



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,

A handwritten signature in cursive script, appearing to read "E. Colby".

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



**COUNTY of NAPA**  
OFFICE OF COUNTY COUNSEL

October 12, 2007

**RECEIVED**

**OCT 15 2007**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

ROBERT WESTMEYER  
County Counsel

+

MARGARET WOODBURY  
Chief Deputy

SILVA DARBINIAN  
Chief Deputy

+

LAURA ANDERSON  
Deputy

JACQUELINE M. GONG  
Deputy

PATRICIA L. TYRRELL  
Deputy

ROBERT C. MARTIN  
Deputy

ROBERT W. PAUL  
Deputy

KRISHAN CHOPRA  
Deputy

CARRIE R. GALLAGHER  
Deputy

JANICE D. KILLION  
Deputy

CHRIS R.Y. APALLAS  
Deputy

+

CHERI HUBER  
Privacy Officer

+

LINDA HOLBROOK  
Office Manager

+

SUE INGALLS  
Paralegal

SORA O'DOHERTY  
Paralegal

1195 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

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.

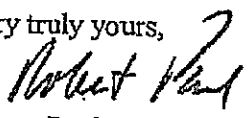
As a result of conducting a non-agricultural commercial activity on AW zoned land which is not a natural incidental, accessory use related to agriculture, Ms. Duncan needs to obtain a use permit to continue these activities. Under uses allowed in AW zones with a use permit, I believe there are two possible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

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



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,



Chris Cahill  
Planner



FILE# 408-00015

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 Horses

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

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

Property Owner's Name: Dennis M. Hall

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

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

Applicant's Name: Katie Duncan

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

Telephone #: (707) 480-1052 Fax#: ( ) E-Mail: duncanhorses@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: 66873 Receipt No. \_\_\_\_\_ Received by: 88 Date: 1-15-08

→ \$1303

# 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

## 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

	Existing	Proposed
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:  
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.

# WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

## I. WATER SUPPLY NO CHANGE

	<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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>n/a</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 <u>(N/A)</u>	PLEASE COMPLETE & SUBMIT	

## II. LIQUID WASTE NO CHANGE

	<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.)	<u>                    </u>	<u>                    </u>
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>Yes</u> <input type="checkbox"/> <u>No</u> <input type="checkbox"/>	<u>Yes</u> <input type="checkbox"/> <u>No</u> <input type="checkbox"/>
C. Current Waste Flows (peak flow in gallons/day):	<u>                    </u>	<u>                    </u>
D. Anticipated Future Waste Flows (peak flows in gallons/day)	<u>                    </u>	<u>                    </u>
E. Future Waste disposal Capacity (in gallons/day):	<u>                    </u>	<u>                    </u>

## III. SOLID WASTE DISPOSAL

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>

## IV. HAZARDOUS/TOXIC MATERIALS (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>



STEVEN LEDERER  
Director

SLC'E

**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

*CMS* **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

**Cahill, Christopher**

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**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

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**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

RECEIVED

JAN 29 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

SLZ  
COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

**PERMIT APPLICATION AND INITIAL STUDY  
REQUEST FOR COMMENTS**

TO: ASSESSOR

APPLICATION TITLE: 16 (see with the 1st map) APN: 3. 4. 4. - 2. 4

DESCRIPTION OF PROJECT: Highway 101 - from 101 to 102 + 103 + 104 + 105 + 106 + 107 + 108 + 109 + 110 + 111 + 112 + 113 + 114 + 115 + 116 + 117 + 118 + 119 + 120 + 121 + 122 + 123 + 124 + 125 + 126 + 127 + 128 + 129 + 130 + 131 + 132 + 133 + 134 + 135 + 136 + 137 + 138 + 139 + 140 + 141 + 142 + 143 + 144 + 145 + 146 + 147 + 148 + 149 + 150 + 151 + 152 + 153 + 154 + 155 + 156 + 157 + 158 + 159 + 160 + 161 + 162 + 163 + 164 + 165 + 166 + 167 + 168 + 169 + 170 + 171 + 172 + 173 + 174 + 175 + 176 + 177 + 178 + 179 + 180 + 181 + 182 + 183 + 184 + 185 + 186 + 187 + 188 + 189 + 190 + 191 + 192 + 193 + 194 + 195 + 196 + 197 + 198 + 199 + 200 + 201 + 202 + 203 + 204 + 205 + 206 + 207 + 208 + 209 + 210 + 211 + 212 + 213 + 214 + 215 + 216 + 217 + 218 + 219 + 220 + 221 + 222 + 223 + 224 + 225 + 226 + 227 + 228 + 229 + 230 + 231 + 232 + 233 + 234 + 235 + 236 + 237 + 238 + 239 + 240 + 241 + 242 + 243 + 244 + 245 + 246 + 247 + 248 + 249 + 250 + 251 + 252 + 253 + 254 + 255 + 256 + 257 + 258 + 259 + 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RESPONSE REQUEST DATE: 1-23-08 RESPONSE RETURN DATE: 2-6-08

PLEASE RESPOND VIA E-MAIL TO: @co.napa.ca.us  
OR FAX TO (707) 299-

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? ☐ Yes ☒ No
2. Do you have jurisdiction by law over this project? ☐ Yes ☒ No
3. Attach your agencies comments, or list below: ☐ Comments attached  
☐ Comments below.

Name of contact person: ELVIN VALVERDE

Telephone #: 253-4488

Email: e.valverde@co.napa.ca.us

Title: CHIEF APPRAISER

Date: 1-23-08

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)

ADDED: E.D. Planning, General, Technical, Marketing, Development, Comments, Permit and Initial Study, DDC

02/06/07



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.

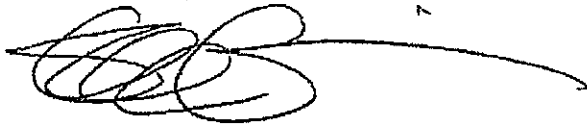
Pending cessation of any unpermitted and illegal uses, the enforcement action against your client has been placed on temporary hold while you pursue a use permit to legalize the horse training and boarding facility. That temporary cessation is, however, dependent on your client's earnest, timely, and 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 |

## **Cahill, Christopher**

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**From:** Cahill, Christopher  
**Sent:** Wednesday, March 19, 2008 4:39 PM  
**To:** 'Gail Conrads'  
**Subject:** RE: 1147 Darms Lane

Gail,

I want you to know that at your request I drove by the Hall property, turning around in the driveway of 1167 Darms, this afternoon while I was out in the field checking in on a couple of other projects. I could see from the neighbor's driveway that there were children riding horses at the Hall's.

As you may already know, Katie Duncan claims that she's not currently providing commercial horse lessons and that she simply has friends and family who stop by to ride and exercise the horses. I don't have a good way of knowing whether or not the children I saw were doing the former or the latter, but I will certainly note the presence of children riding horses this afternoon to the file.

Best,  
Chris Cahill



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 Dams 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,

A handwritten signature in black ink, appearing to read "Chris Cahill", with a long horizontal line extending to the right.

Chris Cahill  
Planner

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

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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)



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**

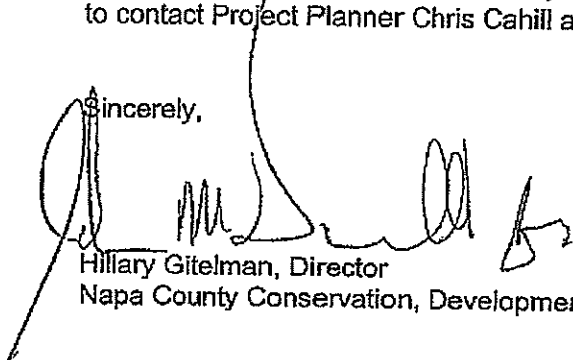
Dear Tom,

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

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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)

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DICKENSON, PEATMAN & FOGARTY  
A Professional Law Corporation

RECEIVED

APR 28 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

THOMAS F. CAREY  
tcarey@dpf-law.com

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.

NAPA & SANTA ROSA

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 Baltzer  
W. Scott Thomas  
Gregory J. Walsh  
J. Robert Anglin, Jr.  
McGan 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)

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.

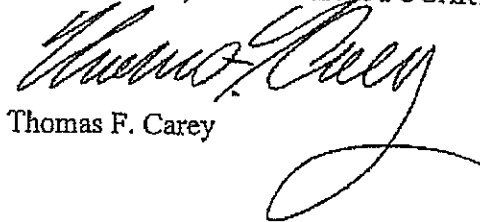
Chris Cahill  
April 25, 2008  
Page 3

- 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