

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



17-1

10:30 a.m. on May 2, 2017 being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding 3877 Public Hearing on the Appeal of Planning Commission's Decision To Uphold The Planning Director's Approval of Plot Plan No. 25922 – CEQA Exempt per Sections 15301 and 15303 – Appellant: Tenaja Environmental Concerns Association – 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: north of Via Abril, west of Tenaja Road, and southeast of Calle Cielo – 6.2 Gross Acres – Zoning: Residential Agricultural – 5-Acre Minimum (R-A-5) – REQUEST: Appeal of the Planning Commission's decision to uphold the Planning Director's approval of Plot Plan No. 25922 to establish a Class II Dog Kennel, which would allow for the keeping of 11 to 25 dogs, and for the construction of a 480 square-foot accessory kennel building, the Chairman called the matter for hearing.

John Hildebrand, Principal Planner, presented the matter.

The following people spoke in favor of the appeal:

| | |
|-------------------|---------------------|
| Sarina Becker | Richard Taylor |
| Robert Tyler | Hal Collins |
| Marty Nicholson | Richard Jemison Sr. |
| Scott Becker | Kristin DeAndero |
| Catherine Vincent | John Rykowski |
| Tina Clippinger | Terry Minnameyer |
| Tiffany McDaniel | |
| Frank Minnameyer | |

The following people spoke in opposition of the appeal:

| | |
|----------------|------------------|
| Jon Shardlow | Susan Craker |
| Liz McVicker | Jeff Rosa |
| Rosa Cruz | Carolyn Bressler |
| Lisa Merrit | Tim McVicker |
| Tammy Mungolu | |
| Roma Stromberg | |

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(REVISED speaker list)

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Subject: 10:30 a.m. on May 2, 2017 being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding 3877 Public Hearing on the Appeal of Planning Commission's Decision to Uphold the Planning Director's Approval of Plot Plan No. 25922.

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as follows:

Find the Project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures); and,

Deny the Appeal of the Planning Commission's Decision; and,

Modify staff recommendations and approve Plot Plan No. 25922 as a Class I Dog Kennel subject to the attached Conditions with the following modifications:

Revise Condition of Approval 10. Every. 1 to reflect that the permitted use is a Class I Kennel which allows between 5 to 10 dogs; and,

Remove reference to the 480 square-foot accessory building; and,

Change any reference in the Conditions from a Class II Dog Kennel to Class I Dog Kennel; and,

Modify the hours that the dogs need to be inside between the hours of 10:00 p.m. and 6:00 a.m.; and,

Remove all requirements of fencing along the blue stream area; and,

Remove the requirement of 7 foot high fencing and replace it with a 6 foot high fencing requirement; and,

Require the 6 foot fencing along the West and East property lines to be privacy fencing consistent with the vinyl fencing exhibits shown during the May 2, 2017, public hearing; and,

Authorize a separate fenced exercise area in the back portion of the property; and,

Authorize the McVickers up to 8 months to reduce the number of dogs on the property; and,

Change the inspection reporting to allow Animal Services to inspect the site once a year; and,

Since changing from a Class II Kennel to a Class I Kennel are modifications under the same Plot Plan, CEQA determinations as reflected in the Planning Department staff report are unchanged.

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Subject: 10:30 a.m. on May 2, 2017 being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding 3877 Public Hearing on the Appeal of Planning Commission's Decision to Uphold the Planning Director's Approval of Plot Plan No. 25922.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 2, 2017 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: May 2, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

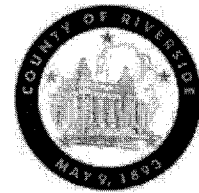
(seal)

By: *Kecia Harper-Ihem* Deputy

AGENDA NO.
17-1

xc: Planning, COB

SUBMITTAL TO THE BOARD OF SUPERVISORS
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ITEM
17.1
(ID # 3877)

MEETING DATE:
Tuesday, May 2, 2017

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: APPEAL OF PLANNING COMMISSION'S DECISION TO UPHOLD THE PLANNING DIRECTOR'S APPROVAL OF PLOT PLAN NO. 25922 – CEQA Exempt per Sections 15301 and 15303 – Appellant: Tenaja Environmental Concerns Association – 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: north of Via Abril, west of Tenaja Road, and southeast of Calle Cielo – 6.2 Gross Acres – Zoning: Residential Agricultural – 5-Acre Minimum (R-A-5) – REQUEST: Appeal of the Planning Commission's decision to uphold the Planning Director's approval of Plot Plan No. 25922 to establish a Class II Dog Kennel, which would allow for the keeping of 11 to 25 dogs, and for the construction of a 480 square-foot accessory kennel building. Applicant and Appellant Fees 100%.

RECOMMENDED MOTION: That the Board of Supervisors:

DENY THE APPEAL of the Planning Commission's decision on January 18, 2017, to uphold the Director's Hearing decision to approve Plot Plan No. 25922; and,

UPHOLD THE PLANNING COMMISSION AND PLANNING DIRECTOR'S FINDING THAT PLOT PLAN NO. 25922 is exempt from CEQA pursuant to State CEQA Guideline 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 COMMISSION AND PLANNING DIRECTOR'S APPROVAL OF PLOT PLAN NO. 25922, subject to the attached conditions of approval, as modified at the Planning Commission hearing dated January 18, 2017, and based upon the findings and conclusions incorporated in this staff report.

ACTION: Policy

Charissa Leach, Assistant TLMA Director

4/3/2017

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| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|---|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A |
| NET COUNTY COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A |
| SOURCE OF FUNDS: Applicant and Appellant Fees 100% | | | Budget Adjustment: | N/A |
| | | | For Fiscal Year: | N/A |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

PROJECT DESCRIPTION AND LOCATION:

This appeal concerns the Planning Commission's decision to uphold the Planning Director's approval of Plot Plan No. 25922, which proposes to establish a Class II Dog Kennel to house and care for the property owners' personal dogs. There are currently 18 dogs at this location. Pursuant to Ordinance No. 348, Section 18.45.b, a Class II Dog Kennel allows 11 to 25 dogs. This project also includes a request to entitle a new 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 general public.

The proposed project is located on a 6.2 gross-acre lot and includes an existing single-family detached residential home. The project site is generally located to the north of Via Abril, west of Tenaja Road, southeast of Calle Cielo and is within the Southwest Area Plan. Specifically, the project site is located at 17370 Via Abril. There is a blue-line stream that bisects the property on the east side. 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 at the front of property.

The appeal application, staff reports, and accompanying documents provided at the Planning Commission and Planning Director's hearings are attached to this report.

PROJECT HISTORY:

The project was first heard at the Planning Director's hearing on August 29, 2016. The Planning Director reviewed staff's recommendation of approval of the plot plan for a Class II Kennel. The applicant and speakers in favor of and in opposition to the project were all provided an opportunity to speak and give presentations. The Planning Director kept the public hearing open

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and continued the project to September 26, 2016, to correct the CEQA noticing and provide an opportunity to further consider 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 and 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 ran from September 30, 2016 to October 11, 2016. On October 7, 2016, Scott Becker (the appellant) submitted an appeal of the Director's Hearing decision.

To accommodate the appellant and the applicant's availability, the project was heard at the Planning Commission hearing on January 18, 2017. The Planning Commissioners heard staff's recommendation of reasons to deny the appeal and approve the plot plan. The appellant, kennel applicant, and speakers in favor of or in opposition to the project were heard and presentations were given. Based upon the testimony provided during the hearing, the Planning Commission further modified the conditions of approval by adding the following: 1) Modified Condition of Approval 10 Planning 1 - to notate that either the Director of Animal Services or the Planning Director may further reduce the number of dogs kept or maintained pursuant to Section 5.c. of Ordinance No. 630; 2) Modified Condition of Approval 10 Planning 13 - required kennel fencing along the area of the kennel and that the final design of the proposed fencing shall be provided to the Planning Director or his designee for review and approval within 60 days of the final approval of the plot plan and within 180 days after Planning's approval of the design to install the fencing; 3) Modified Condition of Approval 10 Planning 14 - to establish a bi-annual inspection and operations report to be provided to Animal Services and Code Enforcement; 4) Added Condition of Approval 10 Planning 15 - animal waste disposed daily in water tight/fly proof bags, placed in trash bins and hauled away weekly; 5) Added Condition of Approval Planning 16 - no more than 4 dogs can be unattended on site. If accompanied by the property owner or caretaker, then no restriction on the number; 6) Modified Condition of Approval 90 Planning 1 - fencing installed prior to final of the proposed 480 square foot kennel accessory structure. The Planning Commission, with the modified conditions, made a motion to deny the appeal, uphold the Planning Director's decision, and find the project exempt from CEQA.

On January 27, 2017, the appeal application submitted by Tenaja Environmental Concerns Association, c/o Marty Nicholson, in opposition to the Class II Kennel approval, cited the following reasons for its appeal to the Board of Supervisors:

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1. A Class II Kennel is in direct conflict with the General Plan policies for the Santa Rosa Plateau which should guide land use decisions, specifically, but not limited to, impacts to environmentally sensitive lands and equestrian use.
2. 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; and Section 15303 does not apply to environmentally sensitive lands.
3. The County failed to recognize the authority of the Tenaja Community Services District approval as a condition of approval for the project as the County has done in the past. The Tenaja Community Services District has already denied the project.
4. The intent of the County Board of Supervisors in adopting ordinances related to "kennels" is for commercial use, not personal use (per Ordinance No. 348 Section 1845D 3d) referring to features such as kennels, exercise runs, areas open to the general public, and noise control.
5. 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.
6. Failure to limit the number of dogs as a condition of approval to the plot plan leaving the applicants the ability to add to their dogs, increasing the noise and nuisance.
7. The Planning Commission failed to add a standard condition of approval for the Tenaja Community Service District approval on the design of the fence and the entire project.

The following are staff responses to the reasons given by the appellant for its appeal:

1. 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. 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.
2. As stated in the previous Planning Director's Staff Reports and the Appeal Staff Report for the Planning Commission, the project meets the requirements of the CEQA exemptions under State CEQA Guidelines sections 15301 & 15303. Also, the Planning Director made findings that none of the exceptions in State CEQA Guidelines section 15300.2 apply. Please refer to items 15 thru 21 in the Planning Commission's Appeal of Plot Plan No. 25922 Staff Report in regards to staff's finding for CEQA exemptions. Please 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

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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 the Appeal of Plot Plan No. 25922 to the Planning Commission was noticed for the same exemptions per CEQA.

3. 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.
4. Ordinance No. 348, Section 18.45.b, states that the keeping of five (5) dogs or more requires approval of a Class I Kennel entitlement, which allows up to 10 dogs, and a Class II Kennel allows the keeping of 11 to 25 dogs. The term "personal dogs" as it pertains to this project and as stated by the applicant, is denoting that the project site is not being operated as a commercial dog kennel. As a result, there is no requirement to provide parking spaces for customers and no required road improvements for a commercial operation. The applicant states that the dogs they have and want are for their own personal enjoyment. However, Ordinance No. 348 does not distinguish between dog kennels which are established for personal or commercial use.
5. 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 acquiring 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.
6. For land use purposes, Ordinance No. 348, Section 18.45.b.2 provides that a Class II Kennel is for 11-25 dogs. The number of dogs kept or maintained at a Class II

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Kennel may be limited through the kennel licensing procedures provided in Ordinance No. 630. Ordinance No. 630, Section 5.c. provides in pertinent part that the Director of Animal Services or the Riverside County Planning Director may, in their respective discretion, limit the number of dogs kept or maintained in any kennel and such limitation may be imposed when the kennel license application is considered and renewed. This provision is also set forth in the project's modified Condition of Approval 10 Planning 1 that provides the Director of Animal Services or the Planning Director may further reduce the number of dogs kept or maintained per Ordinance No. 630 as a part of the kennel licensing process.

7. It was determined by the Planning Commission that the Planning Director or his designee will review and approve the fencing design submitted by the applicant. The Director or his designee will take into account the rural nature of the Tenaja Valley area and the appropriate measures needed to accomplish the needs for the securing the dogs on the kennel premises and still keep the rural viewshed of the area. Fences of a height of 7 feet or under do not require a building permit by the County of Riverside; this provides a discernment for the neighbors that the design of the required fencing will adhere to the rural nature of the Tenaja Valley.

The Planning Department has received numerous inquiries and comments on the project, in writing, by email, and by phone. All written correspondence up to the date of the Planning Commission appeal hearing is provided in the Appealed Planning Commission Staff Report packet. Staff will provide an update at the Board of Supervisors hearing if additional correspondence was submitted regarding the project after that date.

Impact on Citizens and Businesses

N/A

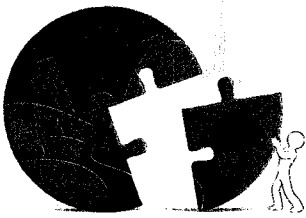
SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant or appellant. There is no General Fund obligation.

ATTACHMENTS:

- A. **MEMO TO BOARD OF SUPERVISORS REGARDING STAFF REPORT PACKAGE**
- B. **PLANNING COMMISSION MINUTES OF APPEAL OF PP25922**
- C. **APPLICANT EXHIBITS FOR PP25922 (CLASS II KENNEL)**
- D. **RECOMMENDED CONDITIONS OF APPROVAL FOR PP25922**



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach
Assistant TLMA Director

Memorandum

Date: May 2, 2017

Subject: Appeal of Approved Plot Plan No. 25922 of a Class II Kennel to Board of Supervisors

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

To: The Board of Supervisors (For Board Agenda Item # 17.1 hearing dated May 2, 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. Below are correspondences received up to the time of the Board of Supervisors Hearing on May 2, 2017 at 9am (to be added at BOS):

- 1) Email from Julie Schwaiger in support of the Approved Class II Kennel (PP25922).
- 2) Email from Halbertscare in support of the Approved Class II Kennel (PP25922).
- 3) Email from Elizabeth McVicker to the Community regarding their Class II Kennel project (PP25922).
- 4) Email received by Asst. Director Leach in opposition and regarding PP25922 Class II Kennel.
- 5) Email from Scott Becker in response to Elizabeth McVickers' email to the Community.
- 6) Email from Cindy Baatz in support of the Approved Class II Kennel (PP25922).
- 7) Email from Diana Reitz in support of the Approved Class II Kennel (PP25922).
- 8) Email from Julee Reeves in support of the Approved Class II Kennel (PP25922).
- 9) Email from 1st District (B. Magee) regarding a phone conversation with Nancy Flemming now in support of the Approved Class II Kennel (PP25922).
- 10) Email from Tammy Bender in support of the Approved Class II Kennel (PP25922).
- 11) Email from Susan Von Struensee in support of the Approved Class II Kennel (PP25922).
- 12) Received response letter from Jonathan Shardlow Attorney for the McVickers regarding the Appeal to the Board of Supervisors of the Approved Class II Kennel (PP25922).
- 13) Received response letter from Marty Nicholson Attorney for the Tenaja Environmental Concerns Association (TECA) of reasons to grant the Appeal and overturn the Approved Class II Kennel (PP25922).

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Palm Desert, California 92211
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Submitted by

(date)

Item 17.1

Wheeler, Timothy

From: Julie Schwaiger <schwaiger@prodigy.net>
Sent: Tuesday, April 04, 2017 9:36 PM
To: Wheeler, Timothy; Weiss, Steven
Subject: Petition from Sarina Becker misleading

Dear Mr. Wheeler and Mr. Weiss,

I have contacted you in the past (below) regarding the kennel permit case on the McVicker property in Tenaja.

I wanted to call to your attention a petition (at www.thepetitionsite.com) authored by Sarina Becker entitled "Stop Riverside County from issuing Kennel Permits in Residential and Equine neighborhoods". She has posted a link to our neighborhood website with claims of kennels being an eyesore, a danger, commercial operations, bad living conditions for the dogs, noisy with excessive barking and nuisance, smelly and dangerous. When I comment that not all kennels have those deplorable conditions, she deletes my posts. I've stated that I personally believe that it is more than possible to house up to 25 personal dogs in a suitable, conscientious and legal manner. Our neighborhood is, indeed, the perfect place to do so and the McVickers property is a prime example of optimal conditions with none of the above negativities or nuisances.

It appears to me by viewing peoples' comments that they are signing Ms Beckers petition under the assumption that the McVicker property is an example of these bad conditions because she is leading them to believe this. She is posting and reposting to neighbors and strangers and deleting any opposing views to boost her false case. It makes me incredibly sad to witness such injustice.

Thank you for your time and consideration,
Julie Schwaiger
39200 Madre Vista
Murrieta, CA 92562
951-485-0013

From: Wheeler, Timothy [mailto:TWHEELER@rctlma.org]
Sent: Monday, September 26, 2016 11:18 AM
To: 'Julie Schwaiger'; Weiss, Steven
Subject: RE: Tim & Elizabeth McVicker

Thank you again for your email regarding this project.

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

From: Julie Schwaiger [mailto: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
951-485-0013

Wheeler, Timothy

From: Halbertscare@aol.com
Sent: Sunday, April 09, 2017 2:18 PM
To: Wheeler, Timothy
Subject: Hearing April 25th Shadow Husky Ranch--Support for Class II Kennel License

My husband and I have rescued Huskies for over 53 years. We have adopted abandoned and huskies scheduled for euthanasia. Several were abandoned because of their age and the fact they were blind and/or deaf. When a Husky is abandoned, surrendered, or found, it is a death sentence for most of them. These are gentle, smart dogs, many of which we have taken into nursing homes.

The goals of the Mc Vickers, Shadow Husky Rescue, to rescue and find homes for these shelter dogs is a lofty one and should be rewarded by support from Cities and Counties. Everyday in this Country thousands of dogs are euthanized. It is human failure that has created this problem and it overcrowds shelters. People like the Mc Vickers are making a difference. They sacrifice their time and finances to do save these beautiful animals. They are doing this service in a way that most of us can't do. We need to support and reward their efforts. So again, we ask for your support in this hearing: Save Shadow Husky Resource and make sure their approved plan is re-approved.

PS We would be there in person to show our support but just adopted a blind and deaf 13 1/2 year old Husky that was scheduled for euthanasia and do not want to leave him until he is settled.

Wheeler, Timothy

From: Elizabeth Mcvicker <emcvicker@mcvickersfamilylaw.com>
Sent: Sunday, April 09, 2017 2:37 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; 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; johnndona@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; 'Bruce Waddell'; 'Julie Schwaiger'; nddonahoo@gmail.com; jonettedopson@gmail.com; derrdrake@aol.com; 'Elin Motherhead'; firstwaterlady@verizon.net; candycanelori12@verizon.net; 'William Worthy'; 'Kelly Smith'; tenajacsd@earthlink.net; dadrat@verizon.net
Cc: Supervisor Jeffries - 1st District; Magee, Robert; 'Larry Myers Esq.'; Imerritt; amartin@southlandengineering.com; timothygmcvicker@gmail.com; 'Jonathan Shardlow'; Supervisor Jeffries - 1st District; Wheeler, Timothy; Martin.Stratte@GreshamSavage.com; 'Tracy West'
Subject: Response to Further Terror Spread by Scott Becker in our Community Regarding Dog Kennel Permit

My name is Elizabeth McVicker and I reside at 17370 Via Abril, in Tenaja with my husband Tim and our personal dogs. As many of you may know, on April 25, 2017, there is going to be a hearing before the Riverside Board of Supervisors to discuss our kennel application to house our personal dogs at our home. Thus far, it has cost us over \$120,000 and the appellants, Scott and Sarina Becker, have paid \$950 for their appeal.

Scott Becker wears two hats as Director of the Tenaja Community Services District (TCSD) and as "Member" of the Tenaja Environmental Concerns Association (TECA). TECA is a secret organization.

My husband Tim and I are private citizens. All we have asked is the opportunity to be left alone (or to be our friend and socialize with us) in our home to live with our personal dogs whom we love and adore during our golden years. It just so happens that we own more than 4 dogs. They are contained on our property which is 6.2 acres. They will stay on our property, despite the sick and demented tales the Beckers have told you otherwise.

Scott Becker continues to say we are running a commercial business from our home. This is an outright lie as I have said time and time again. The Beckers have no justification for lying other than to hurt my husband and me and our precious dogs. Scott Becker is not asking Friesian Focus to shut down its operations or the German Shephard breeding and boarding facility know as Diamond Oaks to shut down (or other dog breeders including the Maremmas), or all of the horse boarding operations to shut down, or the wedding businesses, or the Alpaca breeders or the individuals who farm and sell their vegetables or those who live in trailers to shut down. All of these businesses are located in Tenaja.

Many of you have been silent as you have not wanted to get involved. Now is the time for you to show your indignation toward Mr. Becker.

As an attorney at law, I have read and understood the CC&Rs which are recorded against my property. I believe also that no one should be operating a commercial business in Tenaja in violation of the CC&Rs. There are already two dog kennels in Tenaja, both are commercial kennels. One of these kennels is directly across the street from Scott Becker and was approved as a "Pet motel" by the County of Riverside in 2016. Yet Scott Becker is doing nothing either as a private individual or a public official to shut down these commercial kennels. Instead, Becker is on a personal vendetta against me and my husband. This has hurt us financially, emotionally, spiritually. We do not live in the Communist region of Tenaja. Yet Becker would like you to all believe that we do. He would like to set the law and cast it in accordance with his law known as Becker law.

Recently they have begun new strings of posts on social media, on the Tenaja Buzz and via a private Petition. Please pay close attention to the truth as follows:

All posts in favor of Tim and me or who are in opposition to what the Beckers have asked get deleted. All petitions who are in favor of Tim and me or who are in opposition to the Becker's request in their Petition get silenced. This is OUTRAGEOUS folks! We should not stand for this in our community!

My husband and I, as law abiding citizens, applied for a kennel license for our personal dogs. As part of the application process we were required to fully detail all aspects of our intentions to house our personal pets at our home. All of our dogs are neutered, microchipped and vaccinated. Many have special needs due to glaucoma, epilepsy, urinary problems, old age, etc. We love each and every one of our dogs and we devote our time and hard earned money toward taking care of them. When one of our precious dogs got bit by a rattle snake last week, I transported him to the animal hospital immediately and he received veterinary treatment.

The TCSD has gone rogue and members such as Scott Becker should resign due to a conflict of interest. His judgment and ability to be neutral as an elected official (elected by the board NOT the public at large) is tainted due to the fact that he lives right next door to us.

One day in October 2016, without notifying the rest of the board of the Tenaja Community Services District, Scott Becker appeared at an Architectural Committee meeting with two of his private attorneys. On that date, the ACC, headed by Scott Becker's friend Ron McDaniels, decided to send a

letter to our home and another letter to the County of Riverside in October 2016 stating that we have violated the CC&Rs accusing my husband and me of running a commercial business in our home.

The letter was drafted by Mr. Becker's attorney, not Hugo Anderson who is the lawyer for the TCSD. I have a tape of the meeting which took place and would be happy to share it with anyone who asks for it. The tape provides no grounds for accusing us of operating a commercial business. Additionally, during the meeting, several members chuckled that they were going to sue us personally. I am fully aware of the law and know how to read our CC&Rs. Tim and I are respectful of our CC&Rs.

The ACC's purview of powers extends only to review "quality of workmanship and materials" as articulated in the CC&Rs recorded against our property. The letter written was outside of the scope of its purview and authority.

I attended several TCSD successive board meetings demanding an explanation and opportunity to be heard regarding the scandalous letters. Scott Becker refused to recuse himself. On each occasion, my questions were "tabled" and not responded to. I was also spoken to in a condescending and patronizing manner by members of the board. I was asked to put my request in writing, despite having already done so. I also learned that the board never even knew about the letter in question that was sent to my husband and me by Mr. McDaniels for the ACC.

You need to be aware of this problem, as the TCSC may likely one day interfere with one of your own projects on your private property (if it hasn't done so already). Please oppose this indignation and make known your disapproval of the Beckers' actions.

I have obtained taped sessions of meetings which I have not attended, and other board members (whom have never been to our home) during the public forum session openly criticize the fact that we have dogs living at our home. One board member bases her disapproval on the fact that she lives next to Diamond Oaks Ranch where the German Shepard unneutered male dogs live in outdoor cages! All of our personal dogs live inside our home and sleep on doggie pillows or in our bed. The board members acted in their own capacity as "private citizens" while sitting at the board of directors table. None of the board members have ever been to our home or met our dogs. Everything is based on assumptions which have not been proved true. One board member told me that I seem like a nice person, yet she is one who has also publicly put me down and signed one of Scott Beckers petitioner calling me a liar and accusing me of running a commercial business from my home, which is an outright lie.

Each and every instance of any request for a proposed use of a land project MUST be based on individual facts and circumstances. People should not cast their opinions until they have investigated. That is the job of the TCSD board members which they have failed to do. Our address is 17370 Via Abril. Please take a drive out to our home. See and listen for yourself. We have happy dogs, and happy dogs do not bark. We also have 24 hour round the clock video surveillance which records and documents all movement and sound around our house. If you want to visit with the dogs, please call ahead my cell phone 310-270-8222 to arrange a time in accordance with the dogs' schedule.

Mr. Becker refused to have a meeting with Tim and me in 2015 before we even closed escrow on our property. I told him that he was conducting a lynching. We are not of color, but we understand truly how it feels like to be severely and harshly discriminated against in 2017. Even in 2015, Scott Becker was falsely disseminating information about us in violation of our civil rights and to disrespect us. His antics are vulgar, constant and aggressive. The Beckers have refused to negotiate with us on any level, do not speak with us, have never asked to go to our home and have never met our dogs.

Scott Becker is on a personal vendetta against us. This is mean spirited, sick and inhuman. There is no justification for treating anyone in this manner especially when the information being told is false and deceptive. Tim and I have been unable to enjoy the community or get to know you. I personally have difficulty sitting in my own back yard because they use binoculars and point in our direction whenever they have frequent parties.

What we really wanted to do was to come here to live peaceful lives and without disruption. Not all of us have political aspirations and war-like Rambo tendencies. I am a quiet introverted person. It takes a lot for me to burst my feelings and share them with you like I have done today.

Becker has spread so many lies and spinned his tales so many times that he has created a tangled web of false information. I completely understand your perspective and confusion. Please realize that your confusion stems from the Beckers orchestration of lies and demented twist of words to incite your fury and public condemnation of us.

The bottom line is that neighbors do not treat neighbors in this fashion, especially when on our block there are only 3 neighbors. It is necessary to pass by the Beckers home when we exit Tenaja and when we come home. Humans should not disrespect humans in this fashion. If you want to discriminate or hate your neighbor then please join the Beckers. If you do not, then please give us the benefit of the doubt, investigate and come to your own conclusions. Those are the values and principles which we should all rely on.

We are saddened to have to live next door to the Beckers. Believe me that I do understand what the Beckers are trying to promote which is hatred and fear in the community, a call to arms against us. However, we are not who Becker says we are. My husband and I have really had enough of the Beckers' antics and shenanigans.

We are asking you to spread the word and fight for our rights and your own rights as property owners. There is currently a group of individuals who are standing up to the Tenaja Community Services District and asking it to voluntarily dissolve itself because it is not doing its job to fix the streets. A law firm has been retained which is currently being funded by only one member of the group and a lawsuit will be filed. If you would like information about this group, please let me know.

For Tim and my personal sake, I invite everyone to come to my house and meet our dogs and see for yourself. They all have names and personalities. Also while you are there please take a look at Scott Becker's horse corrals who are as close as 6 inches to our property line. We have already built a fence

along the westerly section of the Blue Line Creek which divides our property to protect our dogs because Scott Becker threatened to shoot all of our dogs dead. I have the transcribed message Scott Becker left at the Tenaja Community Service's District voicemail to prove this horrific death wish. This has effectively resulted in a major land depravation to our continuing detriment, which remains to be resolved through legal means. If you would like to help us further in our cause, please ask and I will let you know how.

Becker's way is not a way to address a community. It is not the way to resolve issues. Being cast aside and shunned upon is not the way to treat human beings. Tim and I are animal lovers. We love all animals. It just so happens that our favorite animals are dogs. Should you wish to sign our Petition, I have attached it hereto.

Thank you for your time once again and for your reasoned and logical consideration.

Please share this email with anyone whom has been affected by the Beckers' false discriminatory communications against my husband and myself.

Best regards,

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: Leach, Charissa
Sent: Friday, April 14, 2017 5:36 PM
To: Magee, Robert; Almiron, Tricia
Cc: Wheeler, Timothy; Clack, Shellie; Hildebrand, John
Subject: Fwd:

Just an FYI - husky hate mail below

Sent from my iPhone

Begin forwarded message:

FYI

Stop Riverside County from issuing Kennel Permits in Residential and Equine Neighborhoods

- by: Tenaja Environmental Concerns Association
- target: Board of Supervisors Riverside County, Murrieta, CA

93 SUPPORTERS IN MURRIETA

177 SUPPORTERS

1,000 GOAL

Do not allow our Neighborhoods to go the Dogs.

Protect Your Investment, Protect Your Quality of Life

The County of Riverside is issuing Class I and Class II Kennel Permits in our Residential/Equestrian Communities(that is up to 25 dogs per parcel!)

This is just plain WRONG!

Many of our communities provide a precious wildlife corridor between Cleveland National Forest, the Santa Rosa Plateau Nature Preserve and the County Park. Specific breeds of dogs are Dangerous Predators; they are a hazard to our domestic animals, our children and the natural wildlife.

These Kennel Permits are an open invitation for ordinance violations. We are communities of quiet residential homes and neighborhoods that were built and purchased by private residents prior to these Kennel Permit Requests.

We are not a commercial area!

Dog barking and howling destroys your right to the quiet, peaceful and the safe enjoyment of our homes. There are numerous studies that confirm that barking and howling dogs cause stress and eventually can lead to health issues for humans

Kennel Compounds are an eyesore and destroy the ambiance and aesthetics of these communities.

Neighboring Kennel Permits are a material fact that must be disclosed on the Transfer Disclosure Statement upon sale, thus LOWERING PROPERTY VALUES if not rendering adjacent properties UNSALEABLE.

Please Act Now by signing this Petition

This is our chance to be heard

Safeguard the Value of your property and the Quality of life for yourself and your neighbor.

We are also encouraging you to attend the public hearing in front of our elected County Board of Supervisors

May 2, 2017 @ 9:00am

4080 Lemon St. 1st floor

Riverside, CA 92501

Call (951)660-2586 to R.S.V.P. Carpooling and Bus Transportation available. Enjoy the camaraderie of your fellow property owners in fighting to preserve our quality of life.

***more
read petition letter ▾***

Do Not allow our Neighborhood to go to the dogs!

PP#25922

Existing Residents should not be subjected to the introduction of a Kennel into their quiet and peaceful neighborhoods. One Kennel in particular that has been operating without a permit for over 18 months, has 25 Siberian Huskies that have already killed neighbors chickens, attacked a horse and a donkey, and held one neighbor hostage in her own home. These dogs are unpredictable and can easily escape this property. They are requesting a Class II Kennel Permit#25922. The Citizens of our community are opposed to the approval of this permit, and are asking the Board of Supervisors to be deny this permit request and implement additional conditions to the existing Ordinance 630.

Our position is that nobody in a Residential or Equine focused community should be subjected to this type of nuisance, especially if the Kennel did not exist prior to the community or neighborhoods existence. Dog Kennels belong in Commercially Zoned, Agriculturally Zoned or Rurally Zoned Areas, and should not be allowed unless the distance between Private Residences, Churches, School Zones, Including Bus Stops, Medical Facilities and Environmentally sensitive areas is more than 1500 feet from existing property lines. We are asking the County to implement these additional conditions before issuing new Kennel Permits. Many Counties and

Cities throughout the United States provide for specific restrictions such as Distance and Zoning requirements before a Kennel permit is approved. The introduction of a Kennel into a pre existing community is not fair and just to those residents, and creates the likely potential for noise nuisance that causes undue stress and health issues to the surrounding property owners, decreases the value of those properties and can be a danger to Children, Domestic Pets and Livestock.

No one person or entity should be allowed to jeopardize a persons or a communities quiet, peaceful and safe enjoyment of their home. We are asking the county to recognize these rights of its citizens and amend the current and very antiquated ordinances to provide more protection to the residents of the County of Riverside and to also define a Kennel as a Commercial use as other surrounding counties and cities have, including the City of Riverside, Kern County and San Bernardino County.

We feel that this request for additional conditions in Ordinance 630 is a common sense approach in protecting our citizens and our communities. We ask that you please support this effort by signing this petition today.

Update #213 days ago

Thank you for your participation in our effort to stop the county from issuing these permits. I would like to remind you to please share the link with your friends on FB.

Thank you for your support!

Scott Becker

Tenaja Environmental Concerns Association

[Full Update](#)

Update #112 days ago

Thank you for your participation in our effort to stop the county from issuing these permits. I would like to remind you to please share the link with your friends on FB.

Thank you for your support!

Scott Becker

Tenaja Environmental Concerns Association

Ed Adkison, P.L.S.

President

adkanEngineers

6879 Airport Drive

Riverside, CA 92504

Tel: 951.688.0241

Fax: 951.688.0599

eadkison@adkan.com

www.adkan.com

Wheeler, Timothy

From: Scott PC <scttbecker@gmail.com>
Sent: Monday, April 17, 2017 12:14 PM
To: Magee, Robert
Cc: Supervisor Jeffries - 1st District; Wheeler, Timothy; 'Charissa Leach'; Weiss, Steven
Subject: PP25922 / Dog Kennel Permit
Attachments: PP25922 ; FW: Topics to discuss at Monday Meeting with Commissioner Leach; Neighbor testimony.pdf

Dear Neighbors,

I am sure by now you have seen the below letter that Elizabeth Mcvicker sent to you on 04/09/2017. It is a shame and disheartening to hear these false allegations against me and wife. (see attached for full list of false allegations and my response to each that was sent to Planning Director Tim Wheeler PP25922). However, this has been the McVickers attitude towards my family and the community from the beginning. We, and the majority of our community did not agree with her and Tim that housing 25 Siberian Huskies in our Residential Equine Community was appropriate, or compatible with the land use in this area. Not being in agreement with them means that you are now their enemy. Unfortunately, they have decided to single out me and my family because we have done what any concerned resident would do, and that is to inform our neighbors, and the county of their dogs and their plans to apply for a Kennel Permit. We have not once slandered or said anything negative about the McVickers, but they have felt it necessary to fabricate information about us and will continue to do so in their attempt to obtain this permit. I will continue to do what I have been doing from the beginning, and that is stating facts, not Hysterical Irrationalities, and Phony and Nonsensical Analogies.

Per our CC&R's , and I quote from Article VI, Regulation of Operation and Uses:

Prohibited Operations and Uses:

No Commercial, Industrial or Manufacturing operations of any kind shall be permitted or conducted on the Area Except:

- a. Professional, administrative, and instructional occupations without external evidence thereof which are incidental to the Primary Buildings on the Parcel (A dog kennel is not an Incidental use)**
- b. Commercial Ranching of Cattle, Horses and Sheep**
- c. Commercial Farming, excluding nurseries.**

McVickers, like all of us who built or purchased here agreed to the Covenants Codes and Restrictions in writing as part of the Title.

The Commercial Keeping of Horses is an acceptable use per our CCR's. Also the Santa Rosa Ranches General Plan and LAFCO both recognize this area as an Equine designated Community. The keeping of horses does not require a permit, there is just a limit per acreage, which if the same limit was placed on the keeping of Dogs would allow the McVickers to have 12 on their property not 25. However, the county of Riverside and all municipalities require a Kennel Permit for dogs because they recognize the need to protect its **citizens from the nuisances that dogs can present to a community, especially 25 Siberian Huskies. A permit is not required for Horses in our community because they do not present any of the Nuisances that a Kennel of 25 Siberian Huskies will present to a Community. They do not Bark and Howl constantly, when they escape they do not attack other animals or people, and they do not reduce property values. The McVickers request for a permit if approved will do all of these things to our community, and in fact have already. The dogs have escaped on 2 separate occasions and Attacked a Horse, a Donkey and killed chickens on adjacent properties. Both of these incidents well documented by Animal Services. Here are the opening statements in Ordinance 630 that address these nuisances.

****The Board of Supervisors of the County of Riverside Ordains as follows:
FINDINGS.**

Because of the increased urbanization of Riverside County the County has experienced increasing numbers of dogs and other animals being kept in close proximity to humans including children.

- 1. The keeping of dogs and other animals in close proximity to adults and children has resulted in increasing incidents of attacks, biting and menacing behavior by such dogs and other animals.**
- 2. These incidents now present a public health and safety problem to the residents of this County and increasing numbers of cases have resulted in painful and/or serious injuries to adults and children, death and injuries to other animals, attendant economic losses to County residents, and anxiety to those bitten by unlicensed animals whose vaccination status is therefore not established.**
- 3. In an attempt to bring this problem under control, it is necessary to (1) increase the total number of animals which are licensed and thus properly established to have been vaccinated against rabies and (2) encourage the spaying and neutering of animals, which (a) reduces the number of strays at large and not safely confined, (b) reduce aggressiveness and animals at large; and (c) reduces the financial cost to taxpayers of animal control services.**

As you can see from these statements made by the Board of Supervisors we are facing a significant environmental impact, which includes noise, safety, disease and not mentioned here, the loss of Property Values. Additionally, we are an Equine designated community that in my opinion requires additional safeguards due to the potential for these dogs to escape and to attack horses, domestic animals and humans, which I will state again, has already occurred.

I have attached a list ("Topics to discuss") with supporting attachments that address our concerns as a community

I will address each of the McVickers Allegations below:

My name is Elizabeth McVicker and I reside at 17370 Via Abril, in Tenaja with my husband Tim and our personal dogs. As many of you may know, on April 25, 2017, there is going to be a hearing before the Riverside Board of Supervisors to discuss our kennel application to house our personal dogs at our home. Thus far, it has cost us over \$120,000 and the appellants, Scott and Sarina Becker, have paid \$950 for their appeal.

False: Our cost far exceeds the cost of an appeal. We have had to hire attorney's also for the all three hearings. More importantly than the dollar amount is that it has cost us the Quiet, Safe and Peaceful Enjoyment of our property and also for others in the community.

Scott Becker wears two hats as Director of the Tenaja Community Services District (TCSD) and as "Member" of the Tenaja Environmental Concerns Association (TECA). TECA is a secret organization.

False: TECA is not a secret organization, it was formed by the recommendation of our attorney's to protect us and the members of our community from the McVickers threats of individual lawsuits.

My husband Tim and I are private citizens. All we have asked is the opportunity to be left alone (or to be our friend and socialize with us) in our home to live with our personal dogs whom we love and adore during our golden years. It just so happens that we own more than 4 dogs. They are contained on our property which is 6.2 acres. They will stay on our property, despite the sick and demented tales the Beckers have told you otherwise.

Unfortunate and uncalled for. This is the type of slanderous comments we have had to deal with. We will not stoop to this level of hatred

Scott Becker continues to say we are running a commercial business from our home. This is an outright lie as I have said time and time again. The Beckers have no justification for lying other

than to hurt my husband and me and our precious dogs. Scott Becker is not asking Friesian Focus to shut down its operations or the German Shephard breeding and boarding facility know as Diamond Oaks to shut down (or other dog breeders including the Maremmas), or all of the horse boarding operations to shut down, or the wedding businesses, or the Alpaca breeders or the individuals who farm and sell their vegetables or those who live in trailers to shut down. All of these businesses are located in Tenaja.

All I will say to this is that there is information that shows otherwise, and the ACC has already denied this project because of its commercial nature. We are not lying and we are not attacking the McVickers. We are only protecting our property rights and others in the community are doing the same, and appealing to the county is our right to due process. I have said this time and time again; we have nothing against Tim and Elizabeth personally. But what we do take personally is the assault on our community by bringing these disruptive and dangerous animals to our community, and the verbal and slanderous comments that they have made not only to us but others in the community.

Many of you have been silent as you have not wanted to get involved. Now is the time for you to show your indignation toward Mr. Becker.

Indignation is exactly what the McVickers have shown to the community. Not sure why anyone would have indignation for someone who is attempting to protect our community from a nuisance and severe and negative environmental impact. Pure nonsense.

As an attorney at law, I have read and understood the CC&Rs which are recorded against my property. I believe also that no one should be operating a commercial business in Tenaja in violation of the CC&Rs. There are already two dog kennels in Tenaja, both are commercial kennels. One of these kennels is directly across the street from Scott Becker and was approved as a "Pet motel" by the County of Riverside in 2016. Yet Scott Becker is doing nothing either as a private individual or a public official to shut down these commercial kennels. Instead, Becker is on a personal vendetta against me and my husband. This has hurt us financially, emotionally, spiritually. We do not live in the Communist region of Tenaja. Yet Becker would like you to all believe that we do. He would like to set the law and cast it in accordance with his law known as Becker law.

The county of Riverside has a standard radius of notification which for a Class I Kennel is 300ft. Many neighbors including myself were never notified because we did not live within the radius of notification. This kennel flew in under the radar as only a handful of property owners were notified, and some of those are absentee property owners.

A Class II kennel requires a 600ft radius of notification and also requires that a minimum of 25 properties owners are notified. If there are fewer than 25 property owners within this radius,

then it is enlarged until the minimum requirement of 25 is met. Of course we were well aware of the nuisance before any notice was sent out. FYI the notice that is sent out is a Public Hearing Notice to notify the community that a permit application in the community has been applied for, and allows the opportunity to protest.

The other kennel that she has referenced is on the Northeast corner of Tenaja, and another homeowners is currently battling with that nuisance. Frankly, I was not aware of any other kennels until I became a Board Member. Also I did not become a board member because of this issue. I was nominated, and asked to be a member because there was a vacancy. I reluctantly accepted as is obvious in the audio of that meeting.

We do not have a personal Vendetta against the Mcvickers, as she would like you to believe. It appears to be quite the contrary. She is creating a lot of drama, and inciting the community to perceive myself and my family as Communists or a Dictator of some sort. After reading this letter my family is fearful of the instability of the McVickers. This has been a common occurrence throughout this narrative, and for the past 18 months. Very disgusting and hateful comments.

Recently they have begun new strings of posts on social media, on the Tenaja Buzz and via a private Petition. Please pay close attention to the truth as follows:

All posts in favor of Tim and me or who are in opposition to what the Beckers have asked get deleted. All petitions who are in favor of Tim and me or who are in opposition to the Becker's request in their Petition get silenced. This is OUTRAGEOUS folks! We should not stand for this in our community!

Not sure what she is referring to specifically, but if she can provide proof that would be helpful

My husband and I, as law abiding citizens, applied for a kennel license for our personal dogs. As part of the application process we were required to fully detail all aspects of our intentions to house our personal pets at our home. All of our dogs are neutered, microchipped and vaccinated. Many have special needs due to glaucoma, epilepsy, urinary problems, old age, etc. We love each and every one of our dogs and we devote our time and hard earned money toward taking care of them. When one of our precious dogs got bit by a rattle snake last week, I transported him to the animal hospital immediately and he received veterinary treatment.

The TCSD has gone rogue and members such as Scott Becker should resign due to a conflict of interest. His judgment and ability to be neutral as an elected official (elected by the board NOT the public at large) is tainted due to the fact that he lives right next door to us.

I have not made any decisions as a board member regarding this issue, and have actually recused myself on one occasion at the request of the McVickers and their attorney who showed up at a several of the meetings. By law, I wasn't required to recuse myself, but I thought it would be in my best interest and that of the boards at that particular meeting.

I would only be required to recuse myself if I was called on to participate in a motion and vote with regard to this issue, as it would then be a conflict of interest. However, as a board member and a resident I am perfectly within in my rights to stay and listen to the Public Forum.

*Recuse: To disqualify or remove oneself as a **judge** over a particular proceeding because of one's conflict of interest.*

One day in October 2016, without notifying the rest of the board of the Tenaja Community Services District, Scott Becker appeared at an Architectural Committee meeting with two of his private attorneys. On that date, the ACC, headed by Scott Becker's friend Ron McDaniels, decided to send a letter to our home and another letter to the County of Riverside in October 2016 stating that we have violated the CC&Rs accusing my husband and me of running a commercial business in our home.

Again, this is not true. I requested to have this issue put on the Agenda in advance so that it could be discussed, and the entire board was present, one by speaker phone. Also, there was one attorney present, and that was the attorney, representing Tenaja Environmental Concerns Association. I am not on the ACC Board. However, I am a resident of Tenaja, and that was the capacity in which I attended the meeting.

The letter was drafted by Mr. Becker's attorney, not Hugo Anderson who is the lawyer for the TCSD. I have a tape of the meeting which took place and would be happy to share it with anyone who asks for it. The tape provides no grounds for accusing us of operating a commercial business. Additionally, during the meeting, several members chuckled that they were going to sue us personally. I am fully aware of the law and know how to read our CC&Rs. Tim and I are respectful of our CC&Rs.

The believe the letter was initially a rough draft by the TECA attorney and final draft approved by the board, and it was used to inform the McVickers of the ACC's decision to deny the

project based on a number of factors one of which involved the "Shed Permit " that ultimately turned out it's intended use was for the Kennel. This was not disclosed to the ACC initially when plans were submitted, and was not disclosed to the Building Department which would of required a "Business" Occupancy Permit instead of a "Shed Permit" which requires additional conditions that they were attempting to avoid.

The ACC's purview of powers extends only to review "quality of workmanship and materials" as articulated in the CC&Rs recorded against our property. The letter written was outside of the scope of its purview and authority.

Section 4.02 Section "c" states:

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 in Section 4.02 (a) may be enjoined or abated by the ACC. Also Section 2.02 "Purpose of Restrictions" states: The Purpose of these restrictions is to insured 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 value of the parcels or interfere with the beneficial **USE and ENJOYMENT** of the parcels.

The ACC recognized and determined that this was a violation, and acted upon it accordingly.

I attended several TCSD successive board meetings demanding an explanation and opportunity to be heard regarding the scandalous letters. Scott Becker refused to recuse himself. On each occasion, my questions were "tabled" and not responded to. I was also spoken to in a condescending and patronizing manner by members of the board. I was asked to put my request in writing, despite having already done so. I also learned that the board never even knew about the letter in question that was sent to my husband and me by Mr. McDaniels for the ACC.

Was not required by law to recuse myself as mentioned previously. I was not making a decision or judgment, and nor will I be in the future regarding this issue. Although, the letter was signed by Director McDaniels, it was fully approved by the ACC.

You need to be aware of this problem, as the TCSC may likely one day interfere with one of your own projects on your private property (if it hasn't done so already). Please oppose this indignation and make known your disapproval of the Beckers' actions.

As property owners we all have the right to protect it, and the request for a Kennel Permit to house up to 25 Siberian Huskies is not only a land use issue but a nuisance issue and a Property Value issue. I am doing what any property owner would do, and that is to protect the Quiet, Safe and Peaceful enjoyment of my home, and I am certain that if someone moved in adjacent to your property under these same circumstances, you would be taking similar

action. The McVickers do not seem to be concerned with the "Interference" they have caused for the surrounding property owners. I am acting not only on the behalf of myself to protect my rights, using the legal means provided to do so, but also I am acting as an advocate for all the property owners in this community to protect them from the potential of this happening to them in the future.

I have obtained taped sessions of meetings which I have not attended, and other board members (whom have never been to our home) during the public forum session openly criticize the fact that we have dogs living at our home. One board member bases her disapproval on the fact that she lives next to Diamond Oaks Ranch where the German Shepard unneutered male dogs live in outdoor cages! All of our personal dogs live inside our home and sleep on doggie pillows or in our bed. The board members acted in their own capacity as "private citizens" while sitting at the board of directors table. None of the board members have ever been to our home or met our dogs. Everything is based on assumptions which have not been proved true. One board member told me that I seem like a nice person, yet she is one who has also publicly put me down and signed one of Scott Beckers petitioner calling me a liar and accusing me of running a commercial business from my home, which is an outright lie.

Most of us have dogs living in our home, but not 25 loud and potentially dangerous dogs that are incompatible with the area. This number of Dogs requires a kennel permit because the county recognizes the dangers that these animals can present to individuals, and communities. These dogs have already displayed their ability to escape and do harm to our neighbors livestock and chickens. Our fears have been confirmed on two separate occasions. Thank God there was no one riding on horseback in the area at the time. With regards to the Commercial use, there is plenty of evidence that suggests otherwise. You can go to their Facebook page and decide for yourself. Also they originally incorporated using the residence location, and then changed the address to show the business running from their law office in Lake Elsinore. As an attorney she knows how to manipulate the law in order to meet her needs regardless of what the impact may be to others. Whether this is a Business or not, it is a nuisance Physically, Emotionally and Monetarily, and no one has the right to steal your quiet, safe and peaceful enjoyment of your home away from you, as the McVickers have done to us and the surrounding property owners. This is all about them and what they want, with little or no regard to those surrounding neighbors that are affected.

Each and every instance of any request for a proposed use of a land project MUST be based on individual facts and circumstances. People should not cast their opinions until they have investigated. That is the job of the TCSD board members which they have failed to do. Our address is 17370 Via Abril. Please take a drive out to our home. See and listen for yourself. We have happy dogs, and happy dogs do not bark. We also have 24 hour round the clock video surveillance which records and documents all movement and sound around our

house. If you want to visit with the dogs, please call ahead my cell phone 310-270-8222 to arrange a time in accordance with the dogs' schedule.

Here are the facts: The dogs have already escaped on two occasions, killed chickens and attacked a horse and donkey, and held a person hostage in her own for an hour until she felt safe enough to go outside. They do bark and howl, and there is plenty of video and audio evidence to prove this, which I would attach here, but too large of a file to support in an e-mail. I have attached "Notarized Testimony" from other neighbors that have had the unpleasant experience of coming in contact with these dogs. (See attached)

Mr. Becker refused to have a meeting with Tim and me in 2015 before we even closed escrow on our property. I told him that he was conducting a lynching. We are not of color, but we understand truly how it feels like to be severely and harshly discriminated against in 2017. Even in 2015, Scott Becker was falsely disseminating information about us in violation of our civil rights and to disrespect us. His antics are vulgar, constant and aggressive. The Beckers have refused to negotiate with us on any level, do not speak with us, have never asked to go to our home and have never met our dogs.

Initially we had agreed to meet with McVickers. However, after several e-mails between us it was clear to me and my wife that there was contradiction in what they were telling us and what we had discovered on our own. Also, this was not just a matter between myself and the McVickers, this was a matter for the community to decide on. I was certainly not going to make a decision of this magnitude on behalf of the entire neighborhood or community. As neighbors we agreed that we did not want a dog kennel in our community, and we collectively decided that this was the best course of action to protect ourselves using the protective measures of our CC&R's and the county of Riverside Ordinances. These are not vulgar or aggressive antics. There has been nothing said negatively/ or in disrespect about the McVickers themselves, but yet they continue to try and paint this picture of myself and my wife as "very bad people", in their attempt to drive a wedge between me and my neighbors. This has been their strategy, and their attorney's strategy. All you have to do is refer to this letter and you can determine for yourself who is the bully in this case. She has described me just in this letter alone as vulgar, aggressive, slick, demented, rogue and a communist, sick and inhuman. Her agenda is to portray me and our neighbors as bad people simply because we do not want a Kennel in our community. I will reiterate that **as an attorney she knows how to manipulate the law in order to meet her needs regardless of what the impact may be to others.**

Scott Becker is on a personal vendetta against us. This is mean spirited, sick and inhuman. There is no justification for treating anyone in this manner especially when the information being told is false and deceptive. Tim and I have been unable to enjoy the

community or get to know you. I personally have difficulty sitting in my own back yard because they use binoculars and point in our direction whenever they have frequent parties.

We are not mean spirited and inhuman as most of you reading this know. Nothing I have stated in this rebuttal or in any correspondence or public speech has been false or deceptive. Mrs McVicker is projecting her own assault on us as if we were doing it to her. Their obsession with these dogs is frightening, and there seems to be no end to what they will say or do to continue to amass them.

What we really wanted to do was to come here to live peaceful lives and without disruption. Not all of us have political aspirations and war-like Rambo tendencies. I am a quiet introverted person. It takes a lot for me to burst my feelings and share them with you like I have done today.

This is of course the same reason we built our home here to live peaceful lives without disruption, and that has not been possible since the McVickers moved in with their dogs. Had we been aware prior to purchasing our land and building our home that a Dog Kennel was moving in or present at the time, we would of certainly not purchased the land. However, the McVickers purchased their home 7 years after we had moved into ours, and brought with them 14 Siberian Huskies that they say are personal pets. Since then that number has grown to 20 plus. These are not personal pets, as she would like you to believe. She is attempting to circumvent our CC&R's by stating that they are personal pets. Also, when she was asked by Director Weiss at the Planning department hearing if she could live with a condition of 18 she declined.

I would also point out that they initially applied for a Class I kennel permit that permits up to 10 dogs. It was discovered by member of our community and reported to animal services that they actually had 14. 14 dogs requires a Class II kennel permit that is more comprehensive and expensive. They were very unhappy and angry when this was discovered and reported.

Becker has spread so many lies and spinned his tales so many times that he has created a tangled web of false information. I completely understand your perspective and confusion. Please realize that your confusion stems from the Beckers orchestration of lies and demented twist of words to incite your fury and public condemnation of us.

Again, she is describing perfectly what they have been doing to us and the community. She is projecting what she has been doing, as if we are the one's doing it to her. This appears to be some sort of pathological condition, that is very scary, and sad. My wife and I continue to pray for the McVickers in hopes that they will understand that we do not hate them, as hating people is not in our nature. We love all of our neighbors, even the McVickers, but they have

made it very difficult with all of the fabrications and manipulation of facts to be as gracious as they would like us to be.

The bottom line is that neighbors do not treat neighbors in this fashion, especially when on our block there are only 3 neighbors. It is necessary to pass by the Beckers home when we exit Tenaja and when we come home. Humans should not disrespect humans in this fashion. If you want to discriminate or hate your neighbor then please join the Beckers. If you do not, then please give us the benefit of the doubt, investigate and come to your own conclusions. Those are the values and principles which we should all rely on.

Agreed, yet it has been the McVickers who have displayed these characteristics. They have been the perpetrators of all the things they have described here about me and my wife Sarina and the community.

We are saddened to have to live next door to the Beckers. Believe me that I do understand what the Beckers are trying to promote which is hatred and fear in the community, a call to arms against us. However, we are not who Becker says we are. My husband and I have really had enough of the Beckers' antics and shenanigans.

We are also very saddened every day that it has come to this, and yet it has been the McVickers promoting hate amongst the community with threats of lawsuits, yelling at my wife, and not apologizing to any of us for the damage these dogs have done. It has been their shenanigans and antics that have created all of this drama of which they have promoted in letters such as this, and their testimony at public hearings. **I have attached a letter that was sent to Planning director Tim Wheeler that outlines false statements made by the McVickers, and my factual response to each. I have also attached a letter that was sent to Commissioner Leach regarding our communities concerns. I know that this is a ton of information to review, but if you are interested in the truth, and not attacks and hearsay please read all attachments and judge for yourself.**

We are asking you to spread the word and fight for our rights and your own rights as property owners. There is currently a group of individuals who are standing up to the Tenaja Community Services District and asking it to voluntarily dissolve itself because it is not doing its job to fix the streets. A law firm has been retained which is currently being funded by only one member of the group and a lawsuit will be filed. If you would like information about this group, please let me know.

A whole separate issue regarding our roads. But I will say this, road repairs have begun!

For Tim and my personal sake, I invite everyone to come to my house and meet our dogs and see for yourself. They all have names and personalities. Also while you are there please take a

look at Scott Becker's horse corrals who are as close as 6 inches to our property line. We have already built a fence along the westerly section of the Blue Line Creek which divides our property to protect our dogs because Scott Becker threatened to shoot all of our dogs dead. I have the transcribed message Scott Becker left at the Tenaja Community Service's District voicemail to prove this horrific death wish. This has effectively resulted in a major land depravation to our continuing detriment, which remains to be resolved through legal means. If you would like to help us further in our cause, please ask and I will let you know how.

I did leave a message at TCSD in which I stated the following. " if these dogs jump my fence and attack my horses I will have no choice but to shoot them" . Mrs McVickers version has been manipulated to make it appear that I would just randomly shoot them for no apparent reason. That simply is not true. Also, I had originally called to report that they were grading in the Blue Line Stream which is a severe Code Violation, and that no one was caring for the dogs that were jumping along the fence line spooking our horses. This has all been conveniently withheld from their statement . They were cited for this violation by code enforcement.

Becker's way is not a way to address a community. It is not the way to resolve issues. Being cast aside and shunned upon is not the way to treat human beings. Tim and I are animal lovers. We love all animals. It just so happens that our favorite animals are dogs.

We can agree that we all love our Dogs...However, 25 Siberian Huskies that have already proven to be a nuisance to our community is not fair to its residents. For some reason the Mcvickers have been unable to comprehend this reality.

In closing I would like to add that the McVickers have continually portrayed themselves as the victims and portrayed myself, my wife and the entire community as Bullies. The truth is, that they like most Bullies blame their victims for how they misbehave or act irrationally. They are projecting their irrational behaviors onto us and the community. To them these bullying qualities exist in everyone except themselves. The McVickers have moved into a community and brought with them 18 noisy, and potentially dangerous dogs, and the prospect of hundreds of thousands of dollars of lost equity to the surrounding property owners whose homes are their retirement nest eggs. Who is bullying who?

I would also like to add an apology to all of my neighbors and the community for having to request that you read all of this material. However, I felt it was very important for me to respond, as all of the allegations are either false or taken out of context. I do encourage you to please read all of the attachments I have provided to get a clear understanding of what we have been dealing with for almost two years.

We have created a website that will direct you to the Petition requesting that the Board of Supervisors denies this permit application and defines "Kennels" as commercial uses in ordinance 630. By defining the Kennel use properly as the counties of Kern, San Bernardino, Orange , City of Riverside and numerous others have done, we can eliminate the potential for this nuisance in our neighborhood and all Residentially zoned communities.

Sincerely,

Scott and Sarina Becker

(951)660-2586

Savemyneighborhood.com

Wheeler, Timothy

From: Scott PC <scttbecker@gmail.com>
Sent: Monday, April 17, 2017 12:50 PM
To: Magee, Robert; Supervisor Jeffries - 1st District; Supervisor Jeffries - 1st District; Wheeler, Timothy; 'Charissa Leach'
Subject: Addendum to previous sent letter 04/17/2017

In summary here are some of the reasons this we as a community should have concern, and request this project to be denied.

1. We are residential property owners and horse people. You invested in an area the County of Riverside set aside within its General Plan as equestrian and wildlife preserve.
2. Tenaja Valley is surrounded by wildlife preserves, with environmental issues that need to be taken into consideration
3. A Class II Kennel should never be considered "personal" use. Testimony shows that people drive out to the McVickers to visit dogs, there is a dog rescue operation going on. In order to make the kennel safe, the Planning Director is requiring a 7 foot fence. If this type of use is allowed, the Tenaja Valley will be home to Kennels and fences and ruin the natural beauty. This land use decision will literally open the gate to destroy one of Riverside County's most beautiful horse trail and hiking areas.
4. The General Plan clearly states this region is a preserve and land use decisions should be in keeping the natural, rural area and protect the wildlife.
5. We understand the County does not enforce CC&Rs but the County has always worked with local HOAs by requiring approval as a condition of use prior to approval. This new procedure used in this case sets a very bad precedent by approving a project that has already been denied by the local agency. This procedure by the County forces HOAs into lawsuits. The County does not have to enforce the CC&Rs, but rather just require their approval first. The County requires Water District approval, Fire District approval, and a number of agency approvals prior to considering a project. That's all we are asking in this case.
6. Class II Kennels should be defined as commercial use; not personal use. The County limits personal use to 4 dogs. Also, this project is circumventing Ord 630 requirements as a rescue by claiming to be personal use.

7. These dogs run in packs and have a very high prey instinct. They have the ability to bring down a large animal and are considered dangerous. The dogs have gotten out before. The distance to emergency services is a minimum of 8 -10 miles should a person be attacked. It's just plain dangerous.

8. The McVickers will have a following of people who do not live in Riverside County and they have used deceit to get people to support their project from all over the country based on half truths. People who actually live in this area know this is the wrong place for a Class II Kennel.

Thank you,

Scott Becker

Wheeler, Timothy

From: jsaj127@aol.com
Sent: Monday, April 24, 2017 5:27 AM
To: Wheeler, Timothy
Subject: Tim McVicker

Please dear sir let Tim keep taking in huskies and rescuing them they are a beautiful, intelligent, loving breed like no other dog I have owned. Tim and his wife are so dedicated to rescuing dogs from terrible shelters. Have a heart! Let Tim keep up the good work. Thank you for your time. Cindy Baatz 104 Holly Road Orwigsburg Pa. 17961

Wheeler, Timothy

From: Diana Reitz <premierspirit@hotmail.com>
Sent: Sunday, April 23, 2017 6:03 PM
To: Wheeler, Timothy; Magee, Robert; Supervisor Jeffries - 1st District; Supervisor Jeffries - 1st District; Justus, Kerstin
Subject: Mr?Mrs McVicker - kennel license application

Dear Sirs and Madam:

I am writing in support of Tim McVicker's application for a residential kennel license. It is imperative that he be granted said license in order to remain in compliance with current and future policy on the habitation of pets/rescue and or hospice animals, in this case Siberian Huskies, at his present location.

Mr McVicker has rescued over 100 dogs in the past 18 months from certain death in California shelters local to him and sped them on their way to permanent homes across the nation. He does so with the nation-wide Assistance of volunteers such as myself, through H2M2 - Transport, an organization of volunteers that aid in transporting these dogs to their final homes, or to rescues anywhere in the USA. All of the volunteers care deeply about the welfare of these castoff and unwanted animals, donate their time and funds to helping them, and Tim McVicker especially so. It is unconscionable that anyone would attempt to further thwart his efforts for whatever personal reasons they may have. Riverside is NOT Beverly Hills, Pacific Palisades, Los Angeles nor Santa Monica.....this is ranch country, and should be preserved as such. Interlopers should think before they decide to move here, and expect and accept that the style of life WILL be different.

With all due respect,

Diana Reitz

If you get to thinkin' you're a person of some influence, try orderin' somebody else's dog around..

Wheeler, Timothy

From: Julee Reeves <juleereeves@yahoo.com>
Sent: Sunday, April 23, 2017 6:27 PM
To: Wheeler, Timothy; Magee, Robert; Supervisor Jeffries - 1st District; Supervisor Jeffries - 1st District; Justus, Kerstin
Subject: Shadow Ranch Huskies - Class II kennel license hearing

PLEASE support the residential dog kennel license for Shadow Husky Ranch. If the opposition's request gets granted, these dogs will face an uncertain destiny and their family will be torn apart. There are already many unwanted dogs in shelters and most are euthanized. In addition, the repercussions of the opposition outlawing kennels in residential neighborhoods will promote unlicensed and unregulated kennels. There is enough pain and suffering in this world. Please do not add to it by failing to support this license which will insure a happy caring loving home for these dogs.

Best regards,
JuLee Reeves

Wheeler, Timothy

From: Magee, Robert
Sent: Tuesday, April 25, 2017 12:19 PM
To: Wheeler, Timothy
Subject: PP 25922

FYI.

From: Magee, Robert
Sent: Tuesday, April 25, 2017 12:14 PM
To: Jeffries, Kevin <KJeffries@RIVCO.ORG>
Cc: Justus, Kerstin <KJustus@RIVCO.ORG>
Subject: FW: Please call Nancy Flemming @ 951-600-8849

KJ,

Mrs. Fleming lives near the McVickers. She originally signed Scott Becker's petition, but now after meeting with the McVickers and seeing the dogs she now supports their request. She wanted you to know that she believes that Scott Becker has a personal vendetta against the McVickers and that not all the neighbors oppose the kennel.

Bob

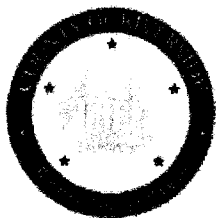
From: Allison, Mechele M.
Sent: Tuesday, April 25, 2017 11:50 AM
To: Justus, Kerstin <KJustus@RIVCO.ORG>; Ruiz, Araceli <ACRuiz@RIVCO.ORG>; Magee, Robert <RMagee@RIVCO.ORG>; Ketcham, Thomas <TKetcham@RIVCO.ORG>; Almiron, Tricia <talmiron@rivco.org>
Subject: Please call Nancy Flemming @ 951-600-8849

Re: She called for Supv. Jeffries regarding Riverside County's opposition to a "kennel license" at a property in Tenaja/Murrieta. She said the item is on a meeting agenda for 5/2.

Sincerely,

Mechele Allison

Supervisors' Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 5th Floor/Annex
Riverside, CA 92501
(951) 955-9500 / Fax: (951) 955-1078
Mail Stop #1010
mmallison@rivco.org
<http://rivcocob.org/>



(Please note that my email has been changed effective 12/14/16.)

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Wheeler, Timothy

From: Tammy Bender <topaz.girl@icloud.com>
Sent: Tuesday, April 25, 2017 7:28 PM
To: Wheeler, Timothy
Subject: Shadow Husky Ranch

I am writing on behalf of Shadow Husky Ranch, as I reside in Oregon and cannot personally attend the hearing on the matter.

I ask for your support in granting the residential dog kennel license that is facing opposition. Tim McVicker and his wife Elizabeth purchased this property to provide a loving home for their rescued huskies. These dogs are his family. If the kennel license is not granted the family will be torn apart and the future of these dogs lives unknown.

Tim works tirelessly saving lives. In just over a years time he has rescued over 100 huskies from kill shelters, some going on to become service dogs. These dogs are given another chance, changing not only their lives, but the lives of the people rescuing, fostering and adopting them, thanks to this one mans efforts. His commitment to saving their lives unyielding and something to be admired. The impact this man has had in giving the voiceless a voice has reached far and wide, not only across our nation, but across the world.

It would be a great injustice to deny the kennel license and take away this mans ability to give a loving home to his personal rescued huskies. Consequently, banning such kennel licenses in Riverside county residential and equine areas will promote unlicensed and unregulated kennels which will have devastating effects in the health and wellbeing of animals. There are too many sad stories, too much neglect and abuse, too many needlessly euthanized as it is, please stand in favor of Shadow Husky Ranch.

Thank you.

Tamara Bender
1950 SW Curry Ct.
Redmond OR 97756

Wheeler, Timothy

From: Susan Von Struensee <susanvonstruensee@gmail.com>
Sent: Sunday, April 30, 2017 7:48 PM
To: Justus, Kerstin; Supervisor Jeffries - 1st District; Supervisor Jeffries - 1st District; Magee, Robert; Wheeler, Timothy

Dear Board of Supervisors:

I pledge an fully support the proposed Plot Plan No. 25922 to establish a Class II Kennel, by which eleven (11) to twenty-five (25) personal husky 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.

Hearing Date: May 2, 2017

Time: 9 AM

Location: 4080 Lemon Street

Board of Supervisors Room, 1st Floor

Riverside, California 92501

On May 2, 2017, there will be the final hearing at the Board of Supervisors to determine Plot Plan PP25592 for a Class II Kennel License permitting between 11 – 25 personal dogs to reside at Tim and Elizabeth McVicker's esidence, located at the Shadow Husky Ranch, 17370 Via Abril, Murrieta, California.

This kennel licensing is separate from Tim McVicker's work for the Shadow Husky Rescue. His wife, Elizabeth, and he purchased their 6.2 acre home in 2015 for the enjoyment of their personal dogs who live with them in their home.

The opposition has launched a massive campaign to STOP RIVERSIDE COUNTY FROM ISSUING KENNEL PERMITS IN RESIDENTIAL AND EQUINE NEIGHBORHOODS.

The repercussions of the opposition outlawing kennels in residential neighborhoods will promote unlicensed and unregulated kennels.

I join the many who want the Board of Supervisors to hear my voice in support of the McVicker's residential dog kennel license.

I am unable to attend, so I am sending emails showing my support to the County officials as follows:

Tim Wheeler, Urban Regional Planner III: TWHEELER@rctlma.org

Bob Magee: RMagee@rcbos.org

Kevin Jeffries: district1@rcbos.org and district1@rivco.org

Kerstin Justus: KJustus@rcbos.org

Respectfully submitted,

Susan von Struensee

May 1, 2017

VIA E-MAIL cob@rivco.org; RMagee@RIVCO.ORG; KJustus@RIVCO.ORG

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street
Riverside, California 92501

Re: Approved Plot Plan 25922 - Class II Kennel

Dear Honorable Members of the Board of Supervisors:

Our firm represents Timothy and Elizabeth McVicker.

The matter before you concerns an appeal by a recently formed "association" of unnamed members calling themselves "Tenaja Environmental Concerns Association" who originally began opposing the issuance of an approval of the Class II Kennel under the entity "Tenaja Community Services District. **Staff's Recommendation is to Deny the Appeal.**

Without a doubt, there have been heated opinions in support of and against approval of Plot Plan No. 25922 to establish a Class II Dog Kennel. Notwithstanding, that the County expressly permits kennels in this "RA" (Residential Agricultural) land use zone subject to a Plot Plan, as additional evidence of being a good neighbor, **the McVicker's today are withdrawing their request for the approval of the construction of a 480 square-foot accessory kennel building.¹** In addition, consistent with the attached fence plan (*Exhibit A*), **the McVicker's agree to construct a 6 foot solid high vinyl privacy fence to ensure adequate fencing is present around their entire property** so that they may enjoy the use of their entire property.² In connection with these concessions, in the event that more than 4 dogs are outside the residence at one time, the McVicker's request that restrictions on the hours in which additional dogs must be maintained in the private residence be between the hours of 10 p.m. and 6 a.m. except for overnight bathroom breaks, which if were to occur, must occur under

¹ Requires minor revisions to Conditions of Approval.

² Id. The proposed fence plan would not require modifications to existing interior fences on the property. In addition, the proposed fence plan would allow the McVicker's, and their dogs, to use the entire property, except of course, the area which cordons off the blue line creek.

the supervision of a caretaker.³ This restriction is consistent with all other hour restrictions on dog kennels in the immediate area.

As way of background, the McVickers reside in an existing single-family home located in the Tenaja Valley area of the County of Riverside ("County"). They currently have 18 dogs, all of which are their personal pets. Additional information on the McVicker's passion for this community and their dogs is detailed in the Attached April 13, 2017 letter. (*Exhibit B*).

In 2015, the McVickers sought issuance of a class II kennel license from the County, so that they could erect a structure to shelter their pets. However, they immediately experienced resistance from a handful of neighbors who own horses. Scott Becker, who resides immediately next door to the McVickers, has spearheaded the opposition.

After reviewing the Administrative Record in this matter, it is clear that the opposition to the McVickers' kennel is motivated by the personal vendetta of individual neighbors who do not want the McVickers to live in Tenaja with their dogs. It is the opinion of some neighbors that the area should be restricted to equine. However, the area is not zoned Equine. No such restriction exists in the County land use regulations, and the neighbors have no right to dictate how the McVickers use their property. There are other animals in the area such as horses, cattle, goats, alpacas, and Texas Long Horns. More of a concern is the wildlife in the area, including coyotes, mountain lions, bobcats and rattle snakes.

Needless to say, we are deeply dismayed by the extensive efforts of Scott Becker and the other residents that have been carried out in an effort to obstruct the McVickers' Plot Plan. These frivolous, malicious efforts are typical "NIMBY" efforts intended to intimidate the McVickers, simply because the McVickers have dogs, and not horses.

As detailed below, the County properly denied all prior challenges first at the Director's Hearing in late 2016, and then again at the Planning Commission hearing in January 2017. The neighbors failed to raise any legitimate challenge to the County's ministerial approval of the kennel.

Specifically, the County correctly found that:

- The County of Riverside expressly permits kennels in this "RA" (Residential Agricultural) land use zone;
- The Plot Plan was properly approved by the County in compliance with the applicable procedures;

³ Id.

- The County regulations demonstrate that the kennel is not a “commercial” or “business” use;
- The Plot Plan is not subject to the California Environmental Quality Act (“CEQA”);
- The Tenaja Community Services District Covenants, Conditions & Restrictions (CC&R’s) are private matters to be handled among the residents of Tenaja without intervention from the County⁴;
- The kennel will be subject to County noise regulations (just like every other land use in the County and the Riverside County Department of Animal Services).

I. CLASS II KENNELS ARE A PERMITTED USE IN RESIDENTIAL AGRICULTURAL ZONES

The McVickers’ property is approximately 6.2 acres in size and is zoned Residential Agricultural (“RA”). Kennels are an expressly permitted use within the RA Zone. County Ordinance (“Ord.”) No. 348⁵, p. VI-11, Section 6.50.A.16.

Furthermore, the maintenance of a class II kennel, which allows for the possession of 11 to 25 dogs, is also an expressly permitted use in the RA zone. Ord. No. 348, p. XVIII-111, Section 18.45.B.2. A class II kennel is a “building, structure, enclosure, or premise, whereupon, or within, which, 11 or more dogs, four months of age or older, are kept or maintained.” Ord. No. 348, p.XXI-16, Section 21.40a.B.

The daily activities of the dogs are controlled consistent with the attached Kennel Plan (*Exhibit C*).

The opponents claim that the McVickers’ plot plan must show “areas open to the general public” pursuant to County ordinance in support of its argument that the County Board of Supervisors adopted ordinances related to “kennels” for “commercial use” instead of “personal use” is fatally flawed. County ordinance requires that the plot plan show location and setbacks showing the proposed and existing development of the property. The McVickers did not show any areas open to the general public because none exist due to the private residential nature of the McVickers’ kennel application. Ord. No. 348, p. XVIII-11, Section 18.45.D.3.d.

⁴ The McVickers have strenuously argued that they are in full compliance with the Tenaja Community Services District Covenant’s, Conditions & Restrictions (CC&R’s).

⁵ http://planning.rctlma.org/Portals/0/zoning/ordnance/Ord_348_clean_version.pdf?ver=2016-03-14-100055-397

Thus, the opponents' claims that the McVickers' approved class II kennel is supposedly "inconsistent" with the County's general plan and zoning regulations are without merit.

II. THE PLOT PLAN WAS PROPERLY APPROVED BY THE COUNTY

The County requires that class II kennel approvals be processed in accordance with Sections 18.45.D, E, and F of County Ordinance No. 348. The McVickers fully complied with these provisions by submitting an application that included a detailed site plan.

Additionally, the McVickers and the County also submitted the requisite information to the following agencies:

- California Department of Fish and Wildlife (*see* Planning Commission Staff Report, p. 4, ¶ 6);
- Western Riverside County Regional Conservation Authority (*see* Planning Commission Staff Report, p. 7, ¶ 10);
- Riverside County Fire Department (*see* Planning Commission Staff Report, p. 7, ¶ 11); and
- Riverside County Environmental Health Department (*see* Planning Commission Staff Report, p. 8, ¶ 13).

These agencies all confirmed that the Plot Plan complied with all applicable procedures.

As explained in great detail within the Planning Commission Staff Report, the McVickers fully complied with the required application procedures, and the County Director and the Planning Commission both properly approved the Plot Plan.

III. THE KENNEL IS NOT A "COMMERCIAL" USE

Previously, the opponents have alleged that the McVickers' kennel will constitute a "commercial use." Aside from being patently false, this claim is contrary to the aforementioned provisions of County Ordinance 348 that expressly allow class II kennels in the RA zone, without making any designation of such kennels as "commercial uses." *See* Ord. No. 348, p. VI-11, Section 6.50.A.16; *see also id.* at p. XVIII-111, Section 18.45.B.2.

Furthermore, the opponents' references to other potential meanings of the word "kennel" have no relevance here. For the purposes of the McVickers' Plot Plan

application, the term "class II kennel" simply refers to a place where their pet dogs will reside:

A class II kennel is a 'building, structure, enclosure, or premise, whereupon, or within, which, 11 or more dogs, four months of age or older, are kept or maintained.'

Ord. No. 348, p.XXI-16, Section 21.40a.B.

It's a structure for their dogs—that's it—there is no "commercial" or "business" use that will be associated with the kennel.

IV. THE TENAJA COMMUNITY SERVICES DISTRICT LETTER CLAIMING THAT THE KENNEL IS A COMMERCIAL USE IS WITHOUT MERIT

The McVickers requested approval by the Architectural Control Committee of Tenaja Community Services District for a Tuff Shed® 20' X 24' accessory building (equivalent to a 2 car garage) to be included as one of many proposed rest areas for their personal dogs on their property. Approval was granted in October 2015 and a permit was pulled by the County of Riverside. One year later, the approval was withdrawn because the Architectural Control Committee determined that the proposed Class II kennel application in and of itself must be deemed to be of a commercial nature.

The McVickers' numerous written and oral requests for explanations and an opportunity to be heard by the Tenaja Community Services District, have all been denied. This nonsensical decision by the Tenaja Community Services District is designed solely to penalize the McVickers for applying for approval of the shed and to ultimately preclude them from obtaining their class II kennel license.

The McVickers are perfectly content to withdraw the plans for the shed altogether since their personal dogs reside with them in their residence. None of their dogs are caged.

V. THE PLOT PLAN IS NOT SUBJECT TO CEQA

As memorialized within various documents of the Administrative Record (*e.g.*, the Planning Commission Staff Report), there are multiple CEQA exemptions that apply to the Plot Plan. Accordingly, the Plot Plan was not required to be analyzed under CEQA, and there was no need for the County to prepare any level of environmental review.

A. The “Common Sense” Exception Applies Here

Section 15061(b)(3) of the CEQA Guidelines (Cal. Code Reg. §§ 15000, et seq.) provides a “common sense” exception when “there is no possibility that the activity in question may have a significant effect on the environment.” Guidelines § 15061(b)(3). The McVickers’ kennel is a prime example of a scenario in which the exception should be applied, because the construction of the kennel will be no different than the construction of a garage, and certainly less than the construction of a single family home, which is expressly exempt from CEQA.

The opponents’ nonsensical claims of alleged environmental impacts demonstrate the extent of their frivolous efforts to obstruct the County’s approval of the kennel, or a complete misunderstanding of CEQA (or perhaps both).

B. The County’s Approval of the Plot Plan is a Ministerial Action Exempt from CEQA

CEQA does not apply to “ministerial” actions of a local agency. *See* Guidelines § 15002(i); *see also id.* at §§ 15268 and 15369. A ministerial action is one “where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.” Guidelines § 15268.

As previously discussed, the County, upon review of the McVickers’ Plot Plan application, confirmed the application complied with the necessary procedures. The County also confirmed that the kennel was an expressly permitted use in the RA zone.

Indeed, the County’s review was analogous to the issuance of a building permit, a process that is, as a matter of law, a ministerial action. *See* Guidelines § 15369.

C. The Kennel is an Exempt Structure under CEQA

First, Section 15303 of the CEQA Guidelines specifically excludes the “New Construction or Conversion of Small Structures” from CEQA and provides examples of exempt structures, including:

Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Guidelines § 15303(e).

The McVickers’ kennel—*i.e.*, a 480 square foot structure that is appurtenant to their single-family home—obviously falls within the scope of this exemption.

Second, Section 15301 of the CEQA Guidelines specifically excludes the "minor alteration of existing private ... structures." Guidelines § 15301. The McVickers' construction of the kennel within the backyard of their 6.2-acre estate falls within the scope of this exemption as well.

VI. THE TENAJA COMMUNITY SERVICES DISTRICT CC&R'S HAVE NO EFFECT ON THE COUNTY

Throughout this process, the opponents have alleged that the County is somehow barred from approving the Plot Plan by the CC&R's of the Tenaja Community Services District. However, as the County correctly pointed out in the Planning Commission Staff Report, cities and counties are not affected or bound by private CC&R's.

The fact that the opponents are willing to continue to raise this argument, which is contrary to a basic, elementary legal concept, evidences that they are simply raising as many allegations as possible, *merits aside*, to force the County and the McVickers to spend time and legal fees explaining why each allegation is frivolous.

VII. THE KENNEL WILL BE SUBJECT TO COUNTYWIDE NOISE STANDARDS

County Ordinance No. 847 regulates noise throughout the County. All land uses in the County must comply with these regulations.

During the County's approval of the Plot Plan, it was made very clear that the kennel would have to comply with applicable noise regulations, just like all other land uses in the County. The McVickers have two separate noise studies prepared. Both studies demonstrated that the noise level is well below County standards. Further, the McVickers have made extensive improvements to the property to curtail any potential noise and safety concerns, including the planting of 80 canary yellow pine trees and extensive fencing in numerous areas of the home. The McVickers are now planning to build additional fencing (as seen on the attached diagram and bids submitted by two fencing contractors) to further address concerns of neighbors and to comply with the County's previous Conditions of Approval.

Thus, the opponents' arguments related to noise are non-starters.

VIII. THE McVICKERS' PRIVATE LIFE IS NO BUSINESS OF THE NEIGHBORS

The McVickers, like all other landowners in this country, have the right to privacy and can use and enjoy their private property anyway they so choose, as long as that use is in compliance with applicable laws and regulations. As detailed above, and as has

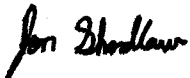
been detailed in the Administrative Record, the McVickers' kennel is in compliance with all applicable laws and regulations.

The McVickers' private life is just that—private—and should not be the subject of community-wide antagonistic correspondence disseminated by Scott Becker for the purpose of tormenting, bullying, and defaming the McVickers and creating civil unrest in the community based on fear and anxiety, the likes of which can be compared to a lynching.

Over 1,100 individuals have signed letters of support of the approval of Plot Plan No. 25922.

On behalf of the McVickers, we thank the County for its continued review and support of this matter. We respectfully request that you deny the Appeal.

Very truly yours,



Jonathan E. Shardlow, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

Attachments

cc: Planner Tim Wheeler (TWheeler@RIVCO.ORG)
Timothy & Elizabeth McVicker
Lisa Merritt (Southland Engineering)

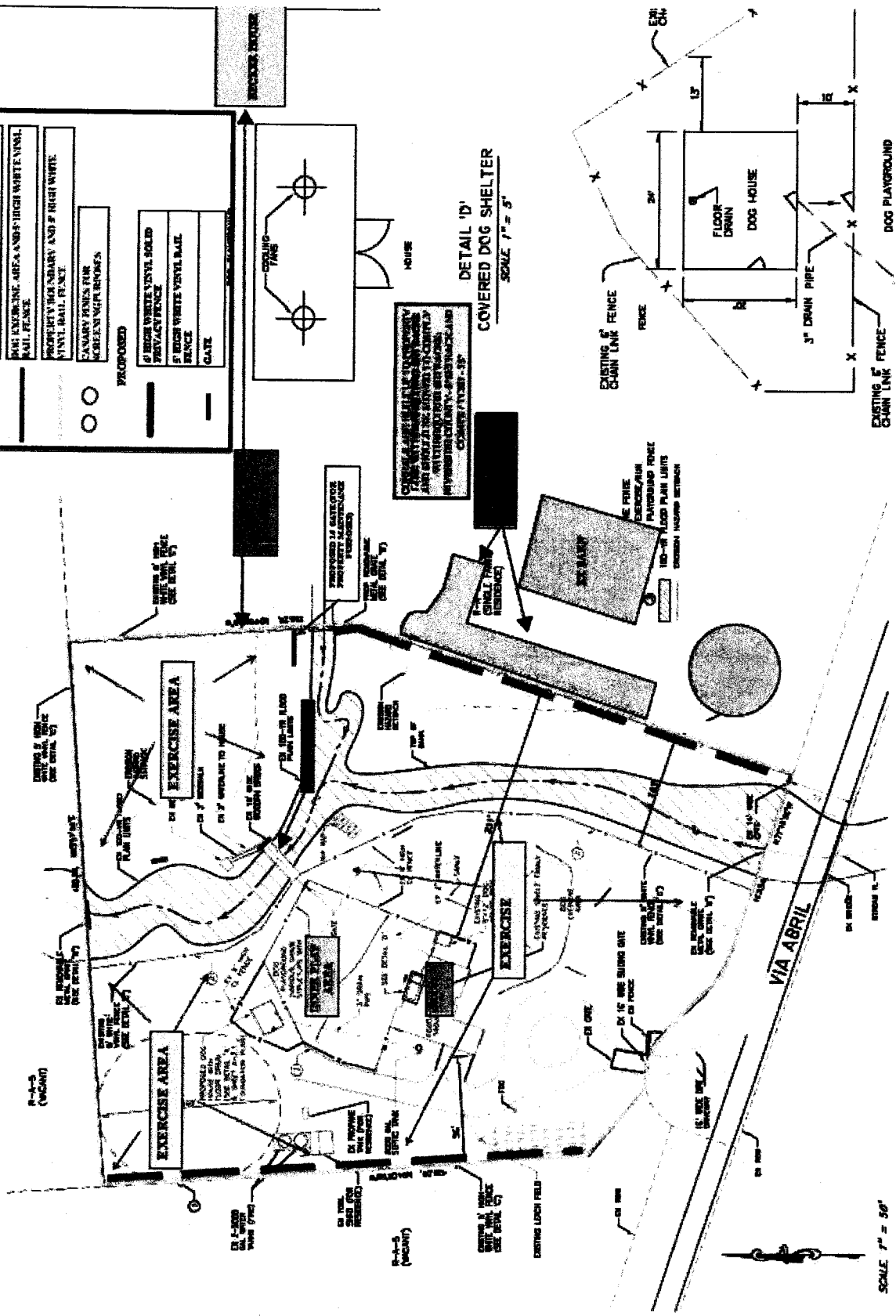
Exhibit A

PLOT PLAN 25922

SHADOW HUSKY RANCH CLASS II DOG KENNEL

17370 VIA ABRIL, MURRIETA, CA 92562

| LEGEND | |
|--------|---|
| | EXISTING |
| | PROPOSED |
| | EXISTING PLAY AREA AND IDENTIFICATION FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | CANARY PINES FOR SCREEN PURPOSES |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |
| | 6" HIGH WHITE VINYL RAIL FENCE |



SCALE 1" = 50'

EXHIBIT B

McVicker's FAMILY LAW
MEDIATION CENTER
PROFESSIONAL LAW CORPORATION

T. ELIZABETH MCVICKER, CFLS*
ATTORNEY AT LAW

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EMCVICKER@MCVICKERSFAMILYLAW.COM

*CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

April 13, 2017

Keven Jeffries
Supervisor Kevin Jeffries Office
Riverside County Board of Supervisors
16275 Grand Avenue
Lake Elsinore, California 92530

Re: Plot Plan 25922

Dear Mr. Jeffries,

In 2008, my husband Tim and I met at the Irvine Dog Bark. When we met, Tim owned two Siberian Husky dogs and I owned three Siberian Husky dogs. I was living in Los Angeles and Tim was living in Mission Viejo. In 2013, we were married, and we initially settled in Lake Elsinore. In 2014, we built out the last remaining office space available at the new center known as the Canyon Hills Marketplace for my work. When construction was completed, Tim and I opened my law practice (McVicker's Family Law Mediation Center, PLC) and a separate legal document assisted office (All Legal Access, LLC) at that location.

Since Tim and I have an extreme love of the Siberian husky breed, our dream was to move to a home where we could house 25 personal neutered dogs and take care of them for the rest of their lives. We investigated the laws regarding kennels and determined that a property zoned either AA or RA was appropriate for our needs. After a long search we found the ideal home on a 6.2 acre flat parcel of land in Tenaja, California. We closed escrow at 17370 Via Abril on July 14, 2015. Currently we have dogs who have visionary problems, hip problems, urinary problems and epilepsy, and ranging in age from 3 years to

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12 years. We provide the best hygienic and best living conditions possible for them because they depend on us for nurturing, and love.

Prior to moving into our new home on August 3, 2015, our neighbors, Scott and Sarina Becker told us of their concerns regarding having our dogs live with us. We could not understand since the Beckers told us they had 18 horses and they have a 4,000 square foot accessory barn to house them. We responded that we would do everything financially necessary to address and resolve any and all of their concerns. We set up a meeting at my law firm, but Scott Becker cancelled it at the last minute. Subsequently I disseminated emails to the Tenaja community, made announcements at the Tenaja Community Services District Board meetings, and spoke at the Planning Director's Hearing and Planning Commission Hearing, with the goal of sharing an open and balanced dialogue and inviting individuals to our home. I have been a mediator for 13 years certified by the reputed Straus Institute. Needless to say, I was dismayed by the refusal of Mr. Becker to negotiate with us on any level or to even come to our home.

The only individual who accepted our invitation was Bob Magee. Mr. Magee saw firsthand that none of our dogs are kenneled, and all of our dogs live with us 100% of the time inside of our home. We will never house our dogs outside, in cages or kennels or keep them pent up in any structure outside of our home. They will always be living in our home and have free roaming rights inside our home, since they are considered part of our family.

Tim and I retained Lisa Merritt of Southland Engineering and an attorney, Larry Myers, Esq., to make our dream come true. We asked our easterly (Sarina and Scott Becker) and westerly neighbors (Frank and Terry Minnameyer) if they wanted to share the expense of erecting fencing alongside our properties. When they refused, we paid for and installed 5 foot horse rail fencing with wire mesh around the entire 360 degrees around our property to create exercise areas and prevent our dogs from being harmed by coyotes and bobcats who are indigenous to the region. We planted 80 Canary Pine trees around the parameter of our property. We installed a two gated entry system at the front of our home as security to make certain our dogs can never exit the property. Additionally, we installed 6 foot chain link fencing within an inner play area which we access from our kitchen, living room and bedroom doors. Further we have 2 doggie doors in the kitchen and bedroom which provides access to these areas at all times. We have constructed special 6 food and water containers which we constantly keep filled for our dogs' sustenance.

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We envisioned having the unfettered use of our entire property to render it into a park like spacious peaceful and bucolic setting for our personal husky dogs to exercise and roam for the rest of their lives. We had plans to place park like benches, trees and canopies throughout our property to provide shade while we enjoy the outdoors with our dogs. We had plans to build a large spacious outside barbeque area and install a swimming pool for us to entertain our friends and family, live in peace and harmony with the pristine nature environment of Tenaja and enjoy our golden years with our dogs.

Unfortunately, in October 2015, I obtained a transcript from a voice recording left at the Tenaja Community Services District from Scott Becker purporting to state that he was going to start shooting our dogs dead. From this point forward, we have been harassed constantly by the Beckers who have disseminated repeated emails and letters and used social media spreading false and unofficial information, have hosted notary signing parties to gather opposition while slandering us, have threatened to kick us out of the community, have blocked our movements, and have used public forums as pulpits to bully us. They have accused us of having a commercial business which is untrue. Mr. Becker was nominated by board members to the Tenaja Community Services District TCSD in March 2016. I have attended 12 out of the last 14 board meetings. Last October 2016, the TCSD sent a letter to the County of Riverside accusing Tim and me of operating a commercial business from our home. I stood up openly at numerous subsequent meetings of the TCSD demanding an explanation, an opportunity to be heard and a response. Each time I have been shunned and treated in a condescending manner by Scott Becker and his fellow board member friend Ronald McDaniels, whose wife attended high school with Sarina Becker. I missed the TCSD meeting on April 6, 2017, to my extreme disappointment, when Scott Becker took it upon himself, once again, to openly discuss our kennel permit and state that you have the ability to change the laws in our County to keep us from having a kennel permit.

The negative treatment we have experienced has been detrimental to my spiritual, physical and mental well-being. We are constantly hearing through a variety of sources, from 3rd parties including Tim's co-workers, neighbors in Tenaja and La Cresta, of various negative talk about Tim and me, including accusation that we are operating a commercial business that our dogs have harmed other animals and children, that the breed is inappropriate, our dogs are loud, etc. None of these accusations are true. We also attended and prevailed at an animal control hearing in 2016 where our dogs were found not to be a nuisance.

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Since October 2015, we have hired and put on payroll domestic workers at our residence during periods of time when Tim and I attend our day jobs. Their job description is to feed, watch and care for our dogs and to ensure that they do not bark. This has been accomplished on a daily basis since day one. The neighbors, who live on the precipice of Equestre Court, and the Beckers who have a clear view of our land and exercise play areas, have never obtained any video of our dogs doing anything inappropriate because none exists. We, on the other hand, have video of both the Minnameyers and Beckers on horseback on public streets with their unleashed dogs, and video of Rick Taylor's dog barking unleashed sitting on Tenaja Boulevard, which we believe is more of a threat to the community than our contained and well-disciplined personal dogs.

We have sought a kennel license because that is the proper licensing required to permit us to have 25 dogs live with us on our ranch. The Beckers are illegally boarding horses and have placed horse boarding ads in publications such as Horsetrader Magazine as recent as March 2016. In October 2016 and December 2016, the Beckers threw outdoor parties that went past midnight when they had music playing loud with over 200 guest on each occasion. Never once did we receive the courtesy of notification that these events were going to take place. Our neighbor to the south, Tina Clippinger, conducts an exclusive horse boarding business on her property, Liberty Oaks Ranch, where she does not reside and permits her ranch hand to live in trailers. There is also another commercial business known a Friesian Focus 1/2 mile from our property where the owner has sublet property to Jack In the Box for cattle grazing ("Miller Mountain") and where she maintains at her ranch over 100 horses for sale (including horse semen at \$1,000 per vial).

Of further mention is the fact that there is a licensed dog Class I dog kennel issued to Phyliss Sunins named a "Pet Motel" by the County of Riverside who issued the license in 2016. Plot Plan PP25921. The Sunins resides at 43810 Anitra Street, in the house immediately adjacent to the Beckers. Ms. Sunins also has a commercial wedding business and has outdoor weddings in her private chapel on her property and many receptions with loud music on a monthly basis. There is also another licensed kennel known as Diamond Oaks in Tenaja approximately 5 miles down the street owned by Linda Watts (19880 Tenaja Rd Murrieta, CA 92562). Plot plan is PP24937. At Diamond Oaks, Ms. Watts has been running a commercial boarding breeding and selling of pure bred German Shephard dogs (selling at minimally \$2,500 each) since the early 2000s. All of Ms. Watts's dogs reside in open air cages in the outdoors on her property. There is no comparison of these

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commercial kennel operations to our home where we conduct zero business and simply live inside our home with our personal dogs.

We have been unable to fathom neighbors who actually want to harm our precious animals. Immediately after receiving Scott Becker's threat that he was going to kill our dogs, in December 2015, we installed horse rail fencing to the westerly portion of the Blue Line Creek which runs to the north and south of our property. The sole purpose of installing that fence was for the security, protection and safety of our dogs. From that point forward, our dogs only visited the property east of the Blue Line Stream if accompanied by either Tim or myself.

At the Planning Director's Hearing on October 4, 2016, Mr. Weiss added a condition to obtaining our kennel permit that we needed to erect either a 7 foot chain link or equivalent 7 foot fencing with battens or wooden slats along the property line to the west of the blue line creek and along the Western side of the property connecting to the fencing along the Creek. The purpose for this requirement was for the horses not to get spooked by our dogs, to alleviate concerns from our easterly (Scott and Sarina Becker) and westerly (Frank and Terry Minnameyer) neighbors whom have 14 horses and 1 horse, respectively. We understood this portion of the Condition of Approval newly imposed upon us to effectively RESTRICT our dogs from ever entering the eastern portion of our property again.

Mr. Weiss emphatically stated at the Planning Department's appeal hearing on January 18, 2017, that his decision to have the 7 foot fencing erected as proposed had nothing to do with any concern of dogs jumping the fence. The sole concern was spooking horses. When we received the Conditions of Approval dated January 23, 2017, I noticed that additional verbiage was added "preventing all dogs from entering the Blue Line stream area."

Tim and I do not want our land taken away from us or to be deprived the use of our land which was purchased with the goal of allowing our dogs and us to enjoy together. When we look outside our window from our home or stand in either the front or rear of our property, a 7 foot fence going down the middle of our property will block the view of our entire property. Instead we will only be able to see ½ of our property, while the remaining ½ would have to remain unoccupied.

I solicited 3 fencing contractors who inspected our residence for their ideas and solutions. They all stated that the only type of batten fencing is of chain link material. The Tenaja CC&Rs forbid chain link fencing around our property line. Furthermore, the contractors all stated conceptually it would be IMPOSSIBLE to extend the current 5 foot horse rail to

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7 feet. Lastly, they stated even someone could figure out a way to extend it, it would take 3 weeks of ongoing hand laboring work to insert slats extending upwards of 7 feet into all of our fence line.

To accomplish the goals of the County of Riverside, the contractors have all stated it would be far less expensive and much more effective to build vinyl privacy fencing alongside the Beckers' horse corrals and alongside the westerly (Minnameyers' side) of our property line, and to place this additional fencing alongside and inside of the current 5 foot horse rail fencing at those areas of our property. Additionally, we have asked the fence contractors to come with ideas to allow the dogs' use of the eastern side of our property without giving them access to enter the Blue Line Creek. The solution we devised on the attached diagram will permit our dogs to enter the northeastern portion of our property (which is the size of a baseball field), while restricting them from entering the southeastern portion of our property where the Beckers' contain their horses and where the Beckers' horse corrals are as close as 6 inches to our property line. This position is our compromise as we are willing to restrict our dogs from entering the southeasterly portion of the property near the Beckers' horse corrals due to the prior threat by our neighbor to shoot our dogs.

Tim and I are looking forward to meeting you on Friday, April 14, 2017. At that time, we will be prepared to answer any and all questions you may have regarding our application to the County and the history of this case..

Sincerely,

McVICKER'S FAMILY LAW
MEDIATION CENTER, PLC



T. Elizabeth McVicker

cc: Lisa Merrit
Jonathan Shardlow, Esq.
Enclosure
TEM/rc

EXHIBIT C

Mission Statement

Our mission at Shadow Husky Ranch is to care for the well-being of our own personal husky dogs. We acquired this property to create the perfect home environment for our adopted huskies. We are applying for the kennel license for our own personal benefit and enjoyment.

We Plan to Accomplish this by

- Maintaining the highest standards of health care and cleanliness
- Encourage familial relationships with other husky dogs in the kennel
- Having 24/7 supervision of the dogs by an onsite caretaker
- Providing plenty space for them to play and exercise
- Promoting safe and healthy behavioral habits
- Giving the dogs a peaceful and loving place to live for the rest of their days

Daily Schedule

- 6:00 am to 8:30 am — Wake up and morning Exercise/Playtime
- 8:30 am to 9:30 am — Snacks/Quiet Time
- 9:30 am to 12:00 pm — Naptime/Quiet Time
- 12:00 pm to 1:30 pm — Exercise/Playtime
- 1:30 pm to 3:00 pm — Quiet Time/Grooming/Snacks
- 3:00 pm to 4:00 pm — Dinner is prepared fresh and served by 4:00 pm
- 4:00 pm to 5:30 pm — Exercise/Playtime
- 6:00 pm to 7:00 pm — Snacks/Quiet Time
- 7:00 pm to 8:00 pm — Potty Time for certain dogs
- 8:00 pm to 6:00 am — Bedtime

Environment

The property is approximately 6 acres. The dogs are enclosed in the house or fenced off areas unless they are supervised during designated playtimes. Multiple fences are in place as a safeguard measure.

Our backyard is an inner gated area where the dogs have continuous access during the day. It is filled with pea gravel. This area contains a sandbox surrounded by a grassy area where the dogs can play. Shade is provided for the dogs with tarps, trees and the patio.

There is also a plastic pool and plenty of toys for the dogs to play with. Water and food is accessible at all times and any concrete areas are rinsed and disinfected daily.

Inside the home, the floor of our home is tiled with ceramic tile, which is cool for the dogs and easy to clean. There are pillows and beds placed randomly throughout the house for the dogs to relax on. They also have fresh blankets for their bedding.

The living room adjacent to the kitchen and the master bedroom have television sets continuously playing Dog TV™. When the dogs are exclusively inside the house, they have access to another fenced off area adjacent to the master bedroom filled with pea gravel to potty.

Supervision

The dogs are supervised 24/7. We employ caregivers to help watch the dogs when we are not at home. Currently we have two full-time employees who work 11 hour shifts 6 days per week. They have a daily routine and a checklist of responsibilities to tend to. We also have a head count sheet to keep track of the whereabouts of every single dog at all times. When the caregivers are off duty, Tim and I take over and follow the same checklist of responsibilities.

The caregivers follow our lead in having one-on-one interaction with each of the husky dogs on a daily basis. The caregivers spread the time during their work hours to provide this individualized attention to the huskies. The dogs are routinely inspected before and after playtime to make sure they are healthy.

During the daytime, the dogs are kept within the confines of our home where they are free to roam, as well as outside in our fenced in backyard. During quiet/downtime dogs may be groomed, undergo basic obedience training or relax.

After daily exercise times, the husky dogs are brought back into the outside area inner confines of the property which is their permanent playground and rest area. The caregivers use the head count checklist to ensure that all the huskies are inside. All gates have locks placed in them. The husky dogs then wind down and curl up to sleep. The caregiver is always within view and hearing of the husky dogs.

Food

The dogs always have access to dry food and water. Inside there are bowls of water and dry food. Outside there are 4 large troughs. 2 are filled with kibble and 2 are filled with water. Water is always refilled and not allowed to get stale.

When the dogs are sleeping, the caregiver takes time to prepare a fresh meal for the dogs which is served between 3 pm and 4 pm daily. Daily meals consist of healthy ingredients of green beans, pumpkin, milk, eggs, brown rice, and 10 pounds of meat, poultry, fish or pork. All of the huskies' feeding bowls are cleaned on a daily basis.

Hygiene

Throughout the day, all of the areas where the dogs dwell are thoroughly cleaned and disinfected. All bedding is cleaned daily. All the water and food bowls/troughs are cleaned or replaced regularly. We have buckets filled with sanitizing materials to clean up any messes in the house. Outside concrete areas are cleaned and disinfected, fresh water is replaced often and their kiddie pool is cleaned daily. When the huskies are napping, the floors inside the home are mopped, laundry is done and water bowls are cleaned and filled.

Exercise

Huskies have lots of energy and need adequate exercise. We ensure that they get chance to exercise at least 4 times a day within the secure fenced in areas of our property. If we notice a certain dog has some extra energy, we may give him or her additional exercise time as needed.

Each exercise period lasts 1 ½ hours totaling 4 ½ hours each day. We separate the dogs into groups of 6-10 for exercise time. We have put additional fencing on our property to create runs for the husky dogs. Since huskies are naturally "working" dogs, we start their morning exercise with continuous walks around the parameter of our fenced in home from the gate which runs alongside the Blue Line Creek to

the northern, western, easterly and south directions. The dogs tend to follow their human caregivers who lead walks and enjoy repeated routines. This creates a stress free environment as the husky dogs all partake of a daily guided walk, which evokes an Iditarod collective exercise and is important for their physical, emotional and mental well-being. The dogs that are not exercising wait for their turn inside the house, or within the fenced off backyard.

Our caregivers run with some of the more energetic husky dogs too or play interactive games with those who need a little more exercise, which provides extreme enjoyment. This rotation continues until all of the husky dogs have received supervised exercise. Currently, there is a fence which runs on the westerly side of the Blue Line Creek which runs through our property. There are many other proposed runs for our husky dogs which can be divided along the easterly portion of the property.

After the initial walks are completed for each group, the caregiver remains outdoors with the huskies as they begin to roam the premises, relieve themselves drink water and unwind. The caregiver tends to other tasks such as filling up water buckets which are scattered in the area, inspecting the premises for signs of snakes, and picking up dog feces on the outside perimeter.

Toys and Treats

The dogs have lots of toys and given treats regularly. They love their toys and we are always buying balls, ropes, squeaky toys etc.

Well-Being

All the dogs are spade or neutered and up to date on all their vaccines. They all wear a harnesses and dog tags with their names and our phone numbers printed on them. Calling the huskies by their names, giving them treats, brushing their heavy coats, pets and hugs are typical. We also visually inspect our huskies for foxtails and to ascertain if they have any medical issues (such as lethargy, rashes, hurt paws, vomit, etc.).

We administer lifetime bladder medication to two female huskies and Rimadyl to one male husky who is arthritic in one leg on a daily basis. We apply ointments and topical medications to huskies with rashes, such as our white albino husky, and clean their ears routinely.

If we notice a dog acting out of character, we take it serious. We also look out for red flags that may indicate underlying health conditions. Warning signs we look out for include loss of appetite, fatigue, coughing, fever, trouble breathing, bloody stool, bloody diarrhea, urine, vomiting, loose stool and restlessness.

Bedding

Bedding is located in all the areas that the dogs are confined in. At night, the huskies are brought inside and doors are closed. We have proposed with our Plot Plan application that 2 sheds be converted into kennels, which will be also used to house the huskies at night once built. Currently the husky dogs sleep in the kitchen area on couches, in the main living room area, and in the bedroom (on the bed, under the bed, in closets, and on floor dog pillows). There is a small fenced in area accessible to our bedroom where the huskies can go outside to relieve themselves at night.

TYLER BURSCH, LLP
LAWYERS & ADVISORS

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May 1, 2017

**VIA HAND DELIVERY &
ELECTRONIC DELIVERY**

Honorable John F. Tavaglione
Chairman, Board of Supervisors
County of Riverside
4080 Lemon Street, 5th Floor
Riverside, California 92501
Email: district2@rcbos.org

Kecia Harper-Ihem
Clerk of the Board
County of Riverside
4080 Lemon Street, 5th Floor
Riverside, California 92501
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Re: *Opposition to Plot Plan 25922, the Class II Kennel Project, Applicants McVickers*

Honorable Chairman Tavaglione and
Members of the Board of Supervisors:

On behalf of the Tenaja Environmental Concerns Association (hereinafter "TECA"), a group of Teneja residents, I submit these comments in opposition to the Class II Kennel, Plot Plan No. 25922 (the "Project") proposed to be located in District 1 of Riverside County between the Cleveland National Forest (part of the National Wilderness Preservation System) and the Santa Rosa Plateau Ecological Reserve.

As you know, Riverside County, as the fourth largest county in California, boasts diverse geographical areas from the deserts of Joshua Tree National Forest, to the forests of Idyllwild, to the vineyards of Temecula, to the National Wilderness preserves. It is this last category of lands, the National Wilderness preserves known as Tenaja Valley, that is the reason for the protest against Plot Plan 25922, which permits a Class II Kennel in Tenaja Valley. Tenaja Valley is the only place in Riverside County (hereinafter the "County") which is home to two nationally protected wildlife areas, the Cleveland National Forest and the Santa Rosa Ecological Reserve. This pristine

The residents of District 1 and members of TECA implore you, the Board of Supervisors, to deny this project because it (1) disregards the policies of the County's General Plan for this area; (2) the project was improperly exempted from environmental review required by the California Environmental Quality Act ("CEQA"); and (3) the fences conditionally required to protect the public will literally destroy one of the most beautiful, scenic areas in the County. As more fully explained below, the Tenaja Valley's picturesque solitude will be forever lost unless you deny Plot Plan 25922 and protect this area from these kinds of uses.

I. The Project Disregards the Policies for the Santa Rosa Planning Area

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 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' illegal kennel operation.

Under the General Plan, the Santa Rosa 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.*" Statements from the Santa Rosa 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.)

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. The Project is one property away from the Cleveland National Forest and directly on the way to the Santa Rosa Plateau Reserve. 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 in this area and preserve it for the enjoyment of future generations. The Project is not logically located in this environmentally sensitive area because it will negatively impact the efforts being made to restore the

wildlife. It has and will continue to ruin the “quiet remoteness” that was identified by the General Plan.

Since the General Plan and its policies are to guide land use development, this Project should be denied because it is 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. For these reasons alone, the residents of the Tenaja Valley respectfully request that you deny Plot Plan 25922.

II. The Project Was Improperly Exempted From CEQA

It was determined that the Project was exempt from CEQA review 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 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, 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

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

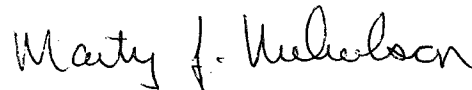
“unusual circumstances.” If the project is located in a “particularly sensitive environment” an ordinary insignificant impact may become significant. (Guidelines § 15300.2.) Under Section 15300.2 “an activity which would otherwise be categorically exempt is not exempt if there are ‘unusual circumstances’ 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.

III. The Fence Requirement Will Destroy Tenaja Valley’s Aesthetic Natural Beauty

The County’s Planning Director has required that a 7-foot fence be placed on the Project property in order to ensure the safety and welfare of the community. Obviously a 7-foot-high fence in the midst of an extremely rural area will ruin the visual aesthetics of the area, which has not been properly studied. More importantly, if Class II Kennels are permitted in this area, additional 7-foot high fences will become a visual nightmare and ruin the rural setting. The cumulative effects of the 7-foot high fence have not been studied. For these reasons, this Project should not be denied and the appeal upheld.

Kind regards,



Marty J. Nicholson, Esq.

Maxwell, Sue

From: Jonathan Shardlow <Jonathan.Shardlow@GreshamSavage.com>
Sent: Monday, May 01, 2017 8:10 AM
To: COB; Magee, Robert; Justus, Kerstin
Cc: Wheeler, Timothy; 'Elizabeth Mcvicker (emcvicker@mcvickersfamilylaw.com)'; 'Tim Mcvicker' (timothygmcvicker@gmail.com); Imerritt
Subject: May 2, 2017 BOS Hearing Letter - Plot Plan 25922
Attachments: BOS 01 re Plot Plan25922 (CEQA Exempt Class II Kennel).pdf
Importance: High

Honorable Clerk and Riverside County Board of Supervisors:

Please see the attached letter in connection with Action Item 3877 - Plot Plan 25922 scheduled for hearing at 10:30 on May 2, 2017.

Thank you.

Jon

Jonathan E. Shardlow
Shareholder

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May 1, 2017

VIA E-MAIL cob@rivco.org; RMagee@RIVCO.ORG; KJustus@RIVCO.ORG

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street
Riverside, California 92501

Re: Approved Plot Plan 25922 - Class II Kennel

Dear Honorable Members of the Board of Supervisors:

Our firm represents Timothy and Elizabeth McVicker.

The matter before you concerns an appeal by a recently formed "association" of unnamed members calling themselves "Tenaja Environmental Concerns Association" who originally began opposing the issuance of an approval of the Class II Kennel under the entity "Tenaja Community Services District. **Staff's Recommendation is to Deny the Appeal.**

Without a doubt, there have been heated opinions in support of and against approval of Plot Plan No. 25922 to establish a Class II Dog Kennel. Notwithstanding, that the County expressly permits kennels in this "RA" (Residential Agricultural) land use zone subject to a Plot Plan, as additional evidence of being a good neighbor, **the McVicker's today are withdrawing their request for the approval of the construction of a 480 square-foot accessory kennel building.**¹ In addition, consistent with the attached fence plan (*Exhibit A*), **the McVicker's agree to construct a 6 foot solid high vinyl privacy fence to ensure adequate fencing is present around their entire property** so that they may enjoy the use of their entire property.² In connection with these concessions, in the event that more than 4 dogs are outside the residence at one time, the McVicker's request that restrictions on the hours in which additional dogs must be maintained in the private residence be between the hours of **10 p.m. and 6 a.m.** except for overnight bathroom breaks, which if were to occur, must occur under

¹ Requires minor revisions to Conditions of Approval.

² Id. The proposed fence plan would not require modifications to existing interior fences on the property. In addition, the proposed fence plan would allow the McVicker's, and their dogs, to use the entire property, except of course, the area which cordons off the blue line creek.

Since 1910

the supervision of a caretaker.³ This restriction is consistent with all other hour restrictions on dog kennels in the immediate area.

As way of background, the McVickers reside in an existing single-family home located in the Tenaja Valley area of the County of Riverside ("County"). They currently have 18 dogs, all of which are their personal pets. Additional information on the McVicker's passion for this community and their dogs is detailed in the Attached April 13, 2017 letter. (*Exhibit B*).

In 2015, the McVickers sought issuance of a class II kennel license from the County, so that they could erect a structure to shelter their pets. However, they immediately experienced resistance from a handful of neighbors who own horses. Scott Becker, who resides immediately next door to the McVickers, has spearheaded the opposition.

After reviewing the Administrative Record in this matter, it is clear that the opposition to the McVickers' kennel is motivated by the personal vendetta of individual neighbors who do not want the McVickers to live in Tenaja with their dogs. It is the opinion of some neighbors that the area should be restricted to equine. However, the area is not zoned Equine. No such restriction exists in the County land use regulations, and the neighbors have no right to dictate how the McVickers use their property. There are other animals in the area such as horses, cattle, goats, alpacas, and Texas Long Horns. More of a concern is the wildlife in the area, including coyotes, mountain lions, bobcats and rattle snakes.

Needless to say, we are deeply dismayed by the extensive efforts of Scott Becker and the other residents that have been carried out in an effort to obstruct the McVickers' Plot Plan. These frivolous, malicious efforts are typical "NIMBY" efforts intended to intimidate the McVickers, simply because the McVickers have dogs, and not horses.

As detailed below, the County properly denied all prior challenges first at the Director's Hearing in late 2016, and then again at the Planning Commission hearing in January 2017. The neighbors failed to raise any legitimate challenge to the County's ministerial approval of the kennel.

Specifically, the County correctly found that:

- The County of Riverside expressly permits kennels in this "RA" (Residential Agricultural) land use zone;
- The Plot Plan was properly approved by the County in compliance with the applicable procedures;

³ Id.

- The County regulations demonstrate that the kennel is not a “commercial” or “business” use;
- The Plot Plan is not subject to the California Environmental Quality Act (“CEQA”);
- The Tenaja Community Services District Covenants, Conditions & Restrictions (CC&R’s) are private matters to be handled among the residents of Tenaja without intervention from the County⁴;
- The kennel will be subject to County noise regulations (just like every other land use in the County and the Riverside County Department of Animal Services).

I. **CLASS II KENNELS ARE A PERMITTED USE IN RESIDENTIAL AGRICULTURAL ZONES**

The McVickers’ property is approximately 6.2 acres in size and is zoned Residential Agricultural (“RA”). Kennels are an expressly permitted use within the RA Zone. County Ordinance (“Ord.”) No. 348⁵, p. VI-11, Section 6.50.A.16.

Furthermore, the maintenance of a class II kennel, which allows for the possession of 11 to 25 dogs, is also an expressly permitted use in the RA zone. Ord. No. 348, p. XVIII-111, Section 18.45.B.2. A class II kennel is a “building, structure, enclosure, or premise, whereupon, or within, which, 11 or more dogs, four months of age or older, are kept or maintained.” Ord. No. 348, p.XXI-16, Section 21.40a.B.

The daily activities of the dogs are controlled consistent with the attached Kennel Plan (*Exhibit C*).

The opponents claim that the McVickers’ plot plan must show “areas open to the general public” pursuant to County ordinance in support of its argument that the County Board of Supervisors adopted ordinances related to “kennels” for “commercial use” instead of “personal use” is fatally flawed. County ordinance requires that the plot plan show location and setbacks showing the proposed and existing development of the property. The McVickers did not show any areas open to the general public because none exist due to the private residential nature of the McVickers’ kennel application. Ord. No. 348, p. XVIII-11, Section 18.45.D.3.d.

⁴ The McVickers have strenuously argued that they are in full compliance with the Tenaja Community Services District Covenant’s, Conditions & Restrictions (CC&R’s).

⁵ http://planning.rctlma.org/Portals/0/zoning/ordnance/Ord_348_clean_version.pdf?ver=2016-03-14-100055-397

Thus, the opponents' claims that the McVickers' approved class II kennel is supposedly "inconsistent" with the County's general plan and zoning regulations are without merit.

II. THE PLOT PLAN WAS PROPERLY APPROVED BY THE COUNTY

The County requires that class II kennel approvals be processed in accordance with Sections 18.45.D, E, and F of County Ordinance No. 348. The McVickers fully complied with these provisions by submitting an application that included a detailed site plan.

Additionally, the McVickers and the County also submitted the requisite information to the following agencies:

- California Department of Fish and Wildlife (*see* Planning Commission Staff Report, p. 4, ¶ 6);
- Western Riverside County Regional Conservation Authority (*see* Planning Commission Staff Report, p. 7, ¶ 10);
- Riverside County Fire Department (*see* Planning Commission Staff Report, p. 7, ¶ 11); and
- Riverside County Environmental Health Department (*see* Planning Commission Staff Report, p. 8, ¶ 13).

These agencies all confirmed that the Plot Plan complied with all applicable procedures.

As explained in great detail within the Planning Commission Staff Report, the McVickers fully complied with the required application procedures, and the County Director and the Planning Commission both properly approved the Plot Plan.

III. THE KENNEL IS NOT A "COMMERCIAL" USE

Previously, the opponents have alleged that the McVickers' kennel will constitute a "commercial use." Aside from being patently false, this claim is contrary to the aforementioned provisions of County Ordinance 348 that expressly allow class II kennels in the RA zone, without making any designation of such kennels as "commercial uses." *See* Ord. No. 348, p. VI-11, Section 6.50.A.16; *see also id.* at p. XVIII-111, Section 18.45.B.2.

Furthermore, the opponents' references to other potential meanings of the word "kennel" have no relevance here. For the purposes of the McVickers' Plot Plan

application, the term "class II kennel" simply refers to a place where their pet dogs will reside:

A class II kennel is a 'building, structure, enclosure, or premise, whereupon, or within, which, 11 or more dogs, four months of age or older, are kept or maintained.'

Ord. No. 348, p.XXI-16, Section 21.40a.B.

It's a structure for their dogs—that's it—there is no "commercial" or "business" use that will be associated with the kennel.

IV. THE TENAJA COMMUNITY SERVICES DISTRICT LETTER CLAIMING THAT THE KENNEL IS A COMMERCIAL USE IS WITHOUT MERIT

The McVickers requested approval by the Architectural Control Committee of Tenaja Community Services District for a Tuff Shed® 20' X 24' accessory building (equivalent to a 2 car garage) to be included as one of many proposed rest areas for their personal dogs on their property. Approval was granted in October 2015 and a permit was pulled by the County of Riverside. One year later, the approval was withdrawn because the Architectural Control Committee determined that the proposed Class II kennel application in and of itself must be deemed to be of a commercial nature.

The McVickers' numerous written and oral requests for explanations and an opportunity to be heard by the Tenaja Community Services District, have all been denied. This nonsensical decision by the Tenaja Community Services District is designed solely to penalize the McVickers for applying for approval of the shed and to ultimately preclude them from obtaining their class II kennel license.

The McVickers are perfectly content to withdraw the plans for the shed altogether since their personal dogs reside with them in their residence. None of their dogs are caged.

V. THE PLOT PLAN IS NOT SUBJECT TO CEQA

As memorialized within various documents of the Administrative Record (e.g., the Planning Commission Staff Report), there are multiple CEQA exemptions that apply to the Plot Plan. Accordingly, the Plot Plan was not required to be analyzed under CEQA, and there was no need for the County to prepare any level of environmental review.

A. The "Common Sense" Exception Applies Here

Section 15061(b)(3) of the CEQA Guidelines (Cal. Code Reg. §§ 15000, et seq.) provides a "common sense" exception when "there is no possibility that the activity in question may have a significant effect on the environment." Guidelines § 15061(b)(3). The McVickers' kennel is a prime example of a scenario in which the exception should be applied, because the construction of the kennel will be no different than the construction of a garage, and certainly less than the construction of a single family home, which is expressly exempt from CEQA.

The opponents' nonsensical claims of alleged environmental impacts demonstrate the extent of their frivolous efforts to obstruct the County's approval of the kennel, or a complete misunderstanding of CEQA (or perhaps both).

B. The County's Approval of the Plot Plan is a Ministerial Action Exempt from CEQA

CEQA does not apply to "ministerial" actions of a local agency. See Guidelines § 15002(i); see also *id.* at §§ 15268 and 15369. A ministerial action is one "where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations." Guidelines § 15268.

As previously discussed, the County, upon review of the McVickers' Plot Plan application, confirmed the application complied with the necessary procedures. The County also confirmed that the kennel was an expressly permitted use in the RA zone.

Indeed, the County's review was analogous to the issuance of a building permit, a process that is, as a matter of law, a ministerial action. See Guidelines § 15369.

C. The Kennel is an Exempt Structure under CEQA

First, Section 15303 of the CEQA Guidelines specifically excludes the "New Construction or Conversion of Small Structures" from CEQA and provides examples of exempt structures, including:

Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Guidelines § 15303(e).

The McVickers' kennel—*i.e.*, a 480 square foot structure that is appurtenant to their single-family home—obviously falls within the scope of this exemption.

Second, Section 15301 of the CEQA Guidelines specifically excludes the "minor alteration of existing private ... structures." Guidelines § 15301. The McVickers' construction of the kennel within the backyard of their 6.2-acre estate falls within the scope of this exemption as well.

VI. THE TENAJA COMMUNITY SERVICES DISTRICT CC&R'S HAVE NO EFFECT ON THE COUNTY

Throughout this process, the opponents have alleged that the County is somehow barred from approving the Plot Plan by the CC&R's of the Tenaja Community Services District. However, as the County correctly pointed out in the Planning Commission Staff Report, cities and counties are not affected or bound by private CC&R's.

The fact that the opponents are willing to continue to raise this argument, which is contrary to a basic, elementary legal concept, evidences that they are simply raising as many allegations as possible, *merits aside*, to force the County and the McVickers to spend time and legal fees explaining why each allegation is frivolous.

VII. THE KENNEL WILL BE SUBJECT TO COUNTYWIDE NOISE STANDARDS

County Ordinance No. 847 regulates noise throughout the County. All land uses in the County must comply with these regulations.

During the County's approval of the Plot Plan, it was made very clear that the kennel would have to comply with applicable noise regulations, just like all other land uses in the County. The McVickers have two separate noise studies prepared. Both studies demonstrated that the noise level is well below County standards. Further, the McVickers have made extensive improvements to the property to curtail any potential noise and safety concerns, including the planting of 80 canary yellow pine trees and extensive fencing in numerous areas of the home. The McVickers are now planning to build additional fencing (as seen on the attached diagram and bids submitted by two fencing contractors) to further address concerns of neighbors and to comply with the County's previous Conditions of Approval.

Thus, the opponents' arguments related to noise are non-starters.

VIII. THE McVICKERS' PRIVATE LIFE IS NO BUSINESS OF THE NEIGHBORS

The McVickers, like all other landowners in this country, have the right to privacy and can use and enjoy their private property anyway they so choose, as long as that use is in compliance with applicable laws and regulations. As detailed above, and as has

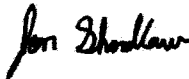
been detailed in the Administrative Record, the McVickers' kennel is in compliance with all applicable laws and regulations.

The McVickers' private life is just that—private—and should not be the subject of community-wide antagonistic correspondence disseminated by Scott Becker for the purpose of tormenting, bullying, and defaming the McVickers and creating civil unrest in the community based on fear and anxiety, the likes of which can be compared to a lynching.

Over 1,100 individuals have signed letters of support of the approval of Plot Plan No. 25922.

On behalf of the McVickers, we thank the County for its continued review and support of this matter. We respectfully request that you deny the Appeal.

Very truly yours,



Jonathan E. Shardlow, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

Attachments

cc: Planner Tim Wheeler (TWheeler@RIVCO.ORG)
Timothy & Elizabeth McVicker
Lisa Merritt (Southland Engineering)

Exhibit A

EXHIBIT B

McVicker's FAMILY LAW
MEDIATION CENTER
PROFESSIONAL LAW CORPORATION

T. ELIZABETH MCVICKER, CFLS*
ATTORNEY AT LAW

CANYON HILLS MARKETPLACE
29997 CANYON HILLS ROAD, SUITE 1603
LAKE ELSINORE, CALIFORNIA 92532
TELEPHONE: (951) 244-8759
FACSIMILE: (951) 244-3109
EMCVICKER@MCVICKERSFAMILYLAW.COM

*CERTIFIED FAMILY LAW SPECIALIST
STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

April 13, 2017

Keven Jeffries
Supervisor Kevin Jeffries Office
Riverside County Board of Supervisors
16275 Grand Avenue
Lake Elsinore, California 92530

Re: Plot Plan 25922

Dear Mr. Jeffries,

In 2008, my husband Tim and I met at the Irvine Dog Bark. When we met, Tim owned two Siberian Husky dogs and I owned three Siberian Husky dogs. I was living in Los Angeles and Tim was living in Mission Viejo. In 2013, we were married, and we initially settled in Lake Elsinore. In 2014, we built out the last remaining office space available at the new center known as the Canyon Hills Marketplace for my work. When construction was completed, Tim and I opened my law practice (McVicker's Family Law Mediation Center, PLC) and a separate legal document assisted office (All Legal Access, LLC) at that location.

Since Tim and I have an extreme love of the Siberian husky breed, our dream was to move to a home where we could house 25 personal neutered dogs and take care of them for the rest of their lives. We investigated the laws regarding kennels and determined that a property zoned either AA or RA was appropriate for our needs. After a long search we found the ideal home on a 6.2 acre flat parcel of land in Tenaja, California. We closed escrow at 17370 Via Abril on July 14, 2015. Currently we have dogs who have visionary problems, hip problems, urinary problems and epilepsy, and ranging in age from 3 years to

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12 years. We provide the best hygienic and best living conditions possible for them because they depend on us for nurturing, and love.

Prior to moving into our new home on August 3, 2015, our neighbors, Scott and Sarina Becker told us of their concerns regarding having our dogs live with us. We could not understand since the Beckers told us they had 18 horses and they have a 4,000 square foot accessory barn to house them. We responded that we would do everything financially necessary to address and resolve any and all of their concerns. We set up a meeting at my law firm, but Scott Becker cancelled it at the last minute. Subsequently I disseminated emails to the Tenaja community, made announcements at the Tenaja Community Services District Board meetings, and spoke at the Planning Director's Hearing and Planning Commission Hearing, with the goal of sharing an open and balanced dialogue and inviting individuals to our home. I have been a mediator for 13 years certified by the reputed Straus Institute. Needless to say, I was dismayed by the refusal of Mr. Becker to negotiate with us on any level or to even come to our home.

The only individual who accepted our invitation was Bob Magee. Mr. Magee saw firsthand that none of our dogs are kenneled, and all of our dogs live with us 100% of the time inside of our home. We will never house our dogs outside, in cages or kennels or keep them pent up in any structure outside of our home. They will always be living in our home and have free roaming rights inside our home, since they are considered part of our family.

Tim and I retained Lisa Merritt of Southland Engineering and an attorney, Larry Myers, Esq., to make our dream come true. We asked our easterly (Sarina and Scott Becker) and westerly neighbors (Frank and Terry Minnameyer) if they wanted to share the expense of erecting fencing alongside our properties. When they refused, we paid for and installed 5 foot horse rail fencing with wire mesh around the entire 360 degrees around our property to create exercise areas and prevent our dogs from being harmed by coyotes and bobcats who are indigenous to the region. We planted 80 Canary Pine trees around the parameter of our property. We installed a two gated entry system at the front of our home as security to make certain our dogs can never exit the property. Additionally, we installed 6 foot chain link fencing within an inner play area which we access from our kitchen, living room and bedroom doors. Further we have 2 doggie doors in the kitchen and bedroom which provides access to these areas at all times. We have constructed special 6 food and water containers which we constantly keep filled for our dogs' sustenance.

We envisioned having the unfettered use of our entire property to render it into a park like spacious peaceful and bucolic setting for our personal husky dogs to exercise and roam for the rest of their lives. We had plans to place park like benches, trees and canopies throughout our property to provide shade while we enjoy the outdoors with our dogs. We had plans to build a large spacious outside barbeque area and install a swimming pool for us to entertain our friends and family, live in peace and harmony with the pristine nature environment of Tenaja and enjoy our golden years with our dogs.

Unfortunately, in October 2015, I obtained a transcript from a voice recording left at the Tenaja Community Services District from Scott Becker purporting to state that he was going to start shooting our dogs dead. From this point forward, we have been harassed constantly by the Beckers who have disseminated repeated emails and letters and used social media spreading false and unofficial information, have hosted notary signing parties to gather opposition while slandering us, have threatened to kick us out of the community, have blocked our movements, and have used public forums as pulpits to bully us. They have accused us of having a commercial business which is untrue. Mr. Becker was nominated by board members to the Tenaja Community Services District TCSD in March 2016. I have attended 12 out of the last 14 board meetings. Last October 2016, the TCSD sent a letter to the County of Riverside accusing Tim and me of operating a commercial business from our home. I stood up openly at numerous subsequent meetings of the TCSD demanding an explanation, an opportunity to be heard and a response. Each time I have been shunned and treated in a condescending manner by Scott Becker and his fellow board member friend Ronald McDaniels, whose wife attended high school with Sarina Becker. I missed the TCSD meeting on April 6, 2017, to my extreme disappointment, when Scott Becker took it upon himself, once again, to openly discuss our kennel permit and state that you have the ability to change the laws in our County to keep us from having a kennel permit.

The negative treatment we have experienced has been detrimental to my spiritual, physical and mental well-being. We are constantly hearing through a variety of sources, from 3rd parties including Tim's co-workers, neighbors in Tenaja and La Cresta, of various negative talk about Tim and me, including accusation that we are operating a commercial business that our dogs have harmed other animals and children, that the breed is inappropriate, our dogs are loud, etc. None of these accusations are true. We also attended and prevailed at an animal control hearing in 2016 where our dogs were found not to be a nuisance.

Since October 2015, we have hired and put on payroll domestic workers at our residence during periods of time when Tim and I attend our day jobs. Their job description is to feed, watch and care for our dogs and to ensure that they do not bark. This has been accomplished on a daily basis since day one. The neighbors, who live on the precipice of Equestre Court, and the Beckers who have a clear view of our land and exercise play areas, have never obtained any video of our dogs doing anything inappropriate because none exists. We, on the other hand, have video of both the Minnameyers and Beckers on horseback on public streets with their unleashed dogs, and video of Rick Taylor's dog barking unleashed sitting on Tenaja Boulevard, which we believe is more of a threat to the community than our contained and well-disciplined personal dogs.

We have sought a kennel license because that is the proper licensing required to permit us to have 25 dogs live with us on our ranch. The Beckers are illegally boarding horses and have placed horse boarding ads in publications such as Horsetrader Magazine as recent as March 2016. In October 2016 and December 2016, the Beckers threw outdoor parties that went past midnight when they had music playing loud with over 200 guest on each occasion. Never once did we receive the courtesy of notification that these events were going to take place. Our neighbor to the south, Tina Clippinger, conducts an exclusive horse boarding business on her property, Liberty Oaks Ranch, where she does not reside and permits her ranch hand to live in trailers. There is also another commercial business known a Friesian Focus 1/2 mile from our property where the owner has sublet property to Jack In the Box for cattle grazing ("Miller Mountain") and where she maintains at her ranch over 100 horses for sale (including horse semen at \$1,000 per vial).

Of further mention is the fact that there is a licensed dog Class I dog kennel issued to Phyliss Sunins named a "Pet Motel" by the County of Riverside who issued the license in 2016. Plot Plan PP25921. The Sunins resides at 43810 Anitra Street, in the house immediately adjacent to the Beckers. Ms. Sunins also has a commercial wedding business and has outdoor weddings in her private chapel on her property and many receptions with loud music on a monthly basis. There is also another licensed kennel known as Diamond Oaks in Tenaja approximately 5 miles down the street owned by Linda Watts (19880 Tenaja Rd Murrieta, CA 92562). Plot plan is PP24937. At Diamond Oaks, Ms. Watts has been running a commercial boarding breeding and selling of pure bred German Shephard dogs (selling at minimally \$2,500 each) since the early 2000s. All of Ms. Watts's dogs reside in open air cages in the outdoors on her property. There is no comparison of these

commercial kennel operations to our home where we conduct zero business and simply live inside our home with our personal dogs.

We have been unable to fathom neighbors who actually want to harm our precious animals. Immediately after receiving Scott Becker's threat that he was going to kill our dogs, in December 2015, we installed horse rail fencing to the westerly portion of the Blue Line Creek which runs to the north and south of our property. The sole purpose of installing that fence was for the security, protection and safety of our dogs. From that point forward, our dogs only visited the property east of the Blue Line Stream if accompanied by either Tim or myself.

At the Planning Director's Hearing on October 4, 2016, Mr. Weiss added a condition to obtaining our kennel permit that we needed to erect either a 7 foot chain link or equivalent 7 foot fencing with battens or wooden slats along the property line to the west of the blue line creek and along the Western side of the property connecting to the fencing along the Creek. The purpose for this requirement was for the horses not to get spooked by our dogs, to alleviate concerns from our easterly (Scott and Sarina Becker) and westerly (Frank and Terry Minnameyer) neighbors whom have 14 horses and 1 horse, respectively. We understood this portion of the Condition of Approval newly imposed upon us to effectively RESTRICT our dogs from ever entering the eastern portion of our property again.

Mr. Weiss emphatically stated at the Planning Department's appeal hearing on January 18, 2017, that his decision to have the 7 foot fencing erected as proposed had nothing to do with any concern of dogs jumping the fence. The sole concern was spooking horses. When we received the Conditions of Approval dated January 23, 2017, I noticed that additional verbiage was added "preventing all dogs from entering the Blue Line stream area."

Tim and I do not want our land taken away from us or to be deprived the use of our land which was purchased with the goal of allowing our dogs and us to enjoy together. When we look outside our window from our home or stand in either the front or rear of our property, a 7 foot fence going down the middle of our property will block the view of our entire property. Instead we will only be able to see ½ of our property, while the remaining ½ would have to remain unoccupied.

I solicited 3 fencing contractors who inspected our residence for their ideas and solutions. They all stated that the only type of batten fencing is of chain link material. The Tenaja CC&Rs forbid chain link fencing around our property line. Furthermore, the contractors all stated conceptually it would be IMPOSSIBLE to extend the current 5 foot horse rail to

Kevin Jeffries
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7 feet. Lastly, they stated even someone could figure out a way to extend it, it would take 3 weeks of ongoing hand laboring work to insert slats extending upwards of 7 feet into all of our fence line.

To accomplish the goals of the County of Riverside, the contractors have all stated it would be far less expensive and much more effective to build vinyl privacy fencing alongside the Beckers' horse corrals and alongside the westerly (Minnameyers' side) of our property line, and to place this additional fencing alongside and inside of the current 5 foot horse rail fencing at those areas of our property. Additionally, we have asked the fence contractors to come with ideas to allow the dogs' use of the eastern side of our property without giving them access to enter the Blue Line Creek. The solution we devised on the attached diagram will permit our dogs to enter the northeastern portion of our property (which is the size of a baseball field), while restricting them from entering the southeastern portion of our property where the Beckers' contain their horses and where the Beckers' horse corrals are as close as 6 inches to our property line. This position is our compromise as we are willing to restrict our dogs from entering the southeasterly portion of the property near the Beckers' horse corrals due to the prior threat by our neighbor to shoot our dogs.

Tim and I are looking forward to meeting you on Friday, April 14, 2017. At that time, we will be prepared to answer any and all questions you may have regarding our application to the County and the history of this case..

Sincerely,

McVICKER'S FAMILY LAW
MEDIATION CENTER, PLC



T. Elizabeth McVicker

cc: Lisa Merrit
Jonathan Shardlow, Esq.
Enclosure
TEM/rc

EXHIBIT C

Mission Statement

Our mission at Shadow Husky Ranch is to care for the well-being of our own personal husky dogs. We acquired this property to create the perfect home environment for our adopted huskies. We are applying for the kennel license for our own personal benefit and enjoyment.

We Plan to Accomplish this by

- Maintaining the highest standards of health care and cleanliness
- Encourage familial relationships with other husky dogs in the kennel
- Having 24/7 supervision of the dogs by an onsite caretaker
- Providing plenty space for them to play and exercise
- Promoting safe and healthy behavioral habits
- Giving the dogs a peaceful and loving place to live for the rest of their days

Daily Schedule

- 6:00 am to 8:30 am — Wake up and morning Exercise/Playtime
- 8:30 am to 9:30 am — Snacks/Quiet Time
- 9:30 am to 12:00 pm — Naptime/Quiet Time
- 12:00 pm to 1:30 pm — Exercise/Playtime
- 1:30 pm to 3:00 pm — Quiet Time/Grooming/Snacks
- 3:00 pm to 4:00 pm — Dinner is prepared fresh and served by 4:00 pm
- 4:00 pm to 5:30 pm — Exercise/Playtime
- 6:00 pm to 7:00 pm — Snacks/Quiet Time
- 7:00 pm to 8:00 pm — Potty Time for certain dogs
- 8:00 pm to 6:00 am — Bedtime

Environment

The property is approximately 6 acres. The dogs are enclosed in the house or fenced off areas unless they are supervised during designated playtimes. Multiple fences are in place as a safeguard measure.

Our backyard is an inner gated area where the dogs have continuous access during the day. It is filled with pea gravel. This area contains a sandbox surrounded by a grassy area where the dogs can play. Shade is provided for the dogs with tarps, trees and the patio.

There is also a plastic pool and plenty of toys for the dogs to play with. Water and food is accessible at all times and any concrete areas are rinsed and disinfected daily.

Inside the home, the floor of our home is tiled with ceramic tile, which is cool for the dogs and easy to clean. There are pillows and beds placed randomly throughout the house for the dogs to relax on. They also have fresh blankets for their bedding.

The living room adjacent to the kitchen and the master bedroom have television sets continuously playing Dog TV™. When the dogs are exclusively inside the house, they have access to another fenced off area adjacent to the master bedroom filled with pea gravel to potty.

Supervision

The dogs are supervised 24/7. We employ caregivers to help watch the dogs when we are not at home. Currently we have two full-time employees who work 11 hour shifts 6 days per week. They have a daily routine and a checklist of responsibilities to tend to. We also have a head count sheet to keep track of the whereabouts of every single dog at all times. When the caregivers are off duty, Tim and I take over and follow the same checklist of responsibilities.

The caregivers follow our lead in having one-on-one interaction with each of the husky dogs on a daily basis. The caregivers spread the time during their work hours to provide this individualized attention to the huskies. The dogs are routinely inspected before and after playtime to make sure they are healthy.

During the daytime, the dogs are kept within the confines of our home where they are free to roam, as well as outside in our fenced in backyard. During quiet/downtime dogs may be groomed, undergo basic obedience training or relax.

After daily exercise times, the husky dogs are brought back into the outside area inner confines of the property which is their permanent playground and rest area. The caregivers use the head count checklist to ensure that all the huskies are inside. All gates have locks placed in them. The husky dogs then wind down and curl up to sleep. The caregiver is always within view and hearing of the husky dogs.

Food

The dogs always have access to dry food and water. Inside there are bowls of water and dry food. Outside there are 4 large troughs. 2 are filled with kibble and 2 are filled with water. Water is always refilled and not allowed to get stale.

When the dogs are sleeping, the caregiver takes time to prepare a fresh meal for the dogs which is served between 3 pm and 4 pm daily. Daily meals consist of healthy ingredients of green beans, pumpkin, milk, eggs, brown rice, and 10 pounds of meat, poultry, fish or pork. All of the huskies' feeding bowls are cleaned on a daily basis.

Hygiene

Throughout the day, all of the areas where the dogs dwell are thoroughly cleaned and disinfected. All bedding is cleaned daily. All the water and food bowls/troughs are cleaned or replaced regularly. We have buckets filled with sanitizing materials to clean up any messes in the house. Outside concrete areas are cleaned and disinfected, fresh water is replaced often and their kiddie pool is cleaned daily. When the huskies are napping, the floors inside the home are mopped, laundry is done and water bowls are cleaned and filled.

Exercise

Huskies have lots of energy and need adequate exercise. We ensure that they get chance to exercise at least 4 times a day within the secure fenced in areas of our property. If we notice a certain dog has some extra energy, we may give him or her additional exercise time as needed.

Each exercise period lasts 1 ½ hours totaling 4 ½ hours each day. We separate the dogs into groups of 6-10 for exercise time. We have put additional fencing on our property to create runs for the husky dogs. Since huskies are naturally "working" dogs, we start their morning exercise with continuous walks around the parameter of our fenced in home from the gate which runs alongside the Blue Line Creek to

the northern, western, easterly and south directions. The dogs tend to follow their human caregivers who lead walks and enjoy repeated routines. This creates a stress free environment as the husky dogs all partake of a daily guided walk, which evokes an Iditarod collective exercise and is important for their physical, emotional and mental well-being. The dogs that are not exercising wait for their turn inside the house, or within the fenced off backyard.

Our caregivers run with some of the more energetic husky dogs too or play interactive games with those who need a little more exercise, which provides extreme enjoyment. This rotation continues until all of the husky dogs have received supervised exercise. Currently, there is a fence which runs on the westerly side of the Blue Line Creek which runs through our property. There are many other proposed runs for our husky dogs which can be divided along the easterly portion of the property.

After the initial walks are completed for each group, the caregiver remains outdoors with the huskies as they begin to roam the premises, relieve themselves drink water and unwind. The caregiver tends to other tasks such as filling up water buckets which are scattered in the area, inspecting the premises for signs of snakes, and picking up dog feces on the outside perimeter.

Toys and Treats

The dogs have lots of toys and given treats regularly. They love their toys and we are always buying balls, ropes, squeaky toys etc.

Well-Being

All the dogs are spade or neutered and up to date on all their vaccines. They all wear a harnesses and dog tags with their names and our phone numbers printed on them. Calling the huskies by their names, giving them treats, brushing their heavy coats, pets and hugs are typical. We also visually inspect our huskies for foxtails and to ascertain if they have any medical issues (such as lethargy, rashes, hurt paws, vomit, etc.).

We administer lifetime bladder medication to two female huskies and Rimadyl to one male husky who is arthritic in one leg on a daily basis. We apply ointments and topical medications to huskies with rashes, such as our white albino husky, and clean their ears routinely.

If we notice a dog acting out of character, we take it serious. We also look out for red flags that may indicate underlying health conditions. Warning signs we look out for include loss of appetite, fatigue, coughing, fever, trouble breathing, bloody stool, bloody diarrhea, urine, vomiting, loose stool and restlessness.

Bedding

Bedding is located in all the areas that the dogs are confined in. At night, the huskies are brought inside and doors are closed. We have proposed with our Plot Plan application that 2 sheds be converted into kennels, which will be also used to house the huskies at night once built. Currently the husky dogs sleep in the kitchen area on couches, in the main living room area, and in the bedroom (on the bed, under the bed, in closets, and on floor dog pillows). There is a small fenced in area accessible to our bedroom where the huskies can go outside to relieve themselves at night.

26 April 2017

County of Riverside
4080 Lemon Street
Riverside, CA 92501

Attn: Clerk of the Board of Supervisors

Re: Kennel permit for McVicker property at 17370 Via Abril, Murrieta, CA 92562.

Please assure each member of the Board of Supervisors receives a copy of this letter.

I am a former Board member of the Tenaja Community Services District (CSD), and was also a member of the Tenaja CSD Architectural Committee in November 2015 when the improvements to the McVicker property were reviewed and approved by the Tenaja CSD.

Since mid-2016, I have received numerous documents from Mr. Scott Becker who owns the property next to the McVicker Property. Mr. Becker was appointed to fill the Board seat I vacated in January 2016 after I found Tenaja CSD engaged in conduct which violated California Government Code. After Tenaja CSD refused to correct such misconduct, I resigned from the Tenaja CSD Board and notified County and State authorities of the violations of California Government Code I had found.

I have received many misleading documents from Mr. Scott Becker in his efforts to deprive the McVickers of the use of their property. Mr. Becker has used his position on the Tenaja CSD Board to issue claims which were not supported by fact. Mr. Becker has formed the Tenaja Environmental Concerns Association to provide his cause with the color of authority.

Mr. Becker has made many unsupported claims, such as:

- a) *That a Class II Kennel is a commercial operation.* The McVicker's do not engage in the sale of dogs or services from or on their property. Instead, the McVickers operate a dog rescue operation, and also house a number of pet husky dogs. The McVickers do not have a commercial operation.
- b) *That Tenaja CSD is an equestrian community.* In 1996, the property owners were given the opportunity to make Tenaja CSD an equestrian community replete with trails across the 6,400 acres of the Tenaja CSD. Tenaja CSD owners refused to approve this. The majority of owners did not own horses. Thus, Tenaja CSD is not an equestrian community. All the equestrian facilities within Tenaja CSD are the work of the few property owners who possess and ride horses.
- c) *That dogs are escaping from the McVickers' property.* During the time since Tenaja CSD approved the McVickers' improvements in November 2015, there has been only one instance of a dog escape. That instance of a dog escape was due to a visitor to the property failing to close a gate. The McVickers have since implemented an additional gate to confine their dogs while a visitor vehicle enters or exits their property.
- d) *That uncontrolled packs of dogs are non-indigenous predators.* The entire 6,400 acres of Tenaja CSD has a large population of coyotes which are uncontrolled, are members of the dog species, and are indigenous. I see packs of 3 or 4 almost every day traveling around my property.
- e) *That the 25 dogs on the McVicker property pose an environmental hazard with their waste.* Mr. Becker keeps several horses on his property. The waste from a 2,000 pound horse is comparable to nearly 20 dogs weighing 100 pounds each. In my experience, horse owners allow their horses to defecate and urinate wherever they please, including in the blue line streams that cross many areas within Tenaja CSD, since Tenaja CSD is a watershed. It appears Mr. Becker's horses output more waste than the McVickers' dogs, making horses the bigger environmental problem.
- f) *That a Class II Kennel violates the Covenants, Conditions, and Restrictions (CC&Rs) recorded on the land in the area of the Beckers and the McVickers parcels.* First of all, Tenaja CSD lost its authority to enforce CC&Rs in 2006 when the California State Assembly eliminated Gov't Code Section 61601.10

5/2/17
17.2

and replaced it with Section 61105 which eliminated Tenaja CSD from the list of CSDs empowered to enforce CC&Rs. Second, the CC&Rs recorded on the land area of the Beckers and McVickers expired in 1998 and had to be renewed by a vote of the affected land parcel owners. Tenaja CSD does not have a complete record of the vote to renew the CC&Rs, making it very likely there may be no CC&Rs. Third, the Legal Counsel for Tenaja CSD gave an opinion to Tenaja CSD in 2003 asserting that CC&Rs were a private property matter, and the Tenaja CSD as a public agency could not spend public funds on CC&R related private property matters.

I see the expenditure of effort by Mr. Becker as an act of hatred, rather than an effort to seek a solution. Mr. Becker is displeased that the County of Riverside issues kennel permits to anyone in Tenaja CSD. Mr. Becker said so during the Tenaja CSD Board meeting on 05 April 2017. Further, Mr. Becker stated he would make every effort to persuade the Board of Supervisors to change County ordinances regulating issuance of kennel permits. Yes, all of Mr. Becker's statements were from the "bully pulpit" of the Tenaja CSD Board, and were made during the Board meeting. Conflict of interest?

Thus far, Mr. Becker has intervened in any way he could to forestall the issuance of a kennel permit to the McVickers. The McVickers have been pursuing a kennel permit lawfully. The McVickers have persisted in lawful behavior despite being the recipients of threatening calls telling them they do not belong in Tenaja CSD.

This conflict appears like the old Wild West in which the ranchers threatened the farmers, and made life as miserable as possible for the farmers (including tearing down fences, and allowing ranchers' livestock to feed on the crops of the farmers). Fortunately, USA law did not evolve to give horse owners or ranchers priority over everyone else.

Let me close with the issue of dog barking cited so often by Mr. Becker. The McVickers hired a sound consultant to assess the noise issued by their barking dogs. The sound consultant documented that the noise occurred rarely, and was within County's permitted limits on noise for the time of occurrence.

But, there is an additional dimension to this issue of barking: Tenaja CSD is a wild land area with a large population of coyotes. I own no dogs. Yet, every evening I am serenaded by coyotes howling. And, those coyotes howl during the night, as well as before sunrise in the morning. Coyotes are members of the dog species. Can Mr. Becker and his collection of complainers distinguish the howl of coyotes versus the howl of husky dogs? Given all the other misrepresentations made by Mr. Becker et. al., I am not willing to give them the benefit of the doubt.

The McVickers have been denied the use of their property by the depredations of Mr. Becker. If Mr. Becker felt so strongly, why does he always use the County of Riverside as his personal bully? The County of Riverside has charged the McVickers a large amount of money for processing their permit application. These costs should not have been imposed, and are unreasonable. Thereby, the County of Riverside has aided and abetted the efforts of Mr. Becker to deprive his neighbor of their property.

After living in Tenaja CSD for 12 years, I know that Tenaja CSD is a failed local government agency. I ask that the County of Riverside not imitate Tenaja CSD by allowing the conflict of interest perpetrated by Mr. Becker to continue. Please approve the kennel permit for the McVickers.

Thank you.



Michael Juha
PO Box 1024
Wildomar, CA 92595
Tel: 951-600-1462
Email: michaeljuha@gmail.com

I reside at 18001 Tenaja Road, Murrieta, CA 92562
There is no mail delivery to my residence address.