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hdepuy@
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June 10, 2008

File Nos.: CONRAD.1/SAWIC.1

VIA HAND DELIVERY AND EMAIL

Napa County Planning and Conservation
Planning Commission
1195 Third Street, Suite 210
Napa, California 94559

***Re: Duncan Horse Riding Lesson and Horse Boarding Facility
Objection to Use Permit Application
June 18, 2008 Meeting of Planning Commission***

Dear Commissioners:

Our office has been engaged to represent the interests of Gail Conrads and Peter Garaventa, and Norm and Amy Sawicki, residing at 1125 Darms Lane and 1123 Darms Lane respectively, in matters concerning the Duncan Horse facility, located at 1147 Darms Lane, Napa, on the property of Dennis M. Hall.

Our clients strongly object to the Duncan horse riding lesson and horse boarding facility use permit application. It is our opinion that the Hall property is not a suitable location for a horse riding and horse boarding business. Moreover, the Duncan Horse operation, as it exists today, does not merit approval of a use permit to allow its' current activities to continue in its' current state.

As we know, commercial activities, such as those currently in operation at the Duncan facility, are not allowed in agricultural zone lands without a use permit. Therefore, to reward such behavior with issuance of a use permit at this time, behavior that would otherwise be penalized as a County Code violation, would be contrary to public policy, public interest and public benefit.

We have reviewed the Use Permit Application and Project Statement, along with other supporting documents and letters provided to County by Applicant's counsel, and wish to offer the following comments and observations.

Background

In or about 2003, the Duncan Horse facility began its unpermitted commercial horse riding and horse boarding business with 2 to 4 horses. In or about 2006, the Duncan business began to grow from the original 2 to 4 horses, to 12 to 16 horses.

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Today, the Duncan facility horse riding and horse boarding business keeps 16 horses on approximately .7 acres of the 2.28 acre Hall parcel. The keeping of 16 horses in an area insufficient in size for the proper care and maintenance of 16 horses is unsuitable, and neither beneficial to the children patrons of the Duncan facility nor to the horses.

Unfit conditions at the Duncan facility has spawned a breeding ground for flies and other disease carrying vectors, and presented heavy, foul odors of urine and manure. These current conditions are cause for alarm. The health and safety of not only the children clients of the horse riding and horse boarding facility, but also of the adjacent neighbors is at risk. Piles of animal refuse are located near potable water tanks, and the close proximity of Dry Creek poses potential harm to the watershed.

Importantly, the adjacent neighbor's use and enjoyment of their property has been degraded, and the overall quality of life in the Darms Lane neighborhood has been diminished by the current state of the Hall property and the Duncan Horse facility.

The Use Permit Application Lacks Merit and
Information Sufficient to Support Issuance of a Use Permit

The Project Statement provided by Applicant's counsel neglects to state adequate grounds upon which a use permit for a commercial horse riding and horse boarding business is appropriate. Counsel omits critical facts to support issuance of a use permit for such an operation.

A. Area Designated Is Not Suitable To Maintain 16 Horses

The area designated for the keeping, maintenance and care of 16 horses is unfit. Only approximately .7 acres of the 2.28 acre Hall parcel is designated for the Duncan Horse operation. Other similar rural counties, such as Sonoma County, for example, require a minimum of .5 acres per horse.

The Duncan Horse facility is equipped with 6 horse stalls for 16 horses, an upper corral, or arena, and lower corral. The area set-out for horse riding lessons, the arena, is small in size. In the arena, the horses move around each other in small circles, not unlike a pony carousel at an amusement park. The lower corral where horses are kept, which Applicant's counsel refers to as a "field", is devoid of any grazing material, has no grasses, only dry dirt, puddles of dark mud, and piles of manure. The lower corral, or "field" as referred to by counsel, is located in close proximity to Dry Creek, which is cause for concern because of potential run-off and seepage. In addition, the horses are kept in an area that is approximately 18 inches higher than the Sawicki property, and approximately 36 feet from the Sawicki drinking water supply, which creates a water quality concern due to potential run-off and seepage.

The keeping of 16 horses in an area insufficient in size to support 16 horses, on land devoid of proper grazing grounds and grasses required for the maintenance of grazing animals, is unsuitable and defies the meaning of an allowed agricultural operation as contemplated by the Napa County Code.

B. The Duncan Horse Facility Is Not An Agricultural Operation

The Duncan Horse facility is not an agricultural operation and thus issuance of a use permit to allow the continuation of such an operation is not appropriate.

The meaning of "agriculture" in the Napa County Code includes the "grazing of livestock", the "raising of livestock", and "animal husbandry". None of these activities are taking place at the Duncan horse riding lesson and horse boarding facility.

"Animal husbandry" is defined as the cultivation and management, or breeding and caring for, livestock. "Livestock" is defined as farm animals, such as beef cattle, dairy cows, hogs, sheep, goats, chickens, turkeys, horses and mules, raised in agricultural settings to make produce, such as food or fiber, or for its labor. In this sense, horses and mules termed as "livestock" are animals that are used for "labor" to work the ranch, run the fence lines, plow the fields.

As is evident, what we have in the Duncan Horse facility is a commercial horse riding lesson and horse boarding operation, evoking neither the preservation of agricultural land nor the promotion of agricultural education.

C. The Environment is Not Nurturing

Applicant's counsel sets forth the argument that Applicant provides a "safe, nurturing environment" that is "mutually beneficial to the horses and the children". However, upon visit to the site, this is not evident.

Contrary to a "safe, nurturing environment", the arena in which the horse riding lessons are given is cramped, the air is thick with flies and filled with rancid aromas of urine and manure. The small confinement requires the horses to move around each other in small circles, following each others tails.

The lower corral, adjacent to the horse riding area, has not a blade of grass, lacks natural grazing materials required of grazing animals, and provides the horses with grounds of dry dirt, puddles of dark mud and piles of manure. The surrounding property is overrun with mounds of debris and refuse, vehicles and trucks, some of which appear to be abandoned, and large earth moving equipment. The main residence on the property has an unattended appearance, is overrun with vegetation and displays a large hole in the rear from which appears to be protruding garbage.

This condition, in our opinion, does not provide for a safe, nurturing environment for either the children or the horses, and certainly not for the adjacent neighbors.

Conclusion

It is critical to note that Applicant only entered into the use permit application process *after* having received a first Notice of Violation, dated April 26, 2007, from County Code Compliance Unit, Planner III, Edward Colby, then a letter, dated October 12, 2007, from Deputy County Counsel, Robert Paul, and then a Second Notice of Violation and Order to "cease and desist" any further horse riding lessons and horse boarding, dated December 7, 2007, from Supervising Code Enforcement Officer David Giudice. Applicant has boldly resisted County orders and continued on with its business as usual.

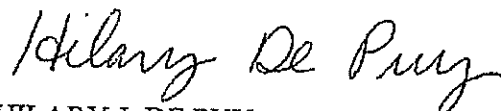
To approve Applicant's application, to approve such an unfit facility, would be contrary to public policy, public interest and public benefit. To reward Applicant with an allowance to continue its commercial operations in disaccord with meaning of "agricultural" as set forth in the Napa County Code, would be in error.

For these foregoing reasons, we respectfully request that Applicant's use permit application be denied.

Thank you for your consideration.

Sincerely,

GAW, VAN MALE, SMITH,
MYERS & MIROGLIO



HILARY J. DE PUY

cc: Gail Conrads and Peter Garaventa
Norm and Amy Sawicki
Hillary Gitelman, Planning Director
Chris Cahill, Planner
Edward Colby, Planner III
David Giudice, Supervising Code Enforcement Officer
Robert Paul, Deputy County Counsel

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JUN 04 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

cc: Kanta
Prescott

Helene Frankli

John McDowell

Hilary Gittelman

June 4, 2008

File Nos.: CONRAD.1/SAWIC.1



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FAIRFIELD
VACAVILLE
REDLANDS

VIA HAND DELIVERY AND EMAIL

Ms. Nancy Watt
Napa County Executive Officer
County Executive Office - County Administration Bldg.
1195 Third Street, Suite 310
Napa, CA 94559

**Re: Duncan Horse Ranch
Appeal from Denial of Use Permit Fee Waiver
Objection Thereto**

Dear Ms. Watt,

Our office has been engaged to represent the interests of Gail Conrads and Peter Garavanta, and Norm and Amy Sawicki, residing at 1125 Darms Lane and 1123 Darms Lane respectively, in matters concerning the Duncan Horse Ranch horse riding and horse boarding facility, located at 1147 Darms Lane, Napa, on property owned by Dennis M. Hall.

Our clients object to the Duncan Horse Ranch Appeal from denial of fee waiver request. It is our opinion that granting such a waiver will *not* advance public policy, will *not* be in the public interest and will *not* promote public benefit for the following reasons.

Criteria For A fee Waiver Not Met

Napa County Policy Manual, Part 10, Section 10.020, Waiver of Fees, states in pertinent part: (a) Unless otherwise specified, the County officer or employee responsible for collecting any fee established herein, or on appeal the County Executive Officer, may waive said fee if the following findings are made: (1) The waiver of the fee will advance a public policy; and (2) The waiver of the fee is in the public interest and will promote a public benefit; and (3) The applicant is a non-profit organization, and (4) The non-profit organization approved for a fee waiver has provided written assurance that a designated percentage of the proceeds of said event will be donated for the public benefit of the citizens of Napa County.

A. Applicant Is Admittedly Not A Non-Profit Organization

In a letter dated April 25, 2008, from Applicant's counsel to County Planner Chris Cahill, Counsel admits that Applicant is *not* a non-profit organization. In a further letter, dated May 13, 2008, from Counsel to Supervisor Wagenknecht, Counsel again admits that Applicant is *not* a non-profit organization. As such, the third and fourth criteria required for waiver of fees is not met.

B. A Fee Waiver Will Not Advance Public Policy

Counsel claims that to waive the fee for a use permit application to allow the operation of a horse riding lesson and horse boarding business will advance public policy, be in the public interest and promote a public benefit. Counsel's argument is flawed.

Counsel advances two theories to support claims of advancement of public policy. One: preservation of agricultural land; and two: promotion of agricultural education. Both theories lack foundational merit.

This is a case of a rural neighborhood, wherein a property owner has allowed an excessive number of horses to be kept on approximately .5 acres, for purposes of conducting horse riding lessons and horse boarding for compensation. Such activities are not allowed on agricultural lands without a use permit. This is a case where these unpermitted activities have caused harm to adjacent landowners and neighbors, depriving those citizens of the peaceful use and enjoyment of their property.

The keeping of 16 horses in an area insufficient in acreage to support 16 horses, on land devoid of proper grazing grounds required for the maintenance of grazing animals, is contrary to the preservation of agricultural land and agricultural education. Other rural counties similar to Napa County, such as Sonoma County, for example, require a minimum of .5 acres per horse. Moreover, as a result of the confined condition of the Duncan horse keeping, manure and mud have spawned a breeding ground for flies and other disease carrying vectors, creating thick swarms of insects and heavy, foul smelling air.

In disaccord with Counsel's assertions of meeting the definition of "Agriculture" in the Napa County Code, we point out a lack of "grazing of livestock" and a lack of "raising of livestock" and a lack of "animal husbandry" in the Duncan Horse Ranch horse riding lesson and horse boarding operation.

"Animal husbandry" is defined as cultivation and management, or breeding and caring for, livestock. "Livestock" is defined as farm animals, such as beef cattle, dairy cows, hogs, sheep, goats, chickens, turkeys, horses and mules, raised in agricultural settings to make produce, such as food or fiber, or for its labor. In this sense, horses and mules termed as "livestock" are animals that are used for "labor" to work the ranch, run the fence lines, pull the plow.

As is evident, what we have in the Duncan Horse Ranch is a commercial operation, and neither the preservation of agricultural land nor the promotion of agricultural education.

C. A Fee Waiver Will *Not* Be In The Public Interest *Nor* Promote Public Benefit

Nothing about the Duncan Horse Ranch, as it is currently operated, is in the public interest or a promotion of public benefit. Counsel sets forth the argument that the horse riding lessons are provided for in a "nurturing environment" amidst "the natural beauty that surrounds them".

Upon visit to the site, this is not evident. On the contrary, the horse riding facility is cramped, where dozens of horses move around each other in small circles. The corral adjacent to the horse riding area is devoid of grazing materials, no grasses, only dry dirt and puddles of dark mud and piles of manure. The air is thick with flies and foul odors of refuse. The surrounding property is overrun with mounds of debris, vehicles and trucks, some of which appear to be abandoned, and large earth moving equipment. The main residence on the property has an unattended appearance, is overrun with vegetation and displays a large hole in the rear from which appears to be protruding garbage.

The Duncan Horse Ranch operation, in our opinion, is neither taking place in a "nurturing environment" nor amidst "natural beauty".

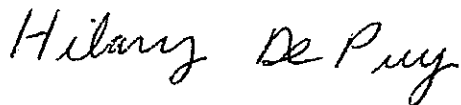
Conclusion

For these foregoing reasons, we respectfully request denial of Applicant's Appeal from denial of fee waiver request. Our clients and the Darms Lane neighborhood at large, for several years, have suffered the consequences of Applicant's unpermitted commercial activities of operating a horse riding lesson and horse boarding facility, an activity not allowed in agricultural zone areas without a use permit. To reward this conduct with a fee waiver would be unjust, against public policy, interest and benefit, and would set bad precedence.

Thank you for your consideration.

Sincerely,

GAW, VAN MALE, SMITH,
MYERS & MIROGLIO



HILARY J. DE PUY

cc: Gail Conrads and Peter Garavanta
Chris Cahill, Planner
Robert Paul, Deputy County Counsel

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MAY 23 2008

BOARD OF SUPERVISORS
COUNTY OF NAPA

NJS

NORM SAWICKI

1123 DARMS LANE • NAPA, CALIFORNIA 94558 • (707) 255-4532

May 23, 2008

BOS
N. Wyatt
H. Gidelman
K. Prescott

The Honorable Brad Wagenknecht, Chairman
Napa County Board of Supervisors
1195 Third Street
Napa, CA 94559

Re: Appeal from denial of partial fee waiver request: Horse Boarding and Training
Stable Use Permit Application P08-00015, Duncan Horses, 1147 Darms Lane,
APN 034-212-004

Dear Chairman Wagenknecht and Distinguished Supervisors:

I have owned my property at 1123 Darms Lane which is next door the Halls property at 1147 Darms Lane for approximately 24 years. When I purchased my home there weren't any horses or farm animals on their property. About 3 years ago when there were on a few horses on their property I paid for my daughter to have riding lessons with Katie Duncan (Hall). We have friends who have also paid for their children to take riding lessons and attend all day summer camps. As of date there are sixteen horses on site and riding lessons taking place almost daily for a number of hours each day. This causes an extreme amount of dust, odor and flies to come on to my property. In looking over the Halls appeal of the denied fee waiver I have come across a couple of concerns. I wonder if proof has been given that Ms. Duncan owns all sixteen horses and is in fact not boarding horses for other people not residing on Darms Lane. Her letter to you from Thomas Carey of DFP states that she is a non-profit organization then later states that she will become a non-profit organization if a use permit is granted. This dishonest and illegal running of a business has been going on for years and is not being dealt with. A number of people from the county have been out to my property to witness this first hand. Ms. Duncan has been given orders to cease operations more than once and has flat out ignored them. I am writing this letter with the hope that this matter will be resolved once and for all. Our lifestyle is being compromised on a daily basis by the odor, dust and flies. I believe that you have enough information in your file regarding this situation to do something about it and soon. This problem is not going away and Ms. Duncan continues to defy the county and its rules.

Sincerely,

Norm Sawicki
Norm Sawicki

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MAY 27 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Cahill, Christopher

From: Gail Conrads [gail.conrads@gmail.com]
Sent: Wednesday, June 04, 2008 11:47 AM
To: Cahill, Christopher
Subject: RESENDING

Hi Chris--

I know this email dated May 1, 2008 was a little on the angry side, but I just re-read it and I think it has a lot of valid arguments.

Will you please make sure that you give a copy to Ms. Watt for me?

Thank you,

Gail A. Conrads

May 1, 2008

Hello Chris--

Katie Duncan boards horses on her father's property. She has boarded horses for years without a permit to do so and without County approval and I will continue to give the District Attorney plenty of names and leads to get all the info they need to call these people out on their dishonesty.

I believe it's time to send this issue to the DA because it's definitely time to start delving into the finances of the Hall/Duncan property and how they have afforded these 16 horses over the past few years. I think the veterinarian, Claudia Sonder, or whoever they say has been caring for these 16 horses should produce vet records and their own personal financials that show exactly who pays for these services. You should find out exactly WHO has paid for the care, food, manure removal, fences, etc. over the past 2+ years. Do you really think every one of the customers using this facility will commit perjury for the Hall family? I really don't think so.

It is beyond believable and obvious that this is some sort of game at this point.

It's time for someone to stand up and say that this is not only an unpermitted illegal operation but it is NOT a healthy operation and this is NOT "good for the community". The feces have NEVER been removed regularly. The simple calculation for the amount of feces produced per horse and the size trailer that this facility would need has never been met. Instead feces are spread around the property. Fly traps are a rarity. Horses are grazing animals, designed to eat all day, and yet these poor animals have absolutely no place to graze. Many of them have no covering and are left out in severe storms standing in mud and cesspools. We have plenty of photos of the disgrace of this situation.

This is NOT a good place for children to learn horse care. These people are not true equestrians. They are low budget horse owners. I think many of their clients are people who live in the city limits and don't really know how horses are supposed to be cared for. It seems that they love the animals, but they really have no true education or understanding of what is appropriate horse care.

06/04/2008

How can these people be considered good for the community when they lie and cheat the system ?

Sharon Joseph and Michael Skillings have both voiced profanities toward Peter in the presence of children. Mother's taking their children back and forth to the horse riding lessons have used crude hand gestures in the presence of their children. Obscene written messages directed toward Peter have been posted on this property where they claim "wholesome activity". This uncouth behavior only further demonstrates unhealthy operation taking place on the Hall property.

Children need to learn good citizenship and being neighborly and honest are key character assets that are being dramatically distorted at 1147 Darms Lane. This kind of non-profit business is NOT what this community needs.

Exercise? Come on! Walking horses around that tiny arena is exercise for those large animals? Who are they trying to fool? The human body needs more exercise than walking around an arena of this size. These large animals are made to move and their large muscles need large movement. Most states require one half acre to one acre per horse. In like agricultural counties one acre is required for each grazing animal (Sonoma County ordinances). I would say it's time for Napa to get on board and I am more than willing to work on this to save the next person from going through this maze of bureaucracy with no enforcement and no definitive end.

This is a horse boarding / horse back riding business. This has never been a business for agriculture in the true sense of the word. The mother and the brother of a boy who boards his horse at 1147 Darms have told me that "NOW... Katie is leasing Michael's horse because she is working with a breeder to breed the horse". This same boy told the sheriff last year that he boards his horse in trade for helping this 2.28 acre ranch. This same boy had a conversation with me with the conclusion from him being that the reason Katie's business grew is because Lisa LaPlace, of Rafter L Stables, moved to Oregon and many of her horses and clients came here to Darms. I ask you to do just a little research on horse breeding and speak with a few large animal veterinarians (besides their own) on the subject and this location. There has never been a pregnant horse out there and I would be sickened by the thought of this operation producing baby horses. They are not equipped and never will be. This is obviously just a way to divert attention from the true business. Again, they are trying to fit the square peg in the round hole. The attempt at deception is blatant.

I've tried not to say all of this before but this horse operation is just absolutely horrendous and very sad.

I also find this family to be very inconsiderate to all of their neighbors. They put 16 horses within yards of two neighbor's front doors, not to mention their lack of concern for well water placement on adjacent properties. There has been no evidence of property care over the 20 years I have lived next door to them. Their trees are a mess, they collect junk, the environmental hazards are of no concern to them etc. They have unpermitted additional structures. They have been fined for unpermitted septic repair. They have run an unpermitted business with MANY cars coming and going on our wonderful rural street. They live on 2 acres like it's 20 acres in the country. They do not follow any codes, laws, or rules and they definitely are dishonest and pathological characters.

Peter and I have collected several items for you, Chris, including several books on building and starting horse facilities, as well as the University of California Cooperative Extension agency HORSEKEEPING A guide to Land Management for Clean Water. We would be perfectly willing to purchase Katie Duncan all of this information, help her locate a large enough space for her business,

and I would even be willing to help her write a business plan that help her get the financing to actually start a legitimate business.

I am definitely a frustrated citizen at this point. The system is failing and this Tom Carey lawyer knows how to play the system and drag this out. The use permit application you just received is bogus and to waive the fees would be an EXTREME waste of taxpayers money and I won't stand by quietly on that one. I believe more people would be outraged by this scene than compassionate. I have no qualms about inviting the entire public out to Darms Lane and providing copies of every document in this file as well as documentation on horse care and facilities. Anything turned in is "public record" correct? I am not planning to sue my neighbor. I expect the county to enforce the codes and laws that govern them.

Every employee that we have had contact with at the county has told us "This process takes time because we give the applicant every chance possible to comply." The Hall family has been given several chances and they have proven that they are incapable of turning in a complete and factual application. They are also unwilling to cease the unpermitted and illegal business activity. And this unpermitted and illegal business activity has definitely continued throughout this entire process. It went from the Halls admitting collection of fees, to claiming "donation only" and now it's apparently "free". Donations and bartering are all considered business, but everyone knows that money is coming from somewhere to run this unpermitted and illegal operation. If my neighbors have the wealth to own 16 horses, pay to feed them, pay to haul the feces, buy a 5 horse trailer, and teach many children to ride horses for several hours a day six days a week, then please explain to me why they cannot pay for their use permit application and the items required therein?

I do not want to sit by and have a nuisance of this magnitude affect my life for another year. It is time for some serious action.

Gail Conrads

P.S. Today, April 30, 2008 6:30 pm --

Peter was home between 1:30 and 2:45 and lessons began then with a couple cars here. There have been cars in and out of the Hall property since we got home around 5:45 and several are here now. Included in this group have been Isola, Joseph, Skillings, Blau, Simpson, as well as 3 other vehicles of which we have license plates but no names. A blue truck just hit the gears hard leaving as if he was trying to make a statement. This is the average day around here for the past few years. It's just not right.

Gail Conrads

--

Gail Conrads

06/04/2008

Cahill, Christopher

From: Hilary DePuy [hdepuy@gawwanmale.com]
Sent: Wednesday, April 30, 2008 4:30 PM
To: Colby, Edward; Gitelman, Hillary; Cahill, Christopher; Lederer, Steven; Secheli, Christine; Paul, Rob; Lieberstein, Gary A.; Luce, Mark; Hallman, John L.; Robertson, John (Sheriff's Department); Don Richardson; gmartinelli@dfg.ca.gov
Subject: 1147 Darms Lane, Napa 94558 - APN 034-212-004 - Public Nuisance, County Code Violations and Application for use Permit

Good Afternoon,

I have reviewed Mr. Tom Carey's letter addressed to County, dated April 25, 2008, and the information provided supplemental to the Hall/Conrad Application for Use Permit and have the following observations.

First, the supplemental information provided appears to be wholly deficient lacking required information requested by County in a letter from Mr. Cahill dated February 15, 2008. Second, in review of Mr. Carey's letter, which is replete with inaccuracies, I have the following points to offer which are set forth by numbers that correspond to the numbers in Mr. Carey's letter.

1. The fee waiver request is insufficient and inapplicable for the following reasons: 1) the unpermitted illegal activity conducted on the Hall property is not of the sort of activity whereby waiving the use per fee would advance public policy; 2) the activity conducted on the Hall Property will not be in the public interest and will not promote a public interest, on the contrary would only promote a personal business enterprise for the single benefit of the operators of the horse riding lesson business and horse boarding business; 3) the applicant does admittedly gain monetary income from the illegal the horse riding lesson business and horse boarding business and is not registered under the California Secretary of State as a non-profit organization as so stated in previous documents submitted by applicant.
2. This is an inaccurate statement. There are commercial activities for compensation conducted on the Hall property in the form of horse riding lessons and horse boarding.
3. The revised application is wholly deficient and lacks the additional required information requested by County pursuant to Mr. Cahill's letter of February 15, 2008.
4. The revised site plan does not describe areas in dimensions and does not indicate set-back distances as required.
5. Floor plans of existing buildings that will be used in the Hall/Duncan commercial operation requested by County and required to be submitted in the application have not been submitted in the application.
6. Elevations of existing buildings that will be used in the Hall/Duncan commercial operation requested by County and required to be submitted in the application have not been submitted in the application.
7. The stream set-back distances are not indicated.
8. Manure should be collected and hauled off on a daily basis pursuant to Ca Health and Safety Codes.

Further, Napa County Code section 18.08.040 does not apply in this instant case as there is no raising of horses, and there is no grazing of horses. There is not a single blade of grass where the horse are kept. The horses are kept for purposes of boarding and horse riding lessons. This illegal activity can neither be considered raising nor grazing.

Further, the Hall/Duncan horse riding lesson business and horse boarding business does not fall under the category of agricultural education as intended by the Napa County General Plan.

Further, applicant claims that the horses require constant exercise. As personally witnessed, the area in which the horse riding lessons are conducted is a small, cramped area where the horses walk around in small circles following each others tails. At the ration of 0.031 acres per horse (0.5 acres for 16 horses) there is insufficient space for the horses to move around. Similar agricultural counties require 0.5 acre per 1 grazing animal (see Sonoma County Code section 26-04-010). In this instant case there are 16 horses in 0.5 acres.

Further, applicant claims without the children they would have to hire laborers to work the horses. Yet instead, applicant is paid by the students and their parents for horse riding lessons and for horse boarding which is a commercial activity not allowed in the AG zone district without a use permit.

Further, applicant claims that the horse riding lessons are provided for in a safe environment. As personally witnessed, the environment is fly infested, thick with the odor of manure, the horse riding lesson space is small and cramped lacking any healthy benefit.

Further, applicant claims to be a non-profit organization yet takes monetary benefit from the commercial activity currently taking place which equates to a business operation. Applicant further complains about the cost of the application verses the economic return to which the applicable response would be to not file an application for use permit and to abide by County Orders to cease and desist illegal and unpermitted commercial activities.

Again, we are confident the County and State will pursue all means required to remedy this situation that is harming an otherwise pleasant neighborhood.

Respectfully yours,

Hilary De Puy

Hilary J. De Puy, Attorney
GAW VAN MALE, Counselors at Law
1000 Main Street, Napa, CA 94559
707-252-9000 /T 707-252-0792 /F

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Cahill, Christopher

From: Hilary DePuy [hdepuy@gawwanmale.com]
Sent: Monday, April 28, 2008 4:58 PM
To: Colby, Edward; Gitelman, Hillary; Cahill, Christopher; Lederer, Steven; Secheli, Christine; Paul, Rob; Lieberstein, Gary A.; Luce, Mark; Hallman, John L.; Robertson, John (Sheriff's Department); Don Richardson; gmartinelli@dfg.ca.gov; Joe Giordano
Subject: 1147 Darms Lane - APN 034-212-004 - Public Nuisance and County Code Violations
Attachments: SCAN_458_000.pdf; SCAN_457_000.pdf



SCAN_458_000.pdf
(153 KB)



SCAN_457_000.pdf
(256 KB)

Good afternoon,

We have been engaged to assist Mr. Sawicki and Ms. Conrads in resolving issues relative to the horse riding lesson business conducted on the Hall property located at 1147 Darms Lane.

The intent of this email is to request the code enforcement status of Notice of Violation, dated 4/26/07, citing violations corresponding to Chapters 1.20 and 18.20 of the Napa County Code (attached hereto) and Second Notice, Notice and Order, dated December 7, 2007, demanding submittal of a complete and acceptable use permit application by January 5, 2008.

We are aware that the a use permit application, dated January 11, 2008, was filed with the County on behalf of Mr. Hall and Ms. Duncan. We are also aware that the County has requested of the applicant required materials and a complete fee deposit to be submitted by April 25, 2008, upon which time, if such materials and fees are not received, the use permit application will be closed and code enforcement will proceed. It is our understanding that the applicant's/offender's have not met their deadline and therefore we request that County resume it's code enforcement measures.

I was at the property last week. This is what I observed:

1. Nine horses that I could see. I could not see the horses kept in the six enclosed stalls.
2. Seven of the horses were in a very small enclosed coral area. The small coral area has a thick, dry dirt surface.
3. One adult was giving riding lessons, and four children were riding horses in the small coral area.
4. Two horses, with little space to move around, were also in the small coral area. The two horses were following each others tails and moving in small circles on the dry dirt surface creating dust clouds.
5. Two additional horses were kept in a lower coral area adjacent to the horse riding lesson coral. This area also has a thick, dry dirt surface. There is no "pasture" in sight. There is not a blade of grass where the horses are kept. In fact, I did not see a single blade of grass on the entire Hall parcel.
6. The air was thick with the smell of horse manure; large colonies of flies swarm around the Hall, Sawicki and Conrads properties requiring constant swatting.
7. Piles of horse manure are found in the lower coral, piled up close to the fence line which is adjacent to Dry Creek, not more than approximately 6 feet from the creek's edge, and adjacent to Mr. Sawicki's water tank and property.
8. I saw a six-horse horse trailer parked on the Hall property, along with other vehicles that appeared to be horse trailers, trucks and cars.
9. I saw many passenger cars parked on the Hall property as well as 2 large tractor machines and an old abandoned truck parked outside the Hall property gate, abutting right up against the fence separating the Hall property from the Conrads

property.

10. During the course of my one hour visit I saw 8 cars drive onto the Hall property loaded with kids.

11. The horse riding lesson activities created large dust clouds and noise.

12. Piles of debris are scattered all around the Hall property.

13. The house on the Hall property has an abandoned, unattended appearance. There is a large, open, gaping hole in the rear of the Hall house with what looks like garbage protruding from the opening.

In summary, the Hall property smells strongly of manure, is a breeding ground for flies and the diseases they carry, the property owners continue to carry on their horse riding lesson business in defiance of County orders to cease and desist. At issue are, 1) public health and safety, see California Health and Safety Code sections 2060, 2061, 2063, 6406 and 116108 (attached hereto) which give the County the authority to abate the public nuisance and to impose daily civil penalties for non-compliance; 2) environmental issues posed by the proximity of the horse manure piles to Dry Creek and to the Sawicki water tank; and 3) flagrant violations of County Code which forbid unauthorized activities in AG zone districts without a use permit.

We are confident that the County will take the appropriate action without delay. Please feel free to contact me. Should you be interested in a site visit to confirm my findings, please let us know as our clients are amenable to such a visit. However, please be aware that if the Halls are alerted of such a County agency and or State agency visit, the likelihood of obtaining the real picture of the actual daily activity taking place on the Hall property would be diminished if not eliminated all together. My visit, one of reconnaissance, was eye opening and gave an undistorted account of the actual daily activities taking place.

Respectfully yours,

Hilary De Puy

<<SCAN_458_000.pdf>> <<SCAN_457_000.pdf>>

Hilary J. De Puy, Attorney
GAW VAN MALE, Counselors at Law
1000 Main Street, Napa, CA 94559
707-252-9000 /T 707-252-0792 /F

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HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

DARRELL MAYES
Chief Building Official

NOTICE of VIOLATION

Dennis M. & Laurie M. Hall
1147 Darms Lane
Napa, CA 94558-1012

April 26, 2007

SUBJECT:
LOCATION:

NAPA COUNTY CODE VIOLATIONS
1147 DARMS LANE APN 034-212-004

Dear Property Owners:

The Department of Conservation, Development and Planning believes that the following conditions and/or discrepancies exist on the property identified above in violation of **Chapters 1 & 18 of the Napa County Code**:

- Chapter 1.20 (Substandard Property Maintenance) = *It is declared to be a public nuisance for any property owner to accumulate debris, rubbish, scrap materials and trash on any premises in the County for a period exceeding two weeks. Also included are household furnishings, appliances, boxes, vehicle parts & tires, construction equipment & machinery and the storage of more than 100 square feet of lumber and building materials.*
- Chapter 18.20 (Agricultural Watershed District) = *The operation of a horse boarding and/or training stable located in an AW zone requires the prior approval of a Use Permit.*

If you believe that this notice has been issued in error, we invite you to respond accordingly. If the above code violations exist, however, you must promptly comply with all provisions of the Substandard Property Maintenance Ordinance (attached) as well as promptly cease operation of all horse boarding and/or training or submit an application to this department to request use permit approval.

Please respond within seven (7) days of the date of this letter via telephone (259-8226), fax (299-4054) or letter to discuss your options for the resolution of this matter and to schedule an on-site inspection. Your cooperation is requested, however, failure to voluntarily comply may result in the issuance of administrative citations and/or a referral to the District Attorney for the initiation of legal action.

Sincerely,

Edward S. Colby, Planner III
Code Compliance Unit

Cc: Mark Luce, Supervisor District 2
Hillary Gitelman, Director
Darrell Mayes, Chief Building Official
Robert Nelson, Supervising Planner

David Giudice, Code Compliance Supervisor
Ruben Oropeza, Environmental Mgmt. Coordinator
Victor Carravantes, Animal Services Officer



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

DARRELL MAYES
Chief Building Official

December 7, 2007

SECOND NOTICE NOTICE AND ORDER

Dennis M. Hall & Katie Duncan
1147 Darms Lane
Napa, CA 94558-1012

SUBJECT: NAPA COUNTY CODE VIOLATIONS
LOCATION: 1147 DARMS LANE APN 034-212-004

Dear Mr. and Mrs. Duncan:

Subsequent to County Counsel's October 12, 2007 response to Attorney Thomas Carey's letter, this department has received reports from adjacent property owners that horse boarding and riding lessons continue to occur on the subject property. As you may recall, the Sheriff's Department has also recently visited the area in response to complaints to observe these violations of the Agricultural Watershed Zoning District. Deputy County Counsel Robert Paul's letter stated that in order to resolve the above-noted code violations, a use permit application must be submitted to request approval of horse boarding and/or training stables or horseback riding lessons under County Code Sections 18.20.030(D) or Section 18.20.030(A), respectively. Mr. Paul also suggested that it might be difficult to meet the findings under Section 18.64.020(C) that would be necessary for the Planning Commission to approve horseback riding lessons as an outdoor recreational use under Section 18.20.030(A).

Please be advised you have until **January 5, 2008** to submit a complete and acceptable use permit application. In the interim you are required to cease and desist any further horse boarding and riding lessons until the proper permits are granted by the County of Napa Conservation, Development and Planning Department. Failure to do so will cause the referral of this matter to the District Attorney for further action. If you have any questions you can contact me at (707) 299-1347.

Sincerely,


David Giudice
Supervising Code Enforcement Officer

Cc: Mark Luce, Supervisor District 2
Hillary Gitelman, Director
Darrell Mayes, Chief Building Official
Robert Nelson, Supervising Planner
Ed Colby, Code Enforcement Unit
Steve Lederer, Director, DEM
Victor Carravantes, Animal Services Officer
Tom Carey, Attorney, DR&F

2060. (a) A district may abate a public nuisance pursuant to this article.

2061. (a) Whenever a public nuisance exists on any property within a district or on any property that is located outside the district from which vectors may enter the district, the board of trustees may notify the owner of the property of the existence of the public nuisance.

1. (1) State that a public nuisance exists on the property, describe the public nuisance, and describe the location of the public nuisance on the property.

(3) Direct the owner of the property to take any necessary action within a specified time to prevent the recurrence of the public nuisance.

(5) Inform the owner of the property that the failure to comply with the requirements of the notice within the specified times may result in the imposition of civil penalties of up to one thousand dollars (\$1,000) per day for each day that the public nuisance continues after the specified times.

(c) The board of trustees shall cause the notice required by subdivision (a) to be served on the owner of the property in the same manner as a summons in a civil action. If, after a diligent search, the notice cannot be served on the owner of the property, the board of trustees shall cause the notice to be posted in a conspicuous place on the property for not less than 10 days before the hearing. Not less than 10 days before the hearing, the board of trustees shall also cause a copy of the notice to be mailed by certified mail to the owner of the property at the address shown on the most recent assessment roll of the county in which the property is located.

At the close of the hearing, the board of trustees shall find,

based on substantial evidence in the record, whether a public nuisance exists on the property. If the board of trustees finds that a public nuisance exists, the board of trustees shall order the owner of the property to abate the public nuisance and to take other necessary actions to prevent the recurrence of the public nuisance. The board of trustees shall specify a reasonable time by which the owner of the property shall comply with these requirements.

(e) If the owner of the property does not abate the public nuisance and take the necessary actions to prevent the recurrence of the public nuisance within the time specified by the board of trustees, the district may abate the public nuisance and take the necessary actions to prevent the recurrence of the public nuisance. In addition, the board of trustees may impose civil penalties pursuant to Section 2063.

2062. (a) A board of trustees shall not declare an agricultural operation to be a public nuisance because of the presence of immature flies if the board determines that the agricultural operation is designed and managed consistent with the accepted standards and practices for controlling fly development on similar agricultural operations.

(b) As used in this section, "accepted standards and practices" means those standards and practices determined by the University of California Cooperative Extension, the department, or local public health agencies. These standards and practices include, but are not limited to, all of the following:

- (1) Property design and layout of the agricultural operation to minimize the opportunity for fly development.
- (2) A comprehensive system for manure management to include storage, removal, and disposal.
- (3) A comprehensive system for green waste management to include storage, removal, and disposal.
- (4) An integrated pest management program to control the development and harborage of flies, including the components of surveillance, management, containment, and control.

2063. In addition to abating the public nuisance and taking any necessary actions to prevent the recurrence of the public nuisance, a board of trustees may impose a civil penalty on the owner of the property for failure to comply with the requirements of Section 2061.

The civil penalty may not exceed one thousand dollars (\$1,000) per day for each day that the owner of the property fails to comply with the district's requirements.

2064. A board of trustees may consider any recurrence of a public nuisance abated pursuant to Section 2061 to be a continuation of the original public nuisance.

2065. (a) The owner of the property abated pursuant to Section 2061 shall pay the district for the cost of abating the public nuisance and the cost of any necessary actions to prevent the recurrence of the public nuisance. The owner shall also pay any civil penalty imposed pursuant to Section 2063.

2067. Any money collected by a county from a lien authorized pursuant to this article, other than the amounts authorized pursuant to Section 29304 of the Government Code, shall be paid to the district.

CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 116100-116108

116100. As used in Article 5 (commencing with Section 116185) of Chapter 2, "department" means the State Department of Health Services.

116102. "Place," as used in Article 3 (commencing with Section 116125) of Chapter 2 and Section 116250, includes land, place, building, structure, wharf, pier, dock, vessel, or water craft.

116104. "Rodents," as used in Article 3 (commencing with Section 116125) of Chapter 2 and Section 116250, means rats, mice, gophers, and ground squirrels.

116106. "Possess," as used in Article 3 (commencing with Section 116125) of Chapter 2 and Section 116250, includes control, own, lease, occupy, possess, or have charge of or dominion over.

116108. "Vector," as used in Article 1 (commencing with Section 116110) of, and Article 2 (commencing with Section 116120) of Chapter 2, and Section 106925, means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, other insects, ticks, mites, and rats.

CHRIS C.

Gail A. Conrads
1125 Darms Lane
Napa, CA. 94558
707-738-9952 --gail.conrads@gmail.com

March 11, 2008

Mark Luce
Supervisor, District 2
1195 Third St. Suite 310
Napa, CA. 94558

Dear Mark,

Thank you for meeting with me on Friday. I know you got a first hand look at the property next door, but I am sorry that you were not able to see the activity in progress. Fridays are usually a BIG day for our neighbor's business, so it is without any doubt that all of us living here know that something was amiss. Even when it's raining, the boarders seem to make it out on Fridays, but it was like a ghost town out here. Saturday was "business as usual" though.

I would like to make it very clear that you and anyone working on this case are welcome to visit my property any time and any day of the week you like, without any type of notice. We have two dogs in the back yard but you can enter through the alley before my home and come in through the first gate opening by the back house. From here you can see the Hall property and the parking lot for the horse operation. To see the paddocks and arenas you need to enter Norm Sawicki's property and they have made the same invitation, but your staff will need to phone them to get the gate code.

Today, March 11, almost one year from the first Napa County letter telling Katie Duncan to cease the activity the lessons continue.

After all of our investigation, of which we were told we would need to do, we can now name nearly every one of the regular customers, know their cars, and can be certain of which people have horses, lease horses, or are here simply for lessons. In fact, as time goes on, we recall even more names of past clients as there have been many over the years and we clearly recognize when a new customer arrives.

What I want to make very clear is that there is a full running horse boarding/horse back riding business on Darms Lane. It has not changed and we do not believe that our neighbor owns 16 horses, pays to feed them by herself, pays to commercially haul some of the feces, and offers free horseback riding lessons on top of all that! The letters the county received back in September along with Tom Carey's e-mail to you Mark, on November 5, 2007, state very clearly that there is financial business going on with these animals. We know people who have been solicited to use this business, who have boarded horses, who have paid to ride horses, and who are currently doing just this.

My concerns about the use permit application that was turned in to the county--

Horses have not been "raised" on this property for 20 years. The Hall children had a couple of pet horses, and then a few horses and recently a large number of horses arrived on the property. I believe this is in direct relation to the closing of Rafter L Stables on Hagen Rd. Raising of horses for agricultural purposes would mean to me that there would be breeding or selling of horses, or some sort of business related to horse agriculture. None of this has been true in the past. These horses are there for riding lessons.

The property is 2.28 acres, but the horses are kept on less than 1/3 of the property.

RECEIVED

MAR 20 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

There are only about 6 stalls and there is NO pasture.

The 48 visitors per week is true during the off season, but the flood gates will open this spring and Darms Lane sees an increase in traffic during our neighbor's peak hours and days. Many parents drop off and pick up an hour later so there is a lot more than 48 entries to the property in a given week.

Tom Carey's letter dated August 1, 2007 states that Katie Duncan owns 16 horses. The use permit asks that she be able to board 6 horses. Does this mean that there will be 22 horses if she is given a use permit or does this mean that someone lied about how many horses she owns?

If this situation is allowed to go as far as county planning commission it will be a circus. This situation is not about stopping little girls or disabled children from riding horses. This is about someone running a large animal business in an inappropriate location at the expense of the neighbor's quality of life and property values.

I am sure my neighbor is very good at what she does. This is obvious by the size of the business. I can see that she has loved animals all of her life. I do believe that after three letters from the county to cease the lessons that she has crossed the line and is "criminal" in behavior. However, in her defense, I really think that she has a lawyer who knows that there is no enforcement policy with the county so she has been advised to do just what she is doing...continue "as is", use diversionary tactics to try to make your neighbors look bad, and appear that you are being compliant by filing an incomplete use permit. Isn't this the same lawyer that fooled everyone with the Pumpkin Patch zoning?

I also have heard that Tom Carey has taken this case pro bono. I truly hope that Tom Carey does as much pro bono work for honest people as he does for dishonest people. After reading his letters it is obvious that he uses twisted verbiage to fit the square peg in the round hole. He is definitely making the county system look inefficient and foolish.

We have put ourselves out there in filing a complaint because we want to protect our quality of life and property value. In doing so, we have received a lot of harassment and false accusations from our neighbors and their clients.

This is a short list of what we have endured over the past years--

1. Peter has been called numerous profane names and received many obscene hand gestures from our neighbors, their associates, and their clients.
2. We had to wake up one Sunday morning to a very obscene comment on the neighbor's backhoe bucket hanging directly at the fence line. (photo taken)
3. Loud vehicles peeling in and out at all hours.
4. Letters to the county accusing Peter of perversion.
5. Letters to the county accusing me of "building a web of lies" and giving minors alcohol. (For the record, I have a 27 year old and two 24 year old adult children. Two are college graduates. One is in her grad program planning her doctorate and one is a geophysicist. The third is still in college. They are fine citizens who were active in the community, made good grades, and never "hung out at Mervyns". I have not lied about anything and I do not give alcohol to minors.)
6. One of the clients wrote a slanderous letter to my employer accusing me of using my workplace to slander my neighbors among other bizarre comments.
7. Over Christmas break HealthQuest received prank phone calls from little girls asking about Peter and

Gail and then we both received borderline obscene messages on our work voicemails. These messages were related to our neighbor situation and not our jobs.

8. Recently we received a letter from another DPF lawyer accusing us of trespassing over a fence line that has been in place for 35 years. If it's true, we'll deal with it, but we know it's just a counter attack to try to divert the attention from the business. We have not seen any proof yet that a survey has been done of our property.

In closing I would have one question for the County of Napa.

Why would you consider giving someone a use permit who you know has no intention of following the rules? These are people who have added on to their home without a permit, performed septic repair without a permit, have violated the junk ordinance and failed to comply, have been running an unpermitted business for years and have ignored every request by the county until threatened.

On May 29, 2008 I will have lived at 1125 Darms Lane for 20 years with the exception of about 9 months prior to buying in as a partner in 1992. It is important to me to retain the quality of life and property value that I have accrued over the years and I believe this is a county code issue, not a nuisance issue that I need to pay a legal team to fight. I don't think the county should be fearing a media circus when the facts are so clear. I would like to see my neighbor find an appropriate location for the business, which I am sure would thrive if she gave it a chance. But...on the flip side... I think the county is being negligent in not acting on the obvious by providing code enforcement.

Sincerely,


Gail A. Conrads

Cc:

Hillary Gitelman, Conservation & Planning
Chris Cahill, Conservation & Planning
Ed Colby, Conservation & Planning
John McDowell, Conservation & Planning
Gary Lieberstein, District Attorney
Rob Paul, Deputy County Counsel
John Robertson, Napa County Sheriffs Dept.

August 31, 2007

To Whom it May Concern:

I am writing this letter on behalf of Katie Duncan. My daughter, Gabriela, has been taking riding lessons from Katie for the past nine months. This has been one of the most positive experiences she has ever had. Katie is loving to her students, their parents, and to her horses!

The horses are lovingly cared for, well-fed, and excellent with the children. Katie teaches the children about caring for the horses, before, during and after the lesson, always with the utmost level of care and safety for the children and the horses alike. She teaches riding etiquette and respect for others.

My daughter has gained self-confidence and a genuine love and respect for animals from these lessons and they are the highlight of her week. As a fifth generation Napa resident, I trust that you will continue to allow Katie to pass on her knowledge and love of horses to the children of this community.

Please feel free to contact me for any further information you may need.

Sincerely,

A handwritten signature in cursive script, reading "Laura M. Rawlins-Ceja".

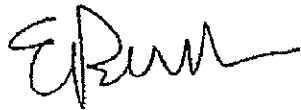
Laura M. Rawlins-Ceja
2448 Shoreline Drive
Napa, CA 94558
(707)255-1785

Edward Powers, D.V.M.
1705 Spruce Street
Napa, CA 94559
(707)226-3819
9/7/07

To Whom it May Concern:

I would like to convey a few words in support of Katie Duncan. Katie is providing a wonderful opportunity for many children to learn about horses and horsemanship. She keeps her fees for these services affordable. Many of these children would not have such an opportunity were it not for Katie. She provides excellent riding instruction and gives the children real hands on experience in caring for horses. The children often are involved in cleaning of stalls, washing and cleaning the horses, preparing them for competition. She takes them to these competitions and personally coaches them and the horses. She gets the children involved as individuals. She clearly cares deeply for the children and horses, and gives generously of her time and resources. The children respect her and have a lot of affection for her. She teaches them personal responsibility, honesty, work ethic, compassion for animals, and self respect. Many of the horses on her facility have been adopted and would otherwise have faced an uncertain fate. Here, they are cared for, ridden, trained, and generally fussed over. Our society is made better by people like Katie and her sister Marcie. We need as many people like them as we can get.

Sincerely,

A handwritten signature in black ink, appearing to read 'E Powers', with a long horizontal flourish extending to the right.

Andrea Blau
1705 Spruce St
Napa, CA 94559
(707) 255-3685

September 10, 2007.

To whom it may concern,

I want to express my gratitude and support of Katie Duncan. As an a riding instructor, Katie has a warmth, wisdom and ability to teach that is wonderful to observe. She is able to find something special in the ability of each child, so that even if they're a little nervous, or a complete beginner, they can feel successful.

Katie is a well-respected member of the equestrian community and receives referrals for training from those who know her for her expertise and love of horses. The welfare of her horses is her highest priority.

My daughter, Julie, has been an enthusiastic student of Katie's. In addition to learning riding skills, she has also learned how to care for the horses. It is not unusual to see Julie and her friends hang out after their lesson on Saturday mornings and wash the horses, clean their stalls, clean their tack and not want to leave until late Saturday afternoon when Katie goes home. Katie provides a wonderful environment for them to do what they really want to do - spend time with the horses.

The fact that Katie provides lessons at a very reasonable price allows this to be affordable to a much larger group of people. Katie has created a perfect situation, bringing together enthusiastic children with her horses who are thriving on the love and attention. I think she deserves our support.

Sincerely,



Andrea Blau.

9/12/07

To Whom It May Concern,

This letter is written in support of **Katie Duncan**. She has provided horse back riding lessons for my daughters for the past four years. She is not only a skilled equestrian but she is a tremendous teacher. She is kind, caring and positive. She has instilled in my daughters a love of riding and greatly improved their confidence not only on horse back but in other areas of their life.

Also in my profession as a Licensed Clinical Social Worker providing psychotherapy for children with emotional and anxiety issues I have referred a number of my clients to Katie. Again the combination of her outstanding horsemanship and her calm, positive teaching style is a perfect fit for children who have emotional, psychological or medical stresses in their life. She helps to raise their level of confidence, self-esteem and provides them an opportunity to directly overcome anxiety and fear.

I would strongly recommend Katie to anyone interested in having their children learn to ride in a safe, clean and extremely positive environment.

If we can provide further information please contact us at 707-253-8189 or at my private practice at 707-224-6558.

Sincerely,

Del Domezio LCSW



Phyllis Domezio



Phyllis Domezio

To Whom It May Concern,

09/11/07

My name is Austin Simpson, I am 14 years of age and I live in Napa.

I have had a passion for horses ever sense I can remember. When I turned 12 we started looking for a place where I could take horse back riding lessons. I met Katie Duncan and began lessons in September of 2006. In the following Spring I decided I wanted to learn more about caring for horses. I asked to volunteer my time to work at the stables. While working at the stables I have learned how to clean stalls, groom, feed and tack up horses. I have also met / made lots of new friends.

Katie and Marci both been the best instructors I have ever had. They have both helped me to pursue my love and passion for horses. I trust both Katie and Marci to keep me safe around the horses.

Working with Katie, Marci and the horses has been the most positive and fun experience of my life. I don't know what I would do without them.

Austin Simpson
Austin Simpson

*Sharon Elaine Joseph
Elaine Grace Thomas*

2316 Barry Street
Napa, CA 94559
Phone (707) 227-2983

September 8, 2007

*Katie Duncan
1147 Darms Lane
Napa, CA 94559*

To Whom It May Concern,

It is with grate pleasure I am able to convey my views and observations of Katie Duncan and Marci Hall.

Coming from a highly competitive atmosphere at Rafter L Stables, Lisa Laplace, I had an uncontrolled horse and emotionally taxed daughter. Without even giving it a second thought after she met our horse, Sonny Farewel, (AKA Bradley,) and my daughter Elaine, Katie welcomed both of them into her life and treated them like family. Without asking any questions she took ownership of Bradley to help him recover from the wrong doings he had experienced in his short lived 6 years. Looking at Bradley now he is becoming what I always knew he could be, a loving, sweet, enthusiastic horse that wants to please Katie and Marci and be loved.

What these 2 ladies were able to do for my daughter is beyond words. My daughter Elaine was ready to leave her passion of horses forever and if it wasn't for Katie and Marci's consistent encouragement and unconditional love Elaine would no longer be in the equine world. Elaine has nothing but joy being able to come to their barn to groom, clean, and love after the horses. She is able to interact with the horses and dogs on a level that has encouraged growth, trust, and independence that future leaders are fabricated from.

Marcie and Katie ask for nothing in return but respect. Nowhere in Napa will anyone be able to walk into an atmosphere without judgment or resentment for who they are or where they come from. To lose or restrict this would be a travesty for all our families.

To address with great reservation the item of the neighbor conflict, seeing them both in action, I must say that I have only seen Katie and Marcie act with dignity and poise that everyone should aspire to reach.

Sincerely,

Sharon Elaine Joseph

September 5, 2007

To Whom It May Concern:

Katie Duncan is well known to me, and I am very familiar with her barn. This letter is in response to a letter written by Ms. Johnson. In that letter it is stated that my family has boarded horses with Katie and that my two daughters took lessons from Katie recently. In fact, my family has never boarded a horse with Katie, and only my eldest daughter took lessons from Katie, but that was in the summer of 2006.

I would like to take this opportunity to lend my full support to Katie Duncan and the Hall family. I have been to the Hall Family's property on numerous occasions and have only found their horses clean, in good health, well exercised, and in general well cared for. My family would never be involved with any barn that did not care for their horses properly. To suggest the opposite is uneducated and unfounded at best. At worst one could suggest it is even malicious.

In addition, my husband, David Adams, has been a farrier for 14 years and is well known in this area. He has cared for the Hall Family's horses since 1993. I can assure you, that he has never found reason to question the care of any animal housed on that property.

If we can be of any further assistance please contact us.

Sincerely,
Anissa Pescio Adams
David F. Adams, farrier

David Adams Equine Shoeing
1780 Tallac Street
Napa, CA 94558

I personally think that Katie Duncan and Marci Hall take extremely good care of their horses. I also think that they are very nice to all their students.

I really enjoy taking horseback-riding lessons from Katie and Marci at their barn. It is very nice to have such a patient instructor and they teach me a lot of interesting things about the horses and how to take care of them. I think the horses have a good -sized space to graze in and they get good food and lots of treats and attention.

I hope you will allow them to continue their wonderful lessons. They mean a lot to me.

Sincerely,

Gabriela Ceja

A handwritten signature in cursive script, reading "G. Ceja". The signature is written in dark ink and is positioned below the printed name "Gabriela Ceja".

To Whom It May Concern,

September 11, 2007

This letter is being addressed to the current concerns regarding Katie Duncan.

We are the parents of a 14 year old son, as well as long standing members of the community. (40 years) I have owned and operated two businesses over a span of 18 years in the Napa valley. I retired both businesses after the birth of my son to become a full time mom. My husband teaches Ceramics at Vintage High School, as well as owns and operates a private ceramic studio.

As a result of our son's passion for horses we searched for an appropriate place for Austin, not only to learn to ride, but to learn a good work ethic in a healthy and safe environment. Our son has been riding for over a year now. He spends much of his spare time volunteering to work at Katie's. He cleans stalls, grooms and feeds the horses, helps with some of the younger kids while continuing to learn all aspects of the horsemanship.

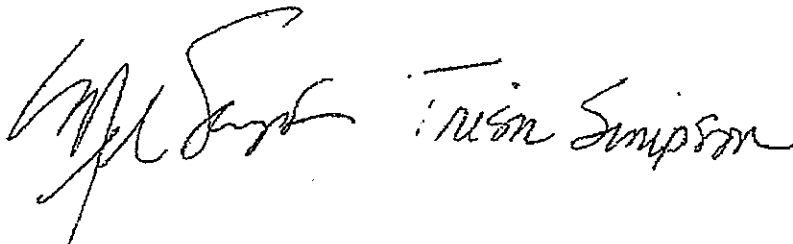
We spent this past Sunday at Skyline Park watching Katie and her kids compete in their last of the season competition. She watched with much pride as her kids took one award after another. It was clear to us that Katie is received as a well respected member of the equestrian community in Napa.

After a year of spending much time with Katie we can attest that she is highly responsible, reliable, trustworthy, and holds great integrity to what she does. She has a great passion and respect for the horses as well as our kids. She is a natural teacher always providing positive feedback to the kids and allowing them to achieve not only their riding skills but confidence as a person.

I'm sure you all are aware of the lack of activities in our community for our youth. It would be an enormous disservice to the kids and to the community to not allow Katie to continue such a service. We as parents are more than willing to come forth in a more visible way on behalf of Katie.

Please feel free to contact us anytime. 707-363-7909/ 707-224-3608

Sincerely, Trish and Mel Simpson

A handwritten signature in black ink, appearing to read "Trish Simpson". The signature is written in a cursive, flowing style with a large initial "T".

Lee and Teresa Isola
1673 Sycamore St.
Napa, CA 94559

September 5, 2007

To Whom It May Concern:

I am writing this letter in regards to Katie Duncan and the horses she has on her father's property at 1147 Darms Lane in Napa County. I have known Katie for approximately three years, and during this time she has shown an enormous amount of compassion and devotion for both the horses and the children that ride them.

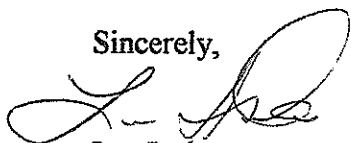
When my husband and I decided to have children, we knew that we wanted them to be involved in productive and healthy activities to decrease the chance of bad habits such as, too much time in front of the TV, video games, gang involvement, drugs and alcohol. My son was born naturally athletic, and currently plays football for Napa High School as well as playing community league basketball and baseball. My daughter was born with a love for horses. At 18 months old she took her first trail ride, and was drawn to horses immediately. On her third birthday Merry-Go-Round-Ponies come to her party and gave all of the patrons a ride around the block. By the time she was seven, she was a member of the Junior Horse Club, at the Horseman's Association located on Foster Road.

It was while being a member of the Jr. Horse Club that we met Katie. Katie would haul her horses to the arena on Foster Road, and club members would have a group lesson. I was immediately drawn to Katie's easy going style, calm demeanor, and obvious love for both horses and children. A mutual friend said her daughter rode horses at Katie's, and I got her contact information. My daughter began riding at Katie's at the age of eight. Katie has the gentlest horses, and always puts safety for rider and horse first.


My daughter is now 11 (soon to be 12) and loves nothing more than spending time at the barn. Katie has given her an opportunity to do a wide assortment of activities, which many other horse owners would not. My daughter spends time riding, feeding, and cleaning (which she enjoys much more than it sounds). She also attends horse shows with Katie, participating in Halter, Showmanship, and Western/English pleasure classes.

We put 100% of our support behind Katie Duncan, her Sister Marcie Hall, and father Dennis Hall. We tell other people how wonderful they are and encourage other families to involve their children in healthy and productive activities that will promote a generation of responsible young adults that will have much to offer the community of Napa. We hope the County of Napa agrees with us.

Sincerely,



Lee Isola



Teri Isola

From: "Jamey Whetstone" <jamey@whetstonewinecellars.com>
Subject: **Letter to County of Napa**
Date: September 11, 2007 3:28:51 PM PDT
To: <duncanqhorses@earthlink.net>

To Whom It May Concern:

As a parent of a child who enjoys horseback riding, I can't imagine continuing her education with another trainer. Katie Duncan has been a wonderful addition to my daughter Hattie's weekends. Not only does she learn in a friendly and fun environment, but she gets the feeling of being a part of a family. Just last Saturday Hattie found her "seat" and is showing a total interest in learning to ride further and possibly even having a horse of her own.

It's important for me as a parent to know Hattie's learning how to be responsible without having the experience shoved down her throat. What a wonderful opportunity to watch her confidence grow as a 7 year old. It'd be a shame to try and explain away why she can't ride anymore in the environment she's grown accustomed to.

In short, we'd like to keep Katie around so our child can continue to learn the merits of responsibility in a safe and friendly atmosphere. These days, any leg up we can enjoy on the pressures of society are welcome and Katie is an integral part of that plan.

Sincerely,

Jamey Whetstone

Father of Hattie

To whom it may concern:

As long as I have known Katie Duncan I have been impressed with her knowledge of horses and her love for them. Her horses are all well fed and cared for. They are given prompt and thorough vet care whenever it is necessary.

Katie is an excellent role model for the many young people to whom she has taught riding, sportsmanship and the proper care of horses.

Gregory Hake

RECEIVED

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