

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 080119

A. P. # 420-021-022-000

In the matter of the application of  
**California State Department of Parks and Recreation**  
**(PLN080119)**

**FINDINGS AND DECISION**

to allow a **Combined Development Permit** in accordance with Title 20 (Zoning) Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of: (1) a Coastal Administrative Permit for the construction of a .75 mile pedestrian trail (Water's Ridge Trail); (2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and (3) Design Approval. The property is located at Julia Pfeiffer Burns State Park, Big Sur, Big Sur Coast Land Use Plan, and came on regularly for meeting before the Zoning Administrator on August 14, 2008.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Coast Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 3 (Coastal Implementation Plan for the Big Sur Coast), which designates this area as appropriate for outdoor recreation.
- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As proposed and conditioned, 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 31453 Highway One (Assessor's Parcel Numbers 243-221-020-000 and 243-221-026-000), Big Sur Coast Land Use Plan, Coastal Zone. The parcel is zoned Open Space Recreation, with a Design Control Overlay ("OR-D"), which allows the construction of pedestrian hiking trails as a principal use allowed, subject to the approval of a discretionary permit. The project, as proposed, is consistent with the applicable zoning policies.
- (c) The project planner conducted a site inspection on July 22, 2008, to verify that the project on the subject parcel conforms to the plans listed above.

- (d) Public Access. See Finding #6.
- (e) Big Sur Coast Land Use Advisory Committee (LUAC): The project was referred to the Big Sur Coast LUAC for review. However, due to the Basin Complex wildfire, the LUAC did not meet until July 22, 2008. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application was referred to the LUAC because of the potential for viewshed development. However, upon further review, staff determined the project does not involve viewshed development. The Big Sur Coast LUAC unanimously recommended approval, with no conditions, at a public meeting held on July 22, 2008.
- (f) Tree Removal: CIP section 20.145.060.A.1.c allows the removal of small (less than 12 inches diameter) or dead trees from densely forested areas without a Coastal Development Permit. The project, as proposed, is consistent with this policy. The proposed trail alignment will not require the removal of trees greater than 8 inches in diameter.
- (g) Visual Resources: The proposed 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 from the Critical Viewshed by the surrounding topography. Although surface vegetation in the project area received significant damage during the Basin Complex wildfire, this will not increase visibility of the proposed trail from the Critical Viewshed.
- (h) Environmentally Sensitive Habitat (ESHA): The project is consistent with the applicable policies related to the preservation of ESHA. The applicant prepared a biological report (LIB080317) which addresses the impacts of the project on the long-term maintenance and preservation of the surrounding ESHA (CIP policy 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 project applicant will have a natural resources monitor present during project construction. The project is also consistent with CIP policy 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.
- (i) 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 PLN080119.

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, CDF-Big Sur, Public Works, Parks Department, Environmental Health Division, and

the 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) Technical reports by outside biological and archaeological 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 concurs. The following reports have been prepared:
  - i. "Biological Survey Report" (LIB080317) prepared by Jeff Frey and Lorrie Madison, Environmental Scientists, California State Parks, Monterey District, CA, May 2008.
  - ii. "Access Management Plan" (LIB080325) prepared by Larry Tierney, Maintenance Chief, California State Parks, Monterey District, CA, June 2008.
  - iii. "Archaeological Review" (LIB080318) prepared by Rae Schwaderer, Associate Archaeologist, California State Parks, CA, March 24, 2008.
- (c) Staff conducted a site inspection on July 22, 2008, to verify that the site is suitable for this use.
- (d) Materials in Project File PLN080119.

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 public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry an agricultural purposes.
  - (b) No adverse environmental effects were identified during staff review of the project application and during a site visit on July 22, 2008.
  - (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 PLN080119.

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. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

5. **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) Findings 1 and 2, and supporting evidence.  
(b) 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 PLN080119.

- 6. FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformity with the public access policies of Chapter 6 of the Big Sur Coast LUP, and Section 20.145.150 of the Monterey County Zoning Ordinance (Part 5 – Coastal Implementation Plan).

- EVIDENCE:** (a) Figure 3 (Trails Plan) of the LUP identifies this area for proposed trail uses and as part of the Coastal Access Corridor.  
(b) The applicant has prepared an Access Management Plan (LIB080325) to address the requirements of the applicable policies above.  
(c) Materials in Project File PLN080119.  
(d) Site visit by the project planner on July 22, 2008.

- 7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:** (a) Board of Supervisors: Section 20.86.020 of the Monterey County Zoning Ordinance.  
(b) California Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance.

### DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 14th day of August, 2008.

  
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MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 20 2008

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE AUG 30 2008

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 90<sup>th</sup> 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 RMA - Planning Department and RMA - Building Services Department in Salinas.

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

**Monterey County Resource Management Agency  
Planning Department**

**Condition Compliance and/or Mitigation Monitoring  
Reporting Plan**

Project Name: **California State Parks**

**File No:** PLN080119

**APNs:** 420- 021-022-000

**Approved by:** Zoning Administrator

**Date:** August 14, 2008

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

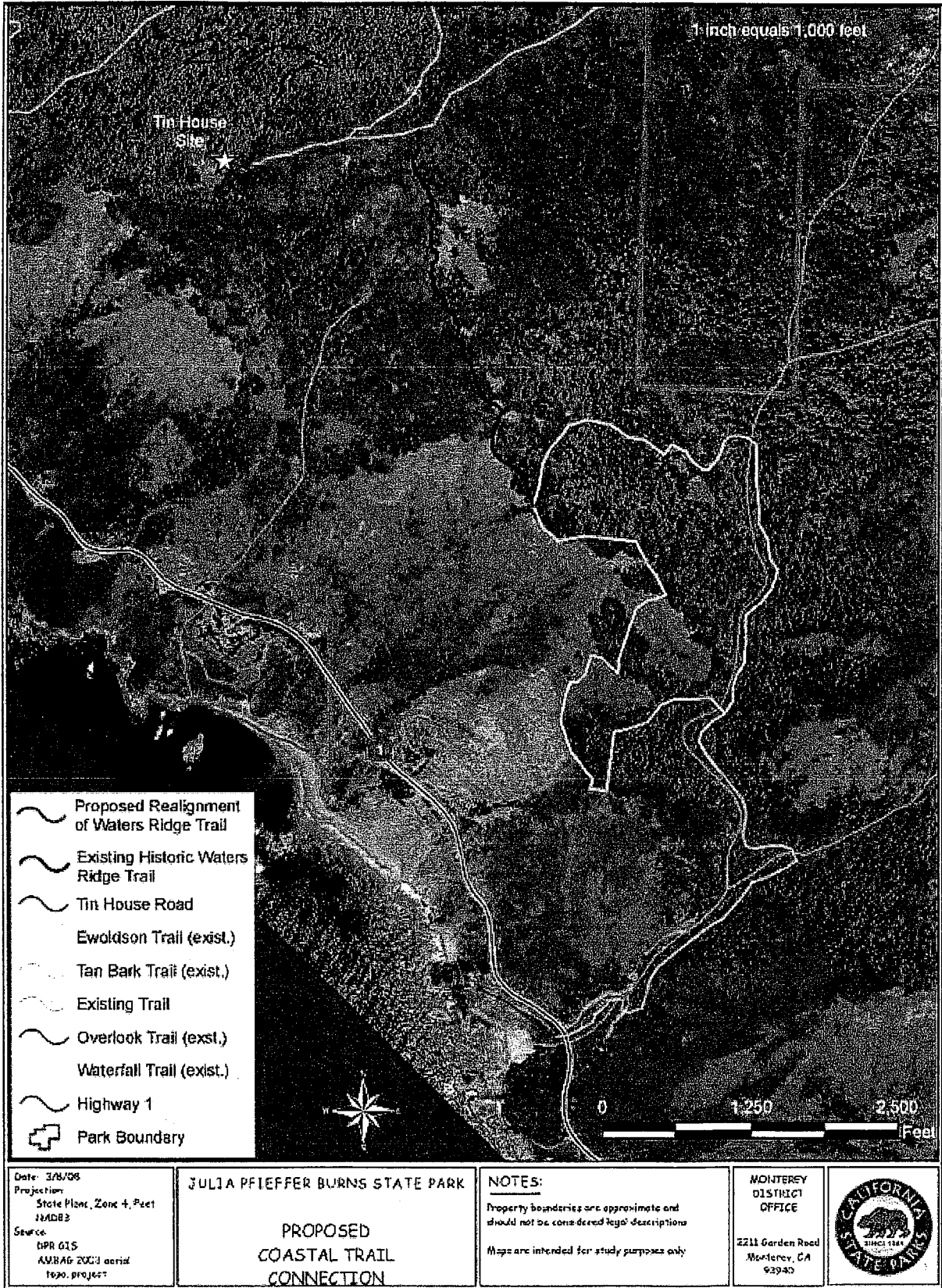
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Combined Development Permit (PLN080119) allows the construction of a .75 mile pedestrian trail and development within 100 feet of environmentally sensitive habitat. The project site is located within the Julia Pfeiffer Burns State Park (Assessor's Parcel Number 420-021-022-000), Big Sur Coast Land Use Plan, 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 the RMA - Planning Department. 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 additional permits are approved by the appropriate authorities. 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.  <b>(RMA - Planning Department)</b></p>	Adhere to conditions and uses specified in the permit.	Owner / Applicant	Ongoing unless otherwise stated.	

2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (Resolution PLN080119) was approved by the Zoning Administrator for Assessor's Parcel Number 410-021-022-000 on August 14, 2008. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p><b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b>  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 Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. 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. <b>(RMA - Planning Department)</b></p>	<p>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.</p>	<p>Owner / Applicant / Archaeologist</p>	<p>Ongoing</p>	
4.		<p><b>PDSP001 – NATURAL RESOURCE MONITOR (NON-STANDARD)</b>  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 US Fish and Wildlife Service or California Fish and Game Department representative, and appropriate</p>	<p>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 proper</p>	<p>Owner / Applicant</p>	<p>During all phases of project construction.</p>	

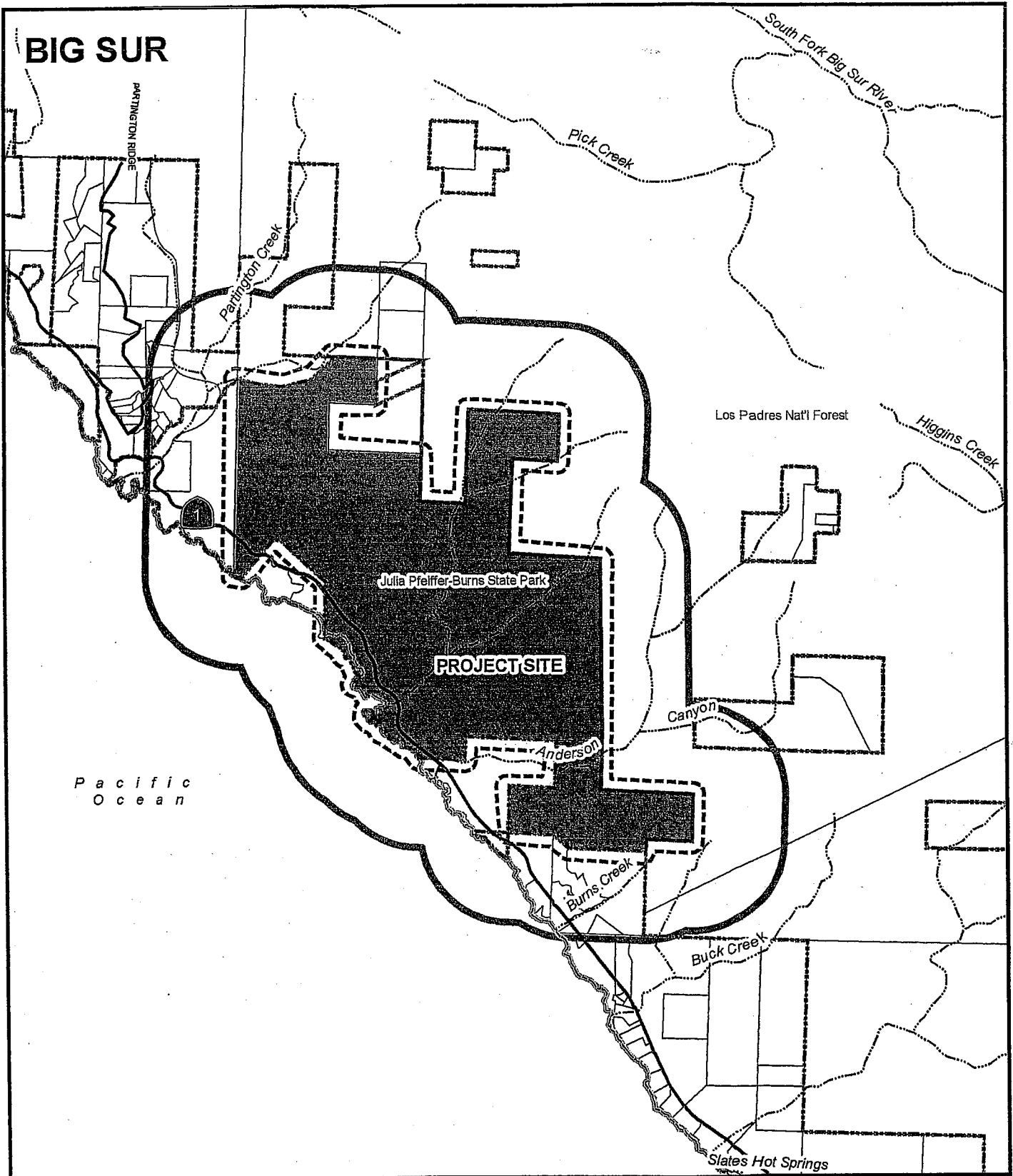
		measures developed. (RMA - Planning Department)	mitigation measures required. These measures shall be forwarded to the Monterey County RMA-Planning Department.			
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**END OF CONDITIONS**








# BIG SUR

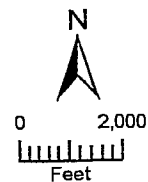


APPLICANT: STATE OF CALIFORNIA

APN: 420-021-022-000

FILE # PLN080119

 300' Limit  2500' Limit  City Limits



PLANNER: SIDOR