


**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Santa Barbara County Board of Supervisors  
FROM: Glenn Russell, Ph.D., Director   
DATE: July 12, 2016  
RE: Case No. 16APL-00000-00006  
Morton Appeal of Brous Horse and Hay Barns  
120 Meadowlark Road, Santa Ynez, CA 93460  
APN 141-390-015  
Third Supervisorial District

---

On July 1, 2016, Planning and Development received requests to continue 16APL-00000-00006 from the July 19, 2016 Board of Supervisors Hearing. Requests were received via email from both the applicant and appellants' legal representation (see attachments).

The applicant and appellants have reentered negotiations, and expect that the process could take up to 120 days. When considering docketing timelines and end-of-the-year holidays, the proposed continuance date would be the December 6, 2016 hearing, to be held in Santa Barbara.

Both parties confirmed via email on July 12, 2016 that a December 6, 2016 hearing would provide enough time for their negotiations (see attachments).

Planning and Development concurs with the request for continuance.

---

Attachments: July 1, 2016 email from Applicant's Attorney, Charles Eckert III  
July 1, 2016 email from Appellants' Attorney, David Fainer  
July 12, 2016 email from Applicant's Attorney, Charles Eckert III  
July 12, 2016 email from Appellants' Attorney, David Fainer

**Swanson, Stephanie**

---

**From:** Charles V Eckert III [cve.iii@eckertinvestments.com]  
**Sent:** Friday, July 01, 2016 3:13 PM  
**To:** David Fainer; Swanson, Stephanie  
**Cc:** Almy, Anne  
**Subject:** Re: Morton Appeal of Brous Horse and Hay Barns (16APL-006)

Mr. Fainer & I have just finished discussing the contents of the below email and the email of a day or 2 ago from Ms. Swanson on the continuance subject.

I wholeheartedly concur with Mr. Fainer's below appearing email, with 1 exception, namely this: Is it possible for Planning to grant the continuance or take the matter off calendar @ the joint request of both appellant & the applicant?

if the Board has to be the one granting the continuance or taking off calendar, can the Matter be placed on the July 12 agenda consent calendar with Planning's recommendation that the continuance be granted?

If so, I would appreciate that.

Chas. V. Eckert, III  
Attorney for Greg & Robin Brous

+++++

Mr. Eckert and I would like to request the continuance that we discussed yesterday. Our clients may reach an agreement in the next week or enter into a process that could take up to 120 days, with the goal being to resolve the issues on appeal and other contentious issues as well.

As such, Mr. Eckert and I wonder whether a continuance to early December is possible. Having said that, we are hopeful that there will be a resolution which greatly simplifies the matters on the land use appeal and would turn a 1 hour hearing into a 5 minute hearing or a consent agenda item.

Alternatively, is it possible for the hearing to come off calendar and then to go back on calendar only on request?

Could these scheduling matters be an administrative agenda consent item at the next Board meeting on July 12, so that everyone would know what to do on July 19?

Thanks!

Sincerely,

David C. Fainer, Jr.

Attorney at Law

1114 State Street, #200

Santa Barbara, CA 93101

## Swanson, Stephanie

---

**From:** David Fainer [dfainer@fainerlaw.com]  
**Sent:** Friday, July 01, 2016 2:01 PM  
**To:** Swanson, Stephanie; 'Charles V Eckert III'  
**Cc:** Almy, Anne  
**Subject:** RE: Morton Appeal of Brous Horse and Hay Barns (16APL-006)

Mr. Eckert and I would like to request the continuance that we discussed yesterday. Our clients may reach an agreement in the next week or enter into a process that could take up to 120 days, with the goal being to resolve the issues on appeal and other contentious issues as well.

As such, Mr. Eckert and I wonder whether a continuance to early December is possible. Having said that, we are hopeful that there will be a resolution which greatly simplifies the matters on the land use appeal and would turn a 1 hour hearing into a 5 minute hearing or a consent agenda item.

Alternatively, is it possible for the hearing to come off calendar and then to go back on calendar only on request?

Could these scheduling matters be an administrative agenda consent item at the next Board meeting on July 12, so that everyone would know what to do on July 19?

Thanks!

Sincerely,

David C. Fainer, Jr.  
Attorney at Law  
1114 State Street, #200  
Santa Barbara, CA 93101  
805-899-1300 office phone  
805-963-5988 fax  
805-886-7103 cell phone

CONFIDENTIAL COMMUNICATION -- This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

## Swanson, Stephanie

---

**From:** Charles V Eckert III [cve.iii@eckertinvestments.com]  
**Sent:** Tuesday, July 12, 2016 1:53 PM  
**To:** Swanson, Stephanie  
**Subject:** FW: 7/12/16: Brous Barn Appeal

-

Hello Stephanie:

December 6th is a go for both me and the Brous'.

Thank you.

--

Chas. V. Eckert, III  
Attorney at Law  
160 N. Fairview Ave., Ste. #4  
Goleta, CA 93117  
(805) 964-4761 (phone)  
(805) 967-0186 (fax)

## Swanson, Stephanie

---

**From:** David Fainer [dfainer@fainerlaw.com]  
**Sent:** Tuesday, July 12, 2016 1:37 PM  
**To:** Swanson, Stephanie  
**Cc:** CVE (cve.iii@eckertinvestments.com)  
**Subject:** Confirmation of December 6, 2016 Continuance Date for Brous Barn Appeal Hearing

Dear Stephanie,

Your voicemail on my cell phone requesting confirmation has cycled through and I just heard it.

This will confirm that December 6, 2016 works for the continuance date, both for me and for Mr. Eckert.

Thanks for taking care of this matter.

Sincerely,

David C. Fainer, Jr.  
Attorney at Law  
1114 State Street, #200  
Santa Barbara, CA 93101  
805-899-1300 office phone  
805-963-5988 fax  
805-886-7103 cell phone

CONFIDENTIAL COMMUNICATION -- This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.