

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 31, 2011 Time: 1:40 P.M. Agenda Item No.: 4	
Project Description: Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval for the construction of a new 0.5 mile pedestrian trail (Post Creek Trail) including 2 wooden soldier pile retaining walls, 2 rock crib retaining walls, 2 open rock culverts and directional signs; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development on slopes greater than 30%.	
Project Location: Pfeiffer Big Sur State Park, Big Sur	APN: 419-031-002-000 and 419-031-029-000
Planning File Number: PLN080112	Owner: State of California Department of Parks and Recreation Agent: Larry Tierney
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: "WSC/40-D(CZ)" (Watershed and Scenic Conservation, 40 acres per unit with Design Control Overlay in the Coastal Zone) and "OR-D(CZ)" (Open Space Recreation with Design Control Overlay in the Coastal Zone)	
CEQA Action: Categorically Exempt per Section 15303 and 15304	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically Exempt PLN080112 per CEQA Guidelines Sections 15303 and 15304; and
- 2) Approve PLN080112, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

PROJECT OVERVIEW:

The project involves a Combined Development Permit to allow the construction of an approximately 0.5 mile long 3 foot wide "out and back" pedestrian trail (Post Creek Trail) in Pfeiffer Big Sur State Park that will connect to the existing Pine Ridge Trail and lead hikers in a southerly direction to a redwood grove of special interest. The trail will end at the redwood grove at which point the hikers will turn around and head back to the Pine Ridge Trail connection. The purpose of the trail is to allow visitors to traverse the Post Creek watershed, viewing the magnificent vistas and majestic redwoods located on the property. The proposed trail alignment runs roughly parallel to and approximately 400 feet in elevation above and 1,000 feet to 1,750 feet east of Post Creek. The Post Creek Trail was originally proposed to connect to an existing service road that begins at Highway 1. Because of concerns expressed by the Land Use Advisory Committee regarding safety of hikers and parking at Highway 1, the trail alignment has been revised to end approximately ¼ mile north of the service road so there will be no connection to Highway 1.

The project is located in an area with a Design Control overlay so Design Approval is required for the built elements of the project. The project includes signs (3.5" wide by 24" tall brown metal plate with white lettering affixed to 36 inch tall Trex Redwood 4" X 4" posts), two soldier pile retaining walls built of pressure treated Douglas fir, 2 rock crib retaining walls and two open rock culverts.

The proposed trail alignment will not be visible from Highway 1 or the Big Sur Critical Viewshed. The proposed trail corridor does not traverse any open meadows and is well concealed by the surrounding topography and intervening vegetation. The trail will pass through three vegetation types; primarily through black sage scrub/successional scrub with two small sections in oak-bay woodland and ending in redwood forest. No tree removal is proposed as part of the project.

Topography in the project area is characterized by steep slopes. Although the proposed trail alignment has been designed to avoid the steeper slopes where possible, it is not possible to construct this trail entirely on slopes of less than 30 percent. Therefore, a Coastal Development Permit for development on slopes in excess of 30 percent has been required. The only location for the trail which would completely avoid 30 percent slopes would be in the riparian habitat immediately adjacent to Post Creek which would involve significant disruption to ESHA and would not meet the stated objective of providing visitors an opportunity to view the magnificent vistas of the watershed.

Although the project site is not identified on the LUP Environmentally Sensitive Habitat Map as being located within ESHA, the site is an undeveloped area within Pfeiffer Big Sur State Park and the LUP includes wilderness and primitive areas in the definition of ESHA. The project is consistent with the applicable policies related to the preservation and maintenance of ESHA. The applicant prepared a biological report (LIB100381) which addresses the impacts of the project on the long-term maintenance and preservation of the surrounding ESHA (CIP Section 20.145.040.A and B.1). The biological report concludes that no special status plant or animal species will be negatively impacted by this project. As a precautionary measure, the applicant will have a natural resources monitor present during project construction. In addition, the project is consistent with CIP Section 20.1454.040.B.8, which directs that public access in areas of ESHA shall be limited to low-intensity recreational . . . uses which will not significantly disrupt or impact the long term maintenance of the habitat.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

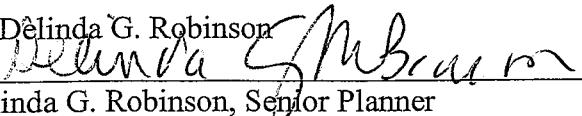
- RMA - Public Works Department
- Environmental Health Bureau
- Water Resources Agency
- California Department of Forestry
- Parks Department
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). No conditions of approval were recommended by any of above listed reviewing agencies or departments.

The Big Sur Land Use Advisory Committee heard the project at a public hearing on January 11, 2011 and recommended approval of the project by a vote of 6 to 0 with the condition that the proposed trail not connect to Highway 1.

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

/S/ Delinda G. Robinson


Delinda G. Robinson, Senior Planner

(831) 755-5198, robinsond@co.monterey.ca.us

March 16, 2011

cc: Front Counter Copy; Zoning Administrator; California Department of Forestry; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission;; Laura Lawrence, Planning Services Manager; Delinda Robinson, Project Planner; Carol Allen, Senior Secretary; State of California Department of Parks and Recreation, Owner; Larry Tierney, Agent; Planning File PLN080112

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
1. Conditions of Approval
2. Site Plan
Exhibit C Vicinity Map
Exhibit D Advisory Committee Minutes (LUAC)
Exhibit E Notice of Exemption

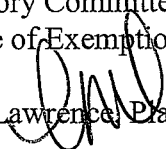
This report was reviewed by Laura Lawrence,  Planning Services Manager

EXHIBIT A

Project Data Sheet for PLN080112

Project Title: State of California Department of Parks and Recreation (Post Creek Trail)

Location:	Pfeiffer Big Sur State Park, Big Sur	Primary APN:	419-031-029-000
Applicable Plan:	Big Sur Coast LUP	Coastal Zone:	YES/NO
Permit Type:	Combined Development Permit	Zoning:	WSC/40-D(CZ) and OR-D(CZ)
Environmental Status:	EXEMPT	Plan Designation:	OR and WSC
Advisory Committee:	Big Sur Coast LUAC	Final Action Deadline (884):	04/30/2011

Project Site Data:

Lot Size:	915 ACRES	Coverage Allowed:	N/A
		Coverage Proposed:	N/A
Existing Structures (SF):	N/A	Height Allowed:	N/A
Proposed Structures (SF):	N/A	Height Proposed:	N/A
Total SF:	N/A	Floor Area Ratio Allowed:	N/A
		Floor Area Ratio Proposed:	N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat:	WILDLANDS	Erosion Hazard Zone:	LOW
Biological Report #:	LIB100381	Soils Report #:	N/A
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	HIGH	Geologic Hazard Zone:	Relatively unstable uplands
Archaeological Report #:	LIB100380	Geologic Report #:	N/A
Fire Hazard Zone:	HIGH	Traffic Report #:	N/A

Other Information:

Water Source:	N/A	Sewage Disposal:	N/A
Water Dist/Co:	N/A	Sewer District Name:	N/A
Fire District:	CDF	Total Grading (cubic yds.):	30
Tree Removal:	NONE		

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

**STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
(PLN080112)**

RESOLUTION NO. ~~XXXX~~

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically Exempting PLN080112 per CEQA Guidelines Sections 15303 and 15304; and
- 2) Approving Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval for the construction of a new 0.5 mile pedestrian trail (Post Creek Trail) including 2 wooden soldier pile retaining walls, 2 rock crib retaining walls, 2 open rock culverts and directional signs; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development on slopes greater than 30%. The property is located in the Pfeiffer Big Sur State Park (Assessor's Parcel Numbers 419-031-029-000 and 419-031-002-000), Big Sur Coast Land Use Plan, Coastal zone.

(PLN080112, State of California Department of Parks and Recreation, Pfeiffer Big Sur State Park, Big Sur, (APN: 419-031-002-000 AND 419-031-029-000) Big Sur Coast Land Use Plan, Coastal Zone

The State of California Department of Parks and Recreation application (PLN080112) came on for public hearing before the Monterey County Zoning Administrator on March 31, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been

reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Big Sur Coast Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 3,
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at Pfeiffer Big Sur State Park, Big Sur (Assessor's Parcel Number 419-031-002-000 and 419-031-029-000) Big Sur Coast Land Use Plan. Parcel 419-031-002-000 is zoned "OR-D(CZ)" [(Open Space Recreation with Design Control Overlay (Coastal Zone)] which allows the construction of hiking trails as a principal allowed use. Parcel 419-031-029-000 is zoned "WSC/40-D(CZ)" [(Watershed and Scenic Conservation, 40 acres per unit with Design Control Overlay (Coastal Zone)] which allows public uses such as parks subject to a Coastal Development Permit in each case. Therefore, the project is an allowed land use for this site.
- c) The project is consistent with the purpose of the Watershed and Scenic Conservation zoning district which allows "only such development that can be achieved without adverse effect and which will be subordinate to the particular site and area." The project has been designed to have minimal impacts on the site. See Findings 7 and 8.
- d) The project planner conducted site inspections on November 3, 2010 and February 8, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Development on slopes that excess 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. See Finding No. 7.
- f) The project is located in an area which is identified as high sensitivity for archaeological resources. Pursuant to LUP Policy 3.11.2.4, an archaeological survey was conducted for the project. The report on the survey (LIB100380) found that no archaeological resources are known or anticipated in the project area but recommended that in the event cultural remains are found during the course of construction work should stop until a qualified archaeologist can examine and evaluate the find. The standard condition requiring this has been incorporated as Condition No. 4.
- g) The project is consistent with LUP Key Policy 3.5.1 (Forest Resources) which states: "The primary use of forested land in Big Sur shall be for recreational and aesthetic enjoyment and for educational, scientific, watershed and habitat protection activities." The Post Creek Trail project promotes the recreational and aesthetic enjoyment of the Big Sur area by providing controlled access to the area.
- h) The project is consistent with LUP Policy 3.7.3.A.1 which directs that all development be sited and designed to conform to site topography and to

minimize grading and other site preparation activities. The project has been designed in accordance with the California Department of Parks and Recreation publication "Trail's Handbook" which lists as a trail location objective "to provide a facility that produces a minimum impact on the land" and General Criteria No. 10.2.1.5: "Trail grades should contour rather than climb up and over steep topography". All work will be done by hand as the project area is not accessible by vehicles.

- i) The project is consistent with LUP Policy 3.3.3.A.5 which directs that access routes including recreational trails be sited to avoid significant impacts to riparian corridors. The proposed trail alignment is 400 feet above the Post Creek riparian corridor and will not cross it. The erosion control plan prepared for the project includes measures to prevent erosion or soil loss which might have the potential to impact riparian areas during excavation and after construction.
- j) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes a Design Approval that will be heard at a Public Hearing. The project, as originally submitted, would have connected the Pine Ridge Trail to Highway 1. Due to concerns about safety and parking associated with having the trail end at Highway 1, the LUAC unanimously recommended approval of the project subject to the condition that the trail be an "out and back" trail that does not end at Highway 1. The project was subsequently amended to eliminate the final ¼ mile segment that would have connected the trail to Highway 1 as recommended by the LUAC.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080112.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources and Archaeological Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - *“Biological Assessment and Report of Findings, Post Creek Trail; Updated Alignment: Pine Ridge Trail to Redwood Grove*

Turnaround” (LIB100381) prepared by Biotic Resources Group, Soquel, California, March 7, 2011.

- *“Archaeological Review” (LIB100380) prepared by Rae Schwaderer and Miya Yamashita, Monterey, California, March 28, 2008.*

- c) Staff conducted site inspections on November 3, 2010 and February 8, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080112.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, California Department of Forestry, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. The project involves the construction of a pedestrian trail within a State Park. There will be no new water or wastewater connections nor will the project affect existing water or wastewater connections.
 - c) Preceding findings and supporting evidence for PLN080112.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted site inspections on November 3, 2010 and February 8, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080112.

5. **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 15303 categorically exempts the construction and location of new small facilities or structures.
 - b) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor public alterations in the condition of land and/or vegetation which do not involve the removal of healthy, mature, scenic trees.
 - c) The State of California Department of Parks and Recreation (CDPR) performed a project evaluation for the project and found the project to be categorically exempt per CEQA Guidelines Sections 15303, 15304 and 15300.4. CDPR filed a Notice of Exemption (NOE) for the project with the Office of Planning and Research on October 6, 2010. California Environmental Quality Act (CEQA) Guidelines Section 15300.4 allows public agencies to list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with the letter and the intent expressed in the classes. The State of California Department of Parks and Recreation's list of exempt activities include "trail construction or realignment".
 - d) The proposed project consists of the construction of an approximately ½ mile of three foot wide pedestrian trail with two rock crib retaining walls, two soldier pile retaining walls and two open rock culverts. All of the proposed construction will be done by hand in accordance with standards of The Resources Agency, Department of Parks and Recreation publications "Trail's Handbook" and "Trail Project Design and Implementation Using Best Management Practices." No trees are proposed for removal.
 - e) No adverse environmental effects were identified during staff review of the development application during site visits on November 3, 2010 and February 8, 2011.
 - f) No unique circumstances exist and none of the exceptions listed in Section 15300.2 apply.
 - g) See preceding and following findings and supporting evidence.

6. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 in the Big Sur Coast 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) The application, plans and supporting materials submitted by the project

applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080112

- e) The project planner conducted site inspections on November 3, 2010 and February 8, 2011.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan, the Monterey County Coastal Implementation Plan, Part 3 and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met. Section 20.64.230 requires a Coastal Development Permit for all development on slopes in excess of 30% except for exploratory tests, certain cases of excavations and fills on man-made slopes and internal remodeling and second story additions where the development causes no disturbance on the slope of 30% or more. This project consists of the construction of a pedestrian hiking trail in a previously undisturbed area characterized by steep slopes. Therefore, a Coastal Development Permit is required.
 - b) The project includes application for development on slopes exceeding 30%.
 - c) The project consists of a pedestrian hiking trail in a mountainous area characterized by steep slopes. The trail has been designed to avoid the steeper slopes where possible. However there is no way to completely avoid development on slopes exceeding 30% and meet the objective of the project (provide a trail above Post Creek) due to the nature of the topography.
 - d) The only alternative route which would substantially reduce the amount of development on 30% slopes would be in the environmentally sensitive riparian habitat along the edge of Post Creek. Construction of the trail in this location would require significantly more vegetation removal including the removal of trees and disruption of the environmentally sensitive riparian habitat. LUP Policy 3.3.3.A.5 requires that access routes including recreational trails be sited to avoid significant impacts to riparian corridors. LUP Policy 3.3.3.A.3 requires that land use areas be sited to protect riparian habitat values. The proposed trail alignment has been designed to traverse the upland area, primarily in scrub habitat and a minimum of 400 feet above the creek to avoid impacts to environmentally sensitive riparian habitat.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080112.
 - f) The project planner conducted site inspections on November 3, 2010 and February 8, 2011.

8. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and

policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) The project involves the construction of a pedestrian hiking trail through a previously undeveloped wild area located in the Pfeiffer Big Sur State Park. Pursuant to LUP Chapter 3.3 (Environmentally Sensitive Habitats), wilderness and primitive areas are considered to be ESHA.
 - c) The applicant prepared a biological report (LIB100381) which addresses the impacts of the project on the long-term maintenance and preservation of the surrounding ESHA (CIP Section 20.145.040.A and B.1). The biological report concludes that no special status plant or animal species will be impacted by this project. As a precautionary measure, the project applicant will have a natural resources monitor present during project construction (Condition No. 5). The project is also consistent with CIP Section 20.145.040.B.8, which directs that public access in areas of ESHA shall be limited to low-intensity recreational, scientific, or educational uses which will not significantly disrupt or impact the long-term maintenance of the habitat.
 - d) The proposed project has been designed and will be constructed in accordance with the standards of The Resources Agency, Department of Parks and Recreation publications "Trail's Handbook" and "Trail Project Design and Implementation Using Best Management Practices" (BMP). The "Trails Handbook" directs the following:
 - "1.6 Resource Consideration. The resource values of a park always take precedence over facilities. All decisions regarding design layout and construction of trails should be based on what is best for the park's resources. . . sensitive natural or cultural resources should never be jeopardized by a trail facility."
 - "10.2.2.5 Specific Criteria. Avoid threatened and endangered species habitat."The BMP states that "The primary goal of trail work . . . is the improvement of habitat for and protection of threatened, endangered, and rare species."
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080112.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Section 20.86.030.A Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A.3 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project involves development on slopes exceeding 30% and development within 100 feet of

environmentally sensitive habitat, both of which are conditional uses.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically Exempt PLN080112 per CEQA Guidelines Sections 15303 and 15304;
- B. Approve Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval for the construction of a new 0.5 mile pedestrian trail (Post Creek Trail) including 2 wooden soldier pile retaining walls, 2 rock crib retaining walls, 2 open rock culverts and directional signs; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development on slopes greater than 30% in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 31st day of March, 2011.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or

until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION #### - EXHIBIT 1
 Monterey County Resource Management Agency
 Planning Department
 Condition Compliance and/or Mitigation Monitoring
 Reporting Plan**

Project Name: State of California Department of Parks and Recreation
File No: PLN080112 **APNs:** 419-031-002-000 and 419-031-029-000
Approved by: Zoning Administrator **Date:** March 31, 2011

**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>Conditions of Approval and/or Mitigation Measures 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>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN080112) allows: 1) a Coastal Administrative Permit and Design Approval for the construction of a new 0.5 mile pedestrian trail (Post Creek Trail) including 2 wooden soldier pile retaining walls, 2 rock crib retaining walls, 2 open rock culverts and directional signs; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development on slopes greater than 30%. The property is located at Pfeiffer Big Sur State Park, Big Sur (Assessor's Parcel Number 419-031-002-000 and 419-031-029-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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 the RMA - Planning Department.</p> <p>To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

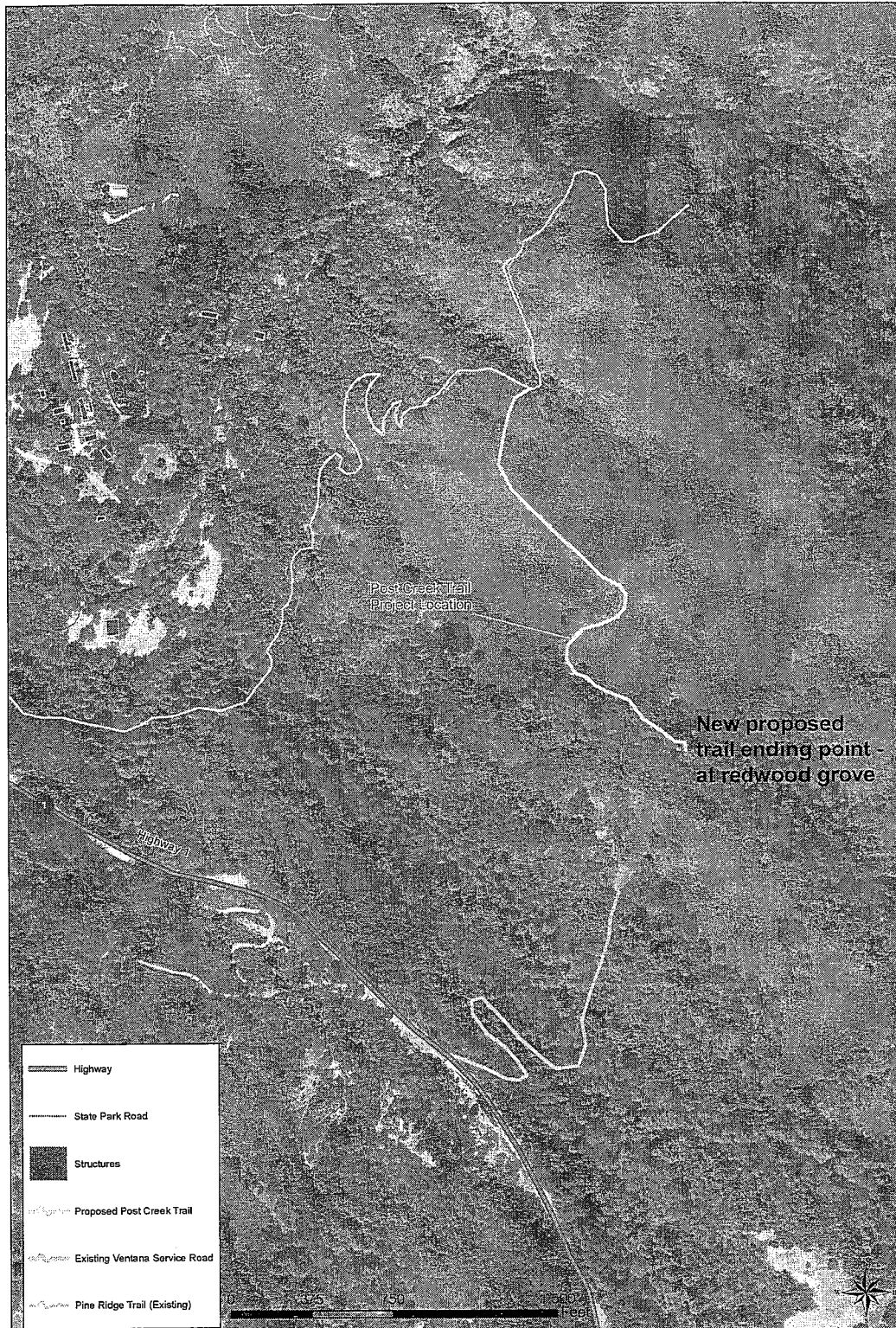
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Zoning Administrator for Assessor's Parcel Number 419-031-002-000 and 419-031-029-000 on March 31, 2011 . The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on March 31, 2014 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures 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>
		immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)				
5.		PDSP-001 – NATURAL RESOURCE MONITOR (NON-STANDARD) The applicant shall have a natural resource monitor present during all phases of project construction. If any special-status animal is observed during construction, the project will be halted until consultation has occurred with a U.S. Fish and Wildlife Service or California Fish and Game Department representative, and appropriate measures developed. (RMA-Planning Department)	Stop work and contact the Monterey County RMA-Planning Department and the appropriate representative from either the US Fish and Wildlife Service or the California Department of Fish and Game. The monitor and appropriate representative shall determine the extent of the resource and develop appropriate measures to avoid impacts to the resource. The applicant shall forward a copy of these measures to the RMA-Planning Department.	Owner/ Applicant	During all phases of construction	

END OF CONDITIONS

Rev. 08/25/2010

EXHIBIT 2 SITE PLAN



Date: 1/19/11
 Source:
 AMBAG 2003
 DPR 2006
 USGS 1983

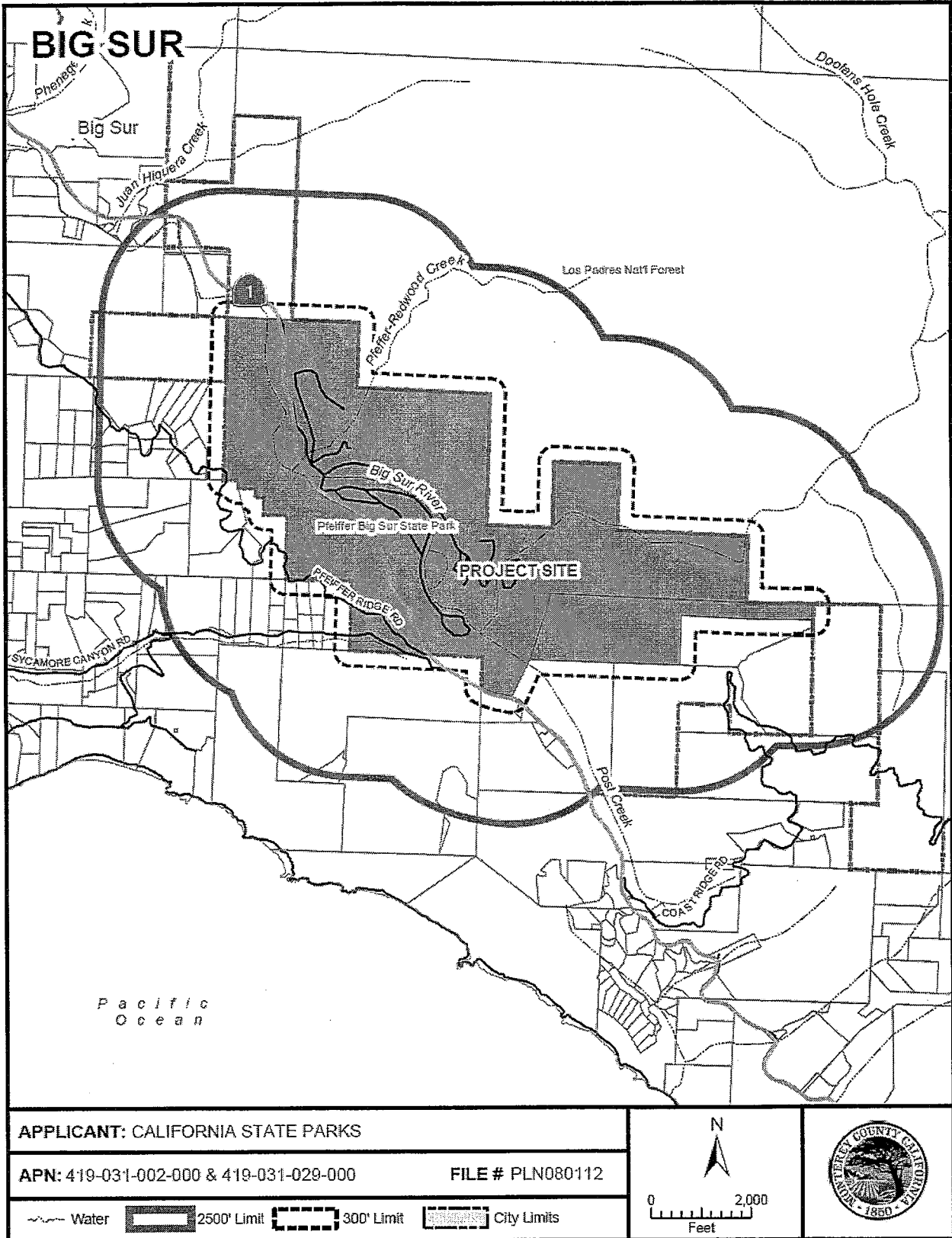
PFEIFFER BIG SUR STATE PARK
 Project Map for proposed
 Post Creek Trail

NOTES:
 Parcel boundaries are approximate and
 should not be considered legal descriptions.
 Maps are intended for study purposes only.

MONTEREY
 DISTRICT
 2211 Garden Rd
 Monterey, CA
 93940



EXHIBIT C VICINITY MAP



Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **January 11, 2011**

Project Title: STATE OF CALIFORNIA DEPT OF PARKS AND RECREATION

File Number: PLN080112

File Type: ZA

Planner: ROBINSON

Location: WITHIN PFEIFFER BIG SUR STATE PARK (POST CREEK TRAIL)

Project Description:

Combined Development Permit consisting of: 1) a Coastal Administrative Permit for the construction of a new .75 mile pedestrian trail (Post Creek Trail); 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) a Coastal Development Permit to allow development on slopes greater than 30%; and 4) Design Approval. The property is located in the Pfeiffer Big Sur State Park (Assessor's Parcel Numbers 419-031-029-000 and 419-311-021-000), Big Sur Land Use Plan, Coastal zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Was a County Staff/Representative present at meeting? No (Name)

PUBLIC COMMENT: No Public Comment – Note: Notice was not posted in front of building where meeting was held

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
See below		

ADDITIONAL LUAC COMMENTS:

The proposed trail extension was rejected due to the safety concerns, with ending the trail at Highway 1 and not having any means for the hikers to return to the park without using Highway 1. Plus, the possibility of the trail being a trail head from Highway 1.

RECOMMENDATION :

End the trail as indicated on the attached map. This would then be an out and back trail to prevent hikers from ending at Highway 1.

Motion by: Steve Beck (LUAC Member's Name)

Second by: Richard Ravich (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 0

EXHIBIT E

CEQA # 9342



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
FAX (916) 323-3018

FROM: Department of Parks and Recreation
Monterey District
2211 Garden Road
Monterey, CA

PROJECT TITLE: Post Creek Trail Construction
LOCATION: Pfeiffer Big Sur State Park
COUNTY: Monterey

DESCRIPTION OF THE NATURE AND PURPOSE OF PROJECT: Construct an approximately .75 mile long Post Creek Trail at Pfeiffer Big Sur State Park to allow visitors to hike to the nearest commercial area in Big Sur along a safe trail in the redwoods. Trail construction work will brush and clear vegetation, excavate trail surface and install rock crib retaining walls, open rock culverts, rock ripraps, and soldier piles with lagging and retaining walls. Trail will then be re-surfaced with crushed aggregate. Work crew will follow the Departmental Trail Guidelines Best Management Practices to prevent inadvertent spoils from entering stream zones. Additional work will level an approximately 5 square foot area of the soil surface at the sign locations; excavate and install concrete footings in holes measuring approximately 2 foot wide by 3 foot deep to install four (4) signs to provide visitors with park information in safe, visible locations. Sign dimensions are:

1. Install one (1) 36" wide x 48" high x approximately 48" tall aluminum double post and panel wood sign.
2. Install one (1) 36" wide x 26" high x approximately 48" tall aluminum sign mounted to wood pedestal.
3. Install two (2) 48" wide x 48" high x 60" tall signs mounted to wood pedestal.

PUBLIC AGENCY APPROVING THE PROJECT:
California Department of Parks and Recreation

NAME OF DIVISION OR DISTRICT CARRYING OUT THE PROJECT: Monterey District
EXEMPT STATUS: Categorical Exemption Classes: 3, 4 Sections: 15303, 15304

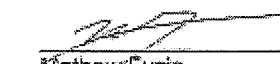
REASONS WHY PROJECT IS EXEMPT:

Project consists of construction and location of limited numbers of new, small facilities or structures and minor public alterations in the condition of land and vegetation that do not involve the removal of healthy, mature trees; included as "trail construction or realignment" in the Department of Parks and Recreation's list of exempt activities, in accordance with CCR § 15300.4.

CONTACT: Jill Poudrette
Monterey District

PHONE NO.: (831) 649-2980
EMAIL: jpoudrette@parks.ca.gov

To SCH
FAXED
10/7/10


Mathew Fuzie
Monterey District Superintendent

10/6/10
Date

DPR 505 (Rev. 4/2003)(Word 2/1/2005)