

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: June 12, 2008 Time:	Agenda Item No.:
Project Description: Coastal Development Permit and Design Approval for the installation of a 181.2 kilowatt ground mounted solar photovoltaic system within 750 feet of a known archaeological resource.	
Project Location: 47900 Highway One, Big Sur (Post Ranch Inn)	APN: 419-311-040-000
Planning File Number: PLN080195	Property Owner: Post Ranch Inn (Hugh Brownlee) Representative: EI Solutions (Jaime Seidel)
Plan Area: Big Sur Land Use Plan	Flagged and staked: Yes
Zoning Designation: Watershed Scenic Conservation, Coastal Zone [WSC/D(CZ)]	
CEQA Action: Categorically Exempt per Section §15304, Class 4 – Minor Alterations to Land	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW: Post Ranch Inn has submitted proposed plans to install a solar array that will serve to offset the electrical energy used by the Inn. Staff worked with the applicant to assure that the project is sited to avoid encroachment into an archaeological easement, avoid areas of 30%, avoid tree removal, limit ground disturbance, and be located out of the critical viewshed. A Coastal Development Permit is required because the system is located within 750 feet of a known archaeological resource.

A letter from Archaeological Consulting (Gary Breschini) finds that the project would not likely affect the resource that the easement was created for. Mr. Breschini notes that the project involves minimal ground disturbance, but recommends that the site be monitored during grading as a precaution. In addition, the applicant has indicated their intent to fence off the easement to avoid construction traffic in that area. No other issues remain and installing solar systems is consistent with the Solar Rights Act of California to encourage developing new energy sources. Therefore, staff recommends that the Zoning Administrator approve the proposed solar array.

OTHER AGENCY INVOLVEMENT: The following agencies and departments were forwarded copies of the proposed plans for review and comment:

- ✓ CalFire (CDFFP), Coastal
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

Conditions recommended by the RMA-Planning Department and Fire have been incorporated into the conditions of approval (**Exhibit D**).

The project was referred to the Big Sur Land Use Advisory Committee for review. The LUAC visited the site and voted unanimously to recommend approval of the project as proposed.

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

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June 1, 2008

cc: Public Counter, Zoning Administrator; CalFire (D. King); Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission (K. Morange); Project Planner (C. Holm); Carol Allen; Owner (H. Brownlee), Representative (J. Seidel); Planning File PLN080195.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Project Plans
 Exhibit E Vicinity Map

EXHIBIT A

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE
PLN080195/Post Ranch Inn Solar Array

1. FINDING: CONSISTENCY – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Big Sur Land Use Plan, Coastal Implementation Plan (Part 3, Chapter 20.145), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
 - (b) The project is located on a 98.6-acre parcel located at 47900 Highway One, Big Sur (Assessor's Parcel Number 419-311-040-000), Coastal Zone. The parcel is zoned Watershed Scenic Conservation (WSC) and has an existing General Development plan for a visitor serving facility called Post Ranch Inn. The proposed development includes a Coastal Development Permit to allow the solar array to be located within 750 feet of a known archeological site. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
 - (c) The Solar Rights Act of California (Section 65850.5 of the Government Code) was adopted to help facilities processing solar projects to help reduce the dependency on electrical energy. This array is designed to offset the electrical power requirements for the Post Ranch Inn. Solar panels require specific orientation to the sun for maximum
 - (d) A County planner conducted a site inspection in February 2008 to verify that the project on the subject parcel conforms to the plans listed above.
 - (e) A coastal development is required because the project is located within 750 feet of a known archeological site. Since panels would be located near an archaeological easement on the property, a registered archaeologist was retained to evaluate the potential impact. In addition, a temporary fence will be installed around the easement area to prevent disturbance from construction traffic. Although land disturbance is minimal for drilling the footings, the archaeologist finds no impact provided the site is monitored during grading (Condition 3).
 - (e) The project was referred to the Big Sur Land Use Advisory Committee for review.
 - (f) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080195, were found to be consistent with all the policies within the Big Sur Land Use Plan, Coastal Implementation Plan Part 3 and the Coastal Implementation Plan Part 1 Section 20.17.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public

Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.

- (b) An Archaeological report prepared for the property concluded that the project site does not contain surface evidence of potentially significant resources.
- (c) The following technical reports/letters have been prepared for this project:
 - "Archaeological letter" (*LIB080242*) prepared by Gary Breschini, Ph.D., RPA. The letter is dated April 21, 2008.
- (d) Staff conducted a site inspection February, 2008 and found the proposed location is suitable for this use.
- (e) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080195.

3. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review and “no unusual” circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15304 Class 4 categorically exempts minor alterations in land use limitations which do not involve removal of healthy, mature, scenic trees.
 - (b) No adverse environmental effects were identified during staff review of the project application and during site-visits February 2008. The proposed array was determined to not be located within the critical viewshed and that it will not impact any sensitive habitat areas. The panels were adjusted to avoid any disturbance to 30% slope areas and no trees would be removed.
 - (c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN080195
 - (d) See preceding findings and supporting evidence.

5. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County’s zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicate that no violations exist on subject property.

6. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see Section 20.145.150.B.1 CIP). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.150.B.4 of the Monterey County Coastal Implementation Plan Part 3, can be demonstrated.

- EVIDENCE:**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 2, the Shoreline Access Plan, of the Big Sur Land Use Plan.
 - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - (d) Staff site visit February 2008.

7. FINDING: HEALTH AND SAFETY – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The subject project if approved would not require variances or exception to any Health and Safety regulations within the county codes. The project as conditioned is consistent with all county regulations and Land Use Plan policies.
(b) The project as proposed was noticed for a public hearing as required under Section 20.84.040 of the Coastal Implementation Plan Part 1.
(c) Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission

EVIDENCE: (a) This project can be appealed to the Board of Supervisors pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), Coastal Implementation Plan (CIP).
(b) This project can be appealed to the California Coastal Commission pursuant to Section 20.86.080.A.2 CIP.

EXHIBIT C Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Post Ranch Inn Solar Array</u> File No: <u>PLN080195</u> APN: <u>419-311-040-000</u> Approval by: <u>Zoning Administrator</u> Date: <u>June 12, 2008</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complia nce (name/da te)</i>
1		PBD029 - SPECIFIC USES ONLY The subject Coastal Development Permit and Design Approval for the installation of a 181.2 kilowatt ground mounted solar photovoltaic system within 750 feet of a known archaeological resource. The property is located at 47900 Highway One, Big Sur (Assessor's Parcel Number 419-311-040-000), Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits. (Resource Management Agency / Planning Department)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. ____) was approved by the Zoning Administrator for Assessor's Parcel Number 419-311-040-000 on June 12, 2008. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Resource Management Agency / Planning Department)</p>	Proof of recordation of this notice shall be furnished to the Planning Department.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p>PDSP001 – CULTURAL RESOURCES (NON-STANDARD)</p> <p>The archaeological easement area shall be fenced during construction in order to avoid construction traffic in this area. An archaeologist monitor shall be present on site during ground disturbance. If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> - The coroner shall contact the Native American Heritage Commission and the RMA – Planning 	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per archaeologist or anthropologist	Prior to the issuance of grading or building permits or approval of Sub. Improvement Plans, whichever occurs first.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>Department within 24 hours.</p> <ul style="list-style-type: none"> - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or - Where the following conditions occur, the landowner or his authorized representatives shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: 	Call the Planning Department for inspection of fencing that has been installed. Said fencing shall remain in place until all construction has been completed.		Prior to issuance of grading permit.	
4		<p>FIRE SP001 – ELECTRICAL SHUT OFF (NON-STANDARD) All electrical shut offs are to have clear signage as required by Monterey County guidelines. (Cal Fire)</p>	Install signs as required by Building Inspection Department guidelines for solar systems.	Contractor	Hold Final for Fire approval	

END OF CONDITIONS