

CONDITIONS OF APPROVAL

Coastal Zone/Land Clearing Permit and Preliminary Grading Approval No. 97-0648

APPLICANT AND PROPERTY OWNER: John and Stephenson

ASSESSOR'S PARCEL No.: 59-021-03/62-1 51-03 (single parcel)

PROPERTY LOCATION AND ADDRESS: Both sides of Back Ranch Road at it's with intersection Highway 1 four miles north of the Santa Cruz City limits, Bonny Doon planning area

EXHIBITS:

Exhibit A: Project Plans prepared by Ifland Engineers, dated April 15, 1999 (with two exceptions as noted below) consisting of 9 sheets:

- Sheet 1 - Map of Parcel
- Sheet 2 - Site Plan of the "Upper Reservoir" Area
- Sheet 3 - Site Plan of the Main Part of the Project Site
- Sheet 4 - Foundation Plan and Elevation for Storage Tank and Diagram for the Manure Storage Structure
- Sheet 5 - Grading and Preliminary Drainage Plan
- Sheet 6 - Erosion Control Plan
- Sheet 7 - Floor Plan and Elevation of Horse Barn, prepared by Michael Helm, architect, dated 9/2/98, with a revision date of 9/14/99
- Sheet 7A - Lighting Plan, prepared by Michael Helm, architect undated
- Sheet 8 - Landscape Screening Plan, dated 12/1/98 and Revised 4/16/99
- Sheet 9 - Water Distribution Plan, dated 9/2/97 with 4 revision dates

Exhibit B: Horse Barn Manure Management Plan, prepared by Biotic Resources Group, dated 1/15/99, consisting of 3 pages and its addendum, undated, consisting of 2 pages

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

Exhibit C: Native Grassland Restoration Plan, prepared by Biotic Resources Group,
dated 3/11/99

Any revisions to these plans by Planning staff are shown on the stamped set of plans and shall be followed in the preparation of more detailed plans submitted for grading or construction permits.

CONDITIONS:

- I. This permit authorizes the construction of a private equestrian facility consisting of:
 - A. An agricultural barn of 8,000 square feet and associated paved driveway and parking/circulation area as shown on sheet 3 of Exhibit A;
 - B. Five water storage tanks of 4,975 gallons/each as shown on sheets 3, 4 and 9 of Exhibit A;
 - C. Install a new water line of approximately 2,000 lineal feet from the "Upper Reservoir" to the proposed water storage tanks for emergency fire protection purposes only;
 - D. Use of an existing well and 86 gallon water storage tank for horse barn purposes as shown on Sheets 1 and 9 of Exhibit A;
 - E. Buried water line from the existing well and tank to the new barn traversing approximately 2,200 lineal feet;
 - F. Grading of 840 cubic yards of earth to facilitate the construction of items A and B above and as shown on sheet 5 of Exhibit A.

Certain conditions below implement mitigation measures of the Mitigated Negative Declaration. They are identified with the lettering of the mitigation measure inside parentheses which corresponds to the measure in the Negative Declaration document.

- II. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

- B. Obtain a Building Permit for the structures from the County of Santa Cruz Building Official by submitting construction drawings to County Planning's public building counter.
 - C. Obtain a Grading Permit for the earthwork shown on sheet 5 of Exhibit A by submitting grading plan view and cross-sections to County Planning's public zoning counter.
 - D. Pay a Negative Declaration filing fee of \$25.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- III. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit Final Building Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit A of the permit. The **final** plans shall include, but not be limited to, the following:
 - 1. Exterior elevations identifying finish materials and colors that conform to sheet 7 of Exhibit A, including the roof being an earth tone color and any glazing on the east side of the structure shall be non-reflective material (Mitigation Measure J.3). The maximum height of the structure shall be 30 feet. Height is measured as the vertical distance from the existing or finished grade, whichever is lower, to the ridgeline of the roof.
 - 2. Floor plans identifying each room and its dimensions. The floor plans shall include permanent separations of the interior barn stalls made of 8 foot high (or higher) solid material capable of withstanding normal horse use.
 - 3. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, and accessory structures (i.e manure storage facility).
 - 4. Location and type of exterior lighting, designed as follows. In order to mitigate impact that may occur if outdoor lighting restricts wildlife

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

use of open spaces adjacent to the project during nighttime, the owner/applicant shall submit an outdoor lighting plan. This plan shall show the minimum number of outdoor lights necessary for security purposes and shall demonstrate that the design of the outdoor lighting will not create significant illumination east of the project site. (Mitigation Measure H)

5. In order to mitigate impacts from accelerated erosion, sedimentation and pollution of creeks, the owner/applicant shall submit an engineered drainage plan with engineered calculations that conform to the preliminary drainage plan on sheet 5 of Exhibit A. (Mitigation Measure A). The plan will include the following:
 - a. The plan shall address the impervious area associated with the road and turnaround, the barns, and the drainage aspects of the manure management plan.
 - b. The plan shall show the specific location and dimensions of the features that are discussed in a general way in the manure management plan: system of grass lined swale to prevent storm water runoff, detention facilities, vegetated filter strips, etc. The plan must also show the location of all inlets and outlets, with appropriate dissipation and erosion control. All drainage shall be discharged through a dispersion device located at least 200 feet southwest of the project site, in order to avoid any dispersal into the severely eroded drainage channel located east of the project site.
 - c. A plan for maintenance of the drainage systems shall be included.
 - d. In order to control impacts from erosion, an erosion control plan consistent with sheet 6 of Exhibit A shall be submitted for review and approval with the building permit application for the barn. This can be combined with the drainage plan. The plan shall provide for ground cover of all disturbed surfaces including the planting of native grass species as specified on sheet 6 of Exhibit A. A non-invasive annual grass shall be included in the seed mix to provide short-term

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

- ground cover. Seed areas shall be mulched and regularly watered until the onset of winter rains. (Mitigation Measure B)
- e. The drainage ditch at the southwest end of the parking area shall be constructed with an impervious surface and grated at the top to allow it to function adequately regardless of vehicles occasionally traveling over it.
 - f. The project roadway shall be banked to the southwest to promote dispersed sheetflow from the roadway runoff.
- 6. Meet all requirements and pay the appropriate plan check fee of the County Fire Protection Department.
 - 7. In order to prevent impacts to the California red-legged frog (*Rana aurora draytonii*) in the "Upper Reservoir" and to the Steelhead trout (*Onchotynchus mykiss*) and red-legged frog and their habitat in Laguna Creek the plans shall show an owner/applicant installed valve on the emergency water line between the "Upper Reservoir" and the five water tanks. The valve will be a type that is approved by County Fire. The plans shall include information how the owner/applicant has arranged with County Fire to place a lock on the valve, which is only accessible by a key that is kept in the possession of the County Fire Department. The purpose of the locked valve is to make water available only to the County Fire Department for emergencies and for occasional testing of the flow in the line. (Mitigation Measure D).
 - 8. In order to minimize the potential interference between the use of the new well and the proximate Lanting/Eckstrom community well, the owner/applicant shall show the new well connecting solely to a 6th water storage tanks which is the 86 gallon tank located next to the well. This tank and well shall not be connected to any other water storage tank on the property. (Mitigation Measure F)
- B. Obtain a domestic sewage disposal permit from County Environmental Health Services.

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

- C. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
- IV. In addition to the submittal requirements listed in condition III above, no Building Permit or related construction permit shall be issued for this project until:
 - A. A detailed lighting plan is submitted and approved that provides an illumination diagram in footcandles and which clearly demonstrates that the combined illumination intensity of all lighting at the main front and rear openings of the barn will not exceed 5 footcandles at each opening and all other lighting at the project site will not exceed 1 footcandle. The measurement of footcandles shall be based on the intensity of illumination on the surface of the ground directly adjacent to the exterior wall on which the light fixture is mounted. The plan will explain how the electrical subpanel has been sized to maintain an aggregate maximum wattage that ensures these lighting thresholds will be met over the long-term,
- V. To protect the California red-legged frog (*Rana aurora draytonii*) and to comply with the Federal Endangered Species Act (ESA), prior to installing the emergency water line or bringing the water storage tanks onsite, the owner/applicant shall submit a letter from the U.S. Fish and Wildlife Service demonstrating the Service has determined the project will be consistent with all provisions of the ESA. During project construction the owner/applicant shall:
 - 1. Construct the project during the summer months when the species is least likely to be far from water (i.e. no construction during October 15 to April 15);
 - 2. Conduct preconstruction surveys by a qualified wildlife biologist to determine if frogs are present near the area proposed for development; and
 - 3. Take appropriate action as determined by the surveying biologist to avoid any impacts to the species if they are found to be near the project area. (Mitigation Measure E)
- VI. All construction shall be performed in accordance with the approved plans. Prior

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

to final building inspection and building occupancy, the applicant/owner shall meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans, including drainage and sewage disposal facilities, shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. Submit a letter from the County Fire Department stating that the Fire Department has installed a lock on the water line valve described in condition III.C and that all keys to open the lock are in the sole possession of the Fire Department. (Mitigation Measure D)
- F. In order to eliminate any hazard from drinking water that does not meet State standards for potability, the owner/applicant shall bring the water from the new well up to standards. Test results that verify that the bacterial content of the water has been reduced to the levels meeting the minimum State standard shall be submitted to the County Environmental Health Service. (Mitigation Measure C)
- G. To mitigate for loss of native grasses at the project site, the owner/applicant shall complete the planting of 0.05 acre of native grasses near the "Upper Reservoir" according to Exhibit C of this permit.
- H. In order to mitigate visual impacts on the adjoining public land that is planned to be annexed to Wilder Ranch State Park, the owner/applicant shall install the trees as shown on sheet 8 of Exhibit A, except that the size of the specified trees shall be 24 inch box container trees or larger as

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

determined by staff to mitigate visual impacts to Wilder Ranch State Park. These trees shall be planted at an elevation of 634 MSL or higher.
(Mitigation Measure J.1)

- VII. To conserve the maximum amount of land for livestock pasturing and crop growing purposes, the property owner shall completely remove the existing stable facility (former caretaker's dwelling and paddocks) at the northeast end of the property within 2 years of the approval date of this permit or before use and occupancy of the first building approved under the future Master Plan for Biomedical Livestock Raising for this parcel (whichever occurs first). The existing stable area shall be converted into an area of open space suitable for livestock pasturing or crop production. No visible sign of the existing structures shall remain once the new equestrian facility is operational. A Demolition Permit

shall be obtained for this work at County Planning's public building counter.
(Mitigation Measure I)

- VIII. Nothing in this approval shall bind the County to allow clustering of buildings in any specific locations on the property for any future or pending permit applications.

IX. Operational Conditions.

- A. The use of the barn and adjoining corrals is for the private equestrian use of the property owners and therefore these facilities shall be restricted to a maximum of 8 horses or other equine livestock (e.g. ponies, burros) that are not raised for biomedical purposes. No public boarding of animals shall occur, without amendment to this permit following a noticed public hearing.
- B. Outdoor lighting shall be limited to the minimum needed to comply with construction code requirements for illuminated building entrances and emergency nighttime maintenance of the water tanks. All outdoor lighting will be designed so it does not produce glares or excessive illumination to surrounding properties. In accordance with condition tll.A.4 above, no significant illumination shall occur east of the barn. (Mitigation Measure H)
- C. The sewage disposal and drainage facilities shall be permanently maintained in good working condition at all times.

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

- D. The valve on the emergency water shall be retained in good working order at all times by the owner/applicant. Any significant damage to the valve shall be reported within 24 hours to the County Planning Department and County Fire Department. Any replacement of the valve as deemed necessary by either County agency shall be done by the owner/applicant within 14 days of being requested to do so by the agency. No water may be used for irrigation purposes during the time that a damaged valve is non-operational. This requirement and that of conditions III.E and IV.E above will sunset if and when a Master Plan for biomedical livestock raising is approved for this parcel and County Planning determines that the Master Plan approval includes conditions and mitigations governing the use of water that supersede the mitigation incorporated into this condition. (Mitigation Measure D)
- E. The owner/applicant shall restrict the connection of the well and its 86 gallon storage tank directly to the barn and not connect this water system to any other water distribution system or storage tank on the property consistent with condition III.D above. This well shall continue to be a domestic well. Any replacement of the water storage tank shall be limited to a tank with the maximum capacity of 1,000 gallons. (Mitigation Measure F)
- The water from this well shall not be used for any pasture or crop irrigation.
- The water from this well shall be limited to the following uses:
1. Watering and washing of a maximum of 8 horses or other equine livestock;
 2. Irrigation of landscape materials required by this permit to screen the barn from Wilder Ranch State Park; and
 3. Regular use of the restroom located in the barn.
- F. In order to avoid the decrease in water quality that will result in drainage contaminated with horse manure that reaches the tributary to Majors Creek, the owner/applicant shall continually carry out the approved manure management plan provided in Exhibit B and maintain all site improvement constructed for manure management in good condition (Mitigation Measure G)
- G. All landscape screening installed according to condition V.H above, shall

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

be permanently maintained. Any fatalities shall be replaced within 60 days of a tree fatality occurring. (Mitigation Measure J.I)

- H. The owner/applicant shall implement the manure management plan specified in Exhibit B on an on-going basis with one modification. All horse stalls shall be cleaned 1 to 3 times/day depending upon their condition.
- I. In the event that future County inspections of the subject property disclose non-compliance with any conditions of the approval of any violation of County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- X. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

XI. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

A. Mitigation Measure: Conditions III.A.4 and IX.B (Outdoor Lighting Plan)

Monitoring Program: The owner/applicant shall submit an outdoor lighting plan with the construction drawings submitted for a Building Permit for the barn. The plan shall show the locations and types of lighting that will be located outside of the barn structure within the entire project site. The plan must be reviewed and approved by County Planning prior to

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08162-151-03

issuance of the Building Permit. Prior to final sign-off of the Building Permit, site improvements shall be inspected by County Planning to determine that the lighting plan has been followed. Any complaints from the California Department of Parks and Recreation or others regarding excessive outdoor lighting in the direction of Majors Creek canyon shall be investigated by County Planning's Code Enforcement Unit so problems can be verified and/or resolved.

B. Mitigation Measure: Condition III.A.5 (Drainage and Erosion Control Plan)

Monitoring Program: The owner/applicant will submit an engineered drainage/erosion control plan with final construction drawings as part of the Building Permit application. The plans will be reviewed by the project planner and County Planning's civil engineer for compliance with this permit. A Building Permit will not be issued until the drainage plans have been approved. The building inspector will not issue a final sign-off for the Building Permit until all drainage facilities have been installed, inspected and approved by County Planning. An inspection of all permanent erosion control measures shall also occur at that time. If questions arise regarding installation of the system, the project engineer will be contacted to provide documentation. Any remedial action on either plan shall be remedied by the owner/applicant prior to the Building Permit being finalized and the barn cleared for occupancy.

C. Mitigation Measure: Conditions III.A.8, VI.E and IX.D (Water Valve on Emergency Fire Line)

Monitoring Program: 1) The owner/applicant shall include information about the water valve on the site plan submitted for a Building Permit applicant for the barn as well as materials submitted to apply for a plumbing permit to extend the water line from the "Upper Reservoir". The information required in the permit condition shall be reviewed and approved by County Planning prior to issuance of any construction permits. 2) the owner/applicant shall submit the letter required in condition VI.E from County Fire prior to the Building Permit for the barn being finalized by County Planning. The Fire Department shall be contacted by Planning staff to verify that the valve lock is in acceptable

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

working order. The letter from County Fire shall be permanently retained in the project file. 3) Any damage to the valve reported to County Planning shall be documented by written notes in the file. Planning staff will reinspect the site 14 days after the reported damage to determine if the valve has been replaced.

D. Mitigation Measure: Conditions III.A.9 and IX.E (Independent Potable Water System and Tank Size Limitation)

Monitoring Program: Materials submitted for a Plumbing Permit to County Planning and for an Individual Water System Permit to County Environmental Health shall specify that the potable water system supplied by the on-site well will not be connected to any other water system on the property. Plans and materials shall be reviewed and approved by Planning Department staff prior to the Plumbing Permit and related construction permits being issued. The owner/applicant shall contact the area building inspector to determine how it can be demonstrated in the field that only the approved water sources are being connected to project facilities (e.g. when to leave the water line trenched exposed, etc). The area building inspector shall make a site inspection to determine that the water service for the project tanks and barn are being procured from the correct water sources. This will be verified prior to final inspection and occupancy of the buildings.

E. Mitigation Measure: Condition V (Protection of Red-legged Frog)

Monitoring Program: The owner/applicant shall submit written results of the biologist's survey to County Planning prior to any construction or grading activities occurring on the site and prior to any request for a building or grading inspection. Planning staff shall inform the area building inspector of any relevant information from the survey report. Any measures recommended by the biologist shall be communicated to the area building inspector who will determine compliance with these recommendations during each construction inspection. Any identified problems will be resolved within 24 hours or a Stop Work/Violation Notice will be issued. Any follow-up written survey results shall also be forwarded to County Planning for permanent retention in the project file.

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

F. Mitigation Measure: Condition VI.F (Bacterial Levels in the Well Water)

Monitoring Program: The owner/applicant shall take actions required to lower the bacterial levels in the well water to State standards and re-test the water. Results of the testing shall be submitted to the County Environmental Health Service. Once that agency has accepted documentation that the bacterial levels in the well water meet State potable water standards, proof of agency acceptance (i.e. agency stamp and date on the testing results) shall be submitted to the County Planning Department for retention in the project file.

G. Mitigation Measure: Conditions VI.H and IX.G (Landscape Screening of Barn)

Monitoring Program: The project planner shall inspect the project site to determine if the trees have planted according to the approved landscape screening plan prior to final inspection and clearance of the Building Permit. No clearance will be issued until the tree planting is completed and approved. A photo will be taken of the planted trees, dated and retained in the project file. Subsequent inspections, such as that for the demolition of the existing stable (See Condition XI.I below) shall include reinspection of the trees to assess progress in their growth.

Recommendations to the owner/applicant to enhance tree health, if needed, will be made at that time. Any complaints received in the future regarding removal or death of the planted trees will be referred to Planning's Code Enforcement Unit for rectification.

H. Mitigation Measure: Condition III.A.I (Earth Tone Roofing)

Monitoring Program: The construction drawings submitted for a Building Permit application for the barn will be reviewed by Planning staff to ensure that the color of the roofing material is called out on the elevation sheet of the plans. A prohibition on reflective glazing on the east side of the barn shall also be verified on this plan sheet. The Building Permit will not be issued until these two visual mitigations are included in the plans. The project planner shall inspect the project site to determine if these

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08/62-151-03

mitigations have been included in the construction of the barn prior to final inspection and clearance of the Building Permit. A color photo shall be taken of the nearly completed barn to document the condition of the east exterior and the roof of the structure. This photo shall be dated and permanently retained in the project file. Any problems discovered with either visual item will be remedied prior to final sign-off and clearance of the Building Permit.

II. Mitigation Measure: Condition VII (Demolition of Existing Stable)

Monitoring Program: The project planner shall inspect the site within 2 years of the approval date of this project to determine if structures on the existing stable site have been adequately removed and the site converted to productive farmland. This inspection may occur earlier at the request of the owner/applicant. Photographic documentation of the condition of the site shall be taken at the time of this inspection. Photographs will be dated and permanently retained in the project file. Noncompliance with this permit condition will result in the issuance of a Violation Notice.

Action to obtain compliance will be conducted by Planning's Code Enforcement Unit. Permits for other discretionary uses on the property will not be issued if a Violation Notice is issued and remains unresolved. If a Master Plan is approved for this property and implemented before the 2 year date specified above, the same monitoring activities shall be performed, but will require removal of the existing stable site prior to use and occupancy of the first building constructed under the Master Plan.

J. Mitigation Measure: Condition IX.D (Manure Management Plan)

Monitoring Program: The physical improvements related to the manure management plan (earthen berm, drainage facilities, manure stockpile bunker) shall be inspected by the project planner prior to final building inspection and clearance of the Building Permit for the barn and final grading inspection. Any remedial action needed, as determined by the project planner, will be communicated immediately to the owner/applicant. These items will be addressed prior to final clearance and sign-off of the Building Permit and the Grading Permit. Once completed and approved, photographic documentation of the improvements shall be conducted by

John and Brenda Stephenson
Application 97-0648
A.P.N. 59-021-08162-151-03

the project planner. Photos of relevant improvements at the project site will be dated and permanently retained in the project file.

Minor variations to this permit which do not affect the overall concept or density must be approved by the Planning Commission at the request of the applicant or Planning staff. Such approval shall be done in an advertised public hearing.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM DATE OF APPROVAL UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION.

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