Steven Weiss and Mr. Tim Wheeler,

I am familiar with Tim & Elizabeth McVicker's property at 17370 Via Abril, Murrieta, CA, and have personally visited and spent time with their huskies on multiple occasions in the last year. These beautiful dogs are loved and cared for meticulously like I have literally never seen pets cared for. Tim and Elizabeth love this breed and spend all of their non-working energies enjoying the dogs. I live in neighboring La Cresta and have dogs from the neighborhood showing up daily – not McVicker dogs, just typical other neighbor dogs always getting loose somehow – it happens. We have long rambling ranch fences. Indeed, that's how I met Elizabeth. My dogs had, on a very rare occasion for us, gotten out and I was worried sick. Elizabeth did not even know me but called to join me on the search for my dogs (after seeing the post on a neighborhood board); that is just the kind, concerned and loving heart that both Tim and Elizabeth have.

They bought and set up their property for their unique situation. There are multiple levels of fences to keep the dogs in, who have plenty of comforts and a larger running area in the most inner circle than most dogs. They have fresh water, pools, access to the house, shade, space to run, multiple beds, homecooked nutritiously selected meals, exercise, human companionship even when Tim and Elizabeth are off at work, even running television, toys...everything a dog could want and more.

What surprises me most about their home and property is how immaculate it is, even on visits that weren't previously arranged. I work tirelessly to keep my house clean with two dogs and I think Elizabeth and Tim's house is cleaner than mine! They are amazing, incredible, loving people who have been wrongfully attacked for this situation with their huskies, who they have had for years and love like family members.

I am also familiar with the Siberian Husky breed, as I own two and have owned many over the years. They very rarely bark or howl and are kind, gentle, loving and good with children. Their similar appearance to wolves can be intimidating to those unfamiliar with them but they are excellent family dogs.

Please feel free to contact me at 951-485-0013 or this e-mail. I am worried for their well-being due to the stress this has caused. I am very familiar with their situation and would be willing to be interviewed at any time.

Thank you for your consideration,
Julie Schwaiger
39200 Madre Vista
Murrieta, CA 92562

Wheeler, Timothy

From: Cornelia <cbrentano22@gmail.com>
Sent: Sunday, September 25, 2016 10:29 PM
To: Wheeler, Timothy
Cc: Gregory Brentano
Subject: Public Health Hazard

Dear Mr. Wheeler,

Our property is located on Redonda Mesa, which is the highest peak overlooking the Tenaja Community Services District. We moved to Tenaja to be in a quiet, pristine and scenic nature setting overlooking the Cleveland National Forest and the Santa Rosa Ecological Plateau - and much of Southern California. We enjoyed our residence greatly until the residents on 17370 Via Abril started accumulating dogs; reportedly 18 Huskies so far. The dogs bark and howl for hours causing extreme noise pollution in an otherwise pristine and tranquil setting. Our residence sits approximately half a mile above 17370 Via Abril on top of Redonda Mesa with nothing in between to block the extreme noise from the barking and howling dogs.

The noise severely impairs our well being and we have lost the enjoyment of our property. The persistent and repetitive barking has become a potent stressor that affects us physically and emotionally. According to the World Health Organization, exposure to repetitive noise can result in increased blood pressure, hypertension, increased heart rate, ischemic heart disease, headaches, nausea, an altered blood flow, changes in blood viscosity and blood lipids, shifts in electrolyte balance, and elevations in gastrointestinal motility. In addition, multiple scientific reports document that noise pollution is associated with increased drug and alcohol use, increases in anxiety, stress, irritability, depression, aggression, interpersonal conflict, and sexual impotency. We suffer from sleeplessness due to the barking and feel highly stressed and irritable daily due to the noise pollution.

It appears that the dogs themselves act in a disturbed fashion; their barking is not the bark of a guard dog who alerts his owners but it is uncontrolled, repetitive hysterical barking, yapping, whining, and howling that persists for hours. Apparently the owners of the dogs are absent or are incapable of properly managing their dogs.

It has come to our attention that the owners of the dogs have applied for a Class II Kennel Permit and want to even increase the number of dogs. **We are vehemently opposed to that!** It is clear from the daily evidence that the owners are not able to control their dogs to prevent noise pollution and cannot responsibly manage their dogs. Not only should a permit be denied but the number of dogs should be strongly reduced. Tenaja is a community of private estates with an average price of \$1.5 million. Placing a Kennel into the heart of Tenaja would devastate the community and its peace and would put residents' health at risk.

After reviewing California Codes and the ordinance of the County of Riverside regarding noisy animals, it is obvious that the owners of 17370 Via Abril are in violation of Ordinance No. 878:

ORDINANCE NO. 878

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The disturbance caused by excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwanted invasion of privacy of the residents of the unincorporated areas of the County of Riverside. At certain levels, the excessive, unrelenting or habitual noise of any animal may jeopardize the health, safety or general welfare of residents of the County of Riverside and degrade their quality of life.

Section 2. PURPOSE. It is declared to be in the public interest to promote the health and welfare of the residents of the unincorporated areas of the County of Riverside (the "County") by providing for an administrative proceeding for the abatement of such noisy animal nuisances, which abatement procedures shall be in addition to all other proceedings authorized by County ordinances or otherwise by law.

We ask that you deny the Class II Permit request and that you further investigate the conditions under which the animals are kept. Please reduce the number of animals kept at the residence. We and all the residents of Tenaja have a right to peace and tranquility and to maintain an environment that is not degraded by extreme noise disturbance. We ask that you take all necessary steps to stop the disturbance and protect our health.

Please confirm that you received our message and please update us on the steps you will take to safeguard our health.

Sincerely,

Gregory Brentano
Cornelia Brentano, Ph.D.

39340 Redonda Mesa Road, Murrieta, CA 92562
951-304-3522

Dr. Brentano's Books: [Divorce: Causes and Consequences](#) & [Divorce Lessons: Real Life Stories and What You Can Learn From Them](#)

Wheeler, Timothy

From: Weiss, Steven
Sent: Saturday, September 24, 2016 4:09 AM
To: Wheeler, Timothy; Clack, Shellie; Cushman, Melissa; Perez, Juan; Hildebrand, John
Subject: Fwd: Response to Scott Beckers' August 21, 2016 and September 23, 2016 emails

Sent from my iPad

Begin forwarded message:

From: Elizabeth McVicker <emcvicker@mcvickersfamilylaw.com>
Date: September 23, 2016 at 6:55:31 PM PDT
To: <lbmpbeau@verizon.net>, <TrishWhite@verizon.net>, <herbrp@mindspring.com>, <ice1042@verizon.net>, <tomlins2@msn.com>, <hwajr@hotmail.com>, <bobeinman@aol.com>, <AUSLINSLEY@aol.com>, <cbell@TNC.ORG>, <BBensyl@aol.com>, <stevensclan1_64@msn.com>, <gdhaden@verizon.net>, <rpatras@mwdh2O.com>, <ttomlinson@castlecooke.com>, <tenajayaya@aol.com>, <egreer@coastinet.com>, <ttomlinson@alberhillranch.com>, <egreer@SanJacinto.k12.ca.us>, <tina.campbell@staples.com>, <kbutler@tenantimprovement.net>, <drkimes@verizon.net>, <ericcurtis@cox.net>, <nvbacas@aol.com>, <BarbaraBowers@topproducer.com>, <watts0@msn.com>, <rlockwood8@gmail.com>, <goffman48@msn.com>, <tiff.5mranch@gmail.com>, <hcollinslaw@aol.com>, <firstwaterlady@verizon.net>, <nicolerivera@cox.net>, <JFernandez@cvwd.org>, <jodiesrancho@gmail.com>, <jmwitous@aol.com>, <production@ashleyvideo.com>, <anne@teamway.com>, <lynnbinkley@verizon.net>, <Candjlonestar@aol.com>, <gary@ddaccpa.com>, <evansestate@gmail.com>, <TR42620@aol.com>, <gvonachen@yahoo.com>, <crgpatt@aol.com>, <stonewallsaddles@yahoo.com>, <gracerancho1@gmail.com>, <joannebjuha@gmail.com>, <candycanelori12@verizon.net>, <joanmattman@msn.com>, <lindawaddell04@gmail.com>, <menolake@verizon.net>, <A7wildflower@aol.com>, <estydale@yahoo.com>, <jstambersky@gmail.com>, <sfoote@ev1.net>, <cynthiacornelius@msn.com>, <Mikeandchrissyrickson@yahoo.com>, <Dcarter745@aol.com>, <dbassett@earthlink.com>, <crazy.skiers@verizon.net>, <gramssmurf@gmail.com>, <RhondaNB@aol.com>, <tdcdesigns@verizon.net>, <gouv@roadrunner.com>, <ferris.tom@gmail.com>, <gibson@verizon.net>, <pbrennan@cdfa.ca.gov>, <ljsajc90@yahoo.com>, <wefranks@verizon.net>, <bclaypool@montagehotels.com>, <debbrooks1@aol.com>, <bmlbml1@verizon.net>, <stan@westernavionicsinc.com>, <hamurf9@gmail.com>, <marilyn@oaktreerg.com>, <janfeyer@gmail.com>, <meccompany@aol.com>, <cathy.baca@gmail.com>, <dajacobs248@verizon.net>, <TTomlinson@SherwoodDC.com>, <bergerblt@cox.net>, <donnacutner@gmail.com>, <mocalisca@gmail.com>, <Grimespc@gmail.com>, <hwajr@hotmail.com>, <michaeljuha@gmail.com>, <pietro3@mac.com>, <gramssmurf@gmail.com>, <debnatale@earthlink.net>, <marnelle.ross@gmail.com>
Cc: <district1@rcbos.org>, <RMagee@rcbos.org>, 'Larry Myers Esq.' <ldmyersesq@hotmail.com>, 'Lisa Merritt' <lmerritt@southlandengineering.com>, <amartin@southlandengineering.com>, "'Weiss, Steven'" <SWeiss@rctlma.org>, <timothygmcvicker@gmail.com>
Subject: RE: Response to Scott Beckers' August 21, 2016 and September 23, 2016 emails

My name is Elizabeth McVicker. My husband's name is Tim McVicker. I have been a California licensed attorney for the past 23 years. I am making this

statement in the hopes that you will consider my statements below to be truthful and honest.

This is my formal response to our neighbor, Scott Becker's email sent to you today, September 23, 2016, and his email sent from August 21, 2016. All of his emails contain contrived statements. Scott shoots out his emails as if they are bullets. They are sent so repeatedly that I barely have time to keep up with him before he shoots out another one. Scott's repeated pattern of sending these types of messages have hurt me and my husband profusely. We are mentally, emotionally, spiritually, physically and financially drained.

I went to the Tenaja Community Services District and was given the same list of email addresses that was given to Scott Becker. So much for the private dissemination of our confidential information.

Scott has been bullying Tim and me and YOU the residents of Tenaja and neighboring communities for the last 19 months.

Two months prior to our closing escrow on our property in July, 2015, Scott refused a meeting with my husband and Tim to address his concerns regarding our intention to have our personal dogs live with us on our property legally.

Scott has never met our personal husky dogs or discussed with us our application for a Class II kennel license with the County of Riverside to house our personal husky dogs at 17370 Via Abril, Murrieta, CA. We live right next door to Scott. He and his wife Sarina have been welcome to come meet with us at any time. They have never asked.

Scott is insinuating that having Siberian husky dogs in our community will destroy the serene community we all call home. This is NOT true.

Contrary to Scott's statement, our dogs will not all be crammed into a 480 square foot kennel. Scott was present at the last administrative hearing with the County of Riverside on August 29, 2016, when I told the hearing officer our personal dogs live in our home on a full-time basis and will continue to live with us in our home as our personal pets. We are planning to construct an additional 480 square foot building with pre-existing plans for insulation, air conditioning and dog tv, for their additional pleasure. 6 dogs sleep on our bed at night for heaven's sake with Tim and me, with many under the bed and others surrounding the bed on pillows. We cook them daily home cooked meals and provide plenty of potable water. Their wants and needs are fully satisfied at all times.

I have invited all residents of Tenaja in the past to come and meet our dogs. Do not rely on SPECULATION AND IMAGINATION of Scott Becker the fictional storyteller.

For Scott to insinuate that our dogs should not have to spend “their entire life in a kennel” is Scott trying to get a jerk reaction from you. He knows fully well that our dogs are our personal dogs. Since Scott refused to come to our house to meet each one of our individual dogs, he has no clue what he is talking about. Had Scott even bothered to ask for their names, or photos, we would have gladly given them to him instead so he could start processing in his mind that each of our dogs is a living being with individual personality traits and is essentially beautiful. It would have been a lot simpler had he even asked to come to our house to meet them. Rather, Scott won’t accept the truth. We have furnished identifying information of our dogs to the Department of Animal Services and to the County of Riverside on numerous occasions. A representative from the County and from the Department of Animal Services have been to our home for a full tour and inspection and sit down to discuss our pets living with us and our application for a lawful license.

Out of thin air, Scott has projected that our dogs will be “condemned” if they live with us on our property. In my personal opinion, I think that our personal dogs spending the rest of their lives on a 6.2 acre property is quite luxurious for them who as fortunate as we are to live together as a family. That is clearly not an indication of suffering of any kind. Honestly, I don’t know what planet Scott lives on by making such a hateful and discriminatory statement.

Scott the insurance broker is counseling the community with regard to what type of insurance we need or, to use his words, is unattainable for us. Scott is not our insurance agent and never will be. I am not even going to speculate on whether or not Scott personally has potential liability exposure for his 18 horses. The northern side of Scott’s property is not even fenced, and he just constructed a very lavish swimming pool. Both pose a danger for wildlife and coyotes alike. We paid for the fencing on the westerly portion of Scott’s property. Scott’s horse corrals do not have proper setbacks and are much too close to our property.

Scott Becker bought his property in 2006. As many of you know, he has many many many horses. The County did not even know where he has been putting all of his horses, up until this year, when he applied for a license for his 4,000 SQUARE FOOT BARN. Scott must think that HIS 18 horses do not defecate or urine, because he has stated that our 18 dogs’ defecation and urination pose “numerous environmental concerns.” Dogs are considerably smaller than horses, which is just another note to self I am trying to get across to you the intelligent, logical, sharp residents of Tenaja.

Scott stating that dogs “will attack small, defenseless animals including children” is hogwash. I can say that his horses can “attack small, defenseless animals including children” too, and why shouldn’t I especially when he makes me expose myself to you as “mamma bear” to protect my children! Instead, I would have loved the opportunity to meet you at a social gathering or in the neighborhood or just to share a cup of tea at your home.

Scott states that our dogs have a “lack of attention.” That is another load of rubbish intended to infuriate you. These dogs receive CONSTANT attention 24 hours a day. They are all loved and individually cared for. We have full time staff consisting of two employees whose job is to shower them with love and attention. I am self-employed and spend hours round the clock with the dogs and Tim spends 100% of his down time (when he is not a working American getting a pay check) with them. Scott knows this. Many of our personal friends have told us that they want to be reincarnated as our personal dogs.

Scott states that “every reference book on Huskies agree, without proper care they will howl and become destructive.” I understand that to be more rubbish. I am pointing this out to you to demonstrate once again that Scott is COMPLETELY and 100% trying to spark your attention, and obtain your blind opposition to us. I can seriously and honestly say that our dogs are cared for in a superb manner. How dare he state otherwise. He has no perception into the truth and does not care to know, because the truth is the complete opposite of his objective to destroy my husband, me and our dogs.

One of the positive consequences of showering any dog with love, affection, constant care, and making them a human companion, is the dog becomes obedient and returns the favors bestowed upon them with unconditional love. NEVER are our dogs HOWLING as has been insinuated by Scott. We have the audio to prove ANYONE who has said otherwise and we WILL prove it.

Once again, Scott’s imagination has run wild when he says that “we’ve all seen the commercials on television where animals must be ‘rescued’ from cages on private property due to neglect.” This loathsome statement is the epitome of the infuriation which Scott has artificially inseminated in our community.

Believe me when I tell you that many neighbors have come to me personally to say that they feel what Scott has done is unfair, loathsome and uncalled for. I am telling you that it is uncivilized, indecent and inhuman.

Scott will face legal consequences for these types of statements. Our dogs do not live in cages. In fact, there are no cages on our property, and his clear bird's eye view of our property demonstrates that he KNOWS this. We support the ASPCA and all animal rights groups and are opposed to all violence and neglect caused to dogs. My husband Tim is a very passionate husky lover who will put his own life before the life of any husky.

Scott says that dogs deserve a family. Scott told us that his dog who is now dead lived in his garage. Our dogs are our family and live in our home, which smells good, is clean and is 100% for the dogs to live and breath in with us there to take care of them.

Scott also told you that a kennel II operation is a "commercial use of the property" which is contrary to how the County of Riverside defines a kennel II, and is contrary to the specific Plot plan which we have submitted to the County stating that the permitted use is for the property owner's own personal dogs not open to the public for adoption, rescue, or commercial purposes.

Scott states that the dogs have "caused numerous disturbances, all well documented by Animal Control, Code Enforcement and Notarized Testimonials by surrounding neighbors." Scott did not tell you that HE PERSONALLY lodged THE Complaint with Animal Control, and the end result of THE Animal Control hearing was that our dogs DO NOT CAUSE ANY NUISANCE and DO NOT BARK. Scott did not tell you that HE PERSONALLY lodged the complaints with Code Enforcement, not once, but TWO times against us, falsely alleging that we were grading our Blue Line Creek, that we were living on a trailer parked on our property, that we had exposed electrical wires, that we were chopping down oak trees, that we were conducting a commercial rescue business, etc. Scott even asked the Code Enforcement officer to order us to put a grate alongside his property line because he has a gully, which we paid for. All of Scott's statements regarding Code Enforcement and Animal Control are FALSE and have been THROWN OUT by the County. Scott did not tell you that he PROCURED 100% of the Notarized Testimonials by inviting a notary to his house and sending out flyers inciting terror in our community which included notification that a notary would be at his house with luncheon served on March 13, 2016, and April 12, 2016.

Scott has also NOT DEFINED to anyone at the County of Riverside Planning Department, to our personal attorney or to us what is the so called "Tenaja Environmental Concerns Asssocation," of which he calls himself a "staff" member. It seems to me that this is another concoction designed to deceive the public at large and deprive Tim and me of our civil rights.

Scott used the Tenaja CSD on the March 2, 2016 date he was nominated a public official to complain about us. I had to make a public statement at the Tenaja CSD the next month on April 6, 2016 in opposition to what he said. Tim and I have attended every single Tenaja CSD meeting since Scott's nomination. Not once has he even acknowledged our presence yet alone speak to us. In August, Scott and his attorney went to the Tenaja CSD architectural committee during the week when the Tenaja Community Services District's attorney Hugo Anderson was on vacation. Then, Scott's personal attorney suggested that she write up a letter stating that Tim and I are operating a commercial business, which was subsequently unanimously voted upon by Ron McDaniels (whose wife went to high school with Sarina Becker), and Joan Murphy who previously lashed out to me for playing the "tit for tat game." When I heard the tape from the meeting, I was deeply saddened to hear the jubilation emanating from the 4 rogue architectural control committee members when the statement was made that they were going to file a lawsuit against us. How LOW can one go to hurt another?

Honestly, I really know of no other way than to openly express myself just as Scott has been doing for months and months. We are at a disadvantage because we are new residents in the community and have had no opportunity to be social with you due to the castigation caused by Scott. I don't play tit for tat and never have.

When I attended the Tenaja board meeting on September 7, 2016 and asked to speak about the letter sent to us and when I asked how the Tenaja CSD determined we were operating a commercial business from our home, WHICH IS ANOTHER LIE, I was shut down and told it was not the time or the place to discuss. Instead Mr. McDaniels made a motion that the attorney Hugo Anderson be consulted on how the public can voice their concerns about letters or reprimand received from then Tenaja CSD. I remind you that Hugo did not approve of the letter originally sent because according to Arlene Anderson, he was on vacation. The Temaja CSD board members (other than Ron McDaniels and Scott Becker) did not even know about the letter sent to us and the County and had not approved of the letter either.

Scott's statement that dogs should not be "treated as herds to be penned in mass numbers" is another statement taken from Scott's rewrite of Alice in Wonderland. We live on 6.2 acres of property. We bought the land with the dream that our dogs would be able to have runs for exercise and enjoy the land just as much as horses and other animals do.

Scott has NO EVIDENCE to support what he has stated. As an experienced litigator, I have NEVER SHOT FROM THE HIP. Scott is shooting from the hip. His statements are mere statements, based on speculation.

Gladly we have applied for a lawful kennel permit to enable us to keep our personal dogs on our property. The word "kennel" is the word given to our license, just as the word "stable" is used to house horses. All stables are not commercial. Our kennel is NOT commercial. All of our dogs are spayed and neutered. Should you come to meet our dogs you will see that they are loved, well fed, and nurtured. We kiss our dogs on the lips and hug them affectionately. While you may or may not kiss your dogs on the lips, we do, BUT we should NOT be judged for that or discriminated against. You also should not judge us for loving dogs as much as we do.

If given a lawful kennel license, Tim and I will make a pact with the County and the community to follow all laws and regulations and be responsible toward all of our dogs, whether it be 1 or 25.

Scott has reached out to you to state "we need to make sure our CC&Rs are adhered to or we will find additional commercial uses springing up and destroying the rural, quiet environment we have come accustomed to." Thanks to Scott Becker he has paved the way for every homeowner to ensure that he/she is conducting a lawful activity on their homes. Otherwise, beware that Scott the new Sheriff in town will come after you next.

I need to point out that we do not live in the communist country of Tenaja. We live in the United States of America, a county which provides us with guaranteed constitutional rights. The laws of our County, State and government are designed to protect us from any disturbances and from unlawful interference. I know it may seem difficult to sort fact from fiction when you hear from Scott, but I implore you to imagine everything differently.

As has been stated in a multitude of different ways by Scott on numerous occasions, Scott informs you that our dogs "escaped" the property killing chickens and attacked livestock and held one neighbor "hostage". We have CONSISTENTLY AND PERSISTENTLY DENIED these statements, which are UNTRUTHS. We reserve the right to vindicate our rights as citizens, as human beings and as real people who have been hurt over and over and over each time Scott makes a loathsome statement about us. For now, the official report from Animal Control upholds the truth which is CONTRARY to all of Scott's statements, and the statements which other 3rd parties have promulgated in the community.

Kelly Smith publishes a very wonderful and well respected newsletter entitled "La Cresta & Plateau News." Her emails always contain reports of animals escaping properties, etc. She is to be praised for her decent and humane way of enabling neighbors to assist neighbors in time of need. Our animals are well contained and confined to our home. We consider that the safety of our animals of paramount concern to their welfare.

We are very respectful of you, our neighbors. Please do not for a minute think otherwise.

On a final note, I would like to state that I am a very private person until recently. It does not give me pleasure to have to air out and disinfect the dirty laundry that Scott has been sending your way.

Instead of hitching a ride by putting your thumb up as Scott stated in a tongue and cheek manner, please put your thumb down to Scott Becker.

Very truly yours,

T. Elizabeth McVicker, CFLS* | McVicker's Family Law Mediation Center, PLC | Canyon Hills Marketplace
| 29997 Canyon Hills Road, Suite 1603, Lake Elsinore, California 92532 | Direct Dial: 951 244-8759 | Fax:
951 244-3109 | emcvicker@mcvickersfamilylaw.com | www.mcvickersfamilylaw.com

*Certified as a Specialist in Family Law by the State Bar of California, Board of Legal Specialization.

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Wheeler, Timothy

From: Susan Frommer <firstwaterlady@verizon.net>
Sent: Monday, September 26, 2016 9:25 AM
To: Wheeler, Timothy; Weiss, Steven
Cc: Frommer Susan
Subject: kennel hearing today

Hello,

I have been out of town and could not remember if I had the sent the following, so I am sending just in case.

The following are further thoughts on the McVicker Kennel application:

1. In the first hearing, the testimony from those supporting the granting of the application was heartfelt and very emotional. No doubt the party in question loves their dogs. But, that is irrelevant to the issue. They knew, or should have known, about the County limit of four dogs per household yet they brought in more dogs in flagrant disregard of the existing law/ordinance.

2. Tenaja has CC&R's for a reason just like any other property owners association and they deserve respect. We want to keep our community a desirable place to live and keep our investment in our properties from degrading. By their actions, the requesting party has surely already devalued their neighbor's properties in my opinion. Should these neighbors wish to sell, Real Estate disclosure laws would mandate that they disclose the presence of such a facility.

Be honest with yourself. If you were searching for a home to purchase in our area, would you invest upwards of high hundred thousands to low millions knowing that the neighbors were running a kennel with up to 24 dogs on their property even if they were not huskies?

3. Approval of this facility would open the floodgates for other undesirable enterprises to make the same argument for approval. Perhaps a pot-bellied pig rescue might be in order or an exotic bird facility so neighbors could listen to numerous squawking parrots or cockatoos. You can easily see where this might be headed.

4. I don't know if you have visited our Tenaja Valley in person. If you have, you would note how generally quiet it is aside from a passing auto or, as noted next, human conversation. If you stayed long enough to really hear, you would notice that due to the unusual topography, noise travels great distances. From my home I can clearly hear conversations from the ranch at the bottom of my hill and also from my neighbors on the neighboring hills. Human conversation does not annoy. Barking dogs do.

5. I think it should be strongly noted that, with the exception of the owners of the subject property, not one of the speakers in the pro camp to my knowledge actually live in Tenaja. The caretakers have a fiscal interest in seeing this kennel permit approved. The others, due to the love of this breed, evidently feel that their love trumps the peace and quiet and financial investment that existing homeowners have made in their properties. I respectfully disagree.

For these reasons, in addition to others expressed at the first hearing, in solidarity with my neighbors who will be most affected by this kennel, I urge you to deny this Class II Kennel Permit.

Susan Frommer
Tenaja resident

Terry and Frank Minnameyer

17402 Via Abril

Sept. 26, 2016

Many arguments have previously been made regarding this case so today I simply want to target my primary concerns and encourage Liz and Tim to acknowledge that we have valid concerns and we're NOT evil neighbors, as they have stated in their website. This conflict has been greatly intensified because the McVickers have steadily increased the number of dogs, clearly disregarding the communities concerns. All the neighbors we have met are kind and reasonable people. Most people would not volunteer to live next to a 25 dog kennel, especially with Siberian Huskies that are rated the 3rd or 4th most dangerous breed.

We purchased our land before Tim and Liz were here and we presumed that our CC&R's would protect us from something like a 25 dog kennel next door. During our process of obtaining a building permit, Riverside County made us follow every guideline from Tenaja Community Services District to the letter such as a special TCSD setback variance which differed from the county's requirement, the Architectural Committee had to approve us, we had to get variance letters signed from all our neighbors and we had to get a letter of approval from TCSD. All of our neighbors who built homes here had to adhere to the CC&R's and the county of Riverside enforced this so none of us were allowed to continue any type of construction until we followed what TCSD demanded. We would expect the McVickers to be held to the same standard of scrutiny by the county in regard to our CC&R's.

Many mornings we are awakened by the huskies at around 3 a.m. which is when Tim gets up. This wakes up many other animals in the community and this interferes with a good night's sleep. During the day, we hear dog fights when they're released in groups from the house.

At the previous hearing Tim approached Frank wanting to know why we decided to oppose the permit. This was in the lobby area. Tim said they would come at us because of our change of position and Liz repeatedly told him to back away. Scott Becker came over to offer assistance when he saw the confrontation. Frank told Tim that he came to the hearing to listen but if Tim continued on, Frank said he would sign up to speak. At that point, Tim backed away. 5 days before this hearing, we received a threatening letter from the McVicker's attorney in regard to fence issues and future use of our property which would, according to them, violate our CC&R's. Our house is not even built yet and this attorney is threatening that we might be in violation of the CC&R's in the future. It's strange that they don't respect the CC&R's but use them to bully us. The tone of the letter is clearly meant to silence us at this hearing. This is the kind of behavior that only fuels the fire. I am saddened that this tact was taken.

I respectfully request that you deny this project as it will continue to be an unacceptable nuisance to our community

Wheeler, Timothy

From: Joan <calljoan4ahome@gmail.com>
Sent: Friday, September 23, 2016 12:12 PM
To: Weiss, Steven; Wheeler, Timothy; tenajaeca@gmail.com
Subject: Kennel permit/tenaja

I am thoroughly against this many dogs being on one property. There are Rules/Guidelines and CC&R's that are in place and should not be changed for one individual. If they are then more people will want these changed as well. Next maybe it will be 30 pitbulls someone would want to raise for fighting. If these people want to raise this many dogs they should have checked out the CC&R's for the area before buying there and not trying to force us all to accept this. We all bought out here to have peace and quiet and not be surrounded by dogs that bark or get out and attack horses or other animals.

I know the Beckers well. They are good honest people who go to my church. They are some of the best people out there who will help anyone in need. They are not bad people at all. They bought out here to have peace and quiet. And so did we. I am totally against this many dogs being on one property even if they were nonaggressive dogs. We are supposed to only have 4 dogs total on our 5 acres correct? You can call me to ask me any questions you may have regarding the Beckers. I would vouch for them any day. Thank you, Joan Patterson/Realtor

Sent from my iPhone and please excuse any typos or misspellings.

Wheeler, Timothy

From: Reem Haddad <rchaddd@yahoo.com>
Sent: Friday, September 23, 2016 5:03 PM
To: Wheeler, Timothy
Subject: The McVickers' Application for a Class II Kennel

Dear Mr. Wheeler,

I am writing you on behalf of Tim and Elizabeth McVicker. They are kind and good people that follow the rules and goes above and beyond to meet all the requirements when caring for their personal husky dogs.

Please support their application for a Class II Kennel for their personal well-mannered husky dogs that do not bark like others claim.

The McVickers are decent respectable people.

If you have any questions, please let me know. Thank you.

Sincerely,

Reem Haddad
rchaddd@yahoo.com

September 19, 2016

Riverside County Transportation and Land Management
4080 Lemon St.
Riverside CA 92501

RE: Class II Kennel Application, 17370 Via Abril, Murrieta CA 92562, Timothy and Elizabeth McVickers

Dear Director and Members of the Board;

I was present at the August 29, 2016 hearing in regards to the Class II Kennel application made by Shadow Husky Rescue and Timothy and Elizabeth McVickers. My 40-acre property at 43475 Tenaja Road, Murrieta shares a property line with the McVickers.

A statement was made by the McVickers' attorney using my name that was correct but in its incompleteness was meant to mislead. I wish to speak to that statement. The McVickers' attorney said that, "Neighbor Tina Clippinger has stated that the McVickers' dogs have never been aggressive toward her." That statement is correct however, it was in reply to the investigation made by animal control generating from a complaint that the McVickers' dogs came onto my property and killed 2 chickens. During the investigation, Officer David Harris asked me if the dogs had been aggressive toward me. I answered, "No". That in no way represents that I do not think the dogs are aggressive. I DO think the dogs are aggressive because they behaved in an aggressive and destructive manner when they came onto my property and killed 2 chickens. Officer Harris asked if I personally saw the dogs kill the chickens; Answer, "No". However, the dogs were identified by my tenants as the huskies that were in the pictures taken by the McCowens as the same ones that were harassing the chickens, and trying to get in the cage. My tenant had to leave to pick up her 4 year old daughter from pre-school and when she returned less than an hour later she came home to find the dead animals. This is the same day the dogs attacked a donkey and horse on a property on the opposite side of the McVickers at the McCowen's property. No reasonable person can deny the McVickers dogs killed the chickens that day after coming onto my property.

It is improper and unethical of the McVickers' attorney to turn my honest statements against me. I am in opposition to the granting of a kennel. I believe these dogs to be aggressive because they have been aggressive. My tenants have three children who live and play on my property; one child is only 4 years old. A small child would be completely defenseless against one or more dogs. The dogs have come onto my property before and dogs remember—the McVickers tout the high intelligence of this breed; they know there are animals on the property that can be gamed. I recognize that the McVickers have presented their efforts of installation of fencing, however, it only takes one time. Ladies and Gentlemen of Riverside County, it only takes one time! One time for the dogs to come back to my property and if a child was near the prey such as chickens and turkeys (which we have) and would be between the dogs intent upon prey, she or he would be defenseless. Does the County wish to take on the responsibility of

allowing a Class II Kennel? If so, the County of Riverside is putting me, my tenants and family, my guests, at risk of great bodily harm or death for endorsing a permit for 25 pack animals. The County does so knowing that members of the surrounding properties and community members and property owners are in strong opposition for the permit.

I have a grandson who I bring to my ranch. Friends with children visit my property, we have picnics and campouts; I host the annual Tenaja Community Picnic. I am entitled to the quiet enjoyment of my property. I have right to live without fear of a pack of dogs coming to my property. Allowing up to 25 dogs next door to my property is in direct opposition of my rights as a land owner. My rights to quiet enjoyment, the rights of my neighbors to the quiet enjoyment of their property CANNOT be usurped or bypassed because the McVickers want to keep 25 dogs. One property owner does not have the right to create a climate of fear, impose a nuisance upon and destroy the quiet enjoyment of surrounding properties.

in the hearing we were subject to supporters of the McVickers, and the McVickers themselves argument that they have spent “so much money”, “used quality materials”, “done extensive planning”, etc., Sirs and Madams of the board, we all have done that. However, we did our improvements, built our homes, barns, fencing, and projects SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE per our CC&Rs—which ALL of our properties are subject to. The McVickers are attempting to circumvent the CC&Rs by maintaining the Tenaja Community Services District and Architectural Control Committee are invalid entities. The Tenaja Community has existed since the 1960s—Mrs. McVicker is a person using her clout as an attorney who wants her way, no matter what, regardless of the destruction or opposition, discounting the rights of others, who is attempting to find a loophole in ripping apart a governing body that has functioned legally as a governing body for over 55 years.

At the previous hearing there was an overwhelming amount of information presented by the McVickers that I feel was an attempt to cloud and distract the issue. The issue is a class II kennel in a rural residential area that has the opposition of many, many neighbors. The only persons who spoke in opposition were the neighbors. Of those who spoke in support of the McVickers, not a single person, with exception of the McVickers are property owners in Tenaja.

NO PROPERTY OWNERS SPOKE IN SUPPORT—NO SUPPORTERS WERE PROPERTY OWNERS.

I recognize that counties have a problem with unwanted dogs, cats, and other animals. I recognize that the McVickers have a heart for this breed and will go to great lengths to save even one. However, that is not an argument for a Class II Kennel that outweighs the opposition of many property owners in the community.

In my letter dated August 28, 2016 I cited the numbers of animals allowed according to the zoning on my 40-acre property and included a table showing the numbers of animals I could ostensibly put on my property in the ratio of allowable per zoning. If I was inclined to rescue and keep as personal pets in a similar ratio—because I believe even saving one is important—the numbers are overwhelming.

What if my passion for horses, goats, pigs, cows, donkeys, sheep was the same as the McVickers and their huskies?

The table shows animals in the same ratio of allowable animals as the McVickers have done with dogs. I will include that table again and add a second one with the maximum number in the same ratio of dogs a Class II Kennel would permit.

Table below represents 4.5 times the number of allowable animals which, at 18 dogs is the exact times the number of legally allowable dogs.

Animal Type	Per acre	Total acres	Legally Allowable	Same variance as applicant	Total
Horses	5	40	200	x 4.5	900
Bovine	5	40	200	x 4.5	900
Goats	10	40	400	x 4.5	1800
Sheep	10	40	400	x 4.5	1800
Mini horses/donkeys	10	40	400	x 4.5	1800

A Class II Kennel would allow for 6.25 times the number of legally allowable dogs on a single residence—4 dogs per residence legally to 25 dogs in a Class II Kennel.

Animal Type	Per acre	Total acres	Legally Allowable	Same variance as applicant	Total
Horses	5	40	200	x 6.25	1,250
Bovine	5	40	200	x 6.25	1,250
Goats	10	40	400	x 6.25	2,500
Sheep	10	40	400	x 6.25	2,500
Mini horses/donkeys	10	40	400	x 6.25	2,500

To restate from Aug. 28 letter—these numbers are absurd. Would the County of Riverside even listen to an argument similar to the McVickers'? I should have be allowed 4.5 to 6.25 the number of legally allowable animals because, A) I have a passion for the voiceless, cast-away animal, B) I have spent over two million dollars on a facility, C) It does not matter that the neighbors will be negatively impacted, D) The effect on the environment is questionable, E) My collection of person animals is in violation of governing CC&Rs, F) I currently have many times more than are legally allowed but I shouldn't be law-abiding and be required to remove them because I am trying to get a permit. ***Again, I ask, what if my passion for horses, goats, pigs, cows, donkeys, sheep was the same as the McVickers and their huskies? Why should I not be afforded the same extrapolation of numbers that the McVickers are asking for?***

- The answer is, ***because it is not in the best interest of the greatest good and I WOULD BE HARMING MY NEIGHBORS FOR MY OWN AGENDA.*** No reasonable person would consider these numbers reasonable. This would put me in the category of “animal hoarder”; a term Animal Control Services is all too familiar with. According to ASPCA.org animal hoarding is partially defined as, “An individual possesses more than the typical number of companion animals.” Clearly, 25 dogs is more than the typical number of companion animals.

Real Estate Values

My property will be nearly impossible to sell unless severely discounted if a Class II Kennel is allowed next door. The surrounding properties, including mine will be adversely affected. This project is against Tenaja’s CC&Rs which are designed to help protect our property values. No property owner, including the McVickers, has the right to dismiss compliance AKA defiance, of the CC&Rs.

Again, I ask that the County of Riverside uphold its duty to protect the rights of property owners within the County to the quiet enjoyment of their property, take into serious consideration the duty of care that the county authorities overseeing this application are in place for the consideration of all residents and their right thereof, and provide the continued protection and assurances due the residents of the County of Riverside through the fair and uniform administration and enforcement of all codes and laws.

I pray the County of Riverside deny the application of Timothy and Elizabeth McVicker and Shadow Husky Rescue a Class II Kennel permit to be operated in this residential rural setting.

Respectfully,

Tina D. Clippinger
43475 Tenaja Rd
Murrieta CA 92562

Wheeler, Timothy

From: Hongran Stone <hongran.stone@gmail.com>
Sent: Friday, September 23, 2016 1:09 AM
To: Weiss, Steven; Wheeler, Timothy
Subject: Please deny the Class II Kennel Permit request

Mr. Weiss and Mr. Wheeler,

As a nearby property owner, I am writing to you to express my strong concern on the request for a Class II Kennel to confine up to 25 Siberian huskies in the Tenaja community. This commercial use clearly violates our CC&R's, but doesn't it also violate county ordinances?

My husband and I spent many years in studying and visiting rural properties along the west coast from Washington to southern California. We eventually bought a 20 acres lot in Tenaja community in 2005 as an ideal and unique community, rural nature yet convenient to reach city life.

The request of holding 25 Siberian huskies in a confined area and have the dogs stay there for the rest of their life is inhumane in its nature, unsafe to its neighbor, and reduce the value of this rural area due to the howling noise they make...

It is no difference than giving these dogs life-sentence to prison. It is well published that Siberian huskies exhibit high energy indoors, have special exercise needs, and may be destructive "without proper care". I can only imagine the "howling" of these 25-huskies for freedom and dignity because they are being confined in a small area. How many care-giver the family is planning of hiring? Taking care of 25 dogs day in and day out is not a small job, cleaning, feeding, walk the dogs, and provide constant companionship, otherwise the dogs are ended being neglected..

Please deny this request as a violation of our CC&Rs, for its safety risks, and for the negative impact it will have on our community.

Thank you.

Hongran Fan
Avenida de Matorral

Wheeler, Timothy

From: Debra Brown <calle-el-sauce@verizon.net>
Sent: Friday, September 23, 2016 10:47 AM
To: Wheeler, Timothy
Cc: Weiss, Steven
Subject: RE: Kennel Hearing - PP25922

Mr. Wheeler:

I know the above Kennel Hearing is being addressed again on Monday, September 26th, and wanted to reiterate my continued support in granting the requested Kennel License Permit. I truly believe that the party requesting the permit has but one goal in mind, to house their dogs in a safe and secure environment, and that they are not proposing to operate an animal rescue and/or breeding facility.

Thank you again for your consideration.

Debra Brown
20955 Calle El Sauce
Murrieta, CA 92562
Cell: 714/785-4834

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

From: Wheeler, Timothy [<mailto:TWHEELER@rctlma.org>]
Sent: Wednesday, September 14, 2016 7:50 AM
To: 'Debra Brown'
Cc: Weiss, Steven
Subject: RE: Kennel Hearing - PP25922

Ms. Brown,

The Director's Hearing for the Class II Kennel (PP25922) was continued to September 26, 2016.

Tim Wheeler
Urban Regional Planner III
4080 Lemon St - 12th floor
Riverside, CA 92501
951-955-6060

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

From: Debra Brown [<mailto:calle-el-sauce@verizon.net>]
Sent: Tuesday, September 13, 2016 10:03 PM
To: Wheeler, Timothy
Cc: Weiss, Steven
Subject: Re: Kennel Hearing - PP25922

Out of curiosity -What was the final determination ?

Debra Brown
Sent from my iPad

> On Aug 22, 2016, at 8:45 AM, Wheeler, Timothy <TWHEELER@rctlma.org> wrote:

>

> Ms. Brown,

>

> Thank you for your email reply to this project. I will include this

> email

as part of my report package.

>

> Tim Wheeler

> Urban Regional Planner III

> 4080 Lemon St - 12th floor

> Riverside, CA 92501

> 951-955-6060

>

>

>

> -----Original Message-----

> From: Debra Brown [<mailto:calle-el-sauce@verizon.net>]

> Sent: Sunday, August 21, 2016 6:43 PM

> To: Weiss, Steven; Wheeler, Timothy

> Subject: Kennel Hearing - PP25922

>

> Dear Mr Weiss and Mr Taylor:

>

> I am writing to you, in support of APPROVING the Kennel Application #
PP25922, set for hearing on August 29, 2016.

>

> While I am an equine owner and also ride the trails of La Cresta and
Tenaja, I strongly believe that this area is large enough to support not only equine ranches but canine kennels as well.
All should have a place here on the Santa Rosa Plateau.

>

> The minimum parcel is 5 acres, with many properties encompassing 10
> acres

or more. This is not the City. Those of us who reside here have chosen it for a reason. It is beautiful, natural land,
abundant with space and
wildlife. A home for both domestic and wild creatures alike. It is not by
any means specific to equine.

>

> I do not see how the granting of a Kennel Permit would encroach on any

> of

the equine owners' ability to ride and enjoy the many horse trails throughout the area. While some may view a kennel
of 'proposed huskies' as a nuisance, a good kennel owner will take appropriate steps to safely confine their animals
within their property and away from neighboring residences. Additionally, I believe that kennels are subject to
regulations

and inspections beyond that of normal dog licensing. If down the road

offenses are found or documented nuisances received, wouldn't the kennel permit then be revoked? The approval of
kennel license is not "set in stone" for all time. Obviously, its ability to remain within the community will, in the long
run, be dependent upon its Owners.

>

> Please know that I am not in anyway affiliated with the owners of the proposed kennel, nor do I have any personal affiliation with the equine owners who are opposed to the kennel. I assume that I have been solicited by the opposing equine owners as a "fluke", as I am both an equine owner and resident on the plateau - I am also a member of the Santa Rosa Plateau Riding Club. Thus, through one of these avenues they have obtained my email address and seem to believe they can count on my opposing support, which is NOT the case.

>

> I vote to give the person(s) that are seeking a kennel license permit,

> the

opportunity to prove themselves fit and the chance to successfully operate a safe, clean and contained kennel. I know firsthand that equine owner's can be somewhat aloof, but seriously, if equine ranches are allowed and canine kennels are not, how is that justifiable?

>

> Thank you for your considering my favorable perspective, as well as

> the

opposition of others.

>

> Debra Brown

> 20955 Calle El Sauce

> La Cresta, CA 92562

>

> Sent from my iPad

>

Wheeler, Timothy

From: Robbin Glatman <robbinglat@gmail.com>
Sent: Friday, September 23, 2016 11:04 AM
To: Wheeler, Timothy
Subject: Husky s

My name is Robbins Glatman. I live in Irvine California. I met Tim and Liz at the Irvine dog park about 3 years ago. I have assisted over a half dozen times with loading and unloading their dogs in to the dog park in Irvine. I have never seen such loving caring and confident owners. The dogs seem to love Tim and Liz. I have two dogs of my own that the Husky s seem to accept easily. There has not been a time when the dogs got into any scuffle s.

Thank you for your time.

Robbin Glatman
35 Montenegro
Irvine, California 92614
robbinglat@gmail .com

Wheeler, Timothy

From: Robert Burdge <rburdge@sbcglobal.net>
Sent: Friday, September 23, 2016 11:48 AM
To: Weiss, Steven; Wheeler, Timothy
Subject: Kennel Permit Plot Plan No. 29522
Attachments: TimWheelerLetter.pdf

Dear Mr. Weiss & Mr. Wheeler,

Please find my letter attached to this email that is in full support of Tim and Elizabeth McVicker's Kennel Permit Plot Plan # 29522. If you have any questions or concerns feel free to contact me, I have included my contact info in the letter. Thanks and have a great day.

Thanks,
Robert Burdge

September 23, 2016

Tim Wheeler
Urban Regional Planner III
4080 Lemon St – 12th floor
Riverside, CA 92501

Re: Class II Kennel License
Shadow Husky Ranch

Dear Mr. Wheeler,

I request that Riverside County support the Plot Plan No. 29522 Class II Kennel license application for Tim and Elizabeth McVicker.

Liz and Tim McVicker are friends of mine. I have had the enjoyment of their beautiful huskies interacting and playing with my own dog, Sarah Jane. I have never seen their personal huskies behave badly or unruly. They are very non-aggressive and certainly not barkers. It has been my experience that their dogs are very social, enjoy people and interact well with other dogs. I have visited Tim and Liz and their dogs numerous times and always experienced the dogs' behavior to be friendly and social.

Tim and Liz treat their personal dogs like family members because they are family to Tim and Liz. They definitely do not operate a commercial business out of their home. Nor do they adopt their dogs out! The times that I have visited Tim and Liz in their home, their dogs are in their home with them. Their whole house is arranged for the care and comfort of their huskies!

I have been present at the Riverside County hearings. I believe that the Tenaja community is over-reacting and personally targeting the McVickers based only on "what ifs". I have personally observed Tim and Liz's dogs lovingly being taken care of, much like children. Liz even cooks balanced home meals for their dogs and the dogs spend much of their time in the home. These dogs are not vicious and have adapted well to the love and care that Tim and Liz provide for their personal dogs.

I would respectfully request that Riverside County not set the precedent for targeting individuals rather than the issue of whether or not the McVickers have complied with all requirements for their Class II Kennel license. Throughout these hearings, it is very apparent that the parties complaining have nothing factual to base their accusations on to support their allegations against Tim and Liz McVicker. These allegations against Tim and Liz by a few members of the Tenaja community are of a very personal nature and should be dismissed by Riverside County.

Sincerely,
Robert F. Burdge, Jr.
27170 Monk St.
Sun City, CA 92586
714-404-6165

cc: Steve Weiss, AICP
Planning Director

Wheeler, Timothy

From: Weiss, Steven
Sent: Sunday, September 25, 2016 6:05 PM
To: Wheeler, Timothy; Clack, Shellie; Perez, Juan; Hildebrand, John
Subject: Fwd: PP25922/Class II Kennel Hearing

Sent from my iPad

Begin forwarded message:

From: Scott Becker <scttbecker@gmail.com>
Date: September 25, 2016 at 5:33:40 PM PDT
To: Steven Weiss <sweiss@rctlma.org>
Subject: Fwd: PP25922/Class II Kennel Hearing

Mr Weiss.

As I mentioned in my previous email I am a Marine Corps Veteran. One of the reasons I could no longer make it a career was due to my severe Tinnitus, or ringing in the ears that was caused by exposure to extremely loud noises over a period of time. I am considered 20% permanently disabled by the VA as a result of the Tinnitus. The Tinnitus was directly related to my job as a Demolitions Expert and Anti Tank Gunman while in the Marine Corps.

Tinnitus is a condition that can never be cured, but can be treated, and the treatment requires that I am not exposed to loud noises or continuous noise. Loud noises instantly will trigger the Tinnitus and it can last for days or even weeks. After speaking to my Doctor and discussing the current situation with the neighbors dogs last week he confirmed that the noise that these dogs generate can contribute negatively to my condition. The Anxiety, Stress and Noise that these dogs have created in my life has directly affected my hearing and is disrupting the prescribed treatment of not being subjected to loud or continuous noise. I am not sure if my medical condition can be taken into consideration in this case, but I thought I make you aware of it.

Thank you,

Scott Becker

Ringling In The Ears (Tinnitus) and Anxiety

Ringling in the ears (Tinnitus) description:

This symptom can be experienced in a number of ways and can vary from person to person. For example, common descriptions of this symptom include:

- Hearing a high-pitched ringling, low rumbling, swooshing, sloshing, buzzing, roaring, whooshing, whistling, hissing, whizzing, chirping, beating, humming, pulsing, throbbing, and a pumping sound in an ear or ears.
- Having a high pitched hissing sound ringling in the background.
- Having a high frequency ringling sound in an ear or ears.
- Having a 'stopped up' feeling and/or 'plugged' sound in one or both ears.
- Having an inability to hear certain sounds because the ringling sound is too loud.
- Having what seems like water in your ear that causes your hearing to have a hollow or low rumbling sound.
- Feeling like your hearing is muted and/or subdued.
- Feeling like there is a pressure in your ear that's causing the hissing sounds.
- In quiet environments these sounds can seem louder and the feelings more intense.

The ringling in the ears (Tinnitus) symptom can persistently affect one ear only, can shift and affect the other ear, can affect both ears, or can switch back and forth between ears and over and over again.

The ringling in the ears (Tinnitus) symptom can come and go rarely, occur frequently, or persist indefinitely. For example, you may get ringling in the ears once and a while and not that often, get it off and on, or have it all the time.

The ringling in the ears (Tinnitus) symptom may precede, accompany, or follow an escalation of other anxiety sensations and symptoms, or occur by itself.

The ringling in the ears (Tinnitus) symptom can precede, accompany, or follow an episode of nervousness, anxiety, fear, and elevated stress, or occur 'out of the blue' and for no apparent reason.

The ringling in the ears (Tinnitus) symptom can range in intensity from slight, to moderate, to severe. It can also come in waves, where it's strong one moment and eases off the next.

The ringling in the ears (Tinnitus) symptom can change from day to day, and/or from moment to moment.

All of the above combinations and variations are common.

Many people notice their ringling in the ears more so when resting, relaxing, and/or when trying to go to sleep.

<http://noisewatchaus.blogspot.com/2007/06/addendum-to-publication-does-barking.html?m=1>

R-A Residential Agricultural, Article VIIb

Typical Uses Include:

One-family dwellings. Mobile home on permanent foundations on lots less than 2 1/2 acres. Noncommercial keeping of horses, cattle, sheep, and goats on lots over 20,000 sf. and 100 ft. in width. Two such animals on each 20,000 sf. up to 1 acre, and two such animals on each additional acre. Some agricultural uses, and limited noncommercial animal husbandry, 4-H projects. Agricultural mobile homes permitted for owner/farm worker for each 10 acres being farmed. Mobile home parks with approved conditional use permit. Churches with approved public use permit.

Minimum Lot Requirements:

Sq. feet: 20,000
Width: 100 feet
Depth: 150 feet

Minimum Setbacks:

Front: 20 feet
Side: 5 feet
Rear: 10 feet

Maximum Structural Height:

40 feet - Single Family
50-75 feet - Other buildings per Section 18.34 (pg. XVIII-80)
Floors: 3

**Subsequently, the harassment 100% contrived by
Scott Becker continued....**

Restatement (2nd) of Torts Section 652A-B. *Publicly Placing Person in False Light.* One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if (a) the false light in which the other was placed would be highly offensive to a reasonable person; and (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

There are no commercial activities taking place at our home:

- ❖ In May, 2015, I advised Scott Becker that we would not be conducting any commercial activities at our home. Notwithstanding, Scott Becker has sent to the community at large, including all of the residents of Tenaja, La Cresta, and the Santa Rosa Plateau, and various Riverside governmental agencies numerous written statements authored by Scott Becker, claiming that we are operating a commercial business from our home.
- ❖ He has had a notary signing party at his home to garner support.
- ❖ He has also used his position as Board member on the Tenaja Community Services District as a bully pulpit to transmit negative criticism of our personal pets.
- ❖ Scott Becker is conducting a commercial business of horse boarding from his home.

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About

Becker Meadows Ranch is located at the address 17250 Via Abril in Murrieta, California 92552. They can be contacted via phone at (951) 894-2390 for pricing, hours and directions. Becker Meadows Ranch specializes in Meetings, Sporting Events, Christmas.

Becker Meadows Ranch has an annual sales volume of 501K - 999,999. .

Becker Meadows Ranch provides Classes, Personal Services, Birthdays to it's customers. For maps and directions to Becker Meadows Ranch view the map to the right. For reviews of Becker Meadows Ranch see below.

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1 Information

CONTACT INFORMATION

Phone: (951) 894-2390
 Employee Size: 1 to 4
 Exact Employee Count: 1
 Exact Sales Volume: 75000
 Location Type: Single Location
 Sales Volume: 501K - 999,999

CATEGORIES:


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About

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REPORT



Becker Meadows Ranch
 15 reviews

REVIEWS


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Address: 8000 N. 20th St., Phoenix, AZ 85016
 Phone: (602) 944-2100

4.5 stars 101 reviews

PHOTOS




Becker Meadows Ranch, 10000 N. 20th St., Phoenix, AZ 85016

Photos of Becker Meadows Ranch

1 photo
 Linda Dwyer at Becker Meadows Ranch
 2.4 stars 1 review

John & Jess. The cows were perfect



2 photos

View Adam, Kristy, Vinna, Marlene, Sandy, Winick, Scott and 5 others like this.

Linda Mandinger Beauty picture
 2 photos 1 review

1 photo
 1 review



D&B Market Identifier:

Source Information

D&B Completed Analysis: 10/18/2015
 Current Date: 12/19/2015

Sales Information:

Annual Sales Review: 09/29/2015
 Date:
 Annual Sales (T\$): \$50,333 - ESTIMATED
 1-Yr-Ago: \$ NOT AVAILABLE
 3-Yr-Ago: \$ NOT AVAILABLE
 Sales Territory: LOCAL
 Number of Accounts: 1

Company Information

DUNS: 81-202-1146
 Name: BECKER MEADOWS RANCH
 Address: 17200 VIA ABRIL
 MERCEDIA, CA 92362-2579
 County: RIVERSIDE
 Telephone: 951-894-2500
 Year Started: 2009

Employee Information

Employee Total: 1
 1-Yr-Ago: 1
 3-Yr-Ago: 1
 Employees Here: 1 - ACTUAL

Executive(s) Information

1. Executive Name: SARINA BECKER
 Executive Title: OWNER

Company History/Operations/Relationships & Other Information

1st Company's Specifics:
 DUNS: 81-202-1146
 MSA Code: 6780
 MSA Name: RIVERSIDE-SAN BERNARDINO, CA
 Business To A: SINGLE LOCATION
 Industry Group: SERVICES - SMALL BUSINESS
 Primary SIC: 8748 BUSINESS COTTAGE INDUSTRY PROPRIETORSHIP
 Consulting, NEC, NNA
 Establishment In: US OWNED

Business Description:

Line of Business: BUSINESS CONSULTING SERVICES
 Industry Group: SERVICES - PROFESSIONAL
 Primary SIC: 8748 BUSINESS CONSULTING, NEC, NNA

Commercial Activities Aside from Scott Becker's commercial activities in the Area Include but are not limited to:

- ❖ Numerous residents who conduct horse boarding
- ❖ Liberty Oaks (immediately next door to McVicker's home)
- ❖ Friesian Focus
- ❖ Cattle Grazing for Jack in the Box (immediately West of McVickers' property)
- ❖ Breeding German Shepherds (5.1 miles)
- ❖ Breeding Alpaca (Llama) (7.0 miles)
- ❖ Breeding Maremma Livestock Guardian Dogs (9.3 miles)
- ❖ Training Seeing Eye Dogs (4.8 miles)
- ❖ A Pet Hotel (0.25 miles)

6.01.2018 **Grand & Majestic** Marietta, GA

Home Partying Gallery The Story/Story Our Inspiration Wedding Details More

Details                             



The Venue :

Having this wedding at a beautiful property, full of vineyards and orchards, was a wonderful experience. The bride and groom were able to enjoy the view and the fresh air while celebrating their special day. The venue was perfect for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy. The venue was a great choice for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy.

Address:

12000 Old South Road, Marietta, GA 30067

Features:

The wedding was a beautiful experience. The bride and groom were able to enjoy the view and the fresh air while celebrating their special day. The venue was perfect for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy. The venue was a great choice for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy.

Important life:

The wedding was a beautiful experience. The bride and groom were able to enjoy the view and the fresh air while celebrating their special day. The venue was perfect for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy. The venue was a great choice for the wedding and the reception. The staff was very helpful and the food was delicious. The location was beautiful and the views were amazing. The wedding was a success and the bride and groom were very happy.

We are so excited to celebrate with you!

Feel free to email us with any questions!

Charndunbury | Wedding Details
 10/17/2015
 10/17/2015

The bride was smiling and the groom was smiling. The bride was smiling and the groom was smiling.

10/17/2015

Home Partying Gallery The Story/Story Our Inspiration Wedding Details More

Details                     

WEDNESDAY, AUGUST 13, 2008

Myndi and Jason - Liberty Oaks Ranch.

Life and Love on Canvas

SCOTT STEBNER

Life and Love on Canvas

Creating | Inspire

Myndi and Jason - Liberty Oaks Ranch.

I have been so looking forward to this wedding! I absolutely love photography. Taking pictures of people on their wedding day is probably the best job in the world. However, few people may know my other love is Agriculture. When you get to combine these two together, (in to hear me!)

Some background on the couple, Myndi and Jason met while going to Cal Poly, San Luis Obispo. Like most modern couples, they met in a Dairy Cattle Production class at Cal Poly. As they met each other eyes over a hot (with cow) (from story) park, started to fly. 4 years later they are now married.

I taught high school agriculture in San Jose with Myndi and she became a great friend of mine in the process. Even before their engagement. It was either '07 or how they loved each other. Working with Myndi's customers 12-15 hours a day, we were able to talk wedding and do a lot of planning for this "country" wedding. Jason is a rancher from Kansas, so they wanted to keep it very "rural" and got married at Liberty Oaks Ranch out on Teroga Trail. Such a fun wedding and an incredibly good set of dancing wedding party members.



10/17/2015



Horse Breeding Station

1. Horse Breeding Station



Muske 378-Schwarz
Hinterkopf, Widerrist, Rücken
Höhe 167,5 cm
Wahlnummer 113

2. Fohlen Bruch für 1700



Amfje G.



Adriana Verkoehr

freseianfocus.com

freseian focus


Safe Score

Friesians for Sale | Friesian F...

SAFE

VAULT

FACEBOOK



Early Booking Discounts if you book by Spring:

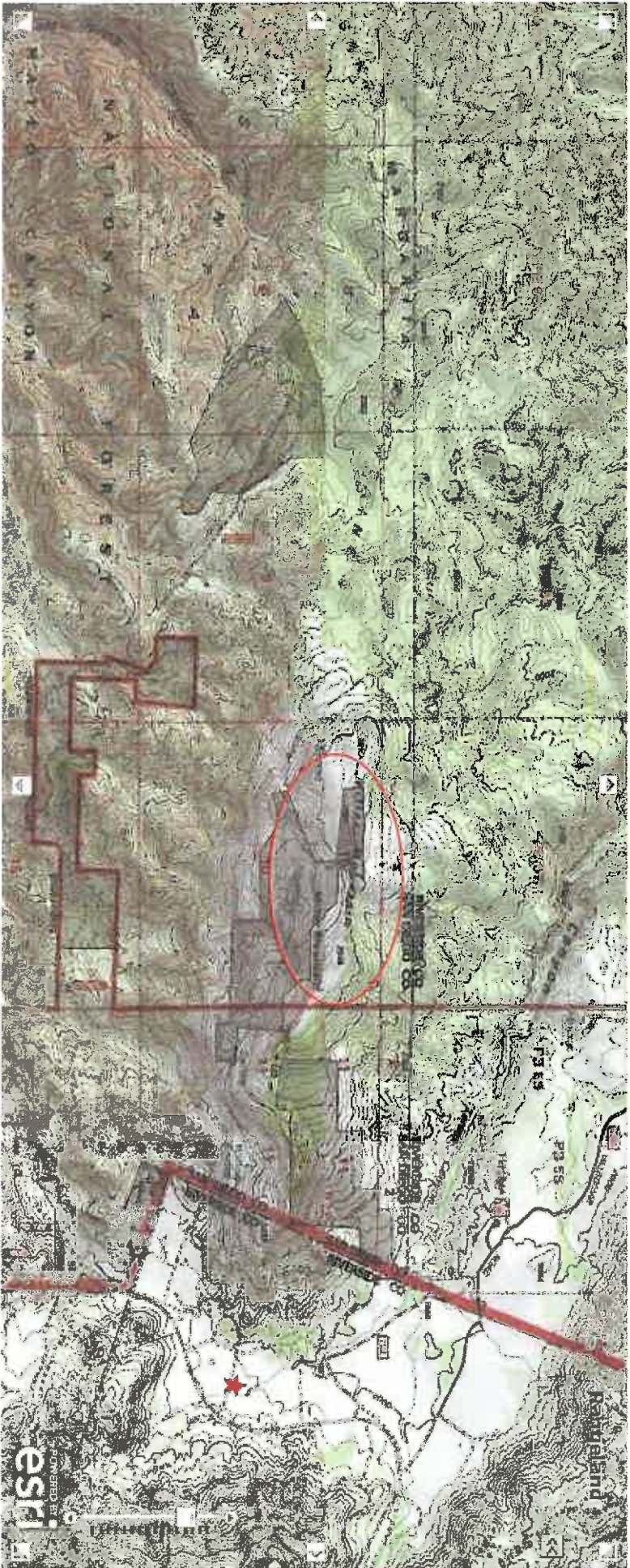
- * Stud Fee = \$1,000 (regularly \$1,750)
- * Free Weekday Shipping within the USA.
- * Collection fee is \$250 per collection
- * No fees are due until semen is shipped.
- * Live foal guarantee.

Inspection Incentive

Early Booking Breeding Contract

Friesian Focus is the proud owner of the prestigious breeding stallion Monte 378 Sport.







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Land Management Plan Strategy - Suitable Land Uses (San Mateo)

Land Management Plan Strategy - Suitable Land Uses

Prospectus - Place-Based Program Emphasis

San Mateo



Theme: A day-use retreat. The San Mateo Place is one of the few remaining wildland areas in southern California that is bordered by large natural reserves. The Place offers opportunities for challenge, solitude, and contemplation close to urban populations, as well as exceptional opportunities for trail-based recreation, including mountain-biking in the northern half of the Place. The Place supports the southern-most population of native steelhead trout and exceptional botanical values. The Ortega Highway (California State Highway 74) is an important variable in this landscape.

A number of abandoned mines exist within the Place. Two grazing allotments, El Cariso-Verdugo and the Miller section of the Miller Mountain-Tenaja, allotment are also located here. In addition, two recreation residence tracts are located in San Juan and Hot Springs Canyons.

Key Contacts

Jeff Keys, Environmental Coordinator
 (858) 674-2959
 jkeys@fs.fed.us

A number of abandoned mines exist within the Place. Two grazing allotments, El Cariso-Verdugo and the Miller section of the Miller Mountain-Tenaja, allotment are also located here. In addition, two recreation residence tracts are located in San Juan and Hot Springs Canyons.



SHILOH SPRINGS RANCH

"Breeding tomorrow's finest fiber"

Nancy & Richard Masak 39505 Avenida Bonita, Murrieta, CA 92562 951-677-2126/949-702-7335
www.shilohspringsranch.com | Email Us

Farm

Farm Welcomes!



- Alpacas 15
- For Sale
- Huacaya Breed Female 1
- Huacaya Open Female 7
- Huacayo Male 2
- Hardinas
- Huacaya 7
- Sold 2



View from a corner of the animal park



Our Alpaca's The Art area Our Studio's

Come for a visit!

We're going strong into our 6th year here in southern California. The ranch is nestled among the vineyards and equestrian ranches of La Cresta with snowcapped mountain views and cool ocean breezes in the afternoons. Our herd is comprised of huacayas chosen or bred here for their fashion fitness and proven genetic superiority.

We love ranch visitors, enjoying the looks of amazement on their faces as they interact with our friendly herd.

Our alpacas receive the best care possible. We offer one FREE year's boarding to new owners, making sure that when they finally take their alpaca home, they are confident in caring for their herd and educated in all aspects of the industry.



Search Select

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SAFE



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Tenaja



2

Seen by 35



Sarah Letts-Smith
November 24, 2015

10 new Maremma livestock guardian pups born today ... Will likely have a few to sell once reservations are filled...



Like Comment

http://www.maternamachub.com/breeder-directory.html
maternamachub.com

Letta Smith, Sarah
Sky Island Farm
Murrieta, CA
email: sarah@pyratoo.com

Sky Island Farm is an organic permaculture farm in the Santa Ana Mountains of Southern California. Our Maternamas guard chickens, turkeys, ducks, goats and beehives from many predators including coyotes, bobcats, mountain lions, hawks, eagles, skunks and raccoons. We breed for superb guardian instinct, strong conformation and wonderful temperament!

Facebook: Sky Island Farm



Diamond Oaks Ranch – Breeders!



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19800 Temple Rd
19807 Temple Rd, Kennel, PA 19326

1-800-451-2322

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Puppies
LINDA YALITZ
PHOTOGRAPHY

EMAIL US @ [diamondoaks.com](mailto:info@diamondoaks.com)

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Large German Shepherds Puppies

Choke Ylera

Puppies

**WE CONTINUE TO RAISE
LARGE QUALITY GERMAN SHEPHERDS**



**AN INTIMIDATOR
A RANCH DOG
A FAMILY COMPANION**

33





Guide Dogs of the Desert introduced a new **Sustainer's Club** in January inviting individuals to commit to making a gift each month to help our specially bred puppies become Guide Dogs.

**We extend our sincere
appreciation to Charter Members:**

TOP DOG CIRCLE

Sharlyn R. Brackett

Lorna J. Burckel

Ruth and John Carey

Donna and Lawrence P. Cutner





- HOME
- COUNTER SERVICES
- DEPARTMENTS
- ONLINE SERVICES
- QUICK LINKS
- CONTACT US

CONDITIONS OF APPROVAL FOR PP25921

Online Services

Results for PP25921 as of 8/23/2016 1:25:42 PM

10. EVERY 001	PPA - PROJECT DESCRIPTION	Status:	Conditions:
GENERAL CONDITIONS		INEFFECT	Informational

The use hereby permitted is Class 1 Kennel (5-10) dogs for the purpose of overnight pet hotel care accommodations for pet owners who need temporary dog placement. This is not a dog rescue facility, and should not be treated as such. No more than ten (10) dogs are allowed on the premises at any given time. The location of this property is at 43820 Andra Street, Minnetonka, CA. APN: 932-040-010



February 21, 2016

To whom it may concern:

We live in the neighborhood and have visited the ranch of Timothy and Elizabeth McVicker at 17370 Via Abril, Murrieta, CA 92562, on multiple occasions. We are personally acquainted with each of the husky dogs residing on this property. They are quiet, gentle, healthy, peaceful dogs being cared for in a loving, clean environment. This property has been optimally planned and designed for the successful holding and caring of these dogs. There is fencing in place, in some areas double fencing, that is tall enough and sufficient for keeping the dogs contained. The success is marked by the track record that not a single dog has ever wandered off of the property. These dogs have plenty of room and optimal provisions indoors in addition to plenty of shade and ideal conditions outdoors in the yard.

We are husky owners of 20+ years and can attest to the fact that the Siberian Husky is a breed who simply very rarely barks. They are friendly, intelligent and quiet.

In our opinion, there is no possible way that these dogs could be a nuisance to anybody. Mr. and Mrs. McVicker are providing a great service to our community and to the husky breed by rescuing these dogs that are so often misunderstood, primarily for their abundant energy. The McVicker's multi-acre ranch provides the prime environment for running that huskies need. These dogs have been adopted from overcrowded shelters and are being offered an optimal home for no other reason than providing help to animals in need and the love and enjoyment of the breed.

We would be happy to provide any further information known to us or elaborate on the above. Our cell phone numbers are included below. Thank you.

Sincerely,

Thomas Schwaiger, 951-485-1533

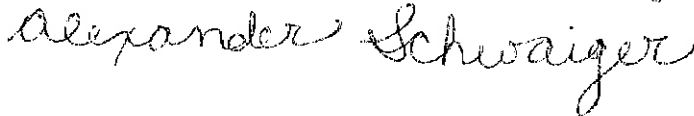
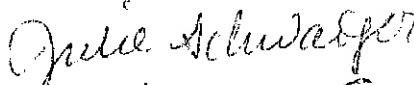
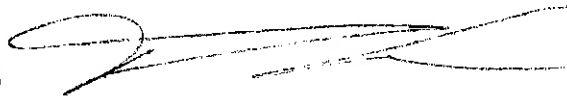
Julie Schwaiger, 951-485-0013

Adrianna Schwaiger 951-200-9733

Alexander Schwaiger

39200 Madre Vista

Murrieta, CA 92562



Kennel Pledge Form

Support our Class II Kennel Application. By filling out and submitting the form below you pledge that: I pledge and fully support the proposed Plot Plan No. 25922 to establish a Class II Kennel, by which eleven (11) to twenty-five (25) personal dogs of Timothy and Elizabeth McVicker shall be permitted to be permanently housed and cared for at their forever sanctuary home located at 17370 Via Abril, Murrieta, CA 92562. Should you have any questions or comments, please do not hesitate to contact me.

Name *

Nancy Fleming

Email *

dejablue1012@cox.net

Address *

43870 Anitra Street Murrieta, CA 92562

Phone number

951 600-8849

Comments

This content is neither created nor endorsed by Google.

Google Forms

Elizabeth McVicker

From: denise60dgirl@aol.com
Sent: Saturday, September 24, 2016 6:37 AM
To: emcvicker@mcvickersfamilylaw.com
Subject: Re: Response to Scott and Sarina Beckers' April 28, 2016 and April 29, 2016 emails

Elizabeth,

I have been harassed by Scotts emails and this was my reply to him yesterday.

To Whom It May Concern:

Please stop hounding me with these emails. I feel sorry for the person trying to do things legally and getting crap from you. I have lived up here for many years. Have gone over several times due to buffalo's getting out and being a danger to everyone in Tenaja. There were two buffalo ranches at one time up the hill, and one of them had 60 head on ten acres. I never got any emails regarding the danger or the noise that they created. I also listen to several packs of coyotes on a nightly basis howling, killing, and fighting. Then you want to fight with someone who is doing the right steps to get the proper license. Take me off your emailing list, I do not want to listen to your complaints anymore.

Denise

I feel bad for what he is putting you through, but this is not the first time that this community has seen this type of behavior. FYI, in the email a couple days ago, he states that the HOA is running out of money to defend this issue. He has asked for donations on HOA'S behalf. What an idiot.

Denise

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

From: Elizabeth McVicker <emcvicker@mcvickersfamilylaw.com>
To: barbara <barbara@apexconveyor.com>; ka.palmer <ka.palmer@verizon.net>; aawinc1 <aawinc1@verizon.net>; kmiskam53 <kmiskam53@yahoo.com>; 'Benjamin Bausley' <bbausley@bausleyandassociates.com>; aliciabausley <aliciabausley@gmail.com>; 'Rick Taylor' <RTaylor@becinc.net>; denise60dgirl <denise60dgirl@aol.com>; aliciabausley <aliciabausley@gmail.com>; laalkire1 <laalkire1@msn.com>; awacpa <awacpa@aol.com>; hwajr <hwajr@hotmail.com>; Carlenea <Carlenea@aol.com>; dina <dina@dina-sells.com>; lacrestalady <lacrestalady@nuways.net>; hoofnpawranch <hoofnpawranch@hotmail.com>; geoffbarclay <geoffbarclay@msn.com>; lbasiago <lbasiago@gmail.com>; dbassett <dbassett@earthlink.com>; bertorello <bertorello@verizon.net>; bianchifarmsinc <bianchifarmsinc@gmail.com>; BarbaraBowers <BarbaraBowers@topproducer.com>; bnbranchboss <bnbranchboss@verizon.net>; blake <blake@avalonweb.com>; samcar053 <samcar053@gmail.com>; calle-el-sauce <calle-el-sauce@verizon.net>; ran3kim <ran3kim@verizon.net>; connieburke <connieburke@verizon.net>; kerry.casler <kerry.casler@yahoo.com>; cathy.baca <cathy.baca@gmail.com>; tdcdesigns <tdcdesigns@verizon.net>; norman <norman@realtor.com>; norm313 <norm313@verizon.net>; bradndelaney <bradndelaney@me.com>; joanncoker <joanncoker@cox.net>; johndona <johndona@aol.com>; catherine <catherine@ggb-law.com>; srwcowgirl <srwcowgirl@msn.com>; tanajeanc <tanajeanc@hotmail.com>; tcroupe <tcroupe@arubanetworks.com>; lcrawford <lcrawford@am1.us>; maryjocostilow <maryjocostilow@yahoo.com>; todd.croupe <todd.croupe@hpe.com>; estydale <estydale@yahoo.com>; jjhorserider <jjhorserider@att.net>; sdavis <sdavis@rollbackranch.com>; familydeandero <familydeandero@aol.com>; deoneus <deoneus@yahoo.com>; margied1957 <margied1957@gmail.com>; sjdh <sjdh@verizon.net>; christiand <christiand@berrettpm.com>; Sue <Sue@StepOnePOS.com>; nndonahoo <nndonahoo@gmail.com>; jonettedopson <jonettedopson@gmail.com>; derrdrake <derrdrake@aol.com>; 'Elin Motherhead' <elinmotherhead1@verizon.net>; firstwaterlady <firstwaterlady@verizon.net>; candycanelori12 <candycanelori12@verizon.net>; 'William Worthy' <worthyw@gmail.com>; 'Kelly Smith' <ksmith@lacresta.com>; tenajacsd <tenajacsd@earthlink.net>

Robert Miller
Department of Animal Services -- Administrative Offices
6851 Van Buren Blvd.
Riverside, CA 92509

March 14, 2016

Re: Case No.:A15-036506-01
Hearing Date: March 17, 2016
Hearing Time: 9:00 AM

Dear Mr. Miller,

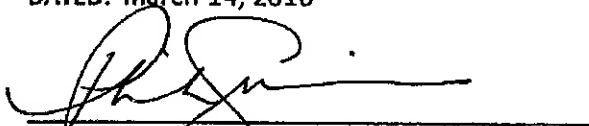
My name is Phyliss Sunins. Along with my husband and our children, we reside at 43810 Anitra Street, a home we built in 2004 and have lived in for nearly twelve years. I live down the street and approximately 0.3 miles from the McVickers' residence. Their home is in our direct line of sight. I am home much of the time and also spend a considerable amount of time outside.

From my property, I do not hear "nuisance barking" coming from that direction. There are never any constant chronic barking noises emanating from the valley, off my back porch, or the McVickers' property which is all audible from my house.

I believe that the above-referenced hearing is about "nuisance dog barking." I am a neutral but interested neighbor and hope that by sharing this information with you, a peaceful solution can be found for our entire community.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: March 14, 2016



Mrs. Phyliss Sunins MBA
43810 Anitra Street
Murrieta, CA 92562

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Elvia Oropeza

Commission #: 2113297

Place of Execution: Riverside, California

Date Commission Expires: Jun 22, 2019

Date: 03/14/16

Signature: Elvia Oropeza, Notary Public

Print Name: ELVIA OROPEZA, NOTARY PUBLIC

Elvia Oropeza, Notary Public __ (951) 757- 7173

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Riverside)
On March 14, 2016 before me, Elvia Oropeza, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Phyliss Sunins
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.



Signature Elvia Oropeza, Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____
Capacity(ies) Claimed by Signer(s)
Signer's Name: _____ Signer's Name: _____
 Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____
Signer Is Representing: _____ Signer Is Representing: _____

SEE ATTACHED DOC(S)

Robert Miller

Department of Animal Service – Administrative Offices

6851 Van Buren Blvd,

Riverside, CA 92509

February 20, 2016

Re: Case No.:A15-036506-01

Hearing Date: February 24, 2016

Hearing Time: 11:15 AM

Dear Mr. Miller,

My name is Phillis Sunins. I reside down the street from the McVickers at 43810 Anitra Street, approximately 0.3 miles from their residence. I am writing this letter in support of the McVickers and their huskies.

To this day I haven't heard the McVicker's huskies bark at all. I live in such close proximity to their residence that I would have heard barking if it ever took place, but it hasn't. The master bedroom to our home where my husband and I sleep has a window which we keep open at night for our cat. If we were to hear the McVickers' huskies at all, which we do not, we would be able to hear them from our window. Additionally, I can see the front yard of the McVickers' property from my kitchen. On occasion when I have glanced at the McVickers' property, I have never observed their huskies acting inappropriately.

During the holidays in December, 2015, I had occasions to go to the McVickers' home to bring holiday treats and fudge. On each time, the dogs approached the fence and did not bark. One one occasion, I had my 3 children with me. On the second occasion, my Great Dane was outside of the McVicker's fence. During the holiday, I also had occasion to bring fudge to the other neighbors, in the area, including the Bacas, and the Beckers. When I approached the Bacas home, the Baca's two dogs barked. When I approached the Beckers' home, the Becker's dog barked.

In mid-January, I spent 4 afternoons outdoors in my garden. On each afternoon, I noticed Serena Becker on her horse. During these times, I did not hear any of the McVickers' dogs bark.

I have however heard my next door neighbor's dogs, residing at 43955 Anitra Street, next to me barking on numerous occasions. The neighbors have their home listed for sale and their ranch hands live on the property. The ranch hands' dogs bark incessantly especially during the night and morning hours.

There are a large variety of noises that exist in the Tenaja Valley, all of which we have come to accept. These include crowing fowl, donkeys, horses, turkeys, llamas, other farm animals and coyotes. However, there are never any barking noises emanating from the McVickers' property which are audible from my house.

It is my opinion that the McVickers have professionally trained their huskies not to bark and to be obedient. It is clear that they are not aggressive but rather very passive and loving domesticated pets.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sincerely,

Phillis Sunins

Elizabeth McVicker

From: Patras,Russ <rpatras@mwdh2o.com>
Sent: Friday, September 23, 2016 8:53 PM
To: Elizabeth McVicker
Subject: Re: Response to Scott Beckers' August 21, 2016 and September 23, 2016 emails

Elizabeth,

I have been reading these emails and it occurred to me.....why is it ok for residents in Tenaja to board and/or train other individuals horses for profit on their properties? Isn't that a business or "commercial" activity? That's been going on for years in Tenaja.

You may want to ask that question at some point, if you have not already.

Sorry you have had so many problems building and getting situated in Tenaja. A few years ago I purchased land above you on Redonda Mesa and built a home. It was a very stressful experience. Certain individuals were constantly calling county Code enforcement and trying to stop my project. I did everything strictly by the book but was still constantly harassed. I even had an individual from the Tenaja board come to my property and "red tag" my project. Something he had no authority to do. This is while many of my "good neighbors" were in clear violation of various codes. There was repeated selective enforcement of unsubstantiated "violations" that really amounted to harassment and bullying.

It was one of the most stressful experiences of my life. All of this was happening while I was working full time plus in my career.

I persisted, but what had begun as a life long dream of building my own home, had become a nightmare.

Hang in there!

Russ

On Sep 23, 2016, at 6:56 PM, Elizabeth McVicker <emcvicker@mcvickersfamilylaw.com> wrote:

My name is Elizabeth McVicker. My husband's name is Tim McVicker. I have been a California licensed attorney for the past 23 years. I am making this statement in the hopes that you will consider my statements below to be truthful and honest.

This is my formal response to our neighbor, Scott Becker's email sent to you today, September 23, 2016, and his email sent from August 21, 2016. All of his emails contain contrived statements. Scott shoots out his emails as if they are bullets. They are sent so repeatedly that I barely have time to keep up with him before he shoots out another one. Scott's repeated pattern of sending these types of messages have hurt me and my husband profusely. We are mentally, emotionally, spiritually, physically and financially drained.

LETTER TO TOWNHIP CONTROLS

I Nancy Fleming went to Scott & Serina Beckers house on March 13th to hear the concerns of neighbors in Tenaja Community about the Huskies located on Abril street. After hearing concerns, actual situations that had happened with some neighbors, I signed a statement at the Beckers home with my concerns and my own personal observations of the Huskies. With this stated: I personally visited the Huskies at their home. I was let in the property by the Huskies caretaker. Liz was not home at the time. Because of this Liz got upset and felt violated. For that I sincerely apologize. My intentions were to visit and to ^{see} all her Huskies. One of my favorite Breed of Dog! I personally have owned 3 Huskies. My intentions were to help Liz by sharing my experience about my visit, to anyone that had concerns. My general feelings go out to Liz and her husband, I am torn! I can only imagine how Liz and Tim feel! The feeling being betrayed by the community that they chose to live in for its Beauty, Tranquility and room for all their Huskies. From my visit, Liz & Tim, you have done an amazing job on your property for your Huskies. They are healthy and Happy dogs under your care. Love and dedication to your Dogs are very apparent. I don't ^{know} what happened between yourselves and the Beckers that the issue of dogs barking couldn't have been resolved without complaints to the county. I am outside most of the day on my ranch and have never heard continual barking. You have every right to apply and obtain a Kennel License when a county inspector comes out to make sure that everything is secure for the safety of the Huskies and the community. On that note! One thing that really bothered ^{me} that Liz & Tim were ^{not} notified of the incidences that occurred when a couple of Huskies accidentally got out. It was unfair that they had to find this information out via "Gossip"! What I believe should have taken place in our neighborhood would have been for "Everyone" to take any concerns that they have with the Huskies and directly converse with Liz and Tim. They are heart broken about how we the community have chosen to take this path. I believe Liz & Tim take all concerns seriously and will take extra measures to insure the safety of their Huskies and community! They have already changed their front entrance with a second safety gate to alleviate the dogs to ever get out again. Liz & Tim are very dedicated to the Husky Breed, it is "their" Passion! I don't believe we have the right to take that away from them. If they can prove to the community a safe environment for all of us! They will be able to prove that if given the chance! Lastly, But most importantly, If any of our community has a heart of a "Christian" that all of you at this hearing today need to reconsider what is "truly" happening here, we are excluding our neighbors, Liz & Tim! We are creating a unhealthy, unloving community. This all started because of barking dogs! It's turned into I gotta "Win" mentality! I think all of us

need to take a huge step Back and take a good look at
"Ourselves!" What is "Great" for one person is always for
the next! How many of you have taken the time to
introduce your selves to Liz & Tim? They have dedicated
their lives towards something that brings them great Joy!
We need to stay together as a community and support
each others differences. You never know when you
might need someones help! "Keep our community friendly,
giving and caring about one another. This truly ^{is} how I
Feel!

Thank you for Sharing,
"Caring About Community"

Nancy Fleming

Nancy Fleming 3/14/2014

I declare under penalty of perjury under the
Laws of the State of California that the foregoing
is TRUE AND Correct. 3/14/2014

43870 Anita St.
Murrieta, CA 92562
(951) 600-8849

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Riverside)
On March 14, 2016 before me, Elvia Oropeza, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Nancy Fleming
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Elvia Oropeza, Notary Public
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
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 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

SEE ATTACHED DOCS).

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Elvia Oropeza

Commission #: 2113297

Place of Execution: Riverside, California

Date Commission Expires: Jun 22, 2019

Date: 03/14/16

Signature: Elvia Oropeza, Notary Public

Print Name: ELVIA OROPEZA, NOTARY PUBLIC

Elizabeth McVicker

From: Kelly Smith <ksmith@lacresta.com>
Sent: Tuesday, May 03, 2016 2:23 PM
To: 'Elizabeth McVicker'
Subject: RE: Response to Scott and Sarina Beckers' April 28, 2016 and April 29, 2016 emails

Categories: Yellow Category

Elizabeth,

I am so sorry you are being targeted. Please know that the Plateau is filled with lovely, animal-loving folks amidst the "others". From one dog rescuer to another, You Go Girl!

Kelly Smith

#SolarVets - Help a Veteran Get a Job in Solar <http://bit.ly/1JOM503>

ksmith@lacresta.com

951-837-1650

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From: Elizabeth McVicker [mailto:emcvicker@mcvickersfamilylaw.com]
Sent: Tuesday, May 3, 2016 2:05 PM
To: barbara@apexconveyor.com; ka.palmer@verizon.net; aawinc1@verizon.net; kmiskam53@yahoo.com; 'Benjamin Bausley' <bbausley@bausleyandassociates.com>; aliciabausley@gmail.com; 'Rick Taylor' <RTaylor@becinc.net>; denise60dgirl@aol.com; aliciabausley@gmail.com; laalkire1@msn.com; awacpa@aol.com; hwajr@hotmail.com; CarlieneA@aol.com; dina@dina-sells.com; lacrestalady@nuways.net; hoofnpawranch@hotmail.com; geoffbarclay@msn.com; lbasiago@gmail.com; dbassett@earthlink.com; bertorello@verizon.net; bianchifarmsinc@gmail.com; BarbaraBowers@topproducer.com; bnbranchboss@verizon.net; blake@avalonweb.com; samcar053@gmail.com; calle-el-sauce@verizon.net; ran3kim@verizon.net; connieburke@verizon.net; kerry.casler@yahoo.com; cathy.baca@gmail.com; tdcdesigns@verizon.net; norman@realtor.com; norm313@verizon.net; bradndelaney@me.com; joanncoker@cox.net; johndona@aol.com; catherine@ggb-law.com; srwcowgirl@msn.com; tanajeanc@hotmail.com; tcroupe@arubanetworks.com; lcrawford@am1.us; maryjocostilow@yahoo.com; todd.croupe@hpe.com; estydale@yahoo.com; jjhorserider@att.net; sdavis@rollbackranch.com; familydeandero@aol.com; deeoneus@yahoo.com; margied1957@gmail.com; sjdh@verizon.net; christiand@berrettpm.com; Sue@StepOnePOS.com; nndonahoo@gmail.com; jonettedopson@gmail.com; derrdrake@aol.com; 'Elin Motherhead' <elinmotherhead1@verizon.net>; firstwaterlady@verizon.net; candycanelori12@verizon.net; 'William Worthy' <wortheyw@gmail.com>; 'Kelly Smith' <ksmith@lacresta.com>; tenajacsd@earthlink.net
Cc: district1@rcbos.org; RMagee@rcbos.org; 'Larry Myers Esq.' <ldmyersesq@hotmail.com>; 'Lisa Merritt' <lmerritt@southlandengineering.com>; amartin@southlandengineering.com; timothygmcvicker@gmail.com; 'Elizabeth McVicker' <emcvicker@mcvickersfamilylaw.com>
Subject: Response to Scott and Sarina Beckers' April 28, 2016 and April 29, 2016 emails

My name is Elizabeth McVicker. My husband Tim and I reside at 17370 Via Abril, Murrieta, California 92562. We have applied for a Class II kennel license (County of Riverside, Plot Plan 25922) to house between 11 – 25 personal pet husky dogs on our 5.67 acre residential

Elizabeth McVicker

From: Alicia Bausley <aliciabausley@gmail.com>
Sent: Tuesday, May 03, 2016 2:47 PM
To: 'Elizabeth McVicker'
Subject: RE: Response to Scott and Sarina Beckers' April 28, 2016 and April 29, 2016 emails

Categories: Yellow Category

Dear Elizabeth,

I apologize for not coming over to your home and introducing myself to you and your husband when you moved into the neighborhood. I am one of your neighbors on Equestre Court. I love my animals too and understand the love you share for yours. I've been praying for a peaceful solution to this situation, where all involved parties can live in harmony and peace. Thank you for taking the time to give us insight into the care and management of your beloved dogs. My prayers will continue and I sincerely wish the best for you, the Becker family, and the entire Tenaja community.

Peace be with you,

Alicia Bausley

You shall love the Lord your God with all your heart, with all your soul, with all your mind, and with all your strength. The second is this: 'You shall love your neighbor as yourself.' There is no other commandment greater than these." Mark 12:30-31

From: Elizabeth McVicker [mailto:emcvicker@mcvickersfamilylaw.com]
Sent: Tuesday, May 3, 2016 2:05 PM
To: barbara@apexconveyor.com; ka.palmer@verizon.net; aawinc1@verizon.net; kmiskam53@yahoo.com; 'Benjamin Bausley'; aliciabausley@gmail.com; 'Rick Taylor'; denise60dgirl@aol.com; aliciabausley@gmail.com; laalkire1@msn.com; awacpa@aol.com; hwajr@hotmail.com; CarleneA@aol.com; dina@dina-sells.com; lacrestalady@nuways.net; hoofnpawranch@hotmail.com; geoffbarday@msn.com; lbasiago@gmail.com; dbassett@earthlink.com; bertorello@verizon.net; bianchifarmsinc@gmail.com; BarbaraBowers@topproducer.com; bnbranchboss@verizon.net; blake@avalonweb.com; samcar053@gmail.com; calle-el-sauce@verizon.net; ran3kim@verizon.net; connieburke@verizon.net; kerry.casler@yahoo.com; cathy.baca@gmail.com; tdcdesigns@verizon.net; norman@realtor.com; norm313@verizon.net; bradndelaney@me.com; joanncoker@cox.net; johndona@aol.com; catherine@ggb-law.com; srwcowgirl@msn.com; tanajeanc@hotmail.com; tcroupe@arubanetworks.com; lcrawford@am1.us; maryjocostilow@yahoo.com; todd.croupe@hpe.com; estydale@yahoo.com; jjhorserider@att.net; sdavis@rollbackranch.com; familydeandero@aol.com; deoneus@yahoo.com; margied1957@gmail.com; sjdh@verizon.net; christiand@berrettpm.com; Sue@StepOnePOS.com; nndonahoo@gmail.com; jonettedopson@gmail.com; derrdrake@aol.com; 'Elin Motherhead'; firstwaterlady@verizon.net; candycanelori12@verizon.net; 'William Worthy'; 'Kelly Smith'; tenajacsd@earthlink.net
Cc: district1@rcbos.org; RMagee@rcbos.org; 'Larry Myers Esq.'; 'Lisa Merritt'; amartin@southlandengineering.com; timothygmcvicker@gmail.com; 'Elizabeth McVicker'
Subject: Response to Scott and Sarina Beckers' April 28, 2016 and April 29, 2016 emails

My name is Elizabeth McVicker. My husband Tim and I reside at 17370 Via Abril, Murrieta, California 92562. We have applied for a Class II kennel license (County of Riverside, Plot Plan 25922) to house between 11 – 25 personal pet husky dogs on our 5.67 acre residential

Objections to Plot Plan No. 25922

Tenaja Environmental Concerns Association



Recap of the Testimony from the last Public Hearing



At the last Public Hearing. . .

- ▶ Elizabeth McVickers said she was not involved in Shadow Husky Rescue; and
- ▶ Introduced “other” people involved in Shadow Husky Rescue,

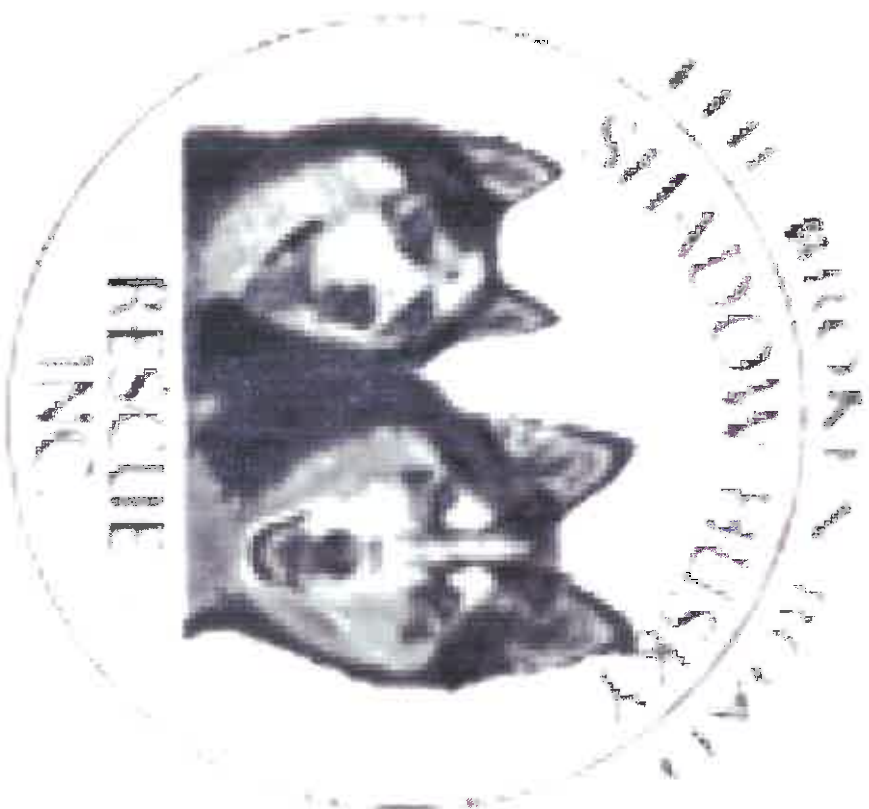


Shadow Husky Rescue Inc.

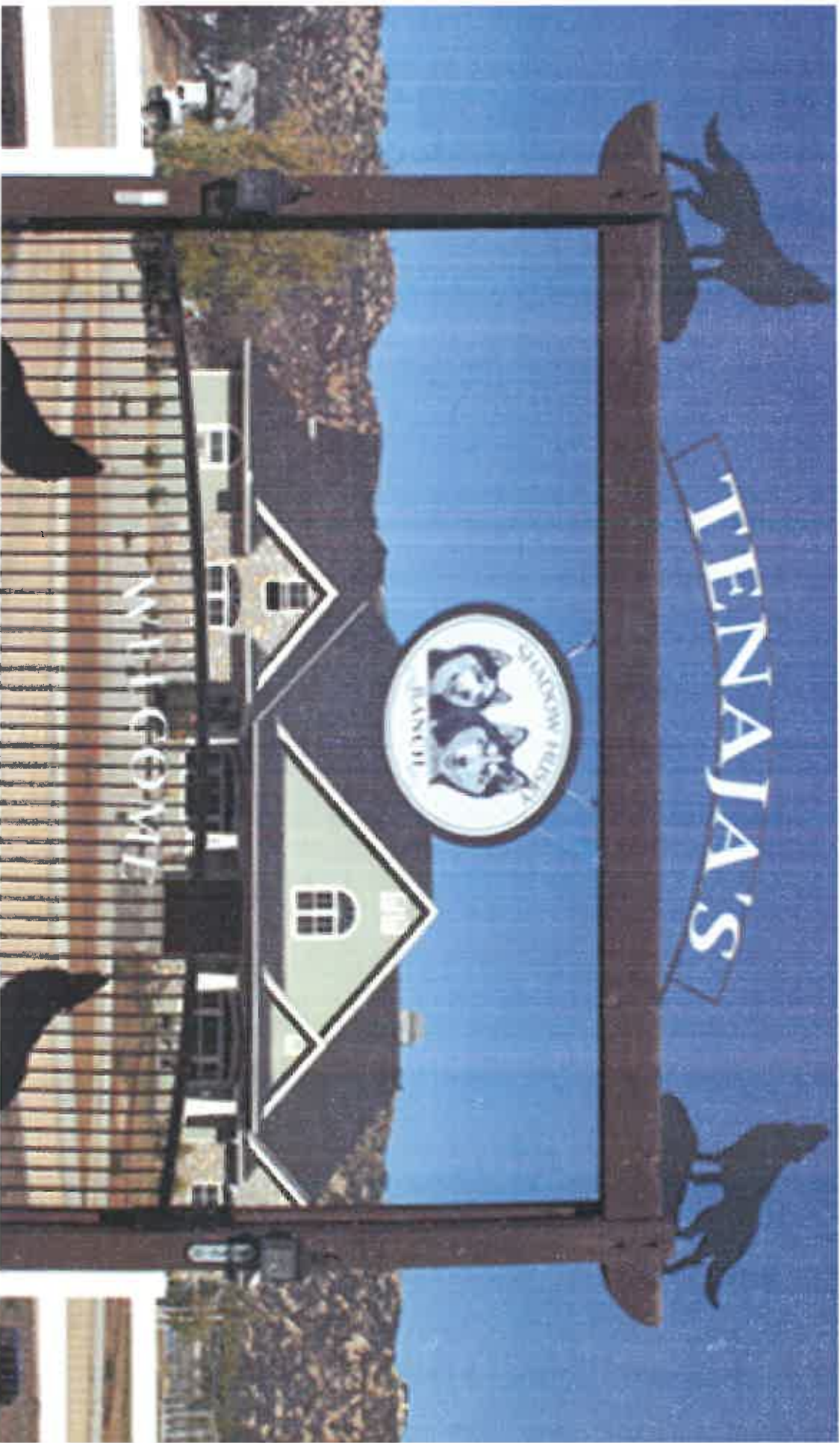
Entity Name	Shadow Husky Rescue, Inc.
Entity Number	C3832804
Date Filed	10/07/2015
Status	ACTIVE
Jurisdiction	California
Entity Address	29997 Canyon Hills Rd., STE 1603
Entity City, State, Zip	Lake Elsinore, CA 92532
Agent for Service of Process	Tamara Elizabeth McVicker
Agent Address	29997 Canyon Hills Rd. STE 1603
Agent City, State, Zip	Lake Elsinore, CA 92532



Shadow Husky Rescue, Inc.



Project Site Main Gate



Project Site Main Gate



At the last Public Hearing

- ▶ You heard the McVickers' state the application is for their 18 personal pets.
- ▶ Richard Taylor testified they had 14 dogs at the time he informed the County of the violation.
- ▶ McVickers now have 18 personal pets.
- ▶ It is clear they are running a dog rescue operation.



Rescue Operations

Continue – Website

- ▶ **Master Wolf [Tim McVickers] had another great day picking up Maura from Inland Valley Shelter. . . Maura walked in the house like she's lived there for ever!! Kids loved her!!
Happy Ending for Maura!**



Tim McVickers aka Master Wolf

- ▶ Master Wolf's Up Date on Baby Girl!!!! Shadow Husky Rescue Foster for Baby Girl was able to find a permanent home for her the other day!!

Shadow Husky Rescue website



Tim McVickers / Master Wolf

- ▶ **Master Wolf always stops and gets his rescues a freedom burger This is Lucky saved out of Castaic by Master Wolf after getting a call from them.**

- ▶ [Shadow Husky Website](#)



At the last Public Hearing

- ▶ Elizabeth McVicker was offered a condition of approval to limit her personal pets to “18.”
- ▶ She refused the limitation.
- ▶ Why?



Conclusion

- ▶ **The McVickers do not have 18 personal pets; they are operating a non-profit, dog rescue on the property under the guise of “personal pets”.**



At the last Public Hearing

- ▶ Testimony of Donte Caus stated he gave his dog to the McVickers (not one of the McVicker's personal pets); and
- ▶ he visits his dog at the McVicker's property.
- ▶ Due to rescue operations, this Project is generating unstudied traffic in the area.



At the last Public Hearing

- ▶ How did the Mr. Caus find out about McVicker's personal pets on their property?
- ▶ ANSWER: The McVickers advertise their dog rescue services on their website.



At the last Public Hearing

- ▶ **The McVickers stated they are not involved in Shadow Husky Rescue, Inc. non-profit fundraising events. . . .**



Rescue & Fundraising

- ▶ In a few weeks we will be at the new Pet Smart for adoption day please come to Menifee store at Huan and the 215 freeway. Very excited to bring my other Foster Huskies to place in a forever home soon!! Will let you know time and day when we get set up! Stay tuned for Maura's rescue coming your way next week! . Pledges are very welcome to help off set her surgery cost, thanks!

Master Wolf – Shadow Husky Rescue website



Tim McVicker's Online Statement

- ▶ Every contribution helps. Every penny and every second matters in our business. It takes time and effort to do what we do and we are serious about saving lives. We are eternally grateful to those help us out and appreciate any help you are willing to give.
- ▶ All donations go towards expenses for medical bills, food, transportation and other necessities. Feel free to contact us if you would like to donate your time, supplies or become a foster parent to help our cause.



Shadow Husky Rescue

Website States:

- ▶ Where you can find us?
- ▶ Tenaja's Shadow Husky Ranch is **located near the beautiful Santa Rosa Plateau** in Murrieta, California.
- ▶ All rescue operations are run from our legal services office in Canyon Lake next to Wolfee Donuts.



Shadow Husky Rescue

Website States:

- ▶ All rescue operations are run from our legal services office in Canyon Lake next to Wolfee Donuts.



McVicker's Family Law Office



McVicker's Law Office

- ▶ Is not zoned for kennel operations;
- ▶ Has no facilities for dogs;
- ▶ There are no dogs at the location; and
- ▶ People with personal pets do not advertise their property location on an internet site for dog rescues.



FROM OUR ONE IS NEVER ENOUGH LINE!

DOGGIE STYLE

MISSION VIEJO COUPLE SHARES PASSION FOR HUSKIES

Tim McVicker has lived in Mission Viejo for 20 years. Recently he and his wife purchased a ranch near Murrieta and turned it into the Shadow Husky Ranch. Tim drives a big rig truck by day and at night he and his wife rescue death-row huskies.



Tim says, "Sometimes life just takes you for a ride. I always wonder if I rescued these dogs or if it was the other way around". Tim and his wife Elizabeth, an attorney and handworking people who hold down full-time jobs and continue to do so while making this whole thing happen!

They both share a passion for adopted dogs and are committed to making Shadow Husky Ranch the perfect home for his family. Call

Tim with any questions. He loves to spread the Husky Passion. 949 290-3217
ShadowHuskyRescue.com.



Doggie Style Article States:

- ▶ “Tim drives truck by day and at night he and his wife rescue death-row huskies.”



Proponent Testimony from last Public Hearing

- ▶ **Jeremy Perkins, a founder of a dog rescue, testified “these guys [the McVickers] have stepped up to save huskies out of shelters.”**
- ▶ **Shane Roberts, owner of a Husky rescue, testified he “worked with Tim and Liz McVicker on many rescues.”**



This Project is a Dog Rescue

- ▶ **Animal Rescue Operations are governed by Ordinance 630**
- ▶ **The Applicants have circumvented those requirements by alleging “personal pets” when the evidence is clear, a dog rescue and adoption business is being conducted.**
- ▶ **Animal Rescues require a permit from the Department of Animal Services.**



This Project is a Dog Rescue

- ▶ **Ordinance 630.6 (2)(c) states:**
- ▶ **Animal Rescues may only have four (4) personal dogs.**



CC&Rs That Govern The Project Site



Tenaja Community Services District - Architectural Control Committee

- ▶ McVicker's submitted a plan for a "tough shed" not a Class II Kennel to the Architectural Control Committee.
- ▶ McVicker's received approval to put in a storage shed; not a Class II Kennel.
- ▶ McVicker's have been notified, they are in violation of the CC&Rs by their misrepresentation of their project.



Conditions of Approval

- ▶ **The County has always required Tenaja Community Services District approval or clearance as a condition of approval prior to issuing a permit.**



17402 Via Abril

- ▶ **BRS150297 County’s Conditions of Approval Prior to Building:**
- ▶ **80.TLMA 001 “Clearance from Tenaja Community Services District is Required Prior to Issuance of Permit.”**



17250 Via Abril

- ▶ **BRS072134 County's Conditions of Approval Prior to Building:**
- ▶ **80.TLMA 001 "Prior to issuance of this permit, clearance must be obtained from the Tenaja Community Services District."**



17370 Via Abril -Project Site

- ▶ **BRS071556 County's Conditions of Approval Prior to Building:**
- ▶ **80.TLMA 002 "Prior to Issuance of Permit, Clearance is Required from the Tenaja Community Services District. Please contact Arlene Miller for further details and requirements."**



Not Asking for Enforcement

- ▶ The County has required clearance from Tenaja Community Services District (“TCSD”) prior to issuance of any plot plan.
- ▶ The project property has been subject to that condition of approval in the past.
- ▶ The County is aware that clearance has not been given from TCSD.
- ▶ The County should require this project obtain clearance from TCSD prior to issuing a permit.



General Plan Policies for Santa Rosa Plateau



County's General Plan

- ▶ The Project is in the Southwest Area Plan
- ▶ Land Use decisions are governed by the Santa Rosa Plateau/De Luz Policy Area
- ▶ According to the General Plan “the unique Santa Rosa Ecological Reserve is located in here, and . . . Plays a significant role in setting the character for the area.”



A Unique Community

The General Plan on the Santa Rosa Plateau:

“The community character of the Santa Rosa Plateau is determined by the area’s mountainous and rural environment. . . Homes here are typified by ranch style estates, many of which have an equestrian focus.

Extensive citrus groves and avocado orchards complete the sense of quiet and remoteness so predominant here.”



Land Use Concepts

- ▶ **“The Santa Rosa Plateau is designated for rural uses to maintain the existing rural residential character of these areas.”**



Land Use Concepts

- ▶ “The Santa Rosa Plateau forms a high valley along the west side of the Southwest Planning Area and provides still another **unique environment** devoted to rural estates, groves and **natural habitat.**”



Land Use Concepts

- ▶ “The Santa Rosa Ecological Reserve and the Cleveland National Forest are designated for open space uses to reflect the rich and *significant habitat* these areas provide.”



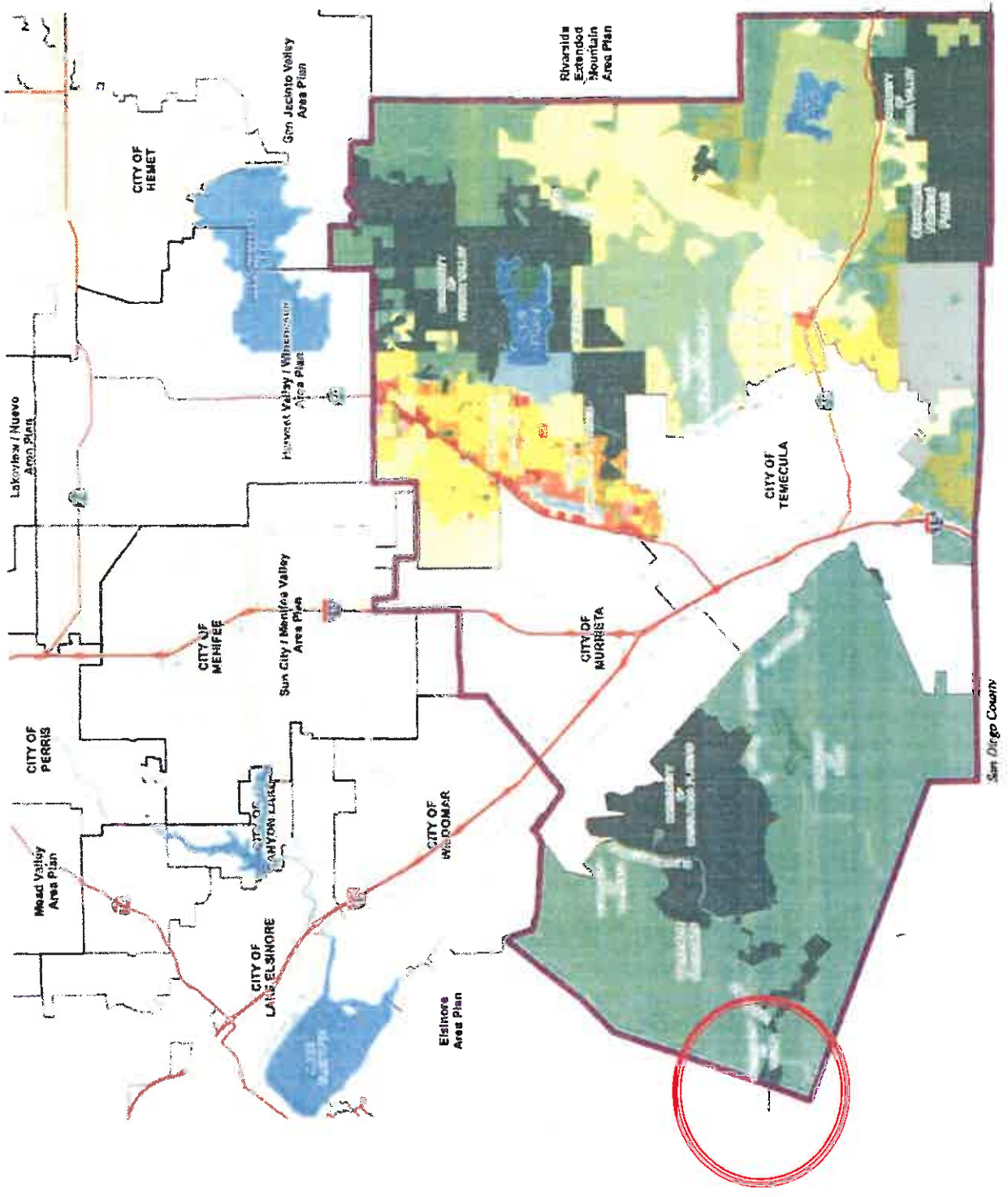




Figure 3



Santa Rosa Plateau Policies

- ▶ Maintain the rural and natural character of the area.
- ▶ Address long term stability of the Santa Rosa Plateau Ecological Reserve.
- ▶ In order to maintain the Plateau's attributes, future development *must be* designed in accordance with the area's rural character.
- ▶ *Limit impacts to the ecological reserve.*



MSHCP Program Policies

- ▶ Provide stepping-stone *habitat linkages* for the California gnatcatcher as well as other species through the preservation of land from the Santa Rosa Plateau . . .
- ▶ *Conserve the Tenaja corridor*, which promotes large mammal movement between the Cleveland National Forest and the Santa Rosa Plateau.



Project Proponents Statements

- ▶ Elizabeth McVickers identified coyotes, mountain lions and diamond back rattlesnakes as the animals that are dangerous. These native animals require protection.
- ▶ Aldolpho Nieta testified his 60 lb husky got out and attacked a full size cow.
- ▶ Shane Roberts testified that Huskies have a higher prey drive than other dogs.



In Summary

- ▶ A Class II Kennel introduces a large number of non-native animals into an environmentally sensitive area.
- ▶ This large number of dogs will affect native animal corridors between Cleveland National Forest and Santa Rosa Plateau.
- ▶ Approval of this project will be in direct conflict with the County's Land Use Policies for the Santa Rosa Plateau and the MSHCP Policies.



Conclusion

- ▶ In R-A-5 zones, a Class II Kennel is permitted.
- ▶ However, the Santa Rosa Plateau is a unique, rural community with the two major wildlife habitats including the Cleveland National Forest and the Santa Rosa Ecological Preserve.
- ▶ A Class II Dog Kennel is not a “logical development of the land and not compatible with the present logical development of surrounding property.” (Section 18.30(C)(2))



CLASS II KENNEL REQUIREMENTS



McVickers Ignore Ordinances

- ▶ Before purchasing the property the McVickers were informed about the CC&Rs and the County's limit on 4 dogs.
- ▶ McVickers put in 14 dogs and began alterations to their property without County approval.
- ▶ Due to noise complaints, the McVickers submitted a Class I Kennel permit fully knowing they had 14 dogs on the property.



At the last Public Hearing

- ▶ Richard Taylor testified that the McVicker's originally applied for a Class I Kennel permit until they saw him taking pictures of the 14 dogs on their property.
- ▶ McVicker's revised their application to a Class II Kennel Permit only after realizing the County would be informed of the truth.



Class II Kennel Requirements

- ▶ Ordinance 348, Section 18.45 (c) (1) requires:
 - “All Class II Kennels shall include a single family dwelling to be used by a live-in caretaker.”



Definition of Caretaker

- ▶ The County ordinance does not define “live-in caretaker”
- ▶ As the County knows, when words in a statute or law are not defined, then the common definition is applied.
- ▶ Dictionary.com defines “caretaker” as:
“a person employed to look after
people or animals”



Definition of “Live-In”

- ▶ Dictionary.com defines “**live-in**” as:
“residing at the place of one’s
employment”
- ▶ Merriam-Webster defines “**live-in**” as:
“living in the place where you work”



FROM OUR ONE IS NEVER ENOUGH DEPT.

DOGGIE STYLE

MISSION VIEJO COUPLE SHARES PASSION FOR HUSKIES



Tim McVicker has lived in Mission Viejo for 30 years. Recently he and his wife purchased a ranch near Murrieta and turned it into the Shadow Husky Ranch. Tim drives a big rig truck by day and at night he and his wife rescue death-row huskies.

Tim says: "Sometimes life just takes you for a ride. I always wonder if I rescued these dogs or if it was the other way around". Tim and his wife Elizabeth, an attorney, are hardworking people who hold down full-time jobs and continue to do so while making this whole thing happen.

They both share a passion for adopted dogs and are committed to making Shadow Husky Ranch the perfect home for his family. Call Tim with any questions. He loves to spread the Husky Passion. 949 290-3217 ShadowHuskyRescue.com.



Doggie Style Article States:

- ▶ **Tim drives truck by day** and at night he and his wife rescue death-row huskies.”
- ▶ “Tim and his wife Elizabeth, an attorney, are hard-working people who hold down **full time jobs**...”



Ordinance 630.1(m)

- ▶ Ordinance 630 relating to dogs and cats
- ▶ Custodian is defined as:
 - “Any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, on behalf of another, or represents the interests of the owner.”



Eileen's Testimony

- ▶ Eileen testified as the “caretaker” who works Thursday, Friday and Saturday and does not live at the property.
- ▶ Eileen is not a “live-in caretaker”, she may be a caretaker or a “custodian.”



Project Fails to Comply

- ▶ The Project has two CUSTODIANS/CARETAKERS but does NOT have a LIVE-IN CARETAKER as required under Section 18.45.
- ▶ The Property Owners work full-time elsewhere and do not meet the definition of “live-in caretakers.”
- ▶ The Project fails to meet the development requirements for a Class II Kennel.




Plot Plans Requirements for Approval

- ▶ Ordinance 18.30 (c):
“No plot plan shall be approved unless it complies with the following standards:
 - ▶ 1. The proposed use must conform to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.”



Plot Plans Requirements for Approval

- ▶ Ordinance 18.30 (c):
 - ▶ “No plot plan shall be approved unless it complies with the following standards:
 - ▶ 2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.”
- 

Conclusions

- ▶ The live-in caretaker requirement has not been met.
- ▶ A Plot Plan cannot be approved if the project fails to comply with ALL State and County Ordinances.
- ▶ A Class II Kennel is not a logical development of the land and is not compatible with the present or future development of the surrounding property.”



CEQA Considerations



CEQA Categorical Exemption

- ▶ Section 15301 “existing facilities”;
and
- ▶ Section 15303 “new construction”
should not be applied to this project.



Section 15301

- ▶ Section 15301 exemption for “existing facilities” should not be applied.
- ▶ “The key consideration is whether the project involves negligible or no expansion of an existing use.”



Not An “Existing Use”

- ▶ **The Class II Kennel is not an existing use; it’s an illegal, unauthorized use.**
- ▶ **Applicants have placed 18 dogs on their property in violation of the County’s ordinance.**
- ▶ **Violating County ordinance without County approval does not make the project an existing use.**



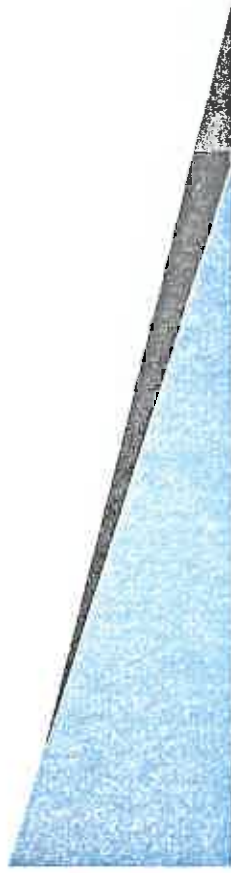
Not an “Existing Use”

- ▶ At the last Hearing project applicants showed pictures of their project already under construction before the County has even approved the project.
- ▶ The applicants are not waiting for County approval; they are improving project in violation of County Ordinances.



Section 15301(e)(2)

- ▶ Existing uses are applied to:
- ▶ Interior partitions, electrical or plumbing;
- ▶ Existing highways, streets, sidewalks, etc;
- ▶ Restoration or rehab of existing facilities;
- ▶ Additions to existing structures provide –
“**The area in which the project is located is
NOT ENVIRONMENTALLY SENSITIVE.**”



Section 15301 Fails

- ▶ The use is not existing but a significant impact to the existing and surrounding uses.
- ▶ A Class II Dog Kennel has not been an approved use at the site.
- ▶ The project is located near environmentally sensitive lands.



Section 15303

Section 15303 “New Construction of Small Structures”

Class 3 consists of construction and location of new, small facilities.



Section 15303

Examples include:

- ▶ Adding single-family residence to a residential zone.
- ▶ Adding a duplex or multi-family structure.
- ▶ Adding a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances.
- ▶ Water main, sewage, electrical, gas and street improvements
- ▶ Accessory structures like garages, carports, patios, swimming pools and fences.



Section 15303 Fails

- ▶ While a shed structure would fall under Section 15303, new construction of small facilities; the Project is not simply adding an accessory structure.
- ▶ None of the examples provided consistent of a major change to the use of the land.



BIOLOGICAL RESOURCES

- ▶ Siberian Huskies are escape artists, the dogs have already gotten out;
- ▶ They have a high prey drive and have already killed chickens, attacked a donkey and a horse;
- ▶ Based on solid, factual data, Huskies are the 4th most dangerous dog due to its kill and injury statistics;
- ▶ Huskies were bred to run long distances in packs; the Tenaja Valley is not an appropriate location for this breed.



BIOLOGICAL RESOURCES

- ▶ The proposed project is located between Cleveland National Forest and Santa Rosa Plateau and identified as “dark green” on the MSCHP map
- ▶ The County, the State, and numerous local entities have joined together to restore the wildlife corridors and native habitats in this area that this project will have a negative impact on.
- ▶ Cleveland National Forest has not been contacted regarding this project.



NOISE ISSUE

- ▶ The noise study conducted was self-serving at best;
- ▶ The McVickers knew when the study was going to done.
- ▶ Last public hearing you heard from the people who live in Tenaja Valley, the dogs howl and create noise issues.
- ▶ Residents presented an actual clip of the howling which simply cannot be ignored by statements from people who have visited once or twice.



NOISE ISSUE

- ▶ The reason the residents got involved is because of the noise.
- ▶ Elizabeth McVicker's testified to her inalienable rights but failed to consider her neighbors' right to QUIET enjoyment of their property.
- ▶ The introduction of 18-25 dogs into a place described in the General Plan as "sense of quiet and remoteness" will forever destroy that "quiet".



Summary

- ▶ The applicants have misrepresented the project to the County, it is not personal pets. It is a dog rescue operation.
- ▶ Tim and Elizabeth McVickers are founders of Shadow Husky Rescue. The website clearly identifies the rescue dogs are at the property.
- ▶ The County has required TCSD prior approval on all other projects in Tenaja Valley and should not exclude this project from the same condition of approval.



Summary

- ▶ The proposed project does not comply with the requirements of the Class II Kennel for failing to have a live-in caretaker that resides in the residence.
- ▶ As a rescue operation, the proposed project does not comply with Ordinance 630.



Summary

- ▶ The proposed project is incompatible with the County's General Plan Policies for the Santa Rosa Plateau, the MSHCP, the Cleveland National Forest Restoration Plan.
- ▶ If approved, that decision will come under scrutiny by agencies for failure to consider the surrounding properties and logical future development of both the Cleveland National Forest and the Santa Rosa Plateau environment.



Summary

- ▶ The applicants applied for a permit after violating the County's ordinance that limits personal pets to 4 dogs.
- ▶ They are running a dog rescue operation at the property.
- ▶ They are in violation of the CC&Rs.
- ▶ They have already completed improvements on the property without county approval.
- ▶ They have used the internet to incite people with false claims of persecution.



Conclusion

- ▶ **The applicants have failed to abide by any of the local or county laws until forced to do so.**
- ▶ **A Plot Plan may not be approved under such circumstances.**
- ▶ **For all of these reasons, this project should be denied. The Santa Rosa Plateau is an inappropriate location for a Class II Kennel.**



Riverside County Transportation and Land Management
4080 Lemon St.
Riverside, CA 92501

September 26, 2016

RE: Class II Kennel Application, 17370 Via Abril, Murrieta, CA 92562

OPPOSED

Dear Director and Committee Members;

My name is Tina Clippinger, legal owner of property at 43475 Tenaja Rd., Murrieta CA 92562 and Resident of Riverside County, sharing a property line with the McVickers.

My Domestic Partner, Larry L. Redinger, and I are **adamantly opposed** to this petition for a Class II Kennel.

I have lived on the Santa Rosa Plateau for over 17 years. During that time, I have served on numerous boards, committees, charitable efforts, and have hosted many Tenaja community social gatherings including the Annual Tenaja Family Picnic—approximately 75 families in attendance—5 years running. I am a member in good standing of the Santa Rosa Plateau Ecological Reserve Foundation—a group dedicated to the insurance of outdoor education for over 25,000 Riverside Unified School District elementary school children. I have a passion for the Plateau and the unique, sensitive, teaching, and geologically important landscape we call home.

In this time served, I have never seen any of the over 250 residents of Tenaja or the over 1200 residents of the Santa Rosa Plateau potentially so negatively affected by one decision. I have never seen any board or committee put the health, welfare, and safety of any resident over that of an animal. Nor have I ever seen any governing board, HOA, Community Services District, Architectural Control Committee granting a permit or land use that would severely, permanently, willingly and wantonly, and negatively affect the surrounding neighbors.

Additionally, no single resident or group of residents has sought to destroy the legal, recorded and decades-standing CCRs of Tenaja and Santa Rosa Ranches nor has there been an attempt to strike down the enforceability of our CCRs for their own agenda. These CCRs are what over 250 residents have turned to over the years to create the cohesive nature and protect the sensitive area encompassing the Santa Rosa Plateau.

The County must not disregard our CCRs and the enforceability of the governing documents. To do so puts ALL HOAs and their CCRs at risk. The County must not place the rights of one resident over another, and in this case, the rights of one resident to apply to house 25 companion dogs—6 ¼ times (6.25 times) the number of legally allowable dogs, over the rights of an overwhelming number of residents and taxpayers who are opposed.

A Kennel for 25 dogs in a residential setting is wrong. A kennel for 11 dogs is wrong. It is in direct opposition to the safe enjoyment of our property and constitutes a nuisance by its very existence.

Maintaining that 25 dogs, when housed together will not be a barking nuisance is far-afield from reason and what law makers already know—that 4 companion dogs is reasonable, more is not. Law makers have decided that in the best interest of the citizens of its county, Riverside, that over 4 dogs is not allowed.

Larry Redinger, who is speaking on my behalf at the Monday, September 26, 2016 hearing, and I plan to build our human “Forever Home” on Liberty Oaks—a property we have shared, cultivated, and invested in for 14 years.

In 2013 the population of Riverside County was 2.293 million people—all sharing the same laws—that the number of PERSONAL DOGS IS LIMITED TO FOUR. This is for a reason. It is to ensure the safety of all residents. Allowing more than four dogs in a residential setting has been decided by lawmakers as a reasonable number for companion animals. Allowing more than four is putting us as homeowners AND OUR FAMILIES at risk of harm and denying us our basic right to quiet enjoyment of our property. It could prohibit us from obtaining homeowner’s property and liability insurance. Further and very importantly, putting dog rights above human rights is wrong.

We are understanding, compassionate people. We acknowledge that unwanted animals is a problem nation-wide. However, allowing up to 25 dogs next to our property is not the answer. Allowing up to 25 dogs next door to OUR property and OUR future home is unconscionable, unreasonable, a misplacement of animals over humans and is destructive to our most valued asset—our land.

No person, who is a resident of Tenaja or The Santa Rosa Plateau has spoken in favor of this permit. We are the owners and residents paying the taxes in Riverside County. We are invested in Riverside County and that fact matters!!!

To my knowledge, every person the McVickers have brought in for character witnesses has been a non-resident and non-property owner. If there are Riverside residents they are not also residents of Tenaja. Each of us in opposition could promote the same time-consuming and irrelevant argument of that of the McVickers; namely character witness and money invested in property. These two arguments do not play a part in the legality or safety issue for surrounding properties. These Husky dog fanciers character witness and statements of McVicker altruism can go for all of us. We are ALL good, caring, charitable people. We all care about animals. That is no argument however, for a dog kennel in a residential setting. The McVickers supporters are NOT residents of Tenaja and *may* not even reside in Riverside County. They DO NOT have agency in the protection of the property of the Santa Rosa Plateau, the way of life, property values, and environmental impact.

To reiterate:

NO PROPERTY OWNERS HAVE SPOKEN IN FAVOR—!!!

NO SUPPORTERS ARE PROPERTY OWNERS!!!

The McVickers have presented photos and reports of what they have spent on their property and improvements as an argument in favor of the permit. Ladies and Gentlemen of the committee—WE HAVE ALL SPENT A LOT OF MONEY ON OUR PROPERTIES AND IMPROVEMENTS. Larry and I have over 2 million on our ranch so far. We have still to build our house. Everyone in Tenaja has spent a lot of money on their dream. **For the vast majority of us, it is our most valuable asset. We cannot afford to have our property values toiled because of dogs.**

It would be improper for the County to force me to live next to 25 dogs. Period. Regardless of commercial, personal, or rescue. No normal person needs 25 personal companion dogs. That simply out of the realm of common sense.

I, Tina Clippinger and Larry L. Redinger strongly oppose this petition. We ask that the County of Riverside uphold its responsibilities and duty to protect the rights of property owners within the County to the quiet enjoyment of their homes. We respectfully ask the committee to deny this petition.

Thank you for your time.

Respectfully submitted,

Tina D. Clippinger

Larry L. Redinger

Dean Emertus, Natural Sciences and Agriculture, Mt. San Antonio College

Tim Wheeler
Urban Regional Planner III
4080 Lemon St – 12th floor
Riverside, CA 92501

January 14, 2016

Mr. Steve Uhlman
County of Riverside, Dept. of Environmental Health
3880 Lemon St, Suite 200
Riverside, CA 92501

Subject: Stationary Noise Standard vs. Nuisance Noise Standard for Dog Kennels

Dear Sirs:

I need to express my concern for the application of Ordinance 847, Table 1 as a condition of approval. Due to low ambient noise levels, and the fact that the descriptor for the standards in Table 1 is a maximum noise event (aka, a very short noise event like one bark or one horse neighing or one loud bang) these noise standards are already being violated on a regular basis throughout the Tenaja Valley. For example a normal conversation would exceed the nighttime noise standard of 45 dBA Lmax if it was within 30 feet of the property line.

Due to the unrealistic expectations associated with a maximum noise event standard, the standards in Table 1 have not been used for noise impact assessment in the County for years. I have had many conversations with Steve Hinde, the previous reviewer of noise studies at the Department of Environmental Health, about these standards and he instructed me to use their Stationary Noise Source Standards to conduct analysis of dog kennel noise. If we were to utilize Ordinance 847 for project noise impact analysis an EIR would be required for almost every project in the County as noise impacts would be significant and unmitigable. It is my opinion that at some point someone who does not understand noise descriptors inadvertently used the term "maximum" when preparing Table 1 in Ordinance 847 and this term is incorrect.

For a CEQA document there are two noise standards that are routinely applied to dog kennels including Riverside County Code Section 6.08.150 and the County of Riverside Industrial Hygiene Stationary Noise Source Standards. Ordinance 6.08.150 states that it is unlawful for any person to keep or allow to be kept, or suffer or permit any dog to remain upon the premises under the control of such person, when such dog habitually barks, whines or makes loud or unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitivity in the reasonable and comfortable enjoyment of life and property. The Husky Ranch dogs clearly are not habitually barking, whining, howling and disturbing persons of ordinary sensitivity.

The Riverside County Department of Environmental Health's Office of Industrial Hygiene routinely requests that noise impacts associated with dog kennels be assessed in light of their Stationary Noise



County of Riverside
Department of Animal Services
Field Services Request and Activity Log

Item 2.2

4-21-16 385

Received two separate complaints/concerns regarding the McVicker's dogs being loose on 2-1-16 but was not made aware of this until 3-18-16 for A16-050714 and the other complaint was on 4-6-16 for A16-053129. The first complaint was from Shelby McCowen, which I made contact at her property on 4/8/16, and it pertained to the McVickers having 4 dogs loose on 2-1-16 and gaining access to her property. According to her the dogs did not harm anyone or any animal on her property but were barking and acting "like a pack" towards her horse who was roaming the property and her donkey which was corralled. One of the dogs according to Miss McCowen, was kicked by the donkey and the dog ran off and was unsure if the leg got broken. I asked what she would like me to do and explained the restraining order process at which time she stated she does not mind what happens she was only concerned with the dogs getting out in the future and as long as the McVickers ensure the animals or properly confined she is good with it. On 4/20/16 I met with the McVickers at their property in La Cresta at which time I saw they have installed a secondary fence at the entrance of the property which once someone pulls in the primary gate the gate closes and then and only then is a second gate manually open to gain entrance into the main property. I asked what happened on the day of the incident and they told me a contractor working at the property left the property and had the gate transponder. One of their "workers" or "caregivers" had a group of dogs in the main yard for "Exercise time" when the contractor returned he unknowingly opened the gate and the dogs (4) got loose off property. The McVickers state the animals were all retrieved within 30 minutes of this occurring and that is why the secondary gate was installed and the gate needing to be opened manually so no one can unwillingly let any animals loose. While on the property they also showed me a secondary perimeter fence separating the dogs from getting close to the Becker's fence near their horses and the animals are never in the section that had become "blocked" off. The walked me throughout the whole property including inside the home and also showed me the foundation that has been set for their housing kennel. I noted large receptacles with potable water as well as the animals have several access pints into the home and outside
continued:

I was at the property. I took pictures of many areas of the property for reference by our Department.

On 4/20/16 I met with Tina Clippinger at her property and also met with her worker who states on the 1st of February his wife was at home and saw 1 white husky on the property the stay at which is 13475 Tenaja Rd in La Cresta which directly across from the entrance gate of the McVicker's property. He states according to his wife she tried to "Shoo" the dog away but was unable to get the dog to leave. Not once was there a mention of the animal ever being aggressive but was just on the property. I was told the wife left to go pick up children from school and the dog was still hanging around but when she returned to the home there were 2 dead chickens. No one saw the incident just assume it was the dog that the wife saw that killed the chickens but no one was certain. Also states the dogs run the fence at the front of the McVicker property barking at the horses on the Clippinger property which I told them they are confine on their property so it would need to be filed as either a barking or nuisance complaint.

Both parties state they have not seen any of the McVickers animals loose since the incident which occurred on 2-1-16. The McVicker were aware of the McCowens complaint and had since spoke with The McCowens and them to explain the newly installed fence.

5-4-16 385

Received a large email from the McVickers which included people in the email group such as Supervisor Kevin Jefferies and Bob Magee. Sent email to supervision for proper delivery to department heads to make aware of who is being contacted and informed by parties involved.



X
Distance from inner play area fence to Becker house
Measure inner pin, and fence to Becker's house.
Distance = 430.5ft

Google earth

FRM

