

June 10, 2008

Development and Planning  
1195 Third St., ste 210  
Napa, CA 94558

Re: Duncan Horse Use Permit proposed for Darms Lane

Attn: Napa Planning Commission,

I am writing this letter to voice my opposition to the proposed "change of use permit", which is in reality no more than an expansion of the already existing business practices, of the horse boarding and riding training center for the Duncan residence located on Darms Lane. I currently live two doors down from the Duncan's. My family has lived in this home since 1979. I grew up here. After a number of years living in L.A., I purchased my childhood home from my parents and moved back here with my wife and two small children approximately a year and half ago.

I've observed the horse back lessons taking place at the Duncan's. My Parent's and I can attest to the fact the flies have increased in alarming numbers since the numbers of horses increased and the training began a few years back. Swarming flies have limited our use and enjoyment of our back deck. The Duncan's do not adequately maintain their property to date and they have failed to address this problem. Increasing the number of horses will invariably increase the flies. This directly negatively impacts my ability to enjoy my own home. Permitting additional non-owner horses to board on this property, when the Duncan's do not currently maintain their property, would be irresponsible.

In addition to the flies, the number of cars traveling at a high rate of speed, to and from the Duncan property, is of great concern. The individuals who frequent the property seem to have a proclivity towards "burning rubber" and "peeling out" or racing to and from the Duncan residence. My children are two and four years old. There are several other families on the lane with small children, similar in age. Inevitably each time we get together, we share our concerns and stories about the "traffic" problem. To grant a use permit that would invite even more cars to the Duncan property, than already travel there on a consistent basis, puts our children even more in jeopardy and diminishes the peace of mind of all those who live on the Lane.

The Duncan's have made no effort to address any of these concerns. They have been on notice for years. The problems have gotten worse. This County has done next to nothing to address the problem. It is unconscionable to now expand the current operations – under the guise of an initial change of use permit. This is a neighborhood – not a commercial park. I strongly oppose this petition.

Sincerely,



Robert Borsetto 1115 Darms Lane

**RECEIVED**

JUN 11 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

June 10, 2008

Re: Katie Duncan/Dennis Hall/Marcia F. Hall ETAL TR  
Use Permit Request #P08-00015-UP

To whom it may concern:

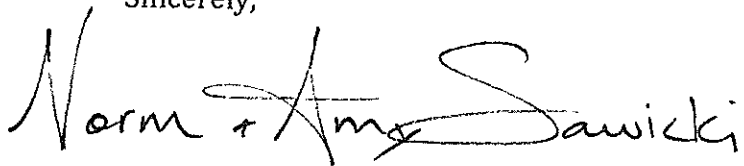
We reside at 1123 Darms Lane, Napa. We have owned our property for 25 years and we are the neighbors of Dennis Hall at 1147 Darms Lane. We are out of the state during the scheduled Planning Commission meeting and therefore we are unable to be present. If we were able to attend this meeting we most certainly would because the issues at hand are extremely important to us and to our family as we have been dealing with a nuisance of a neighbor for far too long. When we purchased our home there weren't any horses or farm animals on Dennis Halls property. About three years ago when there were on a few horses on his property we paid for our daughter to take riding instruction from his daughter, Katie Duncan, who does not reside on his property. We have friends who go to school with our daughter who have also paid for riding instruction as well as daylong summer camps. As of date there are sixteen horses on site and riding lessons take place almost on a daily basis. These lessons begin in the morning and last into the evening. We enjoy the beauty of a horse and think that riding instruction is a wonderful experience when it is conducted in the right manner. Because of the large number of horses and the lack of proper facilities we have to deal with an enormous amount of dust and flies as well as extreme odor on our property every day. In looking over the Halls appeal of the denied fee waiver and use permit thus far we feel strongly that it remains that way. A number of people from the county departments have been out to visit our property to see our concerns first hand. Our lifestyle is being compromised on a daily basis by the odor, dust and flies. This dishonest and illegal running of a business in the county has been going on for years and is not being dealt with. Ms. Duncan continues to defy the county and its rules. We believe that enough information has been submitted to the county and various representatives regarding this matter. In our absence we have asked for our legal counsel, Hilary DePuy, to represent our concerns. Thank you in advance for the consideration.

**RECEIVED**

JUN 11 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Sincerely,

  
Norm and Amy Sawicki

June 10, 2008

Napa County Conservation, Development and Planning Dept  
1195 Third St Ste 210  
Napa, Ca


To Whom It May Concern:

We live on Darms Lane and would like to bring to your attention the issue of increased traffic and the speed at which they drive.

We moved to this quiet, peaceful dead end country lane 8 ½ years ago, enjoying the peace and quiet it had to offer. About 4-5 years ago, we started seeing a dramatic increase in traffic on the lane, a good portion of which we saw going to and from the residence of 1147 Darms Lane. Some days our lane seems like a highway with the amount of traffic and the speed they drive.

We would like to see our lane return to its normal quiet setting for which most of us appreciate.

Thank you,  
Jim and Pat LaRondelle



Pat LaRondelle

**RECEIVED**

JUN 11 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

June 9, 2008

To whom it may concern,

Approximately five years ago our neighbor at 1147 Darms Lane, Dennis Hall and his daughter Katie Duncan, began a horseback riding/horse boarding business at their residence. Gradually, the level of activity on this 2.28 acre parcel increased to a level that we, as neighbors, felt was substantially more than tolerable.

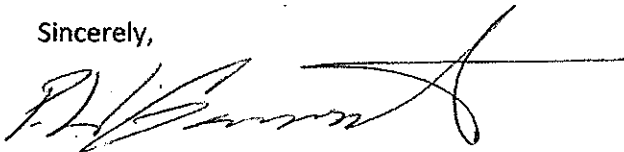
The packet of material contains information that we have generated for over the past year. There is a tremendous amount of information from Mrs. Duncan's clients, her counsel, as well as correspondence between Supervisor Mark Luce, the Department of Planning, Conservation and Development, other neighbors, and ourselves.

In summary, our neighbor has received two letters from the Department of Planning, Conservation and Development and one letter from the District Attorney's office requesting that horseback riding lessons/horse boarding cease and desist. It has been determined that a use permit is required for them to continue.

To date, our neighbors have turned in two incomplete and non factual use permit applications and the activity mentioned above continues five days per week. Mrs. Duncan's counsel has manipulated this story several times in an effort to allow her to continue 'business as usual'. Please accept this information on behalf of all involved. In frustration we, the home owners, Gail Conrads, Peter Garaventa, Norm Sawicki and Amy Sawicki have engaged the services of Hilary Depuy with Gaw-Van Male to assist as we go through this process.

We are willing to meet with you at your convenience to discuss this situation and clarify the material contained within.

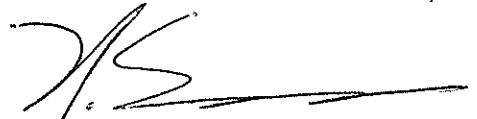
Sincerely,



Peter W. Garaventa



Gail A. Conrads



Norm Sawicki



Amy Sawicki



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:** NAPA COUNTY CODE VIOLATIONS  
**LOCATION:** 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



DICKENSON, PEATMAN & FOGARTY  
A Professional Law Corporation

2787  
E1  
THOMAS F. CAREY  
tcarey@dpf-law.com

August 1, 2007

RECEIVED

AUG 02 2007

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**HAND DELIVERED**

Mr. Ed Colby, Code Enforcement Officer  
Napa County Conservation, Development and Planning Department  
1195 Third Street, Room 210  
Napa, CA 94559

Re: Notice of Violation 1147 Darms Lane

Dear Ed:

This office represents Dennis Hall, the owner of property located at 1147 Darms Lane, and his daughter Katie Duncan. This letter is a follow-up to our site visit on June 25, 2007, regarding Ms. Duncan's use of her father's property to provide horseback riding lessons. After reviewing applicable Napa County General Plan and Code provisions, we have concluded that the use of this property for horseback riding lessons is a permitted agricultural use of the property and that such use is neither a "public stable," requiring a use permit, nor a prohibited "commercial use" of the property. The reasons for our conclusions are set forth below.

A. Background.

Horses have been raised and kept on the property by the Hall family for almost 20 years. Currently, Ms. Duncan is the owner of 16 horses which she keeps on the property. Besides being an accomplished equestrian, Ms. Duncan is a former educator of children with physical and educational disabilities.

These horses require consistent exercise to maintain their physical health. Ms. Duncan allows local schoolchildren, many of whom are her former students, their siblings and friends, to visit her father's parcel and ride the horses. She supervises and provides guidance to the children. Ms. Duncan provides a safe, nurturing environment that is mutually beneficial to the horses and the children. This activity benefits the horses, which require the exercise and socialization, and the children, who get to partake in an opportunity they normally would not be afforded. The lessons typically occur in the evening, involving 4-6 children for approximately 3 hours on weekdays and 5 hours on Saturdays.

We understand that two neighbors have complained about the riding lessons, claiming that this activity is a prohibited commercial activity in an agricultural area.

809 Coombs Street  
Napa, CA 94559-2977  
Tel: 707 252 7122  
Fax: 707 255 6876  
  
50 Old Courthouse Sq  
Suite 311  
Santa Rosa, CA 95404  
Tel: 707 524 7000  
[www.dpf-law.com](http://www.dpf-law.com)

David W. Meyers  
Francis J. Collin, Jr.  
Charles H. Dickenson  
Paul G. Carey  
Richard P. Mendelson  
Cathy A. Roche  
James W. Terry  
Thomas F. Carey  
Matthew J. Eisenberg  
Kevin W. Teague  
Michael J. Holman  
David A. Diamond  
J. Scott Gerien  
Richard C. Rybicki  
Brandon R. Blevans  
Kevin D. DeBorde  
David Balter  
Gregory J. Walsh  
Michael P. Maher  
I. Robert Anglin, Jr.  
Egan Ferrigan Healy  
Julia M. Walk  
Patrick B. Sutton  
Marlo S. Cohen  
Isan L. Schwegman

Of Counsel  
C. Richard Lemon

Retired  
David G. Dickenson  
Joseph G. Peatman  
Alter J. Fogarty, Jr.

B. Applicable Law.

1. AW Zoning Regulations Permit Agriculture.

The zoning for the property, AW Agricultural Watershed, permits "agriculture" as a matter of right, without a use permit. Under its definition in Napa County Code section 18.08.040, "Agriculture" includes the *raising of* livestock, the grazing of livestock, and animal husbandry including, without limitation, the breeding and *raising of* cattle, sheep, *horses*, goats, pigs, rabbits and poultry. [Emphasis added.]

2. General Plan and Right-to-Farm Ordinance Protects Agricultural Practices in Agricultural Areas. According to the Napa County General Plan, a purpose of reserving land for agriculture is so that farms and ranches can continue to be a vital part of the County's economy and lifestyle. A goal of the General Plan is to protect the integrity of those areas identified as agricultural. In furtherance of its goal of protecting agriculture, General Plan Agricultural Policy 3.3 mandates the County to develop a plan to promote an agricultural support system including 4-H, FFA and "agricultural education."

Critical in resolving disputes involving competing agricultural and urban land uses is General Plan Agricultural Policy 3.12, which establishes a "right-to-farm" to protect the right of agricultural operators to continue their practices, even though urban uses in the general area may foster complaints against those agricultural practices. As implemented in Napa County Code chapter 2.94, Napa County's right-to-farm requires the following disclosure to be made in writing to any transferee of property:

Napa County has determined that the highest and best use for agricultural land as defined below is to develop or preserve said lands for the purposes of agricultural operations and it will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are legal, consistent with accepted customs and standards and operated in a non-negligent manner.

If property you own or are purchasing or may purchase in the future is located close to agricultural lands or within agricultural lands, you may be subject to inconveniences or discomfort arising from agricultural operations. *Such discomfort or inconveniences may include, but are not limited to: noise, odors, dust, chemicals, smoke, insects, operation of machinery during any 24-hour period, aircraft operation, and storage and disposal of manure.* One or more of the inconveniences described above may occur even in the case of an agricultural operation which is in conformance with existing laws and regulations and locally accepted

customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. \*\*\*

"Agricultural Operation" means all operations necessary to conduct agriculture as defined in Section 18.08.040 of the Napa County Code, as such may be amended from time to time and shall include, but not be limited to, preparation, tillage, and maintenance of the soil or other growing medium, the production, irrigation, frost protection, cultivation, growing, *raising*, breeding, harvesting, or processing *of any living organism having value as an agricultural commodity or product*, and any commercial practices performed incident to or in conjunction with such operations on the site where the agricultural product is being produced, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

[Napa County Code § 2.94.030, Ordinance 973, § 3 (1990) emphasis added.]

C. **Use of the Property Consistent with Definition of Agriculture.**

Ms. Duncan's use of the parcel for raising, keeping and riding horses, including the accessory provision of riding lessons as a means of exercising the horses, is consistent with the definition of agriculture under the Code and the purpose of the Napa County General Plan. The General Plan sought to preserve the integrity of agricultural areas by allowing farms and ranches to be a vital part of the County's lifestyle. Ms. Duncan's primary activity on the parcel is raising and maintaining the horses. The riding lessons are a normal, incidental use related to the primary agricultural activity of raising and maintaining horses. The riding lessons are simply one means of caring for the horses while simultaneously providing a unique opportunity to help local children learn about this particular agricultural activity.

D. **Riding Lessons Neither Public Stable Nor Commercial Use.**

We understand that the neighbors have argued that this activity constitutes a public stable and/or a prohibited commercial use of the property. We disagree.

Under the Napa County Code, "public stable" means: "[A] facility for the commercial boarding of horses or for the housing of horses for rental, or both." [Napa County Code § 18.08.490.]

"Commercial use" means:



Mr. Ed Colby  
August 2, 2007  
Page 4

"[A] use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration *in exchange for* goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.... [Napa County Code § 18.08.170, emphasis added.]

Ms. Duncan owns the horses on the property. She does not commercially board horses on her property, nor does she rent the horses out to customers. Moreover, the Napa County Code does not prohibit as a "commercial use" Ms. Duncan from accepting donations to offset the costs in maintaining the horses or accepting assistance from her students to help clean and maintain the horses and stables, provided that neither the donations nor cleaning services are required as a *quid pro quo* for the provision of riding lessons. There is no "exchange" of riding lessons for the donations or services; therefore these activities do not fall within the County's definition of "commercial use."

E. "Nuisance" Claims Addressed.

Finally, with respect to the neighbor concerns you have shared regarding noise, dust and odors related to the maintenance of the horses and riding lessons, Mr. Hall, at the request of Ms. Duncan, has voluntarily removed the alarm on the front gate of the property (formerly, the front gate made a beeping noise when it opened and closed as the children entered and exited the parcel in their parents' automobiles), increased the frequency of use of the sprinklers used to control dust within the horse corral and plans to install new road base on the residential driveway. As for the maintenance of the horses, horse manure is picked up daily and placed in Napa County Recycling dumpster, which is taken away and replaced with a clean one weekly. This is consistent with accepted customs and standards for horse maintenance.

We hope this response resolves any concerns about these activities. Please call me if you have any questions.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Thomas F. Carey

TFC:bab

cc: Katie Duncan



# COUNTY of NAPA

## OFFICE OF COUNTY COUNSEL

BERT WESTMEYER  
County Counsel

October 12, 2007

RGARET WOODBURY  
Chief Deputy

SILVA DARBINIAN  
Chief Deputy

AURA ANDERSON  
Deputy

QUELINE M. GONG  
Deputy

TRICIA L. TYRRELL  
Deputy

OBERT C. MARTIN  
Deputy

ROBERT W. PAUL  
Deputy

IRISHAN CHOPRA  
Deputy

RRIE R. GALLAGHER  
Deputy

ANICE D. KILLION  
Deputy

IRIS R.Y. APALLAS  
Deputy

CHERI HUBER  
Privacy Officer

JINDA HOLBROOK  
Office Manager

SUE INGALLS  
Paralegal

ORA O'DOHERTY  
Paralegal

95 THIRD STREET  
SUITE 301  
NAPA, CALIFORNIA  
94559

TELEPHONE:  
707-253-4521

FAX:  
707-259-8220

WWW.CO.NAPA.CA.US

Mr. Thomas Carey  
Dickenson, Peatman & Fogarty  
809 Coombs Street  
Napa, CA 94559-2977

**RECEIVED**

OCT 15 2007

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Re: Notice of Violation at 1147 Darms Lane

Dear Mr. Carey:

The County has reviewed your recent correspondence pertaining to the Notice of Violation issued on April 26, 2007 for horse related activities conducted at 1147 Darms Lane, Napa, California.

For purposes of discussion, the County assumes your assertion that the horses located at the premises are in fact owned by Ms. Katie Duncan, the daughter of the property owner Mr. Dennis Hall. Certainly the mere raising or stabling of privately owned horses on parcels zoned AW Agricultural Watershed qualify as "agriculture" under the definition provided in County Code section 18.08.040.

The County has trouble however, accepting the remainder of your assertions that providing constant horseback riding lessons to 4 to 6 children 3 hours on weekdays and 5 hours on Saturday are exempt from County regulations requiring a use permit for such activities. The County believes that whatever the reasonable threshold of accessory uses associated with "raising of livestock, . . . horses" might entail, your client's continual provision of horseback riding lessons to persons not residing on the premises has exceeded that threshold.

Accessory uses are subordinate to the main use and customarily a part thereof, and clearly incidental to the main use. The main use in this instance is the raising of horses, not the provision of riding lessons. This position is further buttressed by the fact that in an AW zone there is allowed, with the grant of a use permit, "horse boarding and/or training stables." Code Section 18.20.030. The County is of the opinion that your client's horseback training activities fall within this latter provision, and since a specific provision is allowed for the activity with a use permit, the horseback riding lessons are not properly denominated as accessory to the breeding and raising of horses.

The County is also of the opinion that Ms. Duncan's activities do in fact constitute a commercial use, further requiring a use permit. As your letter points out, the term "commercial use" is defined in the County Code as follows:

"Commercial use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for

Mr. Thomas Carey  
Dickenson, Peatman & Fogarty  
October 12, 2007  
Page 2

goods, services, logging, meals, entertainment in any form, or the right to occupy space over a period of time. It does not include the growing and subsequent sale of crops or livestock, the manufacturing, assembly, or processing and subsequent sale at wholesale of a product, or the operation of a telecommunication facility. Code Section 18.08.170.

Horseback riding lessons are not mentioned as an exempted accessory use to the growing and subsequent sale of livestock as provided in the definition. In addition, it strains credulity to believe that school children would really visit the property and shovel out barns and stalls of the natural by-products produced by horses without the expectation their labors would be rewarded with a horseback riding lesson. There would seem to be a natural expectation of an exchange of services on the part of the children, even if not explicitly stated so as to elude the definition. It is also doubtful that children would "donate" their allowances to Ms. Duncan without a similar expectation. Finally, the County has been advised by other individuals that Ms. Duncan is offering her services to others as a training instructor for actual financial remuneration.

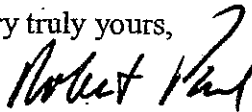
As a result of conducting a non-agricultural commercial activity on AW zoned land which is not a natural incidental, accessory use related to agriculture, Ms. Duncan needs to obtain a use permit to continue these activities. Under uses allowed in AW zones with a use permit, I believe there are two possible alternatives available.

The first alternative is obtain a use permit under the provisions of Code Section 18.20.030(D), allowing for "Kennels, horse boarding and/or training stables, and veterinary facilities." The second alternative would be to seek a use permit under Section 18.20.030(A), allowing parks and rural recreation facilities. Horseback riding lessons would qualify as an outdoor recreational use that is generally unsuitable for urbanized areas. See Code Section 18.08.428. However, there may well be an insurmountable hurdle in meeting the findings required by Code Section 18.104.390.

In your correspondence, I do not understand the discussion related to possibly obtaining a use permit as a "public stable." That term is specifically defined in Code Section 18.08.490, and the only zoning district in which a use permit may be obtained for that activity is RC Residential Country, a zoning designation your client's property does not have. See Code Section 18.64.020(C).

Based on the foregoing, the County insists that your client cease the horseback riding lessons being conducted on the property until she obtains the appropriate use permit. The County will take appropriate enforcement action in the event she fails to do so.

Very truly yours,



Robert Paul  
Deputy County Counsel

cc: Ed Colby, Code Enforcement 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,

A handwritten signature in black ink, appearing to read "David Giudice".

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 Carrey, Attorney, DP&F



**NAPA COUNTY**  
**CONSERVATION, DEVELOPMENT & PLANNING COMMISSION**  
 1195 Third Street, Suite 210, Napa, California 94559 • (707) 253-4416  
**APPLICATION FORM**

THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

**FOR OFFICE USE ONLY**

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
 TYPE OF APPLICATION: \_\_\_\_\_ Date Complete: \_\_\_\_\_  
 REQUEST: \_\_\_\_\_ Date Published: \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**  
 (please type or print legibly)

PROJECT NAME: Duncan Horses

Assessor's Parcel #: 034-212-004 Existing Parcel Size: 2.28 acres

Site Address/Location: 1147 Darms Lane Napa CA 94558  
No Street City State Zip

Property Owner's Name: Dennis M. Hall

Mailing Address: 1147 Darms Lane Napa CA 94558  
No Street City State Zip

Telephone #: ( ) Fax#: ( ) E-Mail: \_\_\_\_\_

Applicant's Name: Katie Duncan

Mailing Address: 1147 Darms Lane Napa CA 94558  
No Street City State Zip

Telephone #: (707) 480-1052 Fax#: ( ) E-Mail: duncandhorses@earthlink.net

Status of Applicant's Interest in Property: Owner's daughter

Representative Name: Tom Carey, Dickenson, Peatman & Fogarty

Mailing Address: 809 Coombs Street Napa CA 94559  
No Street City State Zip

Telephone #: (707) 252-7122 Fax#: (707) 255-6876 E-Mail: tcarey@dpf-law.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including with reasonable prior notice the right of access to the property involved.

Dennis M. Hall 1/11/08  
Signature of Property Owner Date

Katie Duncan 1/11/08  
Signature of Applicant Date

Dennis M. Hall  
Print Name

Katie Duncan  
Print Name

**TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT**

\*Application Fee Deposit: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

# INFORMATION SHEET

## USE

- A. Description of Proposed Use (including where appropriate product/service provided):  
See attached project statement
- B. Project Phases: N/A ☐ one ☐ two ☐ more than two (please specify) \_\_\_\_\_
- C. Estimated Completion Dated for Each Phase: N/A Phase 1: \_\_\_\_\_ Phase 2: \_\_\_\_\_
- D. Actual Construction Time Required for Each Phase: N/A ☐ less than 3 months  
☐ More than 3 months
- E. Related Necessary On-And Off-Site Concurrent or Subsequent Projects: \_\_\_\_\_  
none
- F. Additional Licenses/Approval Required: none  
 District: none Regional: none  
 State: none Federal: none

## II.

### BUILDINGS

- A. Floor Area/impervious area of Project (in square ft): existing buildings  
 Proposed total floor area on site: no change  
 Total development area (building, impervious, leach-filled, driveway, etc.) \_\_\_\_\_  
 New construction: none  
     existing structures or portions thereof to be utilized: \_\_\_\_\_  
     existing structures or portions thereof to be moved: 0
- B. Floor Area Devoted to each separate use (in square ft): N/A; existing buildings  
 living: \_\_\_\_\_ storage/warehouse: \_\_\_\_\_ offices: \_\_\_\_\_  
 sales: 0 caves: \_\_\_\_\_  
 other: 0 septic/leach field: no change  
 roads/driveways: no change
- C. Maximum building Height: N/A existing structures: varies new construction: N/A
- D. Type of New Construction (e.g., wood-frame): N/A
- E. Height of Crane necessary for construction of new buildings (airport environs): N/A
- F. Type of Exterior Night Lighting Proposed: no change
- G. Viewshed Ordinance Applicable (See County Code Section 18.106): Yes \_\_\_\_\_ No X

- H. Fire Resistivity (check one; If not checked, Fire Department will assume Type V – non rated):  
Existing Proposed

## III.

### PARKING

- |                                  | <u>Existing</u> | <u>Proposed</u> |
|----------------------------------|-----------------|-----------------|
| A. Total On-Site Parking Spaces: | <u>2</u>        | <u>2</u>        |
| B. Customer Parking Spaces:      | <u>2</u>        | <u>2</u>        |
| C. Employee Parking Spaces:      | <u>1</u>        | <u>1</u>        |
| D. Loading Areas:                | <u>0</u>        | <u>0</u>        |

IV.

TYPICAL OPERATION

	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	<u>n/a</u>	<u>6</u>
B. Expected Hours of Operation:	<u>n/a</u>	<u>8:00-8:00</u>
C. Anticipated Number of Shifts:	<u>n/a</u>	<u>N/A</u>
D. Expected Number of Full-Time Employees/Shift:	<u>n/a</u>	<u>1</u>
E. Expected Number of Part-Time Employees/Shift:	<u>n/a</u>	<u>0</u>
F. Anticipated Number of Visitors		
• busiest day:	<u>n/a</u>	<u>12</u>
• average/week:	<u>n/a</u>	<u>48</u>
G. Expected Number of Deliveries/Pickups		
• busiest day:	<u>n/a</u>	<u>n/a</u>
• average/week:	<u>n/a</u>	<u>n/a</u>

V.

SUPPLEMENTAL INFORMATION FOR SELECTED USES

A.	Commercial Meeting Facilities Food Serving Facilities	<u>n/a</u>	
	• restaurant/deli seating capacity:	<u>                    </u>	
	• bar seating capacity:	<u>                    </u>	
	• public meeting room seating capacity:	<u>                    </u>	
	• assembly capacity:	<u>                    </u>	
B.	Residential Care Facilities (6 or more residents): Day Care Centers	<u>Existing</u>	<u>Proposed</u>
		<u>n/a</u>	
	• type of care:	<u>                    </u>	<u>                    </u>
	• total number of guests/children:	<u>                    </u>	<u>                    </u>
	• total number of bedrooms:	<u>                    </u>	<u>                    </u>
	• distance to nearest existing/approved: facility/center:	<u>                    </u>	<u>                    </u>

# WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

<b>I. WATER SUPPLY</b>	<b>NO CHANGE</b>	<u>Domestic</u>	<u>Emergency</u>
A. Proposed source of Water (e.g., spring, well mutual water company, city, district, etc.)		<u>well</u>	<u>tanks</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?		<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u> <u>Winery</u>
C. Current Water Use (in gallons/day): Current water source:		<u>n/a</u> <u>well</u>	<u>well</u>
D. Anticipated Future Water Demand (in gallons/day)		<u>no change</u>	<u>n/a</u>
E. Water Availability (in gallons/minute):		<u>n/a</u>	<u>n/a</u>
F. Capacity of Water Storage System (gallons):		<u>n/a</u>	<u>n/a</u>
G. Nature of Storage Facility (e.g. tank, Reservoir, swimming pool, etc.):		<u>tanks</u>	<u>tank</u>
H. Completed Phase I Analysis Sheet. (N/A)			
<b>II. LIQUID WASTE</b>	<b>NO CHANGE</b>	<u>Domestic</u> (sewage)	<u>Other</u> (please specify)
A. Disposal Method (e.g., on-site septic system On-site ponds, community system, district, etc.)		_____	_____
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?		Yes ___ No ___	Yes ___ No ___
C. Current Waste Flows (peak flow in gallons/day):		_____	_____
D. Anticipated Future Waste Flows (peak flows in gallons/day)		_____	_____
E. Future Waste disposal Capacity (in gallons/day):		_____	_____
<b>III. SOLID WASTE DISPOSAL</b>			
A. Operational Wastes (on-site, landfill, garbage co., etc)		<u>garbage co.</u>	<u>garbage co.</u>
B. Grading Spoils (on-site, landfill, construction, etc.)		<u>N/A</u>	<u>N/A</u>
<b>IV. HAZARDOUS/TOXIC MATERIALS</b> (Please fill out attached hazardous materials information sheet)			
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc)		<u>N/A</u>	<u>N/A</u>
B. Name of Disposal Agency (if landfill, garbage co private hauler, etc.):		<u>N/A</u>	<u>N/A</u>



Project statement

Use permit for a public boarding and training stable

1147 Darms Lane, Napa

AP# 034-210-004

Applicant and Property owner:  
Katie Duncan and Dennis Hall  
1147 Darms lane  
Napa, CA 94558

Applicant's Representative:  
Dickenson, Peatman & Fogarty  
Attention: Tom Carey  
809 Coombs Street  
Napa, CA 94559  
252-7122

General Plan & Zoning designation: Agricultural Watershed,

Project Description:

This 2.28 acre property has been used for the raising and training of horses for the past 19 years. It is developed with a 100' by 50' arena with permanent total coverage sprinklers for dust control, six stalls, four paddocks, a large hay storage area and a pasture. No new construction is proposed. The horses are maintained by the Applicant, Katie Duncan who is a former educator of children with physical and educational disabilities.

The horses require consistent exercise and human interaction to maintain their physical health and gentle demeanor. The operation also requires maintenance activities such as grooming, mucking and feeding. As with any agricultural operation, this could be accomplished by hiring laborers. As an alternative, the applicant allows local schoolchildren, many of whom are her former disabled students, their siblings and friends, to visit her father's parcel and ride the horses. She supervises and provides guidance to the children. Ms. Duncan provides a safe, nurturing environment that is mutually beneficial to the horses and the children. This activity benefits the horses, which require the exercise and socialization, and the children, who get to partake in an opportunity they would not normally be afforded. The students also assist in feeding the horses, cleaning the stalls and grooming. Manure is collected and removed by a commercial hauler regularly.

County staff has determined that this activity is more closely related to giving private horse riding lessons and the use is therefore defined as a "training stable" requiring the approval of a use permit in the AW zoning district.

Children come to the property on weekdays and Saturday. Approximately 8 children come per day with a maximum of 12. They stay at the property for 4 hours on weekdays and 5 hours on Saturdays. The children are dropped off by their parents in an existing gravel driveway area.

The purpose of this application is to obtain approval to continue to allow children to come to the property and interact with the horses and be given riding lessons and to board up to 6 horses not owned by the applicant.

The horses are housed in the back of the property as they have always been and no changes are proposed to the existing arrangement. The lessons are intended to be for friends and family rather than a commercial operation. The property is a small family stable and the applicant intends to maintain the current status.

August 7, 2007

To Whom It May Concern:

I am a former customer of Lisa LaPlace at Rafter L. Stables.

I was looking for a new place that teaches western riding lessons and a girl at the gym, Anissa Adams, suggested that I talk to a girl named Katie who lives on Darms Lane. Anissa said she boards her horses there and her children take lessons there.

She mentioned that the manager of the gym, Gail Conrads, is having some problems with these neighbors. I have decided not to pursue lessons at this time.

*Teresa Menchaca-Johnson* (707) 253-7828  
Teresa Menchaca-Johnson

July 9, 2007

Mark Luce, Supervisor  
1195 - 3d Street  
Napa, CA 94558

Dear Mark Luce,

The purpose of this letter is at the request of Gail Conrads to verify my recent telephone call to Katie Duncan, Horse Trainer on June 21, 2007 at approximately 1:30 pm.

I knew of friends who had taken lessons from Lisa Laplace, Horse Trainer at Rafter Stables for horseback riding lessons so I called her and discovered that she moved and is no longer in Napa.


My mother in law received a business card from her Horse Shoer, David Adams. The business card was for Katie Duncan, Horse Trainer.

I contacted Katie Duncan on June 21, 2007 at (707) 480-1052 to obtain information regarding riding lessons for my daughter. I was told the following information. She teaches Tuesday thru Saturday. The cost is \$25.00 per lesson if more than one student is in the class. The cost is \$35.00 for a private lesson. She teaches up to 7:00 pm and a helmet and boots are needed. She does provide some helmets if needed. Because I do not know her or have not heard of anyone personally who has taken lessons from her I did inquire about liability and she explained that she has the parent sign a liability waiver and that she does carry insurance. She assured me that safety is a priority. She was very pleasant and when I asked if we could come and visit she said that we were welcome to visit and to call first to make sure she was there. I then asked where she was located and she said she was located on Darms Lane. I told her I would call her before coming to visit and thanked her.

I told several coworkers that I was looking into horseback riding lessons for my daughter and this is when Gail Conrads and Peter Garaventa discussed that this was their neighbor's home.

If you need any additional information please do not hesitate to contact me.

Sincerely,

  
Lisa Ghisletta

(707) 486-4406

cc: Ed Colby

**Colby, Edward**

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**From:** Luce, Mark  
**Sent:** Friday, July 13, 2007 11:56 AM  
**To:** Secheli, Christine; Colby, Edward  
**Cc:** Gitelman, Hillary; Lederer, Steven  
**Subject:** FW: Gail Conrads/Darms Lane

Below is another letter from Gail Conrad. She would like a face to face meeting to discuss her observations, concerns, and path forward. I think she could use a clear explanation of why we can't go further in our investigation, or what exactly we are planning to do. She could use some advice as to how to proceed and why that is necessary.

Are you available to meet with her? I would like to join you so that I can reinforce any conclusions as I see her regularly at Healthquest.

Thanks,

Mark Luce  
Napa County Supervisor, District 2  
1195 Third St. Suite 310  
Napa, Ca. 94559  
Office (707) 253-4386  
Cell (707) 738-7319  
Fax (707) 253-4176  
Email: mluce@co.napa.ca.us

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**From:** Gail Conrads [mailto:Gail@napahealthquest.com]  
**Sent:** Monday, July 09, 2007 4:54 PM  
**To:** Luce, Mark  
**Subject:** Gail Conrads/Darms Lane

Hello Mark--

I am sending you an e-mail as you asked stating that I would like to set up a meeting with Environmental Management and County Planning and giving you my rendition of the neighbor story. I know it's long, but it's really only parts of the facts.

I have lived at 1125 Darms Lane, all but 9 months, since 1989 and have been an owner on the property since 1992.

The Hall family has lived next door to me the entire time. At this time, Dennis Hall and his two children, Jude and Marcy live in the front house and Dennis' mother, Marcia Hall, lives in the mobile home out back. Although I feel that there has never been ANY evidence of property care over the years, I have only approached Dennis twice about my concerns. Once was over the smell and flies from 4-H pigs out back and once was about some dead and dying trees that bordered our properties. Both times I sent letters and Dennis never responded to the letters. I have copies of these letters.

I just want you to know that there has never been any ill will or negative actions between either of our families until recent. In fact, we have tried to be friendly and helpful and I'm sure Dennis would attest to that as well.

Last year Dennis came home with a truck load of gravel. He rented a tractor and he had a plastic septic tank on the back of his truck. He proceeded to dig with the tractor and the gravel was moved into the area and the tank disappeared. Although I disagree with a lot of things Dennis does on his property this was the first time I felt that he had crossed a line concerning my family's health and safety. I did not know how to handle this because I know that this family disregards the law completely and he has ignored my requests in the past. I know the daughter has run an unpermitted stable and horse back riding business for the past few years. I assumed the mobile home was not permitted. I figured the room he added on to the upstairs was unpermitted, and his burn piles always include trash, metal, and plastic so.... I would have been completely surprised if he had gotten a permit to work on his septic or place this cheap tank in the ground.

07/13/2007

My partner, Peter Garaventa, and I worried for several days and finally approached Christine Sechelli from Environmental Management. She suggested that we contact her office immediately. It seemed like the Environmental Management was on the case and they said they would call us when they made any progress or decision. Several weeks went by with Peter calling Ruben Oropeza every few days and when he finally reached him the response went something like this—"This case is closed. I didn't need to call you. He did not put that tank in the ground. He took it to Lake County where they are legal. Did you actually SEE him put it in the ground? He repaired some leech lines and we double fined him for what he did. Sounds like you have a neighborhood feud." We had taken phone pictures of Dennis moving the gravel but we could not get very good pictures as the area of this property is covered with overgrown trees and old garbage, including a broken down vehicle and a vehicle tent, but the gravel remains were there and we were sure if someone made him move his junk that they would find where he dug. We complained to Christine who then had the case reopened. The Sunday before Sheldon from the Environmental Management was to come out to see the repairs we had seen two Hispanic workers digging small trenches somewhere near where the tractor had been and we smelled sewage. Sheldon phoned to tell us that he did not find evidence that any tank was in the ground and the septic was, in his opinion, hooked up correctly. We have serious reservations that this is true and want more information as to the qualifications of this employee and we would like to know more of what he actually did to make this final inspection and close this case for the second time. We just find it ironic that the tank came home at the same time as the gravel and the tractor that we overheard Dennis explaining to his son how the "sh--- goes in here and the sh--- comes out here"; that he moved the old vehicle and the tent and spread the gravel around right before the Environmental employee came out. Regardless of how wrong we felt this final result was, we were told that they had closed this case and their office needed to be careful that they did not harass our neighbor, but we could still file complaints on the junk and the illegal business.

This was not really our intent, but since it looked as though Dennis had fooled the Environmental Management office and we have been very annoyed by the growth of the horse business, the dust, the smell, and the flies, we filed the complaint.

Dennis' daughter Katie is married and lives out of town. She has boarded horses and run a horse back riding business for a few years. Earlier this year another stable in town closed down and Katie's business grew in at least three fold. There are now over 13 horses on approximately a quarter acre. People come and go down the dirt road that lines our property. The dust is massive. They have an ATV that they ride up and down the road at about 30 mph kicking up dust and making noise. People come nearly every day for lessons and they come to take care of their horses. Katie has lied to Ed Kolby at county planning and told him that all of the horses are hers. They are not. Michael Skillings keeps his horse there. He apparently was affected by the closing of the other stable and he is helping Katie ranch the quarter acre out back. Their horseshoer's wife has told me that her daughter keeps her horse there. I have a voice mail from one of my employee's, Kathy Stewart, stating that her very best friend's daughter has a "sweet deal" with boarding her horse there and takes lessons as well and she feels awkward writing a letter because of her friend. I have saved this message though, in case it can ever be used.

We were also told that Dennis was told to clean up his junk. This property has at least 3 broken down vehicles, gas tanks, oil filters, tires, and miscellaneous junk everywhere. We have not seen any evidence that Dennis plans to clean anything up. I have photos of all of these items.

Last week Katie approached Peter and asked him if he had a problem with her horses. The conversation got intense and she claimed that she could have as many horses as she wanted as long as they were hers. She also said that all the kids were there for free. Peter said "Well then Katie, you are a Saint". From this day forward we have endured these young adults that live and work there, peeling out in the driveway at all hours, making hand signs as they drive by, horses crapping on our street in front of our house, and the ATV is being driven in 180s just to stir up the dust.

I had a conversation with Michael Skillings as I have known him and his family for years and he alluded to me what their lawyer has told them. It sounds like they are being told that they just have to say that the horses are all Katie's (and remember that Katie does not live there), that there is no money being passed for the boarding, and that the horse back riding business does not need a permit because it is too small. Michael claimed he is working for them for horse boarding.

What I can assure you is that there are many neighbors on our street who oppose this business and know that it has grown profusely. We are taking pictures daily now, logging numbers of cars, activity, and trying to get as many names as possible of people who board or ride at this location. We feel that there are too many animals on this property. Their feces are spilling into Norm Sawicki's backyard. They have very small fenced areas and no room to run. There is not a blade of grass or any pasture for these animals and in fact, they are eating the fencing. Often times you will hear horses throwing fits, kicking and there have been times when this is happening and no one comes out of the Hall home to feed or care for these animals or calm them down. We know that Katie loves horses, but we really feel that she is trying to do too much with too little. Animal control has told us

that although it is not a good situation that they do not take action until animals are near starvation.

We would like the Hall's to know that we want peace with them as well. We would like them to have a professional check their septic system. We would like Katie to move her business to an appropriate location and keep less horses on the property. We would like them to understand the environmental impact of the junk on their property and we would like them to realize just how small all of our parcels are and that their behaviors affect all of us negatively and do not allow for mutual respect and good neighbor relations.

Ultimately, we would like you to know that we are very dissatisfied with the Environmental Management office. Our experience was the epitome of our tax dollars at waste. We are also dissatisfied with the fact that we, the neighbors, are required to be the private investigators. Ed Kolby said to me "Well we have not seen any pictures from the neighbors to prove she is running a business". Why are we required to do the investigating? We are doing it now, but it just seems wrong. We filed a complaint with these offices because we observed our neighbor doing things that are against the law and we did not want conflict with the neighbor, but because of the way the system fails we are now in a neighborhood feud.

Sorry this is a novel Mark. You have my permission to forward it on. It is all true and I have letters and pictures that I would like to share with you and these offices at your convenience.

Sincerely,

Gail A. Conrads  
1125 Darms Lane  
Napa, CA. 94558  
[napafit@aol.com](mailto:napafit@aol.com)

HealthQuest Fitness Center  
General Manager  
707-254-7200 ext. 105  
[gail@napahealthquest.com](mailto:gail@napahealthquest.com)

July 25, 2007

To Whom It May Concern:

My name is Norman Sawicki and I have lived at 1123 Darms Lane, Napa, for 22 years. During this period of time I have had several issues with my neighbor at 1147 Darms Lane, Dennis Hall.

I had my attorney involved when the Hall family was raising pigs within 15 ft. of my guest cottage. The pigs were in slop up to their chests and the smell was so overwhelming that I was unable to invite people to my home for visits.

The problem we face now is with the 13 horses on their property. The horses are kept on approximately 2/3 of an acre and cause an enormous amount of dust and flies. The smell is once again overwhelming.

We have noticed a number of individuals on the Hall's property riding the horses throughout the week.



Our daughter, Haley, took lessons from Katie (a daughter of Dennis Hall who does not reside in his home) three years ago when there were only four horses on site. We paid for our daughters lessons. We had concerns then but the dust, flies and smell were not as bad as they are now.

The Hall property is at least one foot higher than mine which I can attribute to the immensely compacted horse manure that the horse's food is just thrown on top of.

Because of this growing problem we are once again experiencing an uncomfortable lifestyle. When our guests are over they always comment on the situation and we are embarrassed.

I want a solution to these problems. I have no immediate plan to sell my property, but I know the property value is severely reduced because of the Hall property.

*Nona Sawicki*

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,



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

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".

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

*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*

## More cheers for cowgirls!

Dear editor,

I would like to thank Sharon Joseph for thanking Katie Duncan ("Ride on, Napa cowgirls!" Nov. 6) and I would like to do so, as well. I would like to point out that there is not much for kids to do in Napa besides hanging out at Moravus or the skate park, and then you don't get much exercise. I would also like to thank Skyline for having the shows and giving kids stuff to see and be a part of.

Elaine Thomas  
Napa

## Ride on, Napa cowgirls!

Dear editor,

With everything that is going on in the world today I wanted to give kudos to Katie Duncan, Quarter Horses. My daughter, as well as four other girls, just finished the summer show season and came back with big results.

All the girls competed and supported our local Skyline Schooling Show Series and won trophies, tie point awards and the end of the year buckle!

Also, two of the other girls went to the next level and competed in the Western Noreal Show Series where they compete and travel all over Northern California. These girls walked away with division buckets (championships), reserve placings in their own age group, as well as the amateur division where the other competitors are two to three times their age.

This is a major accomplishment for such a small barn and kids so young.

I just want to give a big "thank you" to Katie for taking the time to help our youth achieve their dreams and success in a sport that is slowly being pushed out of Napa. Hooray for the Western riders and the real cowgirls of Napa Valley!

Thanks a million!  
Sharon Joseph  
Napa

The below is a response to the letters in the Napa Register, however I have decided not to submit it at this time as I believe the County needs to follow through and I need to avoid any further feud with my neighbors.

#### Napa Cowgirls

I would like to respond to a recent letter, "*Ride on Cowgirls*" dated November 6 and "*More Cheers for Cowgirls*" dated November 9. I believe that I am the pulse behind the comment "...a sport that is slowly being pushed out of Napa."

This named "Quarter Horse" business is a horse boarding/ horse back riding business located next door to my home on a county lane in District 2. Our neighbor's daughter has been teaching children to ride horses for years and I am sure she is very good at what she does by the growth of her business. For several years there were a handful of horses kept on the back ¼ of this two acre parcel. Sometime in the past year and a half the number of horses grew from 4-5 animals to 12-16 animals on this small piece of land. We have observed and have had acquaintances who have participated in the services offered for a price. These properties are located in an agricultural zone which allows for the raising and breeding of livestock. The livestock must belong to the owner of the property. We are not zoned for public stables or a horseback riding business.

Needless to say, the business had become a nuisance; dust, cars, ATVs running 30 mph up and down the two acre parcel, massive flies, and failure to police the feces of the horses. We decided to use our tax dollars to get our neighbors to apply for a use permit or move this obviously great business to an appropriate location.

Immediately after filing our complaint with the county, this business became a "Donation Only" "All for the Kids" operation. Apparently all of the horses belong to our neighbor's daughter and all of the students donate their allowances for riding lessons.

It has been a long haul for us, but the County of Napa has sent our neighbors two letters telling them to cease the operation and apply for a use permit which may have "insurmountable hurdles" based on the county zoning. I have heard from my district supervisor that the lawyer representing them wants to argue that they do not need a use permit if the business is on a voluntary basis. It is my understanding that to run a "non-profit" or "donation only" business that you would still need a use permit as well as a license to do business.

Continuing through today there is a constant flow of cars entering the property next door. Some people come to take care of horses and many parents drop off their children and pick them up an hour or so later. This usually runs most weekday afternoons and all day Saturdays.

What I want the parents of these children to know is that I am not trying to "shove horseback riding out of Napa." My daughter has been riding horses for many years and currently competes in Western Riding competitions in Santa Rosa. I would love to see my neighbor find an appropriate location for this

operation. It is my personal belief that horses need a place to graze and they need an arena large enough to canter and maybe even gallop. And, my opinion is that these cowgirls need to learn excellent horse care and good citizenship.

My Mother taught me to be honest and above reproach in all actions. I believe that my actions in trying to get my neighbors to do right by the law have been with complete honesty and appropriate.

Ride on Napa Cowgirls! Just please do this by the laws of the land.

Gail Conrads  
Napa, CA



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.

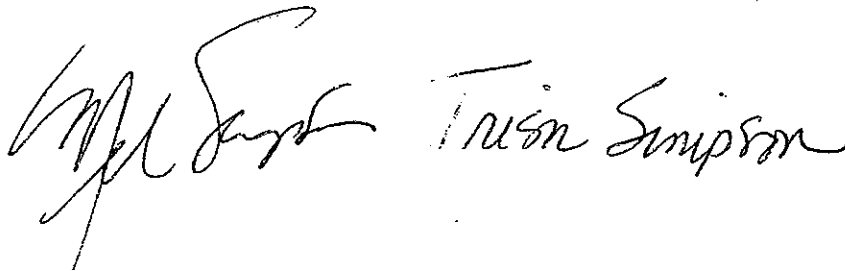
We spent this past Sunday at Skyline Park watching Katie and her kids compete in their last of the season competition. She watched with much pride as her kids took one award after another. It was clear to us that Katie is received as a well respected member of the equestrian community in Napa.

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

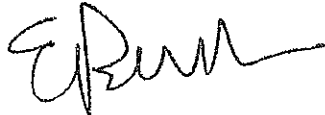
A handwritten signature in black ink, appearing to read "Trish Simpson". The signature is written in a cursive, flowing style with a large initial "T" and "S".

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', written in a cursive style.

**Andrea Blau**  
1705 Spruce St  
Napa, CA 94550  
(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.

NAPA VALLEY VETERINARY HOSPITAL, INC.  
3198 SILVERADO TRAIL  
NAPA, CA. 94558  
DR. CLAUDIA SONDER DVM  
(707) 224-8604 FAX (707) 257-6632

9/05/07

To whom it may concern,

I have provided veterinary services to Katie Duncan since 1997. She has been an excellent client who has consistently maintained vaccination and worming protocols and has called us promptly for sick or injured animals. She provides an invaluable service to the Napa community by maintaining an older equine herd which is ideal for beginner riders. She is the only instructor in town who offers beginning western riding. Older equines tend to be lean, and they tend to have arthritis and other issues that require special care. The older mare "Shawny" who is confined in a 10X12 paddock at Katie's has sustained a pelvic fracture. We suspect that she has silicosis with secondary osteoporosis. Silicosis is a Napa area specific problem secondary to inhalation of silicate material. Her confinement in such a small pen is essential to her recovery. She has to be in that pen for a minimum of 90 days. I understand that the neighbors are concerned but Katie has taken the time to set that pen up in the shade with plenty of equine contact to make the mare feel secure. The mare is doing very well and can now walk and bear full wt. She appears happy and content.

I was surprised to hear that Katie was having trouble with the county. She is an upstanding horse owner who works hard to provide a valuable outlet to the youth in this area. All the horses on the property have adequate space, exercise, feed and general health care. It's unfortunate when people buy property in the country but won't accept the flies the dust, the noise that goes along with country living. Please direct any questions or concerns to my office.

Sincerely,

  
Claudia Sonder, Dvm

# Patient History Report

## Sorted by Patient ID

**Patient:** 15472 Truly  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1994

**Breed:** Quarter Horse, American  
**Sex:** Female

Date	Type	Staff	History
9/5/2007	C	3	<p>4 day history of puncture from twig palmar lateral distal carpus. Marci pulled twig. Wound was cleaned and treated with Furasone. Bute was started day 2. Marked swelling day 3. Day 3 Tucoprim was given. This morning limb continued to be quite swollen. Swelling appeared to decrease through the day. T-101.9. Marked swelling of dorsal carpus and limb extending from distal fetlock to proximal radius with line of demarcation at proximal radius. Suspect cellulitis. Need to rule out joint/ sheath involvement once cellulitis resolved. Recheck in 36 hours.</p> <p>1. PPG 30cc twice daily for at least the next 48 hours, may switch to SMZ's if significant improvement in swelling.  ASPIRATE BACK TO CHECK FOR BLOOD&gt; IF BLOOD REDIRECT NEEDLE.</p> <p>2. Gentocin 30cc once daily for the next 48 hours.</p> <p>3. Bute 2g this evening and again in the morning, then Bute 1g once twice daily.</p> <p>4. Cold hose 20 minutes once daily. Standing wrap to lower limb for at least 12 hours per day.</p> <p>Please call Friday morning with an update. Call sooner if condition fails to show improvement. Call if loose manure.</p> <p>Thank you,  Dr. Lisa Atckison</p>
9/5/2007	B	3	1.00 Napa (52) by VET
9/5/2007	B	3	1.00 General Exam And Consultation (150) by VET
9/5/2007	B	3	1.00 Emergency Feeout Of Schedule (106) by VET
9/5/2007	B	3	1.00 [None] of Penicillin 250ml (6211) by VET
9/5/2007	B	3	100.00 [None] of Gentocin Inj 50mg/ML /Mg (2251) by VET
9/5/2007	B	3	2.00 Im Injection Charge (6398) by VET
6/25/2007	C	2	BARK NEEDS INCISOR WORK. NO SIGNIFICANT POINTS
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/3/2007	C	3	Removed sutures. Sutures line intact.
6/1/2007	B	3	1.00 Napa (52) by VET
6/1/2007	B	3	1.00 Misc. Surgical Procedure (1199) by VET

14 HORSES  
→ NO RECORDS  
PRIOR TO  
~ JUNE '07

VET LETTER -  
" I HAVE PROVIDED VET. SERVICE  
TO KATIE DUNCAN SINCE 1997 "

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-instructing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15475 Will  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 11/30/1998

**Breed:** Paint  
**Sex:** Neutered Male

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	10.00 BANAMINE 10 MLS DISPENSED (199) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	5.00 [None] of Dexamethasone 2mg/MI Inj /Mg (6033) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 DISPENSED FOR EMERGENCIES (199) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15478 Areba  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1983

**Breed:** Arabian  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	B	2	1.00 Napa (52) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-Image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

## Sorted by Patient ID

**Patient:** 12964 Bradley  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/2001

**Breed:** Quarter Horse, American  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/25/2007	B	2	1.00 NEEDS DENTAL/SHEATH (199) by VET
6/25/2007	B	2	1.00 Partial Call (98) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cas  
P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight



**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15474 Burgundy  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 11/30/1984

**Breed:** Arabian  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

## Sorted by Patient ID

**Patient:** 15479 Dolly  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1992

**Breed:** Quarter Horse, American  
**Sex:** Mare

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/3/2007	C	3	Follicle check and prebreeding screen collection. 15yr old mare never bred. RO- MSF, LO- 32+MMF. Cervix 1+finger. Mild to moderate uterine edema. 2 small pocket of anechoic fluid base of right horn, may be cyst. Tubular cervix, difficult to pass culturette. Blood on sleeve, no blood on tip of culturette swab. Plan to breed live cover pending culture and cytology results.
6/1/2007	B	3	1.00 Ultrasound-U/O-Repeat/Multiple (164) by VET
6/1/2007	B	3	2.00 [None] of Sed/Pain Control Iv torbuges/Mg (718) by VET
6/1/2007	B	3	1.00 [None] of Sedation Iv Dormosedan (715) by VET
6/1/2007	B	3	1.00 Uterine Culture/Cytology-Pre-Breeding (295) by VET
6/1/2007	B	3	1.00 Uterine/Vag. -Sterile Prep (293) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

## Sorted by Patient ID

**Patient:** 15480 Fortune  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1998

**Breed:** Thoroughbred  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15045 Gerry  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 00/00/0000

**Breed:** Quarter Horse, American  
**Sex:** Male

Date	Type	Staff	History
6/25/2007	B	2	1.00 Partial Call (98) by VET
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/25/2007	B	2	1.00 TEETH OK/BCS 5+ (199) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

## Sorted by Patient ID

**Patient:** 15481 Jet  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1998

**Breed:** Paint  
**Sex:** Gelding

Date	Type	Staff	History
8/31/2007	B	2	1.00 Courtesy Call (65) by VET
8/31/2007	B	2	1.00 Brief Examination 0 (152) by VET
8/31/2007	B	2	1.00 SUSPECT CERVICAL COMPRESSION (199) by VET
8/7/2007	C	2	<p>LF BLOCKS 100% TO PD. HE SWITCHES FROM 3/5 LF TO 3/5 RF. MILD POS TO HT'S ACROSS BOTH FROGS.</p> <p>RF BLOCKS 70% TO PD. HE HAS MODERATE RF SUSPENSORY PAIN AND ENLARGEMENT. I SUSPECT THAT THE SUSPENSORY IS SECONDARY TO THE HEEL.</p> <p>HE STUMBLES A FAIR AMOUNT FRONT AND HIND. DECREASED ROM TO RIGHT(NECK). NECK PALPATES OK. POOR SPIN TO RIGHT. ASSUMES ABNORMAL STANCES. MAY BE SECONDARY TO PAIN.</p> <p>PLAN TO GIVE 1.5 GM BUTE ORALLY AM AND PM X 4 D, THEN 1 GM AM AND PM X 3 DAYS. PLAN TO RECHECK STUMBLING ON BUTE. THANK YOU.</p> <p>CLAUDIA</p>
8/7/2007	B	2	1.00 Lameness Examination (166) by VET
8/7/2007	B	2	2.00 Nerve Block-Pd/Abaxial (277) by VET
8/7/2007	B	2	1.00 100%pd block LF (199) by VET
8/7/2007	B	2	1.00 70% pd block RF (199) by VET
8/7/2007	B	2	1.00 each of Bute Paste 12 Gram (6024) by VET
7/31/2007	C	2	<p>ILARGE CENTRAL LYTIC LESION RF NAVICULAR BONE INVOLVING FLEXOR CORTEX. SOME LYSIS OF FLEXOR CORTEX ON LF AS WELL ON SKYLINE AND LATERAL VIEWS. WILL BLOCK WITH LOW PD THEN SEE IF SWITCHES TO LF. RECOMMEND NEURECTOMY PRN. WILL BLOCK WITH PD NEXT WEEK IN HOSP</p>

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15476 Lady  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 00/00/0000

**Breed:** Other Equine  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	B	2	1.00 each of Tet/Flu/E&w Encephalitis (351) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/25/2007	B	2	1.00 TEETH OK/ BCS 5 (199) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-tab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

## Sorted by Patient ID

**Patient:** 1150 LEXUS

**Species:** Equine

**Breed:** Quarter Horse, American

**Client:** 2374 Katie Duncan

**DOB:** 06/25/2002

**Sex:** Mare

Date	Type	Staff	History
9/3/2007	B	2	1.00 General Exam And Consultation (150) by VET
9/3/2007	B	2	1.00 [None] of Tucoprim 400gm (6357) by VET
9/3/2007	B	2	1.00 CELLULITIS RH (199) by VET
9/3/2007	B	2	1.00 COUGH (199) by VET
8/31/2007	B	2	1.00 [None] of Tucoprim 400gm (6357) by VET
8/31/2007	B	2	1.00 Partial Call (98) by VET
6/25/2007	C	2	L NOSTRIL SMALER THAN RT. OWNER COMPLAINS ABOUT INSPIRATORY NOISE. DISCUSSED DDSP- INTERMITTENT . NO NASAL DX. NO COUGH AT REST. LUNGS CLEAR. NEG LN'S. DISCUSSED SCOPE AT REST VS DYNAMIC SCOPE. DISCUSSED X RAYS TO DD> SUBEPIGLOTTIC CYST. OWNER TO CONSULT .
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

**Patient History Report**  
**Sorted by Patient ID**

**Patient:** 15469 Mercedes  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 03/01/1988

**Breed:** Quarter Horse Cross  
**Sex:** Gelding

Date	Type	Staff	History
6/25/2007	C	2	BARH BCS 5+ TEETH CHECK OK
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight



# Patient History Report

## Sorted by Patient ID

**Patient:** 1053 Patrick  
**Client:** 2374 Katie Duncan

**Species:** Equine  
**DOB:** 00/00/0000

**Breed:** Quarter Horse, American  
**Sex:** Neutered Male

Date	Type	Staff	History
6/25/2007	C	2	HUGE IMPROVEMENT POST HOCK INJECTIONS. BARH. BCS 5+ TEETH CHECK OK
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/14/2007	C	2	Hock injections/Radiographs
			<p>moderate changes both DIT joints with loss of joint space. LH&gt;RH. Moderate changes LH T-MT joint with decreased joint space. Wedging of Left tarsal bones. Small round OCD fragment distal intermediate ridge RH. Both T-T joints non-effusive.</p> <p>L,R T-MT joints 125 mg amik/10 mg hyalovet HA/60 mg Depo-Medrol/2cc Carbocaine</p> <p>L,R Dit joints 125 mf amik/10 mg hyalovet HA/40 mg Depo-Medrol/1cc Carbocaine</p> <p>Sterile Prep/Gloves</p> <p>2 grams bute PO post injection</p> <p>Plan: 1 gram bute am and pm x 3 days. Start tonight.</p> <p>Handwalk x 10-15 min/ day x 3 days, then light hack (walk,jog) x 7 dys, then resume previous work.</p> <p>No turnout x 3 days, then monitored turnout.</p> <p>Call Asap if lame at walk or swelling noted at injection sites. Joint flare/ infection though rare, are potential risks associated with injection.</p> <p>Recheck in 10 days to assess response and evaluate front end. Horse was more sound today then on previous exam. He is now shod behind though still stabs significantly with decreased stride length both hind.</p>
6/14/2007	B	2	3.50 [None] of Sed/Pain Control Iv torbuges/Mg (718) by VET
6/14/2007	B	2	1.00 [None] of Sedation Iv Dormosedan (715) by VET
6/14/2007	B	2	2.00 Hock Inject Tmtdit W/Ha (285) by VET
6/14/2007	B	2	1.00 each of Bute Paste 12 Gram (6024) by VET
6/14/2007	B	2	1.00 X-Ray Setup (657) by VET
6/14/2007	B	2	6.00 Digital Film /Plate (649) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-tentative medical note, W-weight

# Patient History Report

Sorted by Patient ID

Patient: 15473 Shawny

Species: Equine

Breed: Quarter Horse, American

Client: 2374 Katie Duncan

DOB: 11/30/1984

Sex: Mare

Date	Type	Staff	History
9/3/2007	B	2	1.00 Recheck Examination (151) by VET
9/3/2007	B	2	1.00 SUSPECT L PELVIC FX (199) by VET
9/3/2007	B	2	1.00 R/O SILICOSIS (199) by VET
6/25/2007	C	2	ATROPHY L HIP AND DORSAL SI AREA. L TS HIGHER THAN RIGHT. SHORT ON RH AT WALK. LATERAL GLUTEAL ATROPHY L SIDE. SUSPECT PELVIC FX OR NERVE DAMAGE. RECOMMEND 90 DAYS OF PADDOCK REST WITH RE-EVALUATION AT THAT TIME. BCS 5+ TEETH CHECK OK.
6/25/2007	B	2	1.00 each of Influenza/Rhinopneumonitis Vac In (369) by VET
6/25/2007	B	2	1.00 each of West Nile Virus - Merial (370) by VET
6/25/2007	B	2	1.00 each of Tetanus/E & W Encephalitis (354) by VET
6/25/2007	B	2	1.00 Administer Oral Bute 1 gms (6022) by VET
6/6/2007	C	3	Hx of lameness RH approximately one month. Katie found mare in pasture unwilling to walk. On exam, mare is BAR, T-101.8, P-40, R-12, good appetite, she is full weight bearing both hind. She has mild swelling esp laterally on the left distal hind. Mare is unwilling to pick up the left hind without threatening to fall over to the left when the leg is lifted. Mare will pick up the right hind. Negative to lower limb flexion RH. Negative to hoof testers RH. No pain on palpation of the lower limb. More resistance noted to flexion of the upper limb RH. There is mild swelling distal lateral thigh proximal to the stifle. No stifle effusion. Mare resists palpation of the tuber coxae and along the femur RH. Muscle fasciculations over distal thigh area bilaterally. Unable to elicit pain response on the LH. DDJ femoral stress fracture, pelvic fracture, severe muscle tear. Plan: Confinement to small paddock. Treat supportively. Bute 1.5g this evening, then 1g BID for 5 days. Call in with update. Call if lameness worsens or mare appears painful, anxious or off feed.
6/6/2007	B	3	1.00 Napa (52) by VET
6/6/2007	B	3	1.00 Lameness Examination Brief (154) by VET
6/6/2007	B	3	1.00 each of Bute Paste 12 Gram (6024) by VET

B-billing charges, C-medical notes, CB-call back, CK-check-in, D-diagnosis, DH-declined to history, E-examination, I-departing instruction, L-lab result, M-image cases, P-prescription, PA-PVL Accepted, PB-problems, PP-PVL Performed, PR-PVL Recommended, R-referral document, T-images, TC-initiative medical note, W-weight

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.

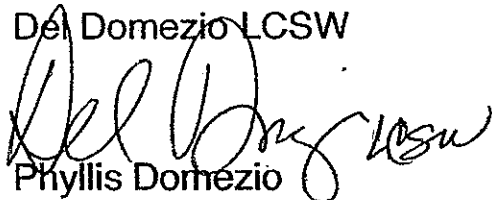
Also in my profession as a Licensed Clinical Social Worker providing psychotherapy for children with emotional and anxiety issues I have referred a number of my clients to Katie. Again the combination of her outstanding horsemanship and her calm, positive teaching style is a perfect fit for children 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

A handwritten signature in cursive script, appearing to read "Phyllis Domezio", written over the printed name.

Phyllis Domezio

A second handwritten signature in cursive script, clearly legible as "Phyllis Domezio", written below the first signature.

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

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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

November 5, 2007

Lee & Teri Isola  
1673 Sycamore St.  
Napa, CA 94559  
tisola28@msn.com

Mr. Robert Paul  
Deputy County Counsel  
County of Napa  
1195 Third Street, Ste. 301  
Napa, CA 94559

Re: Letter to Thomas Carey and Notice of Violation at 1147 Darms Lane

Dear Mr. Paul,

I am writing to you in response to a letter you wrote to Thomas Carey in regards to Katie Duncan and the horses she has on her fathers property at 1147 Darms Lane.

I am shocked and appalled at the way the county counsel has handled this situation and the way my tax dollars are being spent on nonsense and gossip created by Gail Conrads and Peter Garaventa, neighbors of the above stated property. It is with full disgust that I write this letter.

To begin, I am a very good friend of Katie Duncan and her sister Marcie Hall. My daughter has been riding her horses for the last four years at 1147 Darms Lane as well as at other places in the Napa Valley, Skyline Park, and Nor Cal Shows. I met Katie through the Jr. Horse Club, run by the Horseman's Association of Napa on Foster Road. If you have read the letter I previously wrote, you will know this (however based on the assumptions of your letter it sounds like you have completed no research).

Due to many complaints by neighbors Gail and Peter, most of which are untrue and unsubstantiated lies, Katie has been providing opportunities for my daughter to ride and spend time taking care of the horses at no charge. As your letter states that you have been "advised by other individuals that Ms. Duncan is offering her services to others as a training instructor for actual financial remuneration" there is nothing illegal with this. Ms. Duncan is a professional horse trainer who has clients all over the Napa Valley and receives payment, which she claims on her IRS taxes and has nothing to do whatsoever about kids riding and cleaning horses at the barn.

I am saddened that you think "it strains credulity to believe that school children would really visit the property and shovel out barns and stalls of the natural by-products produced by horses without the expectation their labors would be rewarded with a horseback riding lesson. There would seem to be a natural expectation of an exchange of service on the part of the children...It is also doubtful that children would donate their allowances to Ms. Duncan, without a similar expectation. " Maybe you should visit the horses and children one Saturday and watch them laugh and sing while they clean stalls

and groom horses. In fact, maybe you should have researched this "violation" first before sending a letter based on gossip and untruths to Mr. Carey.

In fact, my daughter loves spending her time at the barn on Saturdays, and I do not believe the county can tell me that my daughter can no longer go there and be with the horses if that is something her father and I agree is a healthy activity for her. Would you prefer I buy her cigarettes and a skateboard and drop her off in front of Mervyns on Saturdays? I am completely dumbfounded by your comment about her giving her allowance to Katie, not once has she donated her weekly allowance, nor has it been suggested. Again, more research on your part is warranted.

Gail Conrads and Peter Garaventa have spent the last nine months making unfounded and slanderous public comments about Katie Duncan and her family. I believe that making these comments are themselves an illegal activity in which the county has completely ignored. They have repeatedly called the sheriffs office and stated blatant lies, and yet nothing happens to them. Peter pulls out his penis and pees in public while the children are at Katie's, while Gail takes pictures of the kids and our cars. They use their work time at Healthquest Fitness Center to talk to any one who will listen to them talk about their "horrible neighbors", including supervisor Mark Luce. I would think people would want to spend their time at the gym de-stressing from a days work, not getting caught in Gail's web of lies. Katie and her family have been nothing but honest and accommodating while trying to work through this neighborly dispute. It is time for Katie's friends to step forward and stop this nonsense, and we will do so in large numbers, including court fights and media coverage if that is necessary.

You say if Katie gets a use permit, she can then become a "horse boarding and/or training stables" business. Currently she is neither, and I want to see county documentation of where horse riding lessons are written under this use permit. You state, "horseback riding lessons are not mentioned as an exempted accessory use to the growing and subsequent sale of livestock as provided in the definition", however horseback riding lessons are also not mentioned in the code as an activity needing a use permit. It seems that lessons are not noted or defined under any current code and that you as county counsel are making the rules for providing lessons up at this time. I am also confused by your continued use of the term "commercial use" in you letter. Agriculture zoning allows for commercial use of its land without a use permit, e.g., raising and breeding cattle for sell would be commercial. I am pleased to see that code 18.08.040 allows for "animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits, and poultry". I am excited to go purchase some of each of these animals to give Katie as gifts and keep them right next to the fence of Gail and Peter's property. This is a legal activity in Agriculture watershed zoning, correct!

Referring back to the use permit, all of Katie's friends are prepared to assist her in obtaining one, but we need to know if the county is going to treat her fairly, or continue to harass and intimidate her and her family. We all are excited about the idea of purchasing horses and boarding them at 1147 Darms lane when she becomes a

"horse boarding and/or training stables". It still does not make any sense that you are requiring her to do so when this is not what she is, what she wants to be, or what is actually needed. I believe before this can occur, Napa county needs to put forth a good faith effort that they will review the use permit without bias.

In closing, I can not express my frustration over the way Katie Duncan and her family have been treated by the County of Napa. I am asking all involved in this process to consider this issue from an open perspective and with a sense of right and wrong. There are few enough wholesome activities for the youth of Napa County, and now the county wants to stop the harmless riding and grooming of horses by children. It is possible for Katie to allow friends to ride, groom, and clean horses without payment, even though your mind can't fathom it. Fortunately there are good, caring, kind, and generous youth, not to mention children that just love horses. I am hoping that my Napa County District 1 supervisor, Brad Wagenknecht, will respond with support for youth and horsemanship if this issue arises at a county meeting.

Sincerely,

Teri and Lee Isola

Cc:

Robert Westmeyer, County Counsel  
Thomas Carey, Dickenson, Peatmant, & Fogarty  
Hillary Gitelman, Conservation & Planning  
Ed Colby, Conservation & Planning  
Napa County Sheriffs Department  
Gary Lieberstien, District Attorney  
Brad Wagenknecht, Supervisor District 1  
Mark Luce, Supervisor District 2



Dear Mr Robert Paul,

I am writing about my friend Katie Duncan and her harassing habits. Peter and Gale. All that they have been doing for the last 9 months is making up lies and lies, but why? What is in for them? I may not use big complicated words in my letter, but I am coming to give to my opinion and point out as just as in script as any adults, and it shall be as simple as understood and thought about as only a normal letter to.

It breaks my heart to know that the city that I have lived in for all 12 years of my life is making children learning and having fun in a safe environment. I have been a good friend of Katie Duncan for 4 years, and because of her, my life-long dream of learning about and riding horses has been fulfilled. I actually enjoy going to Katie Duncan's barn every Saturday, and even though about me donating her my horse is false. Even if I offered it, she has too big of a heart to accept it, which I admire about her.

When my friends and I learn stuff, we laugh, sing, and socialize, and I am disappointed that the City of Napa would want to take that away from us. Did you know out of all the wealthy counties, The United States is second to last on the country treats their youth. It is true, I am not surprised. What else is there for the future citizens to do in Napa? Not much, and if we cannot go to Katie's anymore, that's just one less thing for kids to do.

One of Katie's horses, Lexus, is very nice and honest, and I like her. She is young and

You might not understand how it is possible to be friends with an animal, let alone a best friend, but it is really quite simple. When you are with someone for periods of time, for hours and hours, you come to know and love that person. Lexie is like the cheerleader, yet sweet beyond measure. She is unique and an easy learner. I still have trouble believing that the city of Napa wants to take that away from me.

Not only is horse back riding extremely fun but it is an aspect where to learn responsibility, money skills, and physical health. It teaches responsibility by how to take care of a horse and what it needs. I learn money skills by ~~managing~~ <sup>managing</sup> a lot. I have learned and using it to become a better rider. I get physical health by exercising out there. If you want to take that away from me and you sent me two diabetes type two, then please tell me now. Please understand that horse back riding isn't just a hobby, it is a sport, a lifestyle, and my whole life revolves around it.

In a vision, I truly do not care if you do not  
 want to read this letter I have poured all of my heart  
 into it. ~~If you do not wish to read it give it to someone~~  
~~who will.~~ I think it's sad in your letter that you just  
 assumed everything and didn't even talk to Kotar before  
 about these cruel, dishonest statements about the Hall,  
 and I hope that this letter might have turned the  
 tables for you. Thank you for your time.

W. H. S. T. 12/2/20

Reiya Tsoka

**Colby, Edward**

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**From:** Gitelman, Hillary  
**Sent:** Tuesday, November 06, 2007 11:54 AM  
**To:** Colby, Edward; Giudice, David  
**Subject:** FW: Katie Duncan

FYI – please coordinate with Rob Paul

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**From:** Luce, Mark  
**Sent:** Tuesday, November 06, 2007 11:53 AM  
**To:** Gitelman, Hillary; Paul, Rob  
**Subject:** FW: Katie Duncan

Maybe Tom Carey's thoughts below help?

Rob, can you send me the letter you sent them. I can't seem to locate it.

Thanks,

Mark Luce  
Napa County Supervisor, District 2  
1195 Third St. Suite 310  
Napa, Ca. 94559  
Office (707) 253-4386  
Cell (707) 738-7319  
Fax (707) 253-4176  
Email: mluce@co.napa.ca.us

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**From:** Tom Carey [mailto:TCarey@dpf-law.com]  
**Sent:** Monday, November 05, 2007 11:33 AM  
**To:** Luce, Mark  
**Subject:** RE: Katie Duncan

I'm preparing a response to Rob Paul's letter of Oct. 12 responding to the letter I sent to Ed back in August. The gist of the response is:

1. I am chewing over whether the file for a use permit. The problem I'm having is that "horse boarding and/or training stable" is the use that requires a use permit in the AW and we do neither boarding or training of horses. All horses on the property are our horses. Given the time and expense of going through the use permit process, we would have to step up the activity level at the property considerably in order to cover the cost, and I think at this point Katie would rather forego taking donations for the lessons. Perhaps people interested in donating could donate to a horse rescue charity or something like that. I do not agree with Rob Paul, that purely private horse riding activities even those that involve some instruction are not "accessory" to the raising of horses. If you are allowed to raise your own horses on your property as an agricultural use allowed as a matter of right in the AW, you have to have the ability to exercise them, and you can have friends over to do that and give them instruction if you wish.
2. We will refrain from accepting any money or other consideration for the riding lessons.
3. We will take reasonable steps to minimize dust, noise, smells, etc., arising from the horses and traffic from friends visiting the property.
4. We will ensure that the riding lessons are purely private, meaning no advertisement, no charge, limited to

friends, etc., to avoid the County's definition of "commercial activity." I do not agree with Rob Paul's position that having the kids shoveling manure is tantamount to commercial activity but if this remains the County's formal position, we would consider giving that up.

5. I know that staff seems to think that a use permit is the way to go here, but I think that is only a procedural step that would not alleviate the underlying neighbor issue and actually would put the County into the position of regulating what in essence is a private matter. If the neighbor continues to have problems with the horse activity on the property, I believe their recourse is a civil complaint for nuisance. We still have "right to farm" in this County, but that applies to County actions to abate nuisances, not private nuisance actions.

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**From:** Luce, Mark [mailto:MLUCE@co.napa.ca.us]  
**Sent:** Monday, November 05, 2007 10:30 AM  
**To:** Tom Carey  
**Subject:** FW: Katie Duncan

Tom,

Can you let me know where we are with this? Is there something stopping Katie from getting a permit to manage this activity? The arguments below describe the value of the operation but also seem to indicate there is a lot of horse riding lessons by people who have a history of paying for such lessons. It would be nice to see a path forward for resolving this.

Thanks,

Mark Luce  
 Napa County Supervisor, District 2  
 1195 Third St. Suite 310  
 Napa, Ca. 94559  
 Office (707) 253-4386  
 Cell (707) 738-7319  
 Fax (707) 253-4176  
 Email: mluce@co.napa.ca.us

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**From:** Sharon E Mail [mailto:smilie@napanet.net]  
**Sent:** Sunday, November 04, 2007 5:46 PM  
**To:** Luce, Mark  
**Subject:** Katie Duncan

Dear Mr. Luce,

My name is Sharon Joseph and I am writing to you today of reference to a matter that directly impacts my 11 year daughter.

My daughter is a western horse rider and has finally found someone who loves horses as much as she does.

It has been brought to our attention that you sent a letter to Katie forbidding her from letting the kids go out and muck stalls. It's not picking up poop, it's called mucking stalls, and anyone who has been around horses, loves horses, or even likes horses wants to take care of them in a proper manner. It has been a long year for my daughter after her trainer at Rafter L Stables left Napa, due to restrictions being forced on horse owners.

My daughter began riding at the age of 2 years old and hasn't wavered in her love of horses. Her previous trainer before Kaite took my daughter to State Regional Shows with Nor-Cal and had her competing against girls 4 times her age. My daughter began competing at the age of 5 by the way.

The 3 years prior to finding Katie my daughter has had a stressful and trying ride. She was bucked off, thrown off, stepped on, and picked on by other competitors with no support from her trainer. She was becoming torn and depressed that she would have to stop riding.

Then we met Katie, through a friend, my daughter took to her right away. Katie let my daughter just come out to her place and visit with the horses and get comfortable in her skin again.

When her previous trainer left Napa, Katie took Elaine and had her ride at her barn just for fun. My daughter wasn't allowed to ride for fun for the last 5 years prior to Katie. My daughter has once again began competing and

she has won 5 Champion titles, (She was never Champion before always Reserve,) and can't stop talking about how much she loves Kaite and all the girls out at the barn. These girls all are loving and supportive of each other and is very uncommon in teenagae girls.

My daughter was raised to care after another living being and Katie has given my daughter along with a select other few the priviledge of mucking stalls and winter grooming the horses. Not everyone can do this for Katie, but these girls including my daughter have shown Katie to be responsible, outstanding, compassionate, and role models for future children.

Why then Mr. Luce are you making me tell my daughter that all her hard work does not matter. That her dreams do not matter. That her time spent doing something productive instead of hanging out in the Target parking lot, the Cinedom, or Skateboard park where we all know drugs, drinking and sex occur. Why does my daughter have to take her light and dim it for 1 person? How am to tell her that she doesn't matter to the people who are to protect and respect our Freedoms and rights?

We as adults must take the bull by the horns and stand up for what's right, and what Gayle's saying and doing isn't right.

One person shouldn't be able to contort the law to her needs, because next time it my be you she wants to stop from being and living. There is no code preventing Katie from having Lessons out at her father's property, there is no code against children being given the priveledge of mucking stalls, there is no code against what is happening at The Hall's property.

There is however something wrong next door, Peter shows his penis in daylight with children around and Gayle allows teenagers to drink beverages not becoming of someone their age, with far more to mention. But talking about that would bring me down to her level and I have to much class and humanity to bring up how they choose to conduct their lives.

All we ask for is the chance to go before the council and state our case, why make a decision based on one persons hate and jealousy? I hope for my daughters sake you don't, because I won't be the one to tell her she doesn't matter that will have come from the county.

Your response is greatly appreciated and deserved for all we are about to endure.

Sincerely,

Sharon Joseph

[sunyfinalfarewel@yahoo.com](mailto:sunyfinalfarewel@yahoo.com)

ED

RECEIVED

NOV 27 2007

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Gail A. Conrads  
1125 Darms Lane  
Napa, CA. 94558  
707-738-9952

November 19, 2007

Mr. Robert Paul  
Deputy County Counsel  
County of Napa  
1195 Third Street, Ste. 301  
Napa, CA. 94559

Re: 1147 Darms Lane

Dear Mr. Paul—

Thank you for your quick response in mailing the copies I requested.

I have read the response and the arguments for the horse back riding business at 1147 Darms Lane. I have to say that my neighbor's lawyer sounds like he has the children's best interest in mind and he brings up a lot of arguments that might make sense if he had been receiving correct information. I can certainly now see why I am being portrayed as the anti-horse, anti-children, bad neighbor. But then I remembered why I filed the complaint in the first place. I had reached my frustration level with the state of the property next door and the continual growth of the non-permitted business. I filed the complaint because the property next door had a full running horse business, environmental hazards, and other non-permitted activities of which I had filed prior as well.

The problem here is that my neighbors have not been forthright about the activity on the property. I have lived at 1125 Darms Lane for over 18 years now and some of the statements in Mr. Carey's and Teri Isola's letters are simply not factual or pertinent to what has transpired over the past few years.

The history for me starts with the fact that we tried for years to get Dennis Hall to take care of four very sick trees lining our properties. Piles of debris and several large branches had fallen on our property over the years, but it wasn't until last year when a branch fell and totaled his new truck that he finally took them out. And we, the neighbors, went and got the bids for him and discarded most of the brush to help him out. There has been no attention to the environmental concerns. Truck tires, oil filters, junk of all kinds, burn piles with trash and inorganic material, broken down vehicles and an unkempt pond have been part of our neighbor's life. As of today, November 19, 2007, the property next door is the tidiest I have ever seen. They have picked up a lot of junk and they are policing the horse feces better and I do appreciate the effort, but I know that this is directly related to the pressure from the county in their effort to avoid filing for a use permit for the horse boarding/ horse back riding business.

The Hall children have always had animals and our only problem prior was when they were raising pigs for 4-H. The children merely were not taught properly how to care for the pigs and to keep them clean. They have often had horses. At one time there was only one horse, then there were two, but I never observed more than four horses until the past couple years. Katie Duncan, Dennis Hall's daughter, has been teaching children to ride horses on the property for approximately 5 years. The problem for us came when the number of horses grew from about 4 horses to over 14 and the number of cars entering the property was several per hour, often for 6 days per week. We have known many people who have used the services over the years, most casual acquaintances, but we know their names. We knew that people were boarding horses as we would see them arrive and leave. One family we knew kept their horses there for a few months and

then had professional horse movers move the horses to Wisconsin, where their entire family relocated. The increased dust, the smell, the flies, the ATV's running up and down the property made it blatantly obvious that the business had grown. It seems to me that this business was lucrative enough that Katie was able to purchase a 5 horse trailer for carting horses to shows. Now we were faced with not only the environmental hazards next door, but the additional nuisance of a non-permitted business and a large number of animals on a very small portion of land.

We went to the county with our complaint and found out quickly that we would be required to do the initial investigating. We were told by two sheriffs, Ed Colby at county planning, and our District 2 supervisor to take pictures and get names and license plates of the clients so the county would have evidence. I double checked the legality of this with all of them and I have e-mails to prove this. We began taking pictures and logging cars as we were told to do. I did not hide this from the Hall's or their customers. I have nothing to hide, have not lied about anything and will not lie about anything. I have a reputation of being painfully honest and anything I have done or said is related to the disturbing state of the property next door.

Now I have been threatened by one of their biggest supporters. This person has gone as far as to write letters to both you and my employer challenging my integrity and attempting to invalidate the evidence I have given so far. She actually canceled her son's HealthQuest membership because she "did not want him within close proximity of Gail Conrads or Peter Garaventa". The person who really was hurt here is the poor boy who used this legitimate business regularly and, for that, I am sorry.

I work at a facility in town where about 10% of the Napa population have been or currently are members. My job is a social position that has brought me many friends and acquaintances in the community, including law enforcement, community service employees, and local government officials. I do not feel that any discussion I have had with any public official has been inappropriate or dishonest.

My first step was to get information from people who were closest to me. I knew that one of my employees, Kathy Stewart, had paid for her daughter to take lessons there a few years prior so I phoned her first. It was pretty easy to hit up my co-workers as I already knew two others that had been solicited to use the services next door. Hence, the Katie Duncan business card I turned in as evidence. This item came from a co-worker, Lisa Ghisletta, who received it from her Mother-in Law. Apparently her Mother-in-Law uses the same Farrier (horseshoer) as Katie Duncan, Dave Adams. Dave was promoting the horse back riding lessons on Darms Lane. Lisa also had been given rates and solicitation by Katie over the phone. I asked Lisa to write a letter stating the facts. Dave's wife, another acquaintance, had also told me that they kept their horses there and took lessons from Katie prior to me filing the complaint. She then repeated this information to another HealthQuest employee who I asked to write a letter and state the facts. I have witnessed many more HealthQuest members and people I know in the community using the services next door, but I was really not comfortable giving names out without asking people and I figured if I just gave a couple and the photos that the county could take it from there and do their job without me. I am certainly ready to give more names of people who I know have used the services next door, but I would prefer that the county would pursue the contact. I know that Norm and Amy Sawicki, the other complainants, have additional names as well as their own returned checks from when they had a child riding in Katie's program.

It is my understanding that Katie admitted collecting for this business up until the first violation letter. Sheriff John Hallman and Ed Colby have told me this. She then admitted that it was "donation only" which I heard straight from her to John Hallman while we observed 14 horses and several children with helmets on in the arena. The letter from Teri Isola to Rob Paul claims that Katie is a professional horse trainer but does not provide service at 1147 Darms Lane. Katie runs lessons 4-5 afternoons per week and all days on Saturdays at 1147 Darms Lane. Whether she is doing this all for free right now I am not certain. What I am certain of is that she has boarded horses and collected fees for horseback riding lessons in the past and I sincerely believe that she is doing so now but under the guise that donations and trade are not "commercial use".

What is really ironic about this entire situation is that both Peter and I love animals and have quite a bit of experience with horses. I rode for years as a child. One of my children has always taken riding lessons, studied Equine Science in college, and currently competes in Western Riding competitions in Santa Rosa.

You should also know that Peter Garaventa, my partner on the property, attended U.C. Davis and Sonoma State in Zoology and carries a certificate from Colorado State University Veterinary and Biomedical Sciences department in Equine Reproduction. That would be "horse breeding". So for someone to think we are anti-horse or horse back riding is ludicrous. We merely feel that our properties are zoned correctly based on the size. We did not have a problem with a few horses on the property next door. We would welcome livestock of any kind next door as long as it was kept in a clean, healthy environment, which has always been the problem for our neighbors.

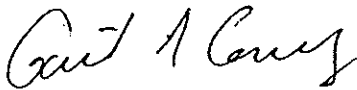
To grant a use permit on the property next door would be irresponsible. The property is a very narrow 2.28 acres and only about the back 1/4 is used for the animals. The road to the stable runs the length of my property and sits directly between two other homes. The horse area is also bordered in the rear by a portion of Dry Creek.

We would love to see and would definitely support Katie Duncan in moving her business to an appropriate location. She is obviously very good at what she does and I am sure she is a caring individual. I think it would be much more beneficial to find a piece of property large enough for 16 horses to live and truly get exercise. The arena on Darms Lane is the smallest arena I have ever seen. The horses don't have a blade of grass, large enough turn-out, and they are really not getting good exercise. I understand that in California, and most of the United States, that there is no set law for acreage per horse, but I am sure if you asked most educated horse professionals what they think about the operation on Darms Lane that nine out of ten would say it's not sufficient. The children riding horses should be learning excellent horse care and above all they should be learning good citizenship.

Initially, we the homeowners/complainants, were required to provide evidence substantiating our claim. Consequently we now are the target of harassment and aggression from the Hall family as well as Katie Duncan's clients and associates.

I hope that the county will continue to investigate and research all of the facts involving this activity at 1147 Darms Lane as I feel that my quality of life and property value are being diminished.

Sincerely,



Gail A. Conrads

Cc:

Gary Lieberstein, District Attorney  
Hillary Gitelman, Conservation & Planning  
Ed Colby, Conservation & Planning  
Mark Luce, Supervisor District 2  
John Robertson, Sheriffs Department  
John Hallman, Sheriffs Department



**Colby, Edward**

---

**From:** Luce, Mark  
**Sent:** Thursday, January 10, 2008 12:20 PM  
**To:** 'Teri Isola'  
**Cc:** Colby, Edward  
**Subject:** RE: 1147 Darms Lane

Hi Teri,

I am sure no one from the county "made her" take pictures. However, we tell everyone who has concerns about neighbors complying with the law to develop a record (what happened, when, who, etc). Taking pictures is one way for a private citizen to develop a record.

Again, I understand this is on its way toward resolution.

Mark Luce  
Napa County Supervisor, District 2  
1195 Third St. Suite 310  
Napa, Ca. 94559  
Office (707) 253-4386  
Cell (707) 738-7319  
Fax (707) 253-4176  
Email: mluce@co.napa.ca.us

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

**From:** Teri Isola [mailto:tiisola28@msn.com]  
**Sent:** Wednesday, January 09, 2008 7:23 PM  
**To:** Luce, Mark  
**Subject:** 1147 Darms Lane

Dear Mr. Luce,

This afternoon my daughter was at Katie Duncan's fathers house helping her exercise the horses after all of this rain. Around 4:45 we saw several flashes go off and realized the neighbor "Amy" was taking pictures of Katie, my daughter, and another young man in the arena from the second story of her house. When Katie asked if it was Amy she said "oh sorry". A few minutes later Katie saw her out back and told her they should talk about the trees and fence. Amy stated she was sorry about taking the pictures and she didn't want to but the county was making her. I find this hard to believe, but I need to know. Has the county requested Katie Duncan's neighbors take pictures of her and her friends on her property without permission?

This question is important to me because it is my understanding that it is not legal for an adult to photograph a minor without parental permission or even that minors permission. I am assuming that it is Gail Conrad making the request of Amy, not the county. I hope you can clear this up for me before I file a complaint with the Sheriffs department.

All of this has gone way too far. The continued harassment of the Hall and Duncan families needs to stop. Katie has given all of the paperwork to her attorney to request a use permit, although she does not need one to have friends on her property. Gail again called the sheriffs department today, who came out to talk to her and the neighbor Amy. I really hope my tax dollar is not longer being wasted by these false calls and accusations. Do you know when this is going to end?

I would appreciate a response soon so I can plan my next steps.

Sincerely,

Teri Isola  
287-2607

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

Teresa Isola  
1673 Sycamore St.  
Napa, CA 94559

September 5, 2007

To the Owners of Health Quest Fitness Center,

This letter is to inform you that I have cancelled my son's membership to Health Quest as of September 6, 2007. I no longer want my son to have the possibility of being in close proximity to Gail Conrads and Peter Garaventa. I have had the unfortunate occurrence of witnessing very bizarre behavior by both Gail and Peter while visiting their neighbors on Darms Lane, whom are very close friends of mine and my daughter.

While being at my friend's house, Gail and Peter have taken pictures from their yard of my car, me, and my daughter, as well as many other visitors to this property. Even when asked to stop by another parent, they did not and the Sheriff had to be called.

In recent weeks it has come to my attention that Gail and Peter are using their influence while working at Health Quest to have both other employees and patrons write letters to the county to discuss the riding of horses on their neighbor's property. It seems that Gail and Peter do not want the neighbors to have company nor ride horses on their own property.

Furthermore, Gail and Peter are now discussing the death of the neighbor's mother in a very slanderous and dishonest manner while working at Health Quest, and for this, it is very sad to say, they have gone too far. At this time friends of the harassed neighbors are joining together to discuss legal action against Gail and Peter. It is only fair for you to be forewarned, as the letters and documentation we have all come from employees and patrons of Health Quest. I am asking for your support in stopping Gail and Peter in their continued use of Health Quest time to slander, lie, and attempt to damage the reputation of their neighbors on Darms Lane.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Teresa Isola', written in dark ink.

Teresa Isola



STEVEN LEDERER  
Director

9211E

**COUNTY of NAPA**  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHRISTINE M. SECHELI, R.E.H.S.  
Assistant Director

**TO:** Napa County Planning Department  
Hillary Gitelman, Planning Director

**FROM:** Napa County Environmental Management Department  
Christine Secheli, R.E.H.S., Assistant Director

**SUBJECT:** Application for Hall (Duncan Horse Facility)  
Located at 1147 Darms Lane  
Assessor Parcel 34-212-04  
File # P08-00015

RECEIVED  
JAN 31 2008  
NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**DATE:** January 30, 2008

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We have reviewed the subject and application and have found it **INCOMPLETE**. We need the following information in order to complete our review:

1. The application indicates a maximum of 12 students per day on site for a maximum of 5 hours. The application does not indicate which restroom the students use. This information must be provided as it is important as to which septic system is being utilized.
2. Once the information about the restroom is provided we will be able to determine what additional information will be needed to establish septic system needs based on existing use and proposed use by students. The existing septic system is likely not adequate for this additional use and either an expanded septic system or new septic system will be required. Because this is a new use (meaning being permitted legally at this time) all current septic requirements will have to be met.
3. The application indicates the facility will board a maximum of 6 horses but fails to identify how many horses will be on site that are owned by the facility operator (for a total maximum number of horses on site at one time).
4. A detailed site plan must be submitted that shows the location of the existing septic systems (tanks and leach lines) and all proposed arenas, horse pastures, stalls, manure disposal area and existing water supply wells.

1195 Third Street, Suite 101 • Napa, California 94559  
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • [www.co.napa.ca.us](http://www.co.napa.ca.us)

5. The applicant shall submit information regarding the handling of the horse manure which at a minimum shall include the following: Will manure be composted on site? Where will manure be stored and on what type of pad? What type of enclosure or dumpster will be used? How often will the manure be removed from the site?
6. The applicant shall also provide information on how the manure will be handled to ensure that odors and run-off from the manure will not impact surrounding neighbors or creeks.

cc: Tom Carey, Dickenson, Peatman & Fogarty, 809 Coombs St. , Napa 94559





Use Permit

FILE# 708-00015

**NAPA COUNTY**  
**CONSERVATION, DEVELOPMENT & PLANNING COMMISSION**  
1195 Third Street, Suite 210, Napa, California 94559 • (707) 253-4416

**APPLICATION FORM**

THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

## FOR OFFICE USE ONLY

ZONING DISTRICT: AW Date Submitted: 1-15-08  
TYPE OF APPLICATION: Use Permit - Horse Training Date Complete: \_\_\_\_\_  
REQUEST: Horse Training + Boarding Date Published: \_\_\_\_\_  
facility

TO BE COMPLETED BY APPLICANT  
(please type or print legibly)PROJECT NAME: Duncan HorsesAssessor's Parcel #: 034-212-004 Existing Parcel Size: 2.28 acresSite Address/Location: 1147 Darms Lane Napa CA 94558  
No Street City State ZipProperty Owner's Name: Dennis M. HallMailing Address: 1147 Darms Lane Napa CA 94558  
No Street City State ZipTelephone #: ( ) Fax#: ( ) E-Mail: \_\_\_\_\_Applicant's Name: Katie DuncanMailing Address: 1147 Darms Lane Napa CA 94558  
No Street City State ZipTelephone #: (707) 480-1052 Fax#: ( ) E-Mail: duncanhorses@earthlink.netStatus of Applicant's Interest in Property: Owner's daughterRepresentative Name: Tom Carey, Dickenson, Peatman & FogartyMailing Address: 809 Coombs Street Napa CA 94559  
No Street City State ZipTelephone #: (707) 252-7122 Fax#: (707) 255-6876 E-Mail: tcarey@dpf-law.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including with reasonable prior notice the right of access to the property involved.

Dennis M. Hall 1/11/08  
Signature of Property Owner Date

Katie Duncan 1/11/08  
Signature of Applicant Date

Dennis M. Hall  
Print Name

Katie Duncan  
Print Name

## TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

\*Application Fee Deposit: 66873 Receipt No. \_\_\_\_\_ Received by: 88 Date: 1-15-08

→ \$1303

# WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

<b>I. WATER SUPPLY</b> <u>NO CHANGE</u>	<u>Domestic</u>	<u>Emergency</u>
A. Proposed source of Water (e.g., spring, well mutual water company, city, district, etc.)	<u>well</u>	<u>tanks</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u>
C. Current Water Use (in gallons/day): Current water source:	<u>n/a</u> <u>well</u>	<u>Winery</u> <u>well</u>
D. Anticipated Future Water Demand (in gallons/day)	<u>no change</u>	<u>n/a</u>
E. Water Availability (in gallons/minute):	<u>n/a</u>	<u>n/a</u>
F. Capacity of Water Storage System (gallons):	<u>n/a</u>	<u>n/a</u>
G. Nature of Storage Facility (e.g. tank, Reservoir, swimming pool, etc.):	<u>tanks</u>	<u>tank</u>
H. Completed Phase I Analysis Sheet (N/A)	<u>PLEASE COMPLETE &amp; SUBMIT</u>	

<b>II. LIQUID WASTE</b> <u>NO CHANGE</u>	<u>Domestic</u> <u>(sewage)</u>	<u>Other</u> <u>(please specify)</u>
A. Disposal Method (e.g., on-site septic system On-site ponds, community system, district, etc.)	<u>THIS SECTION IS IMPORTANT - PLEASE COMPLETE.</u>	
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	Yes ___ No ___	Yes ___ No ___
C. Current Waste Flows (peak flow in gallons/day):	_____	_____
D. Anticipated Future Waste Flows (peak flows in gallons/day)	_____	_____
E. Future Waste disposal Capacity (in gallons/day):	_____	_____

<b>III. SOLID WASTE DISPOSAL</b>		
A. Operational Wastes (on-site, landfill, garbage co., etc)	<u>garbage co.</u>	<u>garbage co.</u>
B. Grading Spoils (on-site, landfill, construction, etc.)	<u>N/A</u>	<u>N/A</u>
<b>IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet)</b>		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc)	<u>N/A</u>	<u>N/A</u>
B. Name of Disposal Agency (if landfill, garbage co private hauler, etc.):	<u>N/A</u>	<u>N/A</u>



# INFORMATION SHEET

## I. USE

- A. Description of Proposed Use (including where appropriate product/service provided):  
See attached project statement
- B. Project Phases: N/A [ ] one [ ] two [ ] more than two (please specify) \_\_\_\_\_
- C. Estimated Completion Dated for Each Phase: N/A Phase 1: \_\_\_\_\_ Phase 2: \_\_\_\_\_
- D. Actual Construction Time Required for Each Phase: N/A [ ] less than 3 months  
 [ ] More than 3 months
- E. Related Necessary On-And Off-Site Concurrent or Subsequent Projects: \_\_\_\_\_  
none
- F. Additional Licenses/Approval Required: none
- District: none Regional: none
- State: none Federal: none

## II. BUILDINGS

- A. Floor Area/impervious area of Project (in square ft): existing buildings → **WHICH EXISTING BUILDINGS?**  
 Proposed total floor area on site: no change  
 Total development area (building, impervious, leach field, driveway, etc.) \_\_\_\_\_  
 New construction: none  
 existing structures or portions thereof to be utilized: \_\_\_\_\_ existing structures or portions thereof to be moved: 0
- B. Floor Area Devoted to each separate use (in square ft): N/A; existing buildings → **PLEASE COMPLETE**  
 living: \_\_\_\_\_ storage/warehouse: \_\_\_\_\_ offices: \_\_\_\_\_  
 sales: 0 caves: \_\_\_\_\_  
 other: 0 septic/leach field: no change  
 roads/driveways: no change
- C. Maximum building Height: N/A existing structures: varies new construction: N/A
- D. Type of New Construction (e.g.), wood-frame): N/A
- E. Height of Crane necessary for construction of new buildings (airport environs): N/A
- F. Type of Exterior Night Lighting Proposed: no change → **WHAT ABOUT THE EXISTING EXTERIOR LIGHTING? WHAT IS IT? WILL IT BE USED?**
- G. Viewshed Ordinance Applicable (See County Code Section 18.106): Yes \_\_\_\_\_ No X
- H. Fire Resistivity (check one; If not checked, Fire Department will assume Type V – non rated):

## III. PARKING

	Existing	Proposed
A. Total On-Site Parking Spaces:	<u>2</u>	<u>2</u>
B. Customer Parking Spaces:	<u>2</u>	<u>2</u>
C. Employee Parking Spaces:	<u>1</u>	<u>1</u>
D. Loading Areas:	<u>0</u>	<u>0</u>

IV.

## TYPICAL OPERATION

	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	<u>n/a</u>	<u>6</u>
B. Expected Hours of Operation:	<u>n/a</u>	<u>8:00-8:00</u>
C. Anticipated Number of Shifts:	<u>n/a</u>	<u>N/A</u>
D. Expected Number of Full-Time Employees/Shift:	<u>n/a</u>	<u>1</u>
E. Expected Number of Part-Time Employees/Shift:	<u>n/a</u>	<u>0</u>
F. Anticipated Number of Visitors		
• busiest day:	<u>n/a</u>	<u>12</u>
• average/week:	<u>n/a</u>	<u>48</u>
G. Expected Number of Deliveries/Pickups		
• busiest day:	<u>n/a</u>	<u>n/a</u>
• average/week:	<u>n/a</u>	<u>n/a</u>

PLEASE  
REVISE TO  
INCLUDE  
ANY  
VOLUNTEER  
OR UNPAID  
HELP.

V.

## SUPPLEMENTAL INFORMATION FOR SELECTED USES

A.	Commercial Meeting Facilities Food Serving Facilities	<u>n/a</u>	
	• restaurant/deli seating capacity:	<u>          </u>	
	• bar seating capacity:	<u>          </u>	
	• public meeting room seating capacity:	<u>          </u>	
	• assembly capacity:	<u>          </u>	
B.	Residential Care Facilities (6 or more residents): Day Care Centers	<u>Existing</u>	<u>Proposed</u>
	• type of care:	<u>n/a</u>	<u>          </u>
	• total number of guests/children:	<u>          </u>	<u>          </u>
	• total number of bedrooms:	<u>          </u>	<u>          </u>
	• distance to nearest existing/approved: facility/center:	<u>          </u>	<u>          </u>

PLEASE  
REVISE  
TO INCLUDE  
FEED, MANURE  
HAULAGE, ETC.

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.

151

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 Mc Dowell, Conservation & Planning  
Gary Lieberstein, District Attorney  
Rob Paul, Deputy County Counsel  
John Robertson, Napa County Sheriffs Dept.



HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

March 11, 2008

Mr. Tom Carey  
Dickenson, Peatman, & Fogarty  
809 Coombs Street  
Napa, CA 94559

**Re: Horse Boarding and Training Stable Use Permit Application P08-00015, Duncan Horses,  
1147 Darms Lane, APN 034-212-004**

Dear Tom,

Thank you for taking the time to meet with John McDowell and me on the Duncan Horses use permit application last Thursday (3.6.08). As I'm sure you remember, we spent some time at that meeting discussing the required fee deposit, the fact that your client has only submitted \$1,303 of the required \$8,260, and the potential for a fee waiver. If your client wishes to file a fee waiver request, please submit a letter addressed to the Director of Conservation, Development, and Planning which specifically addresses the findings required at Part III, Section 10.020 of the Napa County Policy Manual (attached). In addition, I would draw your attention to Part III, Section 80.010A of the County Policy Manual which states, in part, "the County shall not perform services if there is not a deposit sufficient to reimburse the County for the cost of staff time." As I write, there is \$212.83 remaining from your client's original \$1,303 deposit in our trust account and surely the time associated with the drafting and distribution of this letter will consume that small remaining positive balance.

Please also be aware that it is the position of this Department that horse training, horse boarding, and similar activities are allowed within the AW zoning district only upon the grant of a conditional use permit. No such permit has been granted for the Hall property and to the extent that those activities are currently occurring there they are illegal and must cease immediately and completely. As your client has been repeatedly advised by our enforcement section and as you were personally advised at our March 6, 2008 meeting, the continuing operation of an unpermitted horse facility at 1147 Darms Lane would subject Mr. Hall to additional enforcement actions and may ultimately compromise your attempts to legalize the operation via use permit.

Pending cessation of any unpermitted and illegal uses, the enforcement action against your client has been placed on temporary hold while you pursue a use permit to legalize the horse training and boarding facility. That temporary cessation is, however, dependent on your client's earnest, timely, and continuing pursuit of the use permit remedy. The timely submission of the additional information requested in my 2.15.08 letter, and in particular of the required fee deposit which will allow the County to continue its work on the project, will do much to ensure that this matter is not referred back to our enforcement desk and ultimately to the District Attorney.

Once required fees have been submitted, I would like to schedule a time to meet with you and your clients at the Hall property to tour the facility. In the meantime, if you have questions about this letter, or

Page 2

any other matter relating to your application, please feel more than free to contact me at 707.253.4847 or via email at [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us).

Best Regards.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Cahill  
Planner

Cc: Katie Duncan & Dennis Hall, John McDowell (CDPD), Ed Colby (CDPD), Michael Karath (Staff Assistant), FILE

**PART 10**

**GENERAL PROVISIONS**

Sec. 10.010. Imposition of Fees

Sec. 10.020. Waiver of Fees

Sec. 10.030. Processing Applications or Permits; Fees

**Sec. 10.010. Imposition of Fees.**

Fees adopted by resolution of the Board of Supervisors shall be collected by the Department indicated and deposited with the Treasurer-Tax Collector of Napa County. The fees shall be credited to a revenue account of the Department that collected the fee unless otherwise indicated. The amount of the prescribed fee does not include the fee for any environmental impact assessment required in connection therewith. No part of any fee shall be refundable, unless otherwise indicated.

**Sec. 10.020. Waiver of Fees.**

(a) The County officer or employee responsible for collecting any fee established herein, or on appeal the Board of Supervisors, 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.

(b) Each department shall keep and maintain records of the nature, number and dollar amount of fees waived pursuant to subparagraph (a) of this section, and shall quarterly submit copies of those records to the County Administrative Officer.

(c) The County Administrative Officer shall prepare quarterly reports regarding the nature, number and dollar amount of fees waived by the various County departments and shall present those reports to the Board of Supervisors for review.



Revised 7/25/95

10.020-10.030

**Sec. 10.020. Waiver of Fees.**

(d) Subparagraph (a) does not apply to the waiver of outdoor festival permit fees. The waiver of all such fees must be approved by the Board of Supervisors in accordance with the standards set forth in Section 8028 of the Napa County Code of Ordinances.

(e) Notwithstanding subparagraph (a) above, the County shall waive the first \$700.00 of building inspection fees for non-Profit organizations that are developing facilities within the County on publicly owned land.

(f) Notwithstanding subparagraph (a) above, the Director of the Conservation, Development and Planning Department shall waive the first \$100.00 of any fee imposed as a condition of the issuance of a building permit for the repair of damage to any structure resulting from the January and March 1995 floods; provided, however, such waiver shall only apply to applications for building permits filed with the Conservation, Development and Planning Department on or before June 30, 1996. The Director of Conservation Development and Planning Department shall cause an appropriate refund to be issued to any person who, prior to the adoption of this subparagraph, paid the required building permit fee in full but would have qualified for the waiver had this subparagraph been in effect at the time the fee was paid.

**Sec. 10.030. Processing Applications or Permits; Fees.**

If a fee is not established elsewhere in this booklet for the processing of an application or permit, the fee shall be as follows:

- |  |         |
|--|---------|
| (a) Where publication or legal advertising is required     | \$50.00 |
| (b) Where publication or legal advertising is not required | \$20.00 |



HILLARY GITELMAN  
Director

# COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

April 8, 2008

Mr. Tom Carey  
Dickenson, Peatman, & Fogarty  
809 Coombs Street  
Napa, CA 94559

**Re: Horse Boarding and Training Stable Use Permit Application P08-00015, Duncan Horses, 1147 Darns Lane, APN 034-212-004**


Dear Tom,

It is the policy of this department to provide property owners with every available opportunity to comply with the County Code. It is, however, essential that open code enforcement cases show steady movement towards resolution. While my letter of March 11, 2008 requested the timely submission of required fees and materials, it did not specify a deadline by which those materials were to be submitted.

With the goals of both providing your client with ample opportunity to come into compliance with the County's regulations and of motivating a prompt resolution of this matter at the front of mind, this letter shall serve to clarify that all materials requested in my February 15, 2008 letter to Ms. Katie Duncan, including a complete fee deposit, must be submitted to this department by April 25, 2008. If we have not received all required materials by that date, the Planning Director will be forced to close your client's use permit application and the matter will be referred back to the enforcement section for action.

If you have questions about this letter, or any other matter relating to your application, please feel free to contact me at 707.253.4847 or via email at [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us).

Best Regards,



Chris Cahill  
Planner

Cc: Katie Duncan & Dennis Hall, John McDowell (CDPD), David Giudice (CDPD), Deputy John Hallman (Sheriff), Michael Karath (DCIA), FILE

---

1195 Third Street, Suite 210 + Napa, California 94559  
Telephone: 707-253-4417 + Fax: 707-253-4336 + [www.co.napa.ca.us](http://www.co.napa.ca.us)

RECEIVED

APR 28 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

THOMAS F. CAREY  
tcarey@dpf-law.com



DICKENSON, PEATMAN & FOGARTY  
A Professional Law Corporation

809 Coombs Street  
Napa, CA 94559-2977  
Tel: 707 252 7122  
Fax: 707 255 6876

[www.dpf-law.com](http://www.dpf-law.com)

April 25, 2008

Chris Cahill, Planner  
Napa County Conservation, Development and Planning Department  
1195 Third Street, Room 210  
Napa, CA 94559

**Re: Katie Duncan Horseback Riding Lessons**

Dear Chris:

This letter is responsive to your requests for information dated February 15, 2008, and March 11, 2008, regarding the use permit application for horseback riding and boarding of 6 horses within existing facilities at 1147 Darms Lane (APN 034-212-004). We are enclosing the following information in support of this application:

1. Fee waiver request, below.
2. There are 16 horses on property, all owned by Ms. Duncan and her family. No commercial horse boarding, training or riding lessons are occurring on the property at this time.
3. Revised application forms are attached.
4. Revised site plan, showing stream setback and more clearly specifying the existing outdoor corral used for the lessons, the drop-off area for the students and the existing stalls and paddocks used to board the horses, is attached.
5. No floor plans are provided as no new structures are proposed. Lessons will occur in the existing, uncovered outdoor corral. Horse boarding will occur in the existing stalls and paddocks.
6. No elevations are provided as no new construction is proposed. Photos of the existing corral, stalls and paddocks are available upon request or you can take your own during upcoming site visit.
7. Stream setback is shown on revised site plan.
8. Manure is removed to a dumpster on a daily basis and hauled off the property on a weekly basis by Napa Recycling.

Charles H. Dickenson  
Paul G. Carey  
Richard P. Mendelson  
James W. Terry  
Thomas F. Carey  
Matthew J. Eisenberg  
Kevin W. Teague  
Michael J. Holman  
David A. Diamond  
J. Scott Gerien  
Richard C. Rybicki  
Brandon R. Blevans  
Kevin D. DeBorde  
David Balter  
W. Scott Thomas  
Gregory J. Walsh  
J. Robert Anglin, Jr.  
Megan Ferrigan Healy  
Julia M. Walk  
John N. Heffner  
Patrick B. Sutton  
Max A. Broome  
Deirdre I. Bourdet  
Susan L. Schwegman

Of Counsel

Francis J. Collin, Jr.  
C. Richard Lemon  
David W. Meyers  
Cathy A. Roche

Retired

Howard G. Dickenson  
Joseph G. Peatman  
Walter J. Fogarty, Jr.  
(1939-2007)

NAPA & SANTA ROSA

We are requesting a fee waiver of a portion of the \$8,260 application fee. Part III, Section 80.010A of the Napa County Policy Manual authorizes the Director, or on appeal, the Board of Supervisors, to waive such 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.

These findings may be made for the following reasons.

- The zoning for the property, AW Agricultural Watershed, permits "agriculture" as a matter of right, without a use permit. Under its definition in Napa County Code section 18.08.040, "Agriculture" includes the *raising of* livestock, the grazing of livestock, and animal husbandry including, without limitation, the breeding and *raising of* cattle, sheep, *horses*, goats, pigs, rabbits and poultry.
- The Napa County General Plan states that a purpose of reserving land for agriculture is so that farms and ranches can continue to be a vital part of the County's economy and lifestyle. A goal of the General Plan is to protect the integrity of those areas identified as agricultural. In furtherance of its goal of protecting agriculture, General Plan Agricultural Policy 3.3 mandates the County to develop a plan to promote an agricultural support system including 4-H, FFA and "*agricultural education.*"
- The horses on the property require consistent exercise and human interaction to maintain their physical health and gentle demeanor. The operation also requires maintenance activities such as grooming, mucking and feeding.
- The above could be accomplished by hiring agricultural laborers, but, as an alternative, Ms. Duncan wishes to allow local schoolchildren, many of whom are her former disabled students, to visit her father's parcel and ride the horses and assist from time to time with grooming, mucking and feeding.
- Ms. Duncan provides the riding lessons for the children in a safe, nurturing environment that is mutually beneficial to the horses and the children. This activity benefits the horses, which require the exercise and socialization, and the children, who get to partake in an educational opportunity they would not normally be afforded given the steady loss of horse riding facilities in the County.

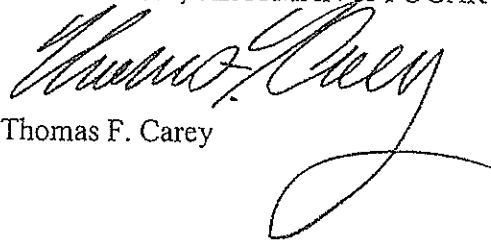
Chris Cahill  
April 25, 2008  
Page 3

- Ms. Duncan wishes to take donations to offsets costs of maintaining the horses and, if this fee waiver and use permit are granted, the costs of establishing her operation as a non-profit organization, estimated to be \$3,000-\$4,000.
- County Counsel has opined that accepting donations in the form of labor or donations in exchange for horse riding lessons is a commercial use in the AP Zoning District requiring a use permit. The standard use permit fee of \$8,260 is cost prohibitive given the marginal economic return of the activities proposed.
- If the use permit is granted, Ms. Duncan will be able to receive donations and use same to become a non-profit organization.

Please call me if you have any questions or need further information.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



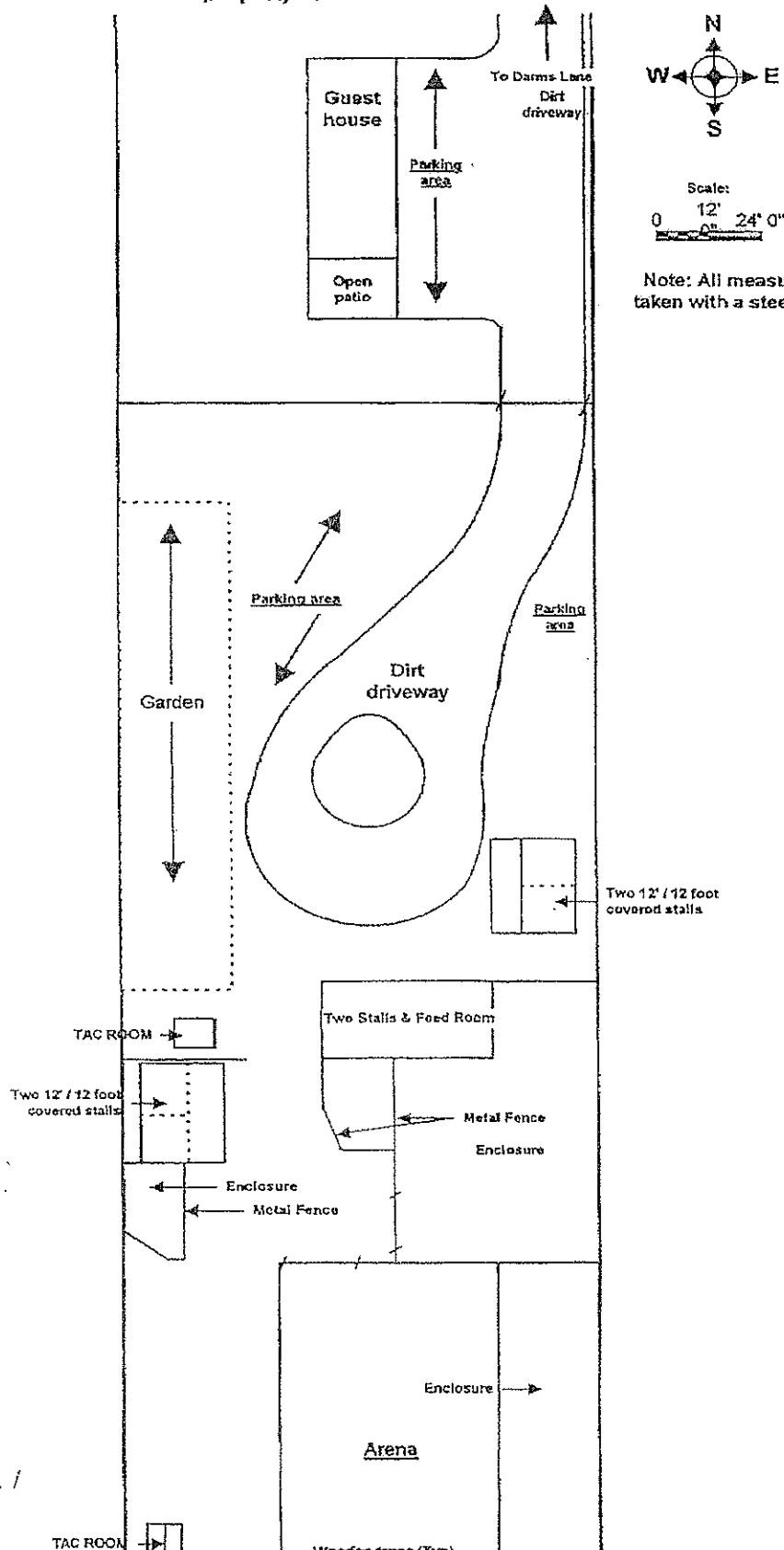
Thomas F. Carey

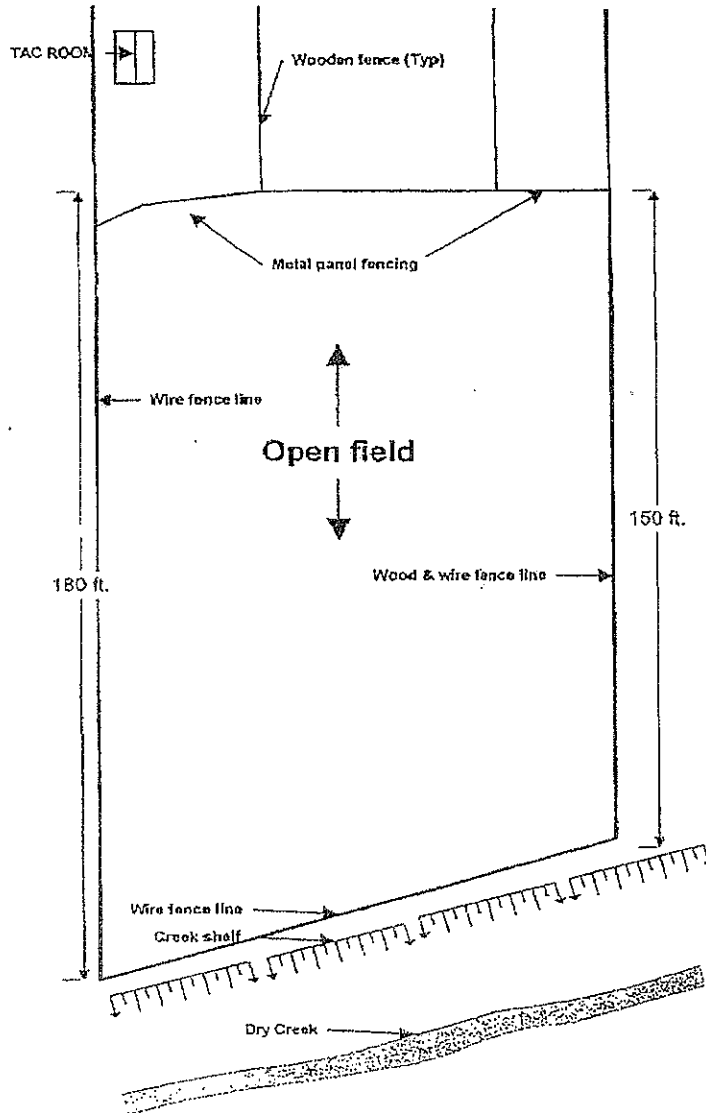
TFC:bab

Enclosures

cc: Supervisor Mark Luce  
Hillary Gitelman, Planning Director  
David Giudice, Supervising Code Enforcement Officer

The approximate southern two thirds of the property at 1147 Darms Lane







HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

May 1, 2008

Mr. Tom Carey  
Dickenson, Peatman, & Fogarty  
809 Coombs Street  
Napa, CA 94559

**Re: Horse Boarding and Training Stable Use Permit Application P08-00015, Duncan Horses,  
1147 Darms Lane, APN 034-212-004**

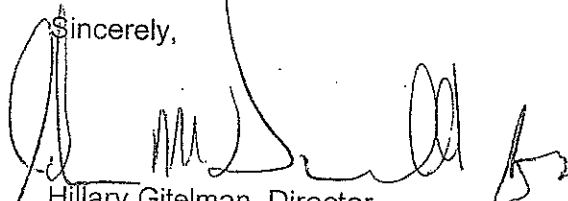
Dear Tom,

Please be advised that on Thursday, May 1, 2008, the Director of the Conservation, Development, and Planning Department **DENIED** the fee waiver request made on behalf of Ms. Katie Duncan in your April 25, 2008 letter (attached). This denial was based on the lack of adequate evidence in the record that the applicant is currently a non-profit organization as required by the Napa County Policy Manual, Part III, Section 10.020.(a)(3).

The above determination becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees.

If you have questions about this letter, or any other matter relating to your application, please feel free to contact Project Planner Chris Cahill at 707.253.4847 or via email at [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us).

Sincerely,



Hillary Gitelman, Director

Napa County Conservation, Development, and Planning Department

Cc: Katie Duncan & Dennis Hall, John McDowell (CDPD), Ed Colby (CDPD), Michael Karath (DCIA), FILE



**Cahill, Christopher**

---

**From:** McDowell, John  
**Sent:** Monday, February 11, 2008 1:31 PM  
**To:** Cahill, Christopher  
**Subject:** FW: Permit Application: Hall (Duncan Horse Facility) APN#34-212-004

---

**From:** Robertson, John (Sheriff's Department)  
**Sent:** Friday, January 25, 2008 2:46 PM  
**To:** McDowell, John  
**Cc:** Hallman, John L.  
**Subject:** Permit Application: Hall (Duncan Horse Facility) APN#34-212-004

***The Napa Sheriff's Office (Problem Oriented Policing Program, Deputy John Hallman) has been addressing numerous issues with this applicant and the listed location. While progress has been made in the area of dust control, the impact on the "residential" neighborhood has required our attention on numerous occasions. We have been dispatched to neighborhood disputes, speeding vehicles, verbal harassment and threat of physical assault. It is evident to our staff that the applicant is operating a commercial business at this location. If this permit is granted there is no reason to believe that these issues will go away and it will continually require our law enforcement services. It is our recommendation that the use permit be denied to this commercial training stable.***

***The Sheriff's Department does not have jurisdiction by law on this project.***

**Captain John Robertson  
Napa County Sheriff's Department  
1535 Airport Blvd., Napa CA 94558  
E-mail: [jroberts@co.napa.ca.us](mailto:jroberts@co.napa.ca.us)  
P- (707)259-8717  
F- (707)299-4200**

02/13/2008



HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

February 15, 2008

Ms. Katie Duncan  
1147 Darms Lane  
Napa, CA 9455

**Re: Horse Boarding and Training Stable Use Permit Application, Duncan Horses, 1147 Darms Lane, APN 034-212-004**

Dear Katie,

I have recently been assigned the use permit application filed on your behalf by Mr. Tom Carey on January 15, 2008 for horse boarding and training stables on your father's Darms Lane property. While I would very much like to move the application forward, my initial review of the file indicates that a few key items are missing. Your submission of the following would greatly assist us in completing our review of your project in a thorough and timely manner:

- Please submit an additional application fee deposit of \$6,957 (required application deposit and flat fees totaling \$8,260 minus the \$1,303 submitted on January 15).
- Please identify how many horses are currently on the property, how many of those horses are owned by your family, and how many of those horses are owned by others. Please also identify how many horses owned by your family, in addition to the up to six boarded horses, are proposed pursuant to this application.
- Please review the attached annotated application forms, amend as necessary, and submit one complete copy of the revised forms.
- Please submit five 24" x 36" and one 8.5" x 11" copies of a scaled and professionally drafted site plan clearly depicting, without limitation, Dry Creek and its top of bank, topographical information for the entirety of the property, all buildings, paved and unpaved driveways, parking spaces, stalls, paddocks, arenas, pastures, hay storage areas, wells, septic tanks, leach fields, leach field reserve areas, any other structures, and the full extent of all areas which are proposed to be utilized as part of or in any use accessory to the proposed horse boarding and training stable.
- Please submit five 24" x 36" and one 8.5" x 11" copies of scaled and professionally drafted floor plans for any structure which is proposed to be utilized as part of or in any use accessory to the proposed horse boarding and training stable.
- Please submit elevations (color photographs are fine) for all structures on the property.
- Please submit five 24" x 36" and one 8.5" x 11" copies of a scaled and professionally drafted detail, keyed to the site plan, depicting a section running between the top-of-bank of Dry Creek and the edge of the nearest area which is proposed to be utilized by the horse boarding and training stable or any use accessory thereto.
- Please submit a copy of your current contract or other service agreement with your manure collection

---

1195 Third Street, Suite 210 ♦ Napa, California 94559  
Telephone: 707-253-4417 ♦ Fax: 707-253-4336 ♦ [www.co.napa.ca.us](http://www.co.napa.ca.us)

service and a detailed proposed animal waste collection and disposal program.

- If you have not already done so, please submit digital copies of the plans, elevations, and photos included in your application materials (including the above-requested information) to Jeff Tangen so that he can begin creating presentation graphics. Jeff can be reached with questions at [jtangen@co.napa.ca.us](mailto:jtangen@co.napa.ca.us) or 707.259.5934.

I have attached a copy of Environmental Management's January 30, 2008 incomplete letter for your reference; the items included in that letter will need to be addressed prior to any hearing on this application and copies of all of the information required by Environmental Management should also be forwarded to me. Please also note that the additional information detailed above is required for initial review and that there is a possibility more information may be required in the future as we progress towards a hearing.

Once the above has been submitted, I would like to schedule a time to meet with you in on your father's property to take a look at the site and discuss the project. In the meantime, if you have questions about this letter, or any other matter relating to your application, please feel more than free to contact me at 707.253.4847 or via email at [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us).

Best Regards,

A handwritten signature in black ink, appearing to be 'CC', with a long horizontal line extending to the right.

Chris Cahill  
Planner

Cc: Dennis Hall, Tom Carey (DP&F), Rob Paul (Counsel), Christine Secheli (DEM), John McDowell (CDPD), Ed Colby (CDPD), FILE

## Hilary DePuy

---

**From:** Hilary DePuy  
**Sent:** Monday, April 28, 2008 4:58 PM  
**To:** 'Colby, Edward'; 'hgitelman@co.napa.ca.us'; 'ccahill@co.napa.ca.us'; Lederer, Steven; 'csecheli@co.napa.ca.us'; 'rpaul@co.napa.ca.us'; 'gliebers@co.napa.ca.us'; 'mluce@co.napa.ca.us'; 'jhallman@co.napa.ca.us'; 'jroberts@co.napa.ca.us'; 'Don Richardson'; 'gmartinelli@dfg.ca.gov'; 'Joe Giordano'  
**Subject:** 1147 Darms Lane - APN 034-212-004 - Public Nuisance and County Code Violations

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 corral area. The small corral area has a thick, dry dirt surface.
3. One adult was giving riding lessons, and four children were riding horses in the small corral area.
4. Two horses, with little space to move around, were also in the small corral 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 corral area adjacent to the horse riding lesson corral. 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 corral, 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.

J. 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  
(153 KB)



SCAN\_457\_000.pdf  
(256 KB)

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

IRS Circular 230 Disclosure: To ensure compliance with the requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Privileged and Confidential Communication

The contents of this email message and any attachments contain information from the law firm of Gaw, Van Male, Smith, Myers, & Miroglio which are confidential and/or privileged. The information is intended to be for the sole use of the individual or entity named on this email transmission. If you are not the intended recipient, or if this message has been inadvertently directed to your attention, you are hereby notified that you have received this message and any attachments in error and that any review, disclosure, copying, dissemination, distribution or use of the contents of this email message is strictly prohibited. If you have received this email in error, please notify us immediately by return email and delete and destroy all copies of the original message.

## HEALTH AND SAFETY CODE

### SECTION 2060-2067

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

(b) The person or agency claiming ownership, title, or right to property or who controls the diversion, delivery, conveyance, or flow of water shall be responsible for the abatement of a public nuisance that is caused by, or as a result of, that property or the diversion, delivery, conveyance, or control of that water.

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.

(b) The notice required by subdivision (a) shall do all of the following:

(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.

(2) Direct the owner of the property to abate the nuisance within a specified time.

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

(4) 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 district taking the necessary actions, and that the owner shall be liable for paying the costs of the district's actions.

(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.

(6) Inform the owner of the property that before complying with the requirements of the notice, the owner may appear at a hearing of the board of trustees at a time and place stated in the notice.

(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.

(d) At the hearing before the board of trustees at the time and place stated in the notice, the board of trustees shall accept written and oral testimony from the property owner and other persons.

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

ed 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.

(b) If the owner of the property fails to pay the district's costs within 60 days, the board of trustees may order the costs and any civil penalties charged and collected against the property. The charge shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the costs and civil penalties charged and collected against the property.

(c) If the board of trustees charges the costs and any civil penalties against the parcel, the board of trustees may also cause the notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner of the property, set forth the last known address of the record owner, set forth the date upon which the abatement of the public nuisance was ordered by the board of trustees, set forth the date upon which the abatement and any necessary actions to prevent the recurrence of the public nuisance was complete, and include a description of the real property subject to the lien and the amount of the cost and any civil penalties.

(d) However, if the board of trustees does not cause the recordation of a notice of abatement lien pursuant to subdivision (c), and any real property to which the costs and any civil penalties relate has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to that property, prior to the date on which the first installment of county taxes would become delinquent, then the cost and any civil penalties may not result in a lien against that real property but shall be transferred to the unsecured roll for collection.

(e) Recordation of a notice of abatement lien pursuant to subdivision (c) shall have the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created shall have the same priority as a judgment lien on real property and shall continue in effect until released. Upon order of the board of trustees, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

2066. The lien provisions of this article shall not apply to property owned by a public agency. Notwithstanding Section 6103 of the Government Code or any other provision of law, a public agency shall pay the district for the cost of abating the public nuisance, the cost of any necessary actions to prevent the recurrence of the public nuisance, and any civil penalties.

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.



## 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.

MAY 20 2008

AGENDA ITEM

NO. 92



## Code Enforcement Program

May 20, 2008  
County of Napa  
Code Enforcement Unit



## Presentation Outline

### Current Program

- Scope and Statistics – Dave Giudice
- Violation permitting process – Darrell Mayes

### Discussion Topics

1. Vacation Rentals – Michael Karath
2. Vehicle Storage – Dave Giudice
3. Animal Keeping – Dave Giudice
4. Nuisance Abatement – Dave Giudice
5. Cost Recovery – Dave Giudice



## Scope of Current Program

- Building Regulations (Building)
  - Illegal construction
  - Substandard housing
  - Dangerous buildings
- Zoning Regulations (Planning)
  - Use permits
  - Farm Labor housing
  - Conservation regs.
- Property Nuisance



## Current Program Statistics

### Current case load

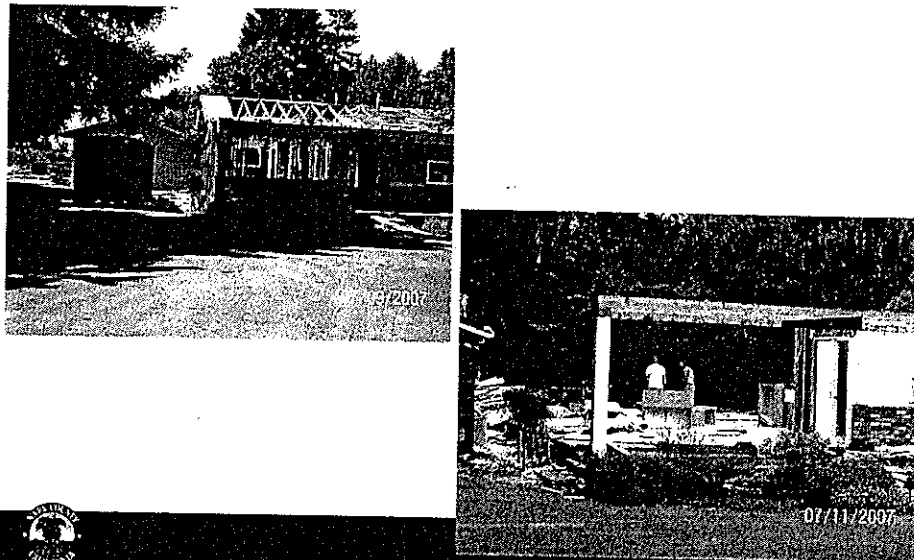
- About 305 cases currently active
  - 189 Permit Enforcement
  - 87 Zoning/Conservation
  - 29 Property Nuisance
- 205 complaints since July 2007
  - 40 through Internet
- 102 cases closed since July 2007
- Building Investigation Fees – \$68,700



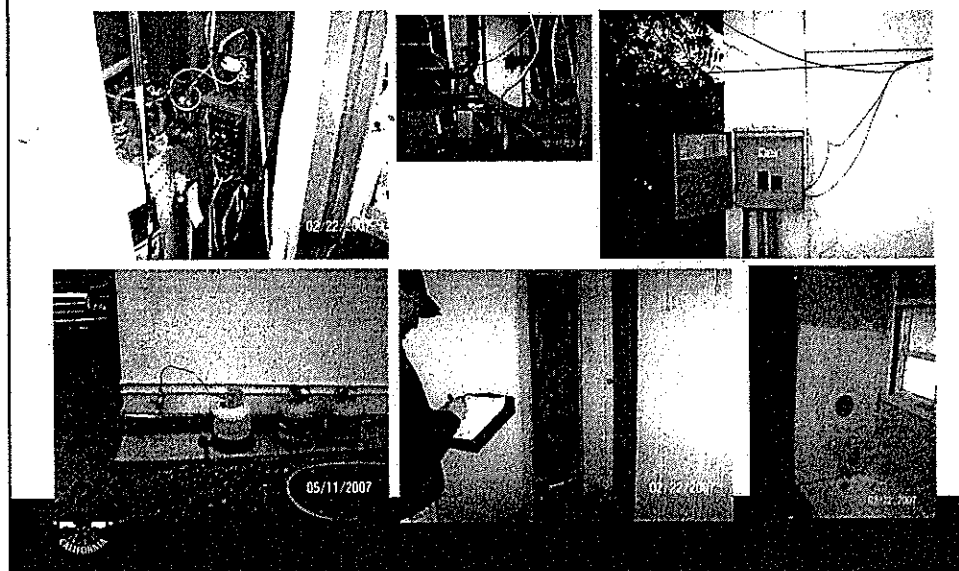
## Permit Violations



## Out of Scope Permits



## Substandard Buildings



## Dangerous Buildings



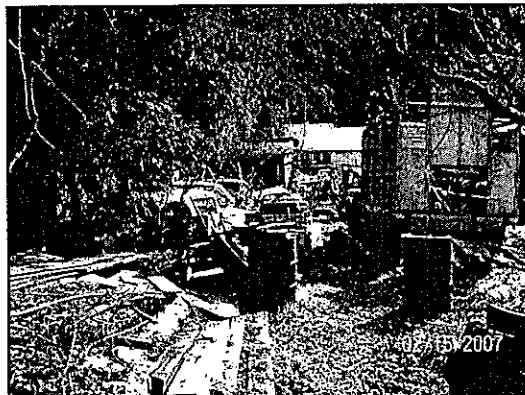
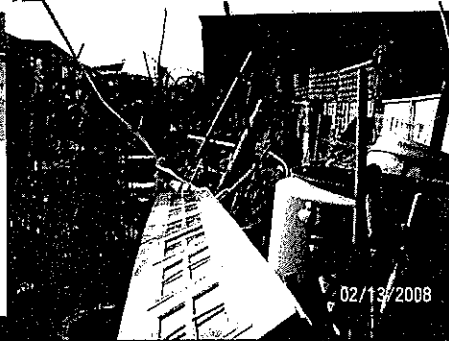
## Garage Conversions



Recent Fire in  
Garage Conversion

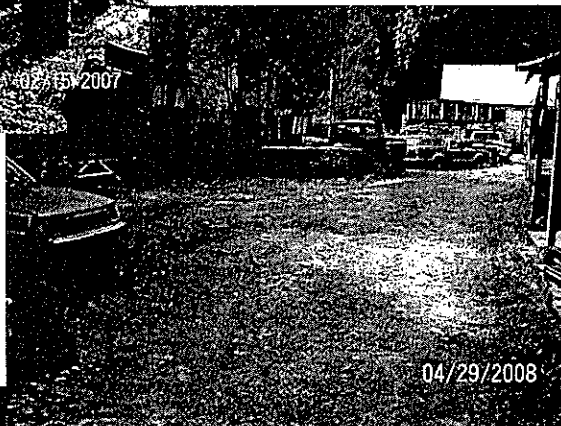


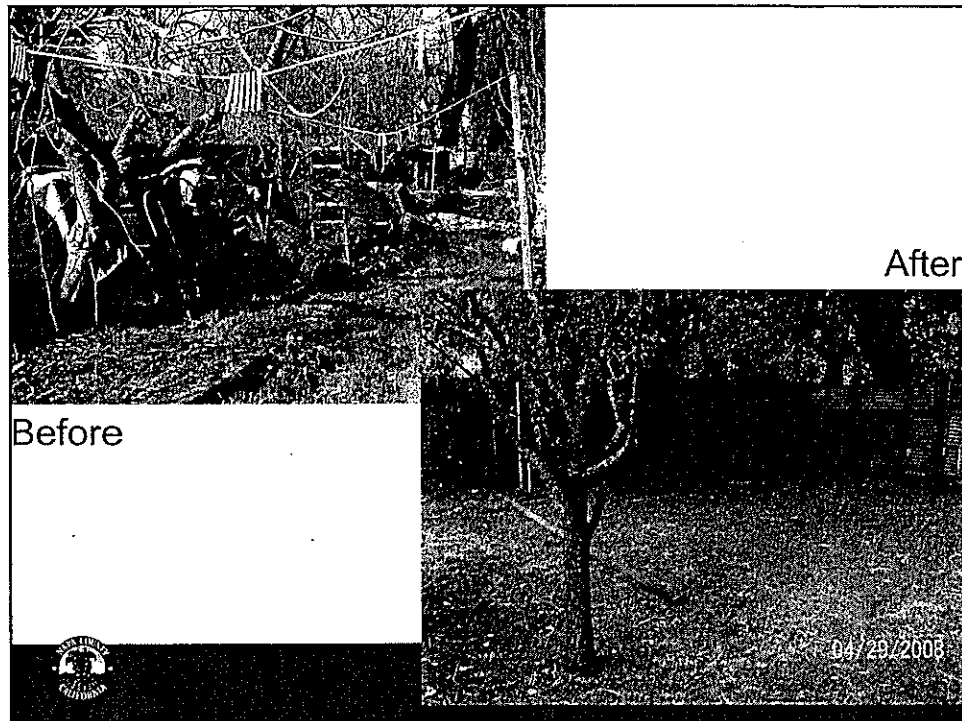
# Property Nuisance



Before

After





## Abatement Process

- Voluntary compliance
- Two notices with time lines (flexible)
- Civil actions
  - Citations
  - Property Nuisance
- Criminal actions
  - Referral to District Attorney

*Goal is to gain compliance, not punitive*





## Priorities

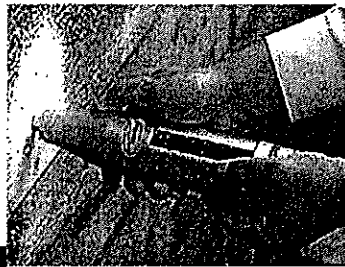
- Health and Safety
  - Construction
  - Substandard Conditions
  - Public Nuisance
- Public Nuisance – non-safety related
- Land Use Violations
  - Use Permit/Zoning



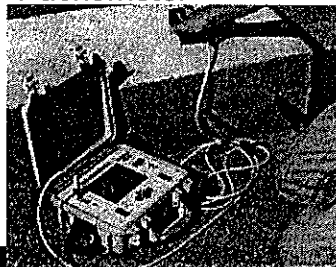
## Violation Permitting Process

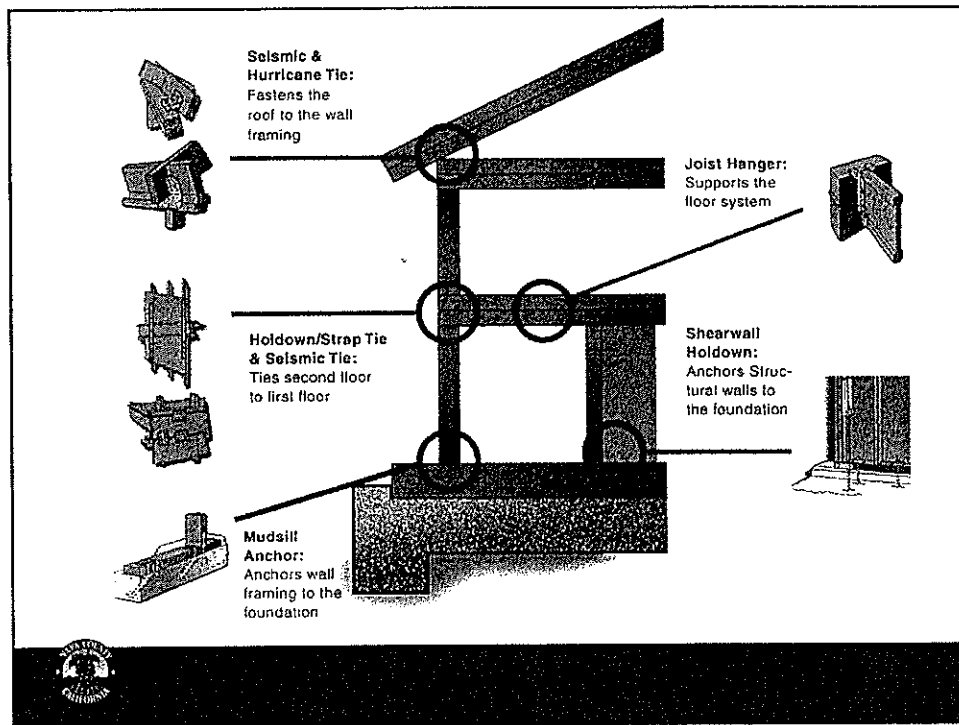
- Approval
- Past Practice
- Verifying Code Compliance

Concrete hammer



Pachometer





## Discussion Topics

1. Vacation Rentals
2. Vehicle storage
3. Animal Keeping
4. Streamlined Nuisance Abatement
5. Enforcement Cost Recovery



# 1. Vacation Rentals STVR Internet Listings

Craigslist

New! Napa Valley Tuscan Estate!



**CyberRentals**  
A HomeAway Company

**VRBO**  
Vacation Rentals  
by owner

***Vacation Rentals .com***  
A HomeAway Company



## What are other jurisdictions doing?

- City of Napa
- Calistoga
- St. Helena
- Yountville
- Sonoma County
- City of Key West, Florida



## Staff Suggestions

### **Low/Moderate/High Intensity:**

- **Post warnings on County website/ list legal B&B permit numbers/ whistleblower hotline**
- **Pass a new ordinance specific to STVR's/irreversible cost recovery**
- **Sting operations on contract basis/hire more code enforcement officers**



## 2. Vehicle Storage

- Issue: The Storage of large numbers of vehicles on private property which constitute a nuisance and/or visual blight to neighboring properties. Mass accumulation of autos.
- Why is this a problem?
  - Environmental Impacts
  - Not consistent with the zoning and use of the property
  - Contributes to a fire hazard



## Vehicle Storage Existing Code

1.20.022 Substandard Property Maintenance. The storage and/or maintenance of vehicles and other mobile equipment in the front areas of a property (excluding paved driveways) for more than three days. - *Does not address entire property.*

8.20 Abandoned Vehicles – regulates abandoned/inoperable vehicles. Storage of unlimited number of abandoned vehicles if behind a 6 foot fence. – *Only addresses abandoned /non-operable vehicles. Does not consider topography for fence placement.*



## Staff Suggestions

- Enhance parking/screening requirements in the current code
- Create a definition of vehicle storage in the zoning ordinance – If the storage meets the criteria then a violation exists.
- Requirements that all vehicles be registered
- Consider limit on number of vehicles on property



### 3. Animal Keeping

Issue – Keeping of animals on private property in numbers greater than the parcel can sustain resulting in impacts to the environment and neighboring properties.

What can the site handle?

- Odor – Manure loading
- Flies
- Dust
- Storm Water
- Over use of parcel



### Animal Keeping

- Animal keeping limits for designated zoning
- Relates to smaller parcel sizes <5 acres
- Livestock such as horses, goats, chickens, geese, rabbits, etc.
- In County Code prior to 1976



## Other Jurisdictions - Horses

- Sonoma County – 1 per 20,000 Sq ft. (2 acres or less) – other livestock – Ag. Zones
- Solano County – 2 or fewer per acre with setbacks
- Monterey County - 1 per 20,000 Sq ft.
- San Luis Obispo County – 3 horses per acre (parcels less than 5 acres)
- Calistoga – 1 horse per ½ acre (R-R)
- Saint Helena - 1 horse per ½ acre (A-20)



## Staff Suggestions

- Continue to research
- Propose textual amendments to existing zoning designations
- Include use permit process to intensify use
  - With Conditions:
    - manure management
    - storm water management
    - mitigation measures



## 4. Nuisance Abatement

Issue: Nuisance abatement process takes too long, large number of cases

Process currently involves: (3 to 4 month min)

1. Notice of Nuisance with a compliance date
2. Notice of Nuisance Abatement with hearing date
3. Hearing before the Board of Supervisors



## Staff Suggestions

Creation of a streamlined Hearing process

- Hearing officer or;
- Combined Building Appeals/ Nuisance Abatement Board

Advantages:

- Allows staff to present several cases in one day Easier to schedule and manage
- Less significant cases would be processed
- Process time would be reduced by a month for the non-response cases
- Isolates the board from intense hearing process. Still appealable to Board





## 5. Cost Recovery

Issue – Large amounts of Code Enforcement Staff time spent on violations that take several months to resolve.

Currently – Cost recovery is collected for:

- public nuisance cases where staff abates the violation
- building investigations fees
- civil cases with a settlement



## Staff Suggestion

Propose code that would allow cost recovery for violators that do not voluntarily comply.

Would begin after 30 days and could be retroactive to the beginning of the violation.

- Additional revenue for staffing
- Violators pay for code enforcement services
- Additional tool to encourage abatement

Will result in additional staff time to track and administer process





# Code Enforcement Program

May 20, 2008  
County of Napa  
Code Enforcement Unit



Gail Conrads <[gail.conrads@gmail.com](mailto:gail.conrads@gmail.com)>**RESENDING**

1 message

**Gail Conrads** <[gail.conrads@gmail.com](mailto:gail.conrads@gmail.com)>**Wed, Jun 4, 2008 at 11:47 AM**To: "Cahill, Christopher" <[ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us)>

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.

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

May 23, 2008

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

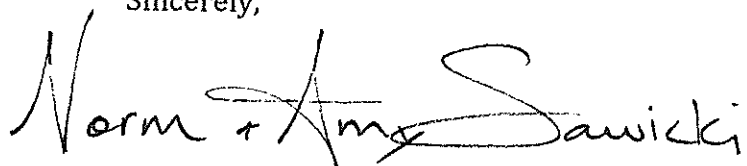
June 10, 2008

Re: Katie Duncan/Dennis Hall/Marcia F. Hall ETAL TR  
Use Permit Request #P08-00015-UP

To whom it may concern:

We reside at 1123 Darms Lane, Napa. We have owned our property for 25 years and we are the neighbors of Dennis Hall at 1147 Darms Lane. We are out of the state during the scheduled Planning Commission meeting and therefore we are unable to be present. If we were able to attend this meeting we most certainly would because the issues at hand are extremely important to us and to our family as we have been dealing with a nuisance of a neighbor for far too long. When we purchased our home there weren't any horses or farm animals on Dennis Halls property. About three years ago when there were on a few horses on his property we paid for our daughter to take riding instruction from his daughter, Katie Duncan, who does not reside on his property. We have friends who go to school with our daughter who have also paid for riding instruction as well as daylong summer camps. As of date there are sixteen horses on site and riding lessons take place almost on a daily basis. These lessons begin in the morning and last into the evening. We enjoy the beauty of a horse and think that riding instruction is a wonderful experience when it is conducted in the right manner. Because of the large number of horses and the lack of proper facilities we have to deal with an enormous amount of dust and flies as well as extreme odor on our property every day. In looking over the Halls appeal of the denied fee waiver and use permit thus far we feel strongly that it remains that way. A number of people from the county departments have been out to visit our property to see our concerns first hand. Our lifestyle is being compromised on a daily basis by the odor, dust and flies. This dishonest and illegal running of a business in the county has been going on for years and is not being dealt with. Ms. Duncan continues to defy the county and its rules. We believe that enough information has been submitted to the county and various representatives regarding this matter. In our absence we have asked for our legal counsel, Hilary DePuy, to represent our concerns. Thank you in advance for the consideration.

Sincerely,

  
Norm and Amy Sawicki

June 10, 2008

Napa County Conservation, Development and Planning Dept  
1195 Third St Ste 210  
Napa, Ca


To Whom It May Concern:

We live on Darms Lane and would like to bring to your attention the issue of increased traffic and the speed at which they drive.

We moved to this quiet, peaceful dead end country lane 8 ½ years ago, enjoying the peace and quiet it had to offer. About 4-5 years ago, we started seeing a dramatic increase in traffic on the lane, a good portion of which we saw going to and from the residence of 1147 Darms Lane. Some days our lane seems like a highway with the amount of traffic and the speed they drive.

We would like to see our lane return to its normal quiet setting for which most of us appreciate.

Thank you,  
Jim and Pat LaRondelle



Pat LaRondelle



June 10, 2008

Development and Planning  
1195 Third St., ste 210  
Napa, CA 94558

Re: Duncan Horse Use Permit proposed for Darms Lane

Attn: Napa Planning Commission,

I am writing this letter to voice my opposition to the proposed "change of use permit", which is in reality no more than an expansion of the already existing business practices, of the horse boarding and riding training center for the Duncan residence located on Darms Lane. I currently live two doors down from the Duncan's. My family has lived in this home since 1979. I grew up here. After a number of years living in L.A., I purchased my childhood home from my parents and moved back here with my wife and two small children approximately a year and half ago.

I've observed the horse back lessons taking place at the Duncan's. My Parent's and I can attest to the fact the flies have increased in alarming numbers since the numbers of horses increased and the training began a few years back. Swarming flies have limited our use and enjoyment of our back deck. The Duncan's do not adequately maintain their property to date and they have failed to address this problem. Increasing the number of horses will invariably increase the flies. This directly negatively impacts my ability to enjoy my own home. Permitting additional non-owner horses to board on this property, when the Duncan's do not currently maintain their property, would be irresponsible.

In addition to the flies, the number of cars traveling at a high rate of speed, to and from the Duncan property, is of great concern. The individuals who frequent the property seem to have a proclivity towards "burning rubber" and "peeling out" or racing to and from the Duncan residence. My children are two and four years old. There are several other families on the lane with small children, similar in age. Inevitably each time we get together, we share our concerns and stories about the "traffic" problem. To grant a use permit that would invite even more cars to the Duncan property, than already travel there on a consistent basis, puts our children even more in jeopardy and diminishes the peace of mind of all those who live on the Lane.

The Duncan's have made no effort to address any of these concerns. They have been on notice for years. The problems have gotten worse. This County has done next to nothing to address the problem. It is unconscionable to now expand the current operations – under the guise of an initial change of use permit. This is a neighborhood – not a commercial park. I strongly oppose this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Borsetto", with a stylized flourish at the end.

Robert Borsetto 1115 Darms Lane