



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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**TOM BURNS, PLANNING DIRECTOR**

Agenda Date: June 3, 2005

#5

May 16, 2005

### ZONING ADMINISTRATOR

County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Subject:** Addendum to the May 6, 2005 Zoning Administrator's Staff Report  
Application No. **03-0382**; Residential Development Permit  
Assessor's Parcel No.: **074-181-01**

Zoning Administrator:

### BACKGROUND

Application No. 03-0382 was removed from the May 6, 2005 Zoning Administrator's Agenda in order to re-advertise with a new description to include the applicant's request to install a separate electrical meter to service the proposed barn and covered riding arena, to provide greater than 200 amp service on this meter (400 amps are requested) and to allow the following rooms to be heated: in the barn – the office, laundry room and tack room and in the covered arena – the viewing room. The heated rooms would be considered habitable rooms under Chapter 13.10.611(c)6. All of these requests require a Level 5 Use approval.

### ANALYSIS AND DISCUSSION OF ADDITIONAL REQUESTS

The applicant has requested a separate meter for the new barn and covered arena with 400-amp service. According to the applicant, the higher amperage is needed to light the barns and arena and for appurtenant equipment (sprinklers, new well pump and septic pump). The applicant has not submitted documentation supporting a need for higher amperage. A 400-amp service is more commonly associated with very large dwellings that have numerous appliances, well, septic pump and outbuilding(s) with numerous electrical outlets. As this the proposed use is supposed to be incidental and accessory to a residential use and is not intended for a commercial use, staff is recommending approval of 200-amp service to recognize an increased power demand for the proposed use, while maintaining it within the scope of an accessory use on this residential parcel.

There are two homes on the subject parcel. The main house was built in 1922 and the second home also predates the 1940's. Due to the age of the structures, much of the wiring is old and, according to the applicant, would need to be redone to handle the power load for the new facilities, hence, the request for a separate meter. Finally, the barn and arena are over 200 feet from the nearest dwelling. The separate meter will allow the applicant to increase the power available (200-amp) to the proposed structures without requiring the owners to rewire the existing homes.

Finally, the applicant has requested to mechanically heat the viewing area in the covered arena and the following rooms in the barn: the office, laundry room and tack room. If these rooms were mechanically heated, each would then qualify as habitable structures under County Code Section 13.10.700-H. This in turn would require Level 5 use permits to allow any habitable accessory structure to be located more than **100** feet from the main dwelling (Section 13.10.611(b)4.) and to exceed the limit of one habitable accessory unit per parcel (Section 13.10.611(b)5.). In addition, the rooms would be required to meet all Title 24 energy conservation standards (Section 13.10.611(b)6.). The applicant has requested heating of these rooms for comfort while watching riding sessions (arena viewing room), to protect horse tack and other equipment (tackroom and laundry room) and to protect the owner's computer (office). The average winter temperature for Felton is 42°F. Nighttime temperatures may frequently dip below freezing with the lowest temperatures being 22°F. Nevertheless, as indicated by the average winter temperature, the daytime temperatures usually rise well above freezing, and there are not extended periods of time in which the temperature remains below freezing. Felton weather in winter is not harsh enough to damage leather goods, horse clothing and horse related products that are stored in unheated tackrooms. The greatest threat to leather and cloth goods in this area is damage from humidity and rodents, which can be controlled without mechanical heating. According to the applicant, the purpose of the proposed structures (arena and barn) is for the personal use of the property owner, and these structures will not be used for a commercial riding stable. Thus, it does not appear to be necessary to provide a heated room for a computer when one of the two residences on the property could be used for this purpose. Heating the viewing room is not necessary for the proper functioning of this amenity and seems more in keeping with a commercial use that would host members of the public and offsite visitors. As stated above, the property is already developed with two single family residences, special circumstances do not exist that warrant the granting of additional habitable accessory structures for this development proposal.

## **CONCLUSION**

Staff recommends approval of a separate meter and increasing the electrical service from 100 amps up to 200 amps. Staff does not recommend approval of the mechanical heating of any rooms within the covered arena or barn structures.

## **SUMMARY AND RECOMMENDATION**

### **Staff Recommendation**

- **APPROVAL** of Application Number **03-0382**, based on the revised findings and conditions (attached).

Application No. 03-0382  
Assessor's Parcel No.: 074-181-01

- Certification that the proposal is exempt **from** further Environmental Review under the California Environmental Quality Act.

Report Prepared by:



Cathleen Carr  
Project Planner  
Development Review

Attachments:

1. Revised Findings
2. Revised Conditions
3. Zoning Administrator's Staff Report of May 6, 2005 (on file with the Planning Department)

## DEVELOPMENT PERMIT FINDINGS

1. **That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.**

This finding can be made because the project is located in an area designated for residential agricultural uses and is not encumbered by physical constraints that preclude the proposed development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A soils report has been submitted and accepted by the County Planning Department to ensure structural and site stability, and the proper design and function of the grading and drainage improvements. The final building plans and construction are required to comply with the recommendations for the specific foundation, retaining wall grading and drainage design criteria contained in this report. The proposed barn and covered riding arena meets the required 20 foot side yard setback from the closest property line and will not affect the light, air, or open space of adjacent properties or the neighborhood.

2. **That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.**

The subject parcel is zoned Special Use (SU) with a Rural Residential General Plan land use designation. The site development standards applicable to the SU zone district within the Rural Residential General Plan designation are the Residential Agriculture (RA) zone district standards, and all principal and allowed uses for the Residential Agriculture (RA) zone district apply to the use of this parcel. **This** finding can be made in that horse keeping is a principal permitted use in the RA zone district on parcels larger than one acre, and non-habitable accessory structures over 1,000 square feet and/or with bathrooms associated with horse keeping are conditionally allowed uses. The proposed location of the barn and covered riding arena and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the **purpose** of the applicable zone district. Specifically, the increase in electrical capacity to 200 amps and a separate electrical meter will allow the proposed use of the structures as an accessory use to the existing residences without necessitating rewiring of the older existing homes. The permitting of mechanical heating of the office, tack room and laundry room in the barn and of the viewing room in the covered arena, thereby creating habitable accessory structures under County Code Section 13.10.700-H is not consistent with County regulations limiting the number of habitable accessory structures on a single parcel particularly a property that is currently developed with two legal (one nonconforming) single family dwellings. The heating of the structures is not necessary to the proper function of the structures which are intended as an accessory use for personal horsekeeping on **this** residential parcel.

In addition, the proposed development is consistent with Chapter 16.30 in that the structures meet both the required riparian and building setbacks from Zayante Creek and its unnamed intermittent tributary, which are total setbacks of 60 feet and 40 feet respectively. Moreover, the limits of

grading meet the minimum riparian setback to the intermittent stream of 30 feet and a temporary fence is required to be placed along this setback to avoid accidental encroachment during grading operations. The limits of grading are well outside of the 50-foot riparian setback **from** Zayante Creek. Some of the drainage outlets and dissipators will be located within the riparian setbacks, which requires a Riparian Exception under Chapter 16.30. The Riparian Exception findings **can** be made for this project and are included.

The preliminary grading and erosion control plans are consistent with the County Grading ordinance (Chapter 16.20) and Erosion Control ordinance (Chapter 16.22) in that grading has been minimized relative to this sloping site and the need for level building pads for the barn and paddocks and for the riding arena.

The project will remove about 0.4 acres of native grassland, a sensitive habitat. In accordance with the regulations within Chapter 16.32 (Sensitive Habitat ordinance), this habitat will be restored at another location on site at a ratio of 3:1 thereby increasing this habitat area.

**3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.**

This finding can be made, in that the proposed residential agricultural use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

The proposed barn and covered riding arena is consistent with General Plan Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the barn and covered riding arena will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed barn and covered riding arena will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed barn and covered riding arena will comply with the site standards for the RA zone district (including setbacks, lot coverage, height and number **of** stories). The structures are large in size and scale, nevertheless, the subject parcel also contains significant acreage (**86** acres) and the development is in scale with the size of the property and the number of horses that are allowed to be kept on the parcel. The project will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity with a Special Use (with a Rural or Mountain Residential General Plan), Residential Agriculture, Agriculture, Commercial Agriculture or Timber Production zoning designation.

As discussed in Finding #2, the project is consistent with Chapters 16.30 and 16.32 of the County Code, which implement the General Plan policies for Riparian Corridor Protection and Sensitive Habitat Protection. Specifically, the proposed project meets the riparian corridor protection policies (Objective 5.2 and policies 5.2.1 and 5.2.4) of the County of Santa Cruz General Plan in that the structures meet the 40-foot setback from the intermittent stream channel and the 60-foot setback **from** the perennial stream (Zayante Creek). The grading plan meets the required setbacks for intermittent and perennial streams at **30** and 50 feet respectively. The proposed drainage outlets are located within the riparian setbacks and will require a Riparian Exception permit. The findings for this exception can be made. The conditions of approval for the project require submittal of final

erosion control plans and that grading activities will be limited to the dry season in conformance with General Plan policy 6.3.4 for erosion control plans, 6.3.5 and 6.3.6 limiting the grading season and requiring the installation of erosion control measures.

The site has been designed to avoid 30% slopes consistent with General Plan policy 6.3.1 restricting development on slopes steeper than 30%. In addition, the site grading has been minimized to the extent feasible given the site's slope and the necessity of the level design needed for the horse barn and for the riding arena, through the use of retaining walls and project layout. Excess materials will be disposed on site in a level to rolling pasture area. Thus, the project is consistent with General Plan policy 6.3.9 for site design to minimize grading.

A specific plan has not been adopted for this portion of the County.

**4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

This finding *can* be made, in that the proposed equine facilities are associated with an existing residential development and are for the personal use of the property owner and for the keeping and training of the property owners' personal horses. There will not be any significant increase in traffic, as commercial boarding or training of outside horses is prohibited under the operational conditions of this permit.

**5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.**

This finding can be made, in that the proposed structure is located in a rural neighborhood containing a variety of architectural styles and land uses. There is a commercial riding stable across Zayante Road and northeast of the subject parcel. There is an organized camp immediately north of the parcel and numerous small acreage parcels - some of which have horses. Quail Hollow County Park is located to the northwest. The proposed barn and covered riding arena are consistent with the land use intensity and density of the neighborhood.

## **RIPARIAN EXCEPTION FINDINGS**

**1. That there are special circumstances or conditions affecting the property.**

There are special circumstances affecting the property, in that the slopes and configuration of the parcel in the development area require two of the drainage outlets be located within the 30 foot riparian comdor setback of an intermittent tributary to Zayante Creek.

**2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.**

The exception is necessary for the proper design and function of the drainage system for the proposed equestrian facilities (barn and covered riding arena) and allowed use on this property. As stated above, there are topographic constraints on the parcel limiting the location of drainage outlets that will achieve proper drainage control.

3. That the granting of the exception **will** not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

The granting of the exception will not be detrimental to the public welfare or injurious to other property downstream. The proposed drainage facilities will retain most of the proposed runoff and will use adequately designed gabion mattresses to dissipate excess runoff to minimize potential erosion. The disturbance to the riparian habitat is minimal as it is well above the stream channel and the area surrounding the rock mattresses will be revegetated.

4. That **the** granting of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

The project is not located within the Coastal Zone.

6. That the **granting** of the exception is in accordance with the purpose of this chapter, and with the objectives of the general plan and elements thereof, and the local coastal program land use plan.

The granting of the exception is in accordance with the purpose of the Riparian Protection Ordinance and the objectives of the General Plan, in that the location of the proposed drainage outlets and velocity dissipators will control the runoff generated by the project and will minimize potential erosion from the runoff. Minimal habitat will be disturbed during **construction** and the overall functioning of the riparian corridor and stream channel will be unaffected.

## CONDITIONS OF APPROVAL

- Exhibit **A** Project Plans prepared by Linda Royer, Sheets G1, L1, **L4**, L4.1, L6, A10, A11 last revised 12/2/03, Sheets L1.1, L2 last revised 3/18/04, Sheets A1 last revised 7/3/03, **A2**, A3, A9, A12 last revised 7/18/03 and prepared by Ifland Engineers, Sheets C1-3, dated 4/16/04, Manure Management Plan dated 11/15/02
- I. This permit authorizes the construction of an approximately 4,500 square foot barn with a bathroom and outside paddocks, a 13,338 sq ft covered riding arena with viewing room and toilet facilities and about 3,406 cubic yards of excavation, **1,558** cubic yards of embankment and 1,849 cubic yards of export to be distributed onsite in approved pasture area and related drainage and driveway improvements and authorizes one separate electrical meter for these structures with up to ~~ZOO~~amp service. 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.
  - B. Pay any outstanding fees in the At-Cost account #13534 and maintain a balance of \$900 for the cost of inspections.
  - C. Pay the Negative Declaration Filing Fee at the Clerk of the Board of Supervisors immediately following permit approval. The required filing fee is \$25 and must be accompanied by the Certificate of Fee Exemption.
  - D. Obtain a Building Permit from the Santa Cruz County Building Official.
  - E. Obtain a Grading Permit from the Santa Cruz County Building Official
  - F. Obtain a Construction Permit from the State Water Resources Control Board for disturbance exceeding one acre. Submit proof of the permit to the Planning Department and Department of Public Works, Drainage Engineering.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    - 1. The conditions of approval shall be incorporated into the final building plans.
    - 2. Identify finish of exterior materials and color of roof covering for Planning Department approval. Submit two copies of a color board. All color boards must

be in 8.5" x 11" format.

3. All site improvements including but not limited to septic location, parking, driveway location and driveway profile, water storage and building foot prints and all required setbacks (including riparian setbacks and building setbacks).
4. Plans shall provide architectural elevations and cross sections for determining maximum height. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.
5. Submit final Grading, drainage, and erosion control plans.
  - a. Final engineered grading and erosion control plans shall include:
    - i. Specifications for the installation of a temporary chain link fence along the riparian corridor setbacks along Zayante Creek and the intermittent channel. These locations must be clearly delineated on the plans.
    - ii. Final erosion control plans must include and show the location of the installation of silt fencing around the perimeter of the disturbance area.
    - iii. Final grading plans shall clearly delineate the area of slopes exceeding **30%**. Site disturbance is prohibited on slopes greater than **30%**.
    - iv. Final plans shall clearly delineate the area to receive the excess fill and shall specify that the fill shall not exceed 18 inches in depth. The restoration of this area shall be addressed in the erosion control plan.
    - v. Final grading plans shall specify that grading must commence prior to August 15<sup>th</sup> and under no circumstances shall proceed beyond October 15<sup>th</sup>.
    - vi. The **final** grading and erosion control plans shall be reviewed and approved by the project soils engineer. Submit **3** copies of the soils engineer's plan review letter.
  - b. Final grading and drainage plans shall be revised to relocate the drainage outlet and retention/dissipator for the barn. The dissipator/retention system shall be located outside of the **30** foot riparian setback and placed further east of the barn (northeast of the proposed site on Exhibit A).
6. Final drainage plans shall meet the requirements of the Department of Public

Works, Drainage Division as specified in their miscellaneous comments dated September 9, 2003 and May 10, 2004.

7. Obtain a valid septic permit and submit a valid Environmental Health Services septic clearance.
  8. Details showing compliance with Zayante Fire Department requirements in their comments dated September 18, 2003 and April 28, 2004. The final plans shall meet all requirements of the applicable Urban Wildland Intermix Code.
  9. Find landscaping plans shall specify plants species, sizes and locations. At least 80% of the landscaping shall utilize native, drought tolerant species. The Boston Ivy and cotoneaster in Exhibit A landscape plan shall be replaced with native species.
  10. Submit a mitigation plan prepared by the project biologist for restoration of a minimum of 1.2 acres to native grassland habitat. The restoration plan must be reviewed and accepted by the Environmental Planning Section of the Planning Department. The restoration area shall be clearly shown and incorporated into the final building application plans.
- C. Meet all requirements of and pay Zone 8 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area (current fees are \$0.85 per square foot, but are subject to change without notice).
  - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - E. The applicant/owner shall submit proof of Fire Clearance under the Urban Wildland Intermix Code. The final plans shall meet all requirements of the applicable Urban Wildland Intermix Code. The applicant/owner shall pay any applicable plan check fee of the Zayante Fire Protection District.
  - F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
  - G. Submit 3 copies of a letter of plan review and approval by the project soils engineer. The letter shall state that the building, grading, drainage and erosion control plans are in conformance with the soils report recommendations and shall specifically reference the plans (sheet numbers, preparer's name(s) and dates) reviewed.
  - H. 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.
  - I. Complete and record a Declaration of Restriction to construct two non-habitable accessory structures (~~barn~~ and covered riding arena). **You may not alter the wording**

**of this declaration.** Follow the instructions to record and return the form to the Planning Department.

III. Prior to site disturbance and during construction:

- A. All land clearing, grading and/or excavation shall start on or before August 15<sup>th</sup> and shall be completed or operations halted and the site winterized by October 15<sup>th</sup>. **Grading is prohibited between October 15 and April 15.** If grading is not completed prior to the October 15<sup>th</sup> deadline, the applicant/owner shall immediately commence securing the site for the winter and shall:
  1. Submit a complete winterization plan to Environmental Planning for review and approval.
  2. Shall deposit an additional \$1,500 into at cost account #13534 to cover additional plan review and erosion control inspections for the site.
  3. All erosion control shall be implemented, monitored and maintained through the winter such that turbid water and soils are not allowed to leave the site.
  4. Earthwork shall not recommence until April 15<sup>th</sup> or the project soils engineer deems that the soil conditions are suitable **for** continuing the site grading, **whichever comes later.**
- B. A pre-construction meeting is required with Environmental Planning staff (contact Kent Edler at 454-3168), the project soils engineer and the grading contractor, prior to any land clearing or grading activities.
- C. The required chainlink fencing and silt fencing shall be installed along the riparian corridor setbacks, prior to the pre-construction meeting. The installation must be inspected and approved by the Environmental Planning staff before grading can commence. The fencing may be moved temporarily to accommodate installation of the grading facilities.
- D. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
- E. All earthwork and retaining wall construction shall be supervised by the project soils engineer and shall conform with the soils report recommendations.
- F. All foundation and retaining wall excavations shall be observed and approved in writing by the project soils engineer prior to foundation pour. A copy of the letter shall be kept on file with the Planning Department.
- G. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.

- H. 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.
- IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the **applicant/owner** must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
  - C. The construction and grading must comply with all recommendations of the approved soils reports.
  - D. The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted soils report. A copy of the letter shall be kept in the project file for future reference.
  - E. Final erosion control and drainage measures shall be completed.
  - F. All landscaping shall be installed and all habitat restoration shall be completed. The final landscaping and restoration area shall be inspected and approved by Environmental Planning staff prior to building permit final clearance. Contact Jessica DeGrassi at 454-3162 a minimum of four working days prior to final inspections.
- V. Operational Conditions
- A. The barn and covered riding arena is for the use **of** the property owners. The boarding and training of outside horses (horses that do not belong to the property **owners** or their immediate family) is prohibited and public riding and/or horsemanship lessons are prohibited, unless a Level **5** Commercial Horse Boarding and Training Permit is obtained.
  - B. One "Open House" and up to two horse-related clinics/riding demonstrations or similar events are allowed per year.
  - C. Sound systems within or around the riding arenas shall be operated at a volume that does not exceed a maximum noise level of 45 dB at any property line. Failure **to** meet this condition is grounds for immediate revocation of this condition allowing the use of amplified sound.

- D. Manure **shall** be managed in accordance with the approved Manure Management Plan, with the exception that manure shall not be spread on the property between August 1 and April 15. Manure spreading is prohibited in areas with moderate percolation or better (sandy loam soils), within the native grassland areas and within 50 feet of any stream, drainage channel or spring.
- E. The breeding of flies shall be minimized by regular disposal of manure or through the use of fly predators and/or fly-traps around all accumulated manure.
- F. The barn and the covered riding arena shall be maintained as a non-habitable structures and shall adhere to following conditions:
1. The barn and the covered riding arena are allowed one electric meter separate from the existing dwellings. Electrical **service** shall not exceed 200A/single phase.
  2. Waste drains for a utility **sink or** clothes washer shall not exceed 1 ½ inches in size.
  3. Mechanical heating, cooling humidification or dehumidification of the barn and/or the covered riding arena structure or any portion thereof is prohibited. The structures may be either finished with sheet rock or insulated, but shall not utilize both sheet rock and insulation.
  4. The barn and/or the covered riding arena structure shall not be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
  5. The barn and/or the covered riding arena structure shall not have a kitchen or food preparation facilities and shall not be rented, let **or** leased as an independent dwelling unit. Under County Code Section 13.20.700-K, kitchen or food preparation facilities shall be defined **as** any room **or** portion of a room used **or** intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following appliances: any **sink** having a drain outlet larger than 1 1/2 inches in diameter, any refrigerator larger than 2 1/2 cubic feet, any hot plate, burner, stove or oven.
  6. The barn and/or the covered riding arena structure may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant **or** other requirement for permission.
- G. **All** landscaping and the restored native grassland shall be permanently maintained.
- H. In the event that future County inspections of the subject property disclose noncompliance **with** any Conditions of this approval **or** any violation **of** the 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.

- VI. 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.
- 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.

VII. 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 1.: Conditions II.A.10, IV.F. and V.D and V.G.

Monitoring Promam: Environmental Planning staff will require that the native grassland mitigation plan be submitted and must review and approve the plan prior to approving the building permits. Work is not allowed to commence until the grading and building permits are issued. Environmental Planning staff will place a hold on the final of the building permit that cannot be cleared until the native grassland mitigation area is inspected and approved. The owner will not be able to get permanent electrical power until the holds are cleared.

B. Mitigation Measure 2: Conditions II.5.a.i., II.5.a.ii., II.5.a.v., III.A., IILB., IIC. and III.D.

Monitoring Program: The Engineering and Grading staff of Environmental Planning will require a pre-construction meeting prior to the applicant/owner commencing work, the required temporary fencing and silt fence will be inspected ~~at~~ **this** time. Regular inspections are required and will be tracked for the grading permit application. Failure to obtain the required inspections or meet requirement may result in the issuance of a stop work order. Further work and inspections will not be authorized until the conditions of approval and/or required inspections and erosion control are satisfactorily met. Building inspections will not be conducted until all stop work notices are rescinded. A stop work order will be issued at the October 15'' deadline if grading has not been completed with orders to implement immediate winterization. Failure to comply can result in further action by Code Compliance up to and including revocation of the Zoning and Building permit and civil penalties.

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Minor variations to **this** permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: **This** permit expires two years from the effective date unless you obtain the required permits and commence construction.

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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Don Bussey  
Deputy Zoning Administrator

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Cathleen Carr  
Project Planner

**Application No. 03-0382**  
**Assessor's Parcel No.: 074-181-01**

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code