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September 22, 2006

HAND DELIVERY

Members of the Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Rancho Danza del Sol, 1140 Via Regina
Nunez Appeal of Approved Conditional Use Permit
for Horse-Boarding Facility

Dear Supervisors:

On September 26, 2006 you are scheduled to consider again the appeal by Oscar and Sharon Nunez of the approved CUP for a horse-boarding facility at Rancho Danza del Sol, 1140 Via Regina, Santa Barbara. Joseph and Tina Handerhan have owned Rancho Danza del Sol since 1992. The boarding of horses will be a primary occupation for Tina Handerhan, who has extensive experience in the care of horses.

Mr. Nunez has asserted that one of his water wells, Nunez Well #1, may be contaminated by horses boarded on the Rancho property, which is located on the other side of the East Fork of Maria Ygnacio Creek. We would like to address briefly this issue and several other questions raised by your Board.

1. **Nunez Well #1**

At your July 18 hearing on this appeal, your Board asked Planning staff and EHS to respond to well water data introduced that day by counsel for Mr. Nunez. We have reviewed the Board Agenda Letter dated August 30, 2006, and we appreciate the thorough response Staff and EHS have provided. We look forward to hearing their presentation on September 26.

Following the July 18 hearing, we arranged through counsel for Mr. Nunez to conduct additional sampling of the Nunez wells and the creek under mutually-acceptable conditions.

Mr. Nunez and his consulting expert witnessed that sampling on August 1, 2006, along with Steven Campbell of Campbell Geo, Inc., consultant to the Handers. Those samples were analyzed by Fruit Growers Laboratory, Inc. The results of that analysis are summarized in the report from Campbell Geo, Inc., submitted with this letter. Please note the following:

- The mutually-acceptable August 1 samples reveal that fecal coliform – the type originating in animal waste – is not present in Nunez Well #1.
- The August 1 samples are consistent with all historical data, including samples taken in 1979, 1996 and 1999 when there were 25 or more horses on the Rancho property.
- Notwithstanding the unlikelihood that bacterial contamination will ever reach the Nunez well from the Handers property, Mr. Handers offered two weeks ago to purchase for Mr. Nunez an ultraviolet light disinfectant system that would continuously disinfect his well water. Mr. Nunez did not respond to that offer.
- The Handers horse arena is 300' from the Nunez well – three times the County's required distance.
- The engineered drainage plan designed by Flowers and Associates includes both containment and filtration devices that will control runoff from the Rancho property.
- The surface water sampling program, required as a condition of approval of the CUP, will provide added assurance to Mr. Nunez, since the creek flows between the Nunez and Handers properties.
- There are other, larger horse-boarding facilities upstream from the Handers property (undoubtedly the source of creek contamination).
- This is a semi-rural neighborhood where horses are part of the lifestyle.
- Under the CUP, the Handers will operate a carefully regulated business with far fewer horses than have been on the site historically.

2. **Responses to Other Questions**

a. **Road Width**

At the hearing, Mr. Nunez's agent questioned why the road across the Rancho property is 16' in width rather than 20'. This matter was settled in the Planning Commission's approval of the Lot Split for Rancho. Mr. Nunez did not appeal the Lot Split and therefore may not reopen this issue. However, the width was approved by the County Fire Department based on considerations including the limited number of residences to be served on the Rancho property and the proximity of the roadway to the creek.

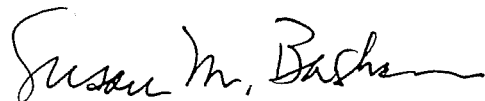
b. **Duration of Surface Water Monitoring Program**

Staff has recommended your approval of revisions to the two conditions of approval that address this program. If the creek produces samples with acceptable levels of bacteria for three years under the approved program, the sampling will terminate. If samples are unacceptable at any time during that period, the clock will begin to run again. Enforcement may include revocation of the CUP if the Handerhan horses are the source of the contamination and no acceptable correction is undertaken.

For all of these reasons, we ask you to deny the Nunez appeal and approve the Handerhan project in accordance with Staff recommendations. We will be present on September 26 and available to answer any questions you may have.

Thank you.

Very truly yours,



Susan M. Basham
for PRICE, POSTEL & PARMA LLP

SMB:lkh
Enclosure

cc: Joseph and Tina Handerhan
Steve Campbell