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MEMORANDUM

DATE: April 28, 2016
TO: Stephanie Swanson
FROM: CVE
RE: BOS Appeal of LUP Re: Brous Horse Barn
SUBJECT: Planning Commission's Daily Policing of Pastureland Requirement

Dear Ms. Swanson:

As you know, in denying the appeal of your Department's decision to the Planning Commission, the Planning Commission revised your recommended Condition 15 to require daily "policing" of the pastureland for horse droppings.

As you also know, in terms of where this happened during the hearing, pastureland policing was almost an afterthought. Pastureland policing had not been addressed in your Staff Report, had not been argued by Mr. Fainer, and was not addressed by anybody else during the presentation portion of the hearing. It came up only in the discussion between the Commissioners, after the matter had been "brought back" to the Commission; **and therefore neither the parties nor you had an opportunity to comment upon it.**

In short, there was no opportunity for you or anybody else to point out reasons for not requiring pastureland policing, and no facts were presented in support of the pastureland policing revision to your Condition 15¹.

Although you have, no doubt, yourself, thought of what I'm about to mention as reasons supporting removal of the "offensive" portion of Condition 15, I will set them out:

¹ The nearest thing to such a fact was Mr. Fainer's claim of the existence of huge manure piles at several locations. I believe that you know that the so-called manure piles were in fact mounds of earth and rock, and Mr. Fainer apologized to me for misrepresenting the earth and rock as manure.

Daily Pastureland Pick Up Is Excessive And Unnecessary

- Most importantly, your Planning Department expert within “Project Clear Water” has considered the subject and has concluded that the requirement for pastureland pick up is excessive and entirely unnecessary.
- The pastureland is located well out of the flood plain and distant from the river. I believe the impression was given that the pastureland is located in the river flood plain, whereas it is not.
- The Fainer argued point that horse droppings in the pastureland might be a threat to the Meadowlark Association’s well site that is on the property was without any factual support; and you know that such is not such a threat because you have Meadowlark’s written report that points out that not only is the well water tested annually by the Association’s “Water Master”, but also that the Association’s on the ground inspection showed that the well site easement is characterized by such rockiness that horses wouldn’t go in that area, because it is too risky and moreover, the well site easement is fenced off with entry being only through a locked gate. The Association’s interview of the Brous employees elicited that the employees had been told that anybody responsible for allowing the horses in the rocky area would be fired.

Requiring Daily Policing of the Pasturelands Is Unfair

- So far as known to me, no other keepers of horses in Santa Ynez are required to perform such daily pick up in pasturelands. One appellant couple, the Guerreros, have a vineyard that is located at least as near to the river as the Brous pastureland. From time to time, the Guerreros allow horses and other stock into that area.
- The daily pastureland pick up requirement is unfair because of the cost of compliance. There are about 10 acres of pastureland. Daily clean up would take about 3 hours with the use of a gas-powered mini truck and shovel. The cost would be between \$50-\$100 per day, which comes out to between around \$18,250-\$36,500 per year.

Daily Pastureland Policing Is Impractical

- The daily pastureland pick up requirement is impractical because there is no practical way to monitor for compliance.

The Requirement For Daily Pastureland Policing Is Overbroad

- Inasmuch as the LUP, once granted, becomes applicable regardless of what is actually done on the ground, the daily pasture pick up now required by Condition 15 would be required regardless of the number of horses in the pastureland on any given day, even if just one horse.

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