

In the matter of the application of
Post Ranch LP (PLN080195)

FINDINGS AND DECISION

for a **Coastal Development Permit** in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, 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 (Post Ranch Inn), Big Sur Land Use Plan, and came on regularly for hearing before the Zoning Administrator on June 12, 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, 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 production.
 - (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 Permit is required because the project is located within 750 feet of a known archaeological 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, Cal Fire, 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.

4. 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.

5. **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 area proposed for the solar panels is not described as an area where the Local Coastal Program requires access.
(b) The area proposed for the solar panels 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.

6. **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.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said request for a Coastal Development Permit be approved as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 12th day of June, 2008.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON JUN 24 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

JUL - 4 2008

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 RMA - Planning and RMA - Building Services Department offices in Salinas.

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Post Ranch Inn Solar Array

File No: PLN080195

APN: 419-311-040-000

Approval by: Zoning Administrator

Date: June 12, 2008

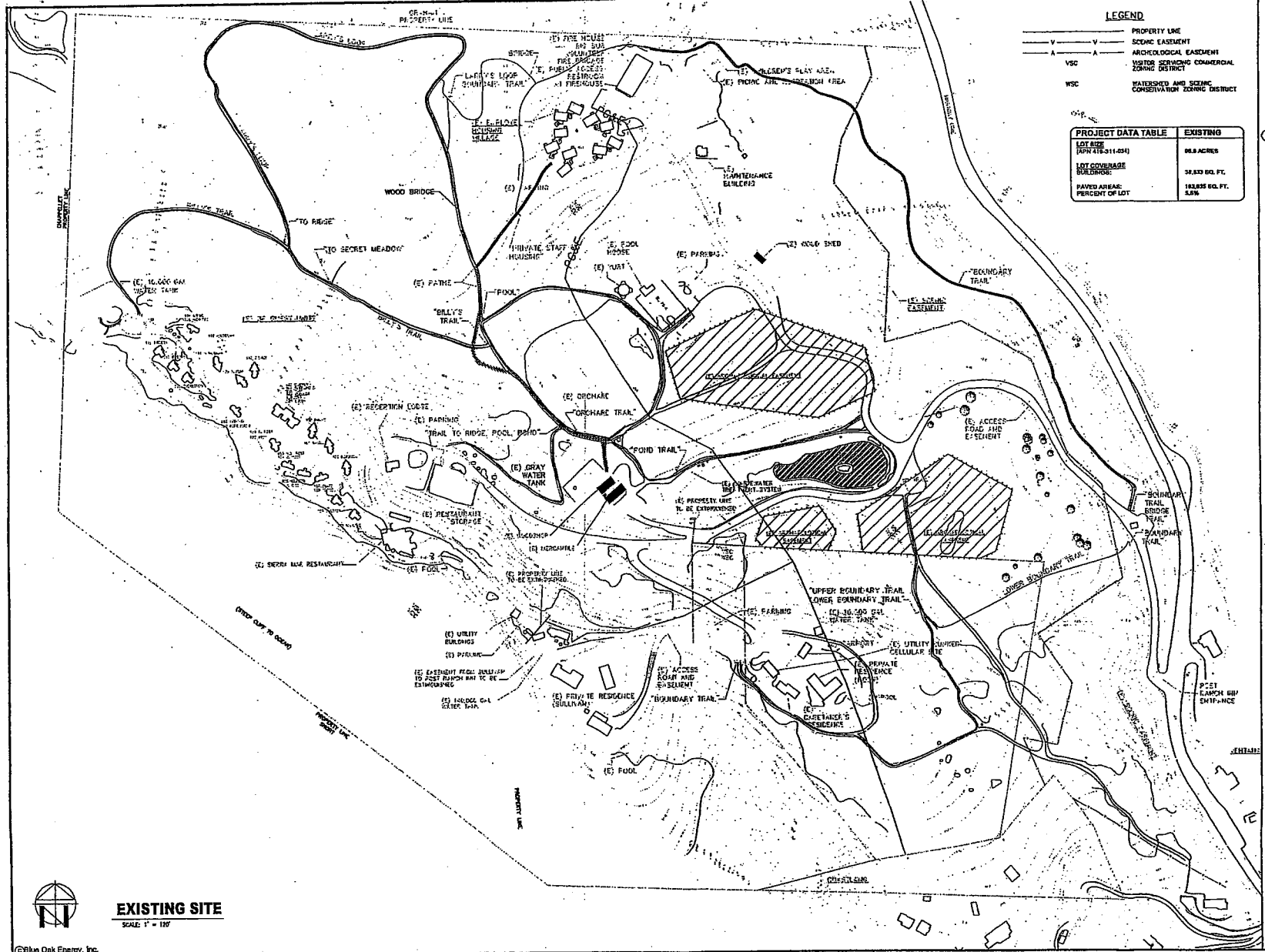
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>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>
1.		<p>PD001 - SPECIFIC USES ONLY This Coastal Development Permit and Design Approval allows 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), Big Sur Coastal 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. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		

<i>Permit Cond. Number</i>	<i>Ming. 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>
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080195) 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 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. (RMA - 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) 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: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: 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 If the coroner determines the remains to be Native American: - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - 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.</p>	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, whichever occurs first.	
			Call the Planning Department for inspection of fencing that has been installed. Said fencing shall remain in place until all construction has been completed.	Owner/ Applicant	Prior to issuance of grading permit.	
			The requirements of this condition shall be included as a note on all grading and building plans.	Owner/ Applicant	Prior to the issuance of grading or building permits	

<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>Fining</i>	<i>Verification of Compliance (name/date)</i>
		<ul style="list-style-type: none"> - 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 rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: <ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <p>(RMA - Planning Department)</p>				
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



LEGEND

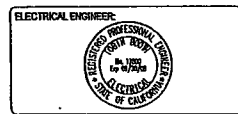
— V — V — PROPERTY LINE
 — A — A — EASEMENT
 — A — A — ARCHITECTURAL EASEMENT
 VSC VISITOR SERVICES COMMERCIAL ZONING DISTRICT
 WSC WATERSHED AND SCenic CONSERVATION ZONING DISTRICT

PROJECT DATA TABLE		EXISTING
LOT AREA (APN 418-011-024)		86.8 ACRES
LOT COVERAGE BUILDINGS		34,833 SQ. FT.
PAVED AREA: PERCENT OF LOT		18,655 SQ. FT. 5.5%

- NOTES:**
1. ADDRESSOR PARCEL P. #181104000
 2. PROPERTY OWNER INFORMATION & ADDRESS:
 NINE FRIEDS
 4780 MIDWAY ONE
 PO BOX 218
 BIG SUR, CA 93920
 3. NO MAJOR VEGETATION TO BE REMOVED.

KEYED NOTES:

① NONE.



REV. NO.	DESCRIPTION	DATE	BY
E	RE-SUBMITTAL	04.14.08	JTG
C	FOR SUBMITTAL	03.12.08	JTG
A	FOR PERMITTING	02.27.07	JTG




POST RANCH INN

PROJECT: SOLAR PHOTOVOLTAIC SYSTEM

STATUS: EXISTING SITE

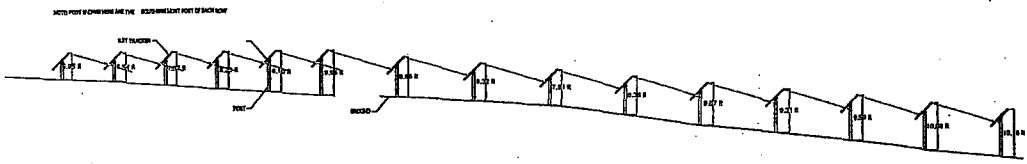
PROJ. NO. JAMIE SEIBEL	PROJ. ENGR. JAYME GARCIA	SCALE: AS NOTED
A-100		E

THIS PRINT IS NOT TO BE USED FOR CONSTRUCTION UNLESS NOTED AND SIGNED OR FOR CONSTRUCTION ABOVE LAST REVISION.

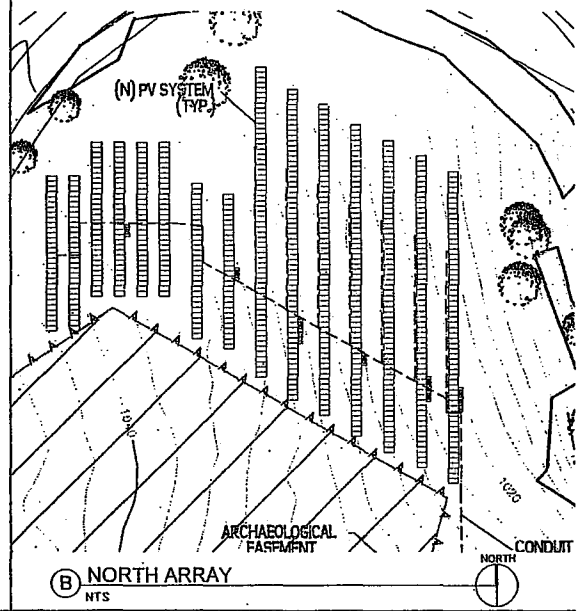
 **EXISTING SITE**
 SCALE: 1" = 100'

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 02/14/08 09:05:11/02

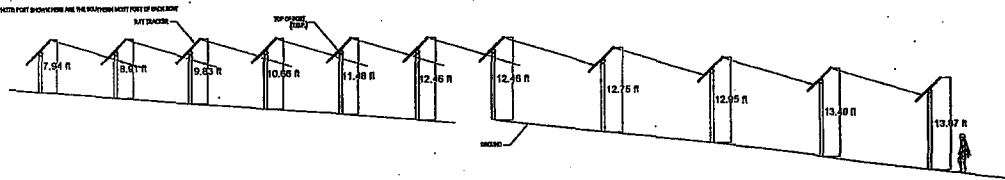
PRELIMINARY
 FOR REVIEW ONLY NOT FOR CONSTRUCTION
 APRIL 25, 2008



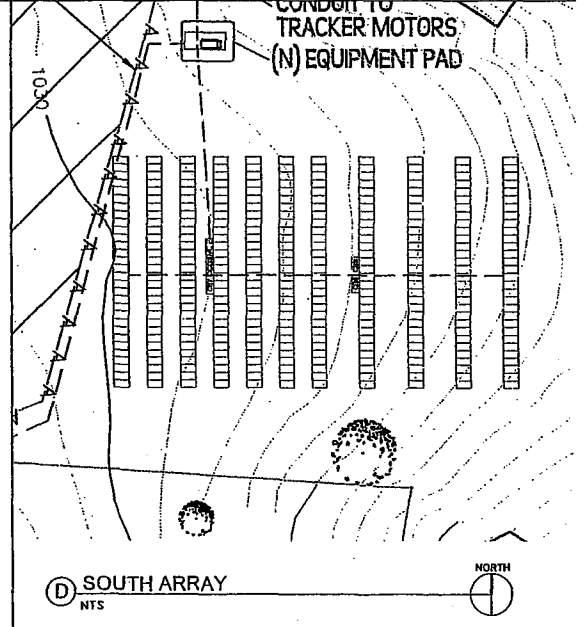
(A) ARRAY LAYOUT - NORTH ELEVATION VIEW
 NTS



(B) NORTH ARRAY
 NTS

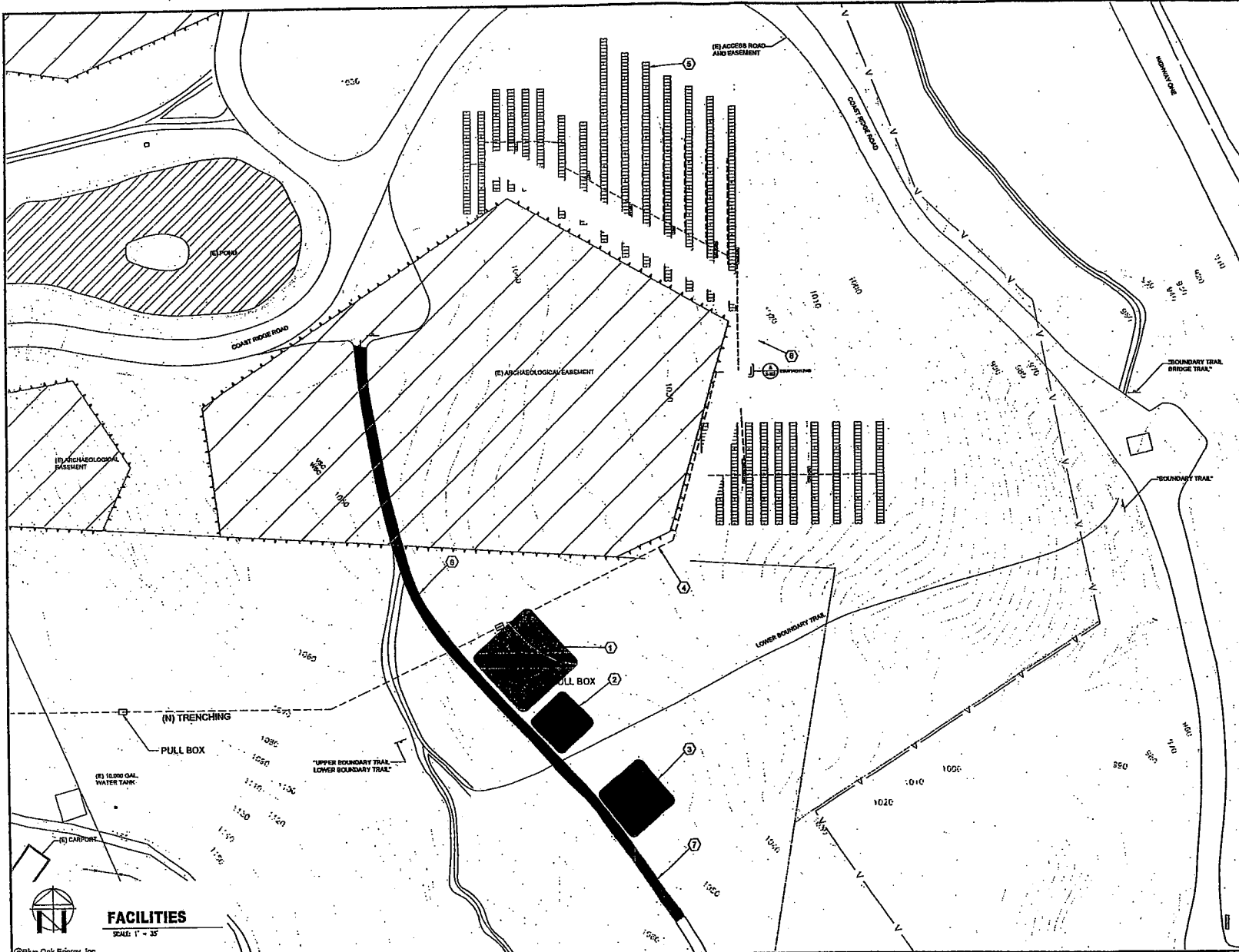


(C) ARRAY LAYOUT - SOUTH ELEVATION VIEW
 NTS



(D) SOUTH ARRAY
 NTS

	Ei Solutions 271 FRANCISCO BLVD. SUITE 11 SAN RAFAEL, CA 94901
	POST RANCH INN
PROJECT: DRAWING:	ARRAY ELEVATION
PROJECT ENGINEER: DRAWING DATE:	PROJECT NO.: SHEET NO.:
PROJECT NO.: SHEET NO.:	A-104



- NOTES:**
1. NONE.
- KEYED NOTES:**
- (1) 80' X 80' LAYDOWN AREA FOR MATERIAL AND EQUIPMENT.
 - (2) CONCRETE WASH DOWN AREA.
 - (3) 48' X 48' FACILITIES AREA FOR OFFICE TRAILER AND STORAGE CONTAINERS.
 - (4) ELECTRICAL CONDUIT ROUTE. THIS WILL NOT ENTER INTO ANY EASEMENT OR INTO THE 300 FT. POND SETBACK.
 - (5) APPROXIMATELY 11,84 FT. 80% OF THE SOLAR ARRAY FALLS WITHIN THE 300 FT. POND SETBACK.
 - (6) ACCESS ROAD TO LAYDOWN AREA. 12 FT. WIDE.
 - (7) ACCESS TO CONSTRUCTION PARKING. 12 FT. WIDE.
 - (8) HEAVY TRAVEL LANE FOR TRENCHING AND MATERIAL DISTRIBUTION.

ELECTRICAL ENGINEER:

REV. NO.	DESCRIPTION	DATE	BY
E	RE-SUBMITTAL	01.14.2010	JTC
C	FOR SUBMITTAL	01.12.2010	JTC
B	ARRAY TRACKER CHANGE	01.25.2010	JTC
A	FOR PERMITTING	02.21.07.2010	JTC

BLUE OAK ENERGY PHOTOVOLTAICS

1838 Second Street, Suite 200, San Ramon, CA 94583 • www.blueoakenergy.com • Phone: 925.377.2800

EI Solutions
an Energy Innovations Company

2171 Francisco Blvd, Suite H, San Rafael, CA 94901
e@solutionsenergyinnovations.com

POST RANCH INN

PROJECT: SOLAR PHOTOVOLTAIC SYSTEM

CLIENT: FACILITIES

PROJ. MGR. JAMES STADEL	PROJ. LEAD JAYNE GARCIA	SCALE AS NOTED
DESIGNED BY	REV.	

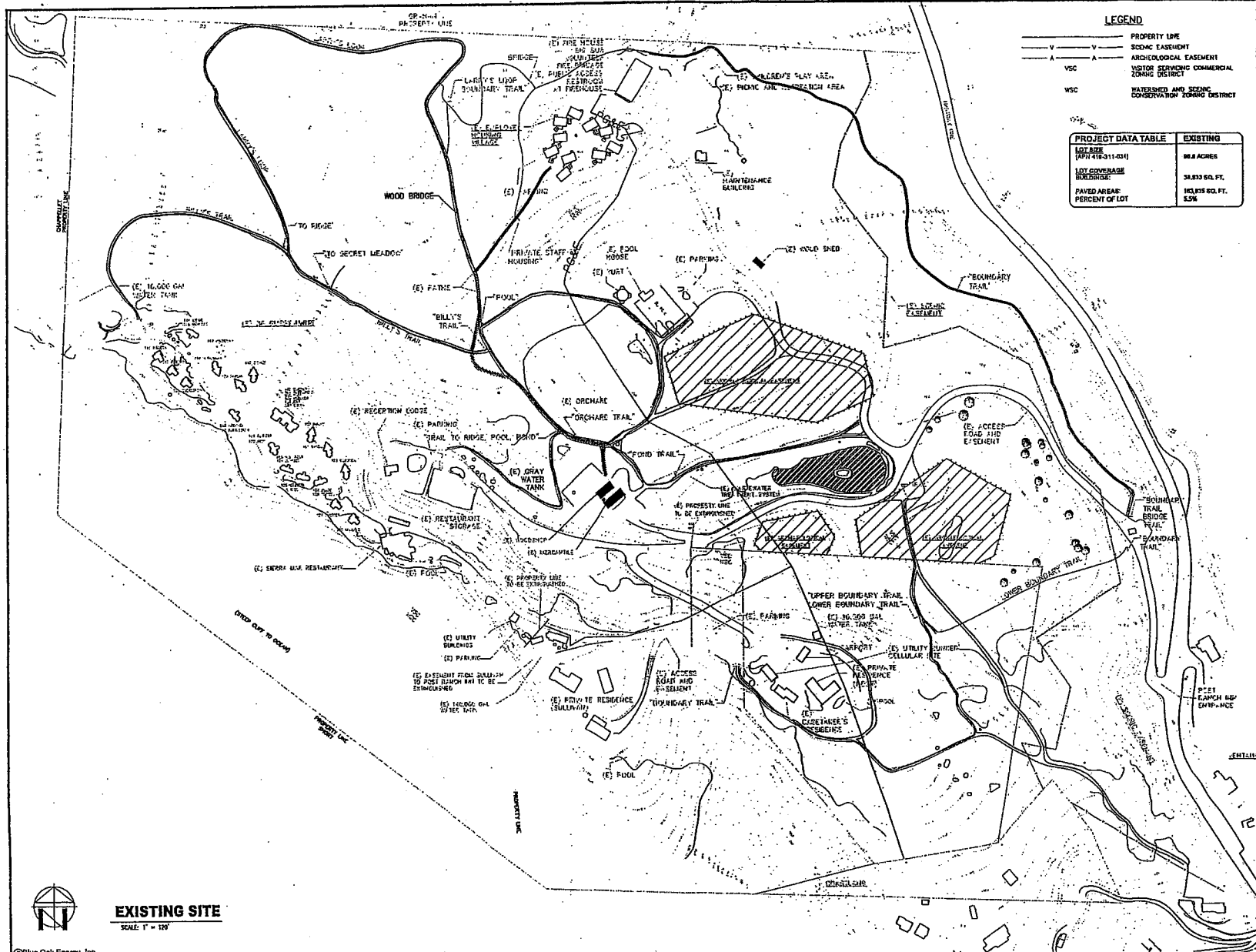
A-200 **E**

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FACILITIES

SCALE: 1" = 35'

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10/1/2009 10:00 AM



LEGEND

———— PROPERTY LINE
 - - - - - SCENIC EASEMENT
 - - - - - ARCHEOLOGICAL EASEMENT
 - - - - - VISION SCREENING COMMERCIAL ZONING DISTRICT
 - - - - - WATERSHED AND SCENIC CONSERVATION ZONING DISTRICT

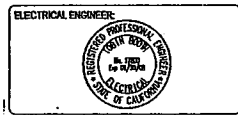
PROJECT DATA TABLE	EXISTING
LOT AREA (APN 410-011-034)	88.8 ACRES
LOT COVERED BY DEVELOPMENT	28,833 SQ. FT.
PAVED AREAS	18,021 SQ. FT.
PERCENT OF LOT	3.2%

NOTES:

- ASSESSOR PARCEL #: 4101104000
- PROPERTY OWNERS INFORMATION & ADDRESS:
JAMES FREEST
47260 HIGHWAY ONE
PO BOX 218
BIG SUR, CA 93920
- NO MAJOR VEGETATION TO BE REMOVED.

REVISED NOTES:

① NONE.



REV. NO.	DESCRIPTION	DATE	BY
E	RE-SUBMITTAL	04.14.09/JTC	
C	FOR SUBMITTAL	03.12.09/JTC	
A	FOR PERMITTING	12.21.07/JTC	



POST RANCH INN

PROJECT: SOLAR PHOTOVOLTAIC SYSTEM

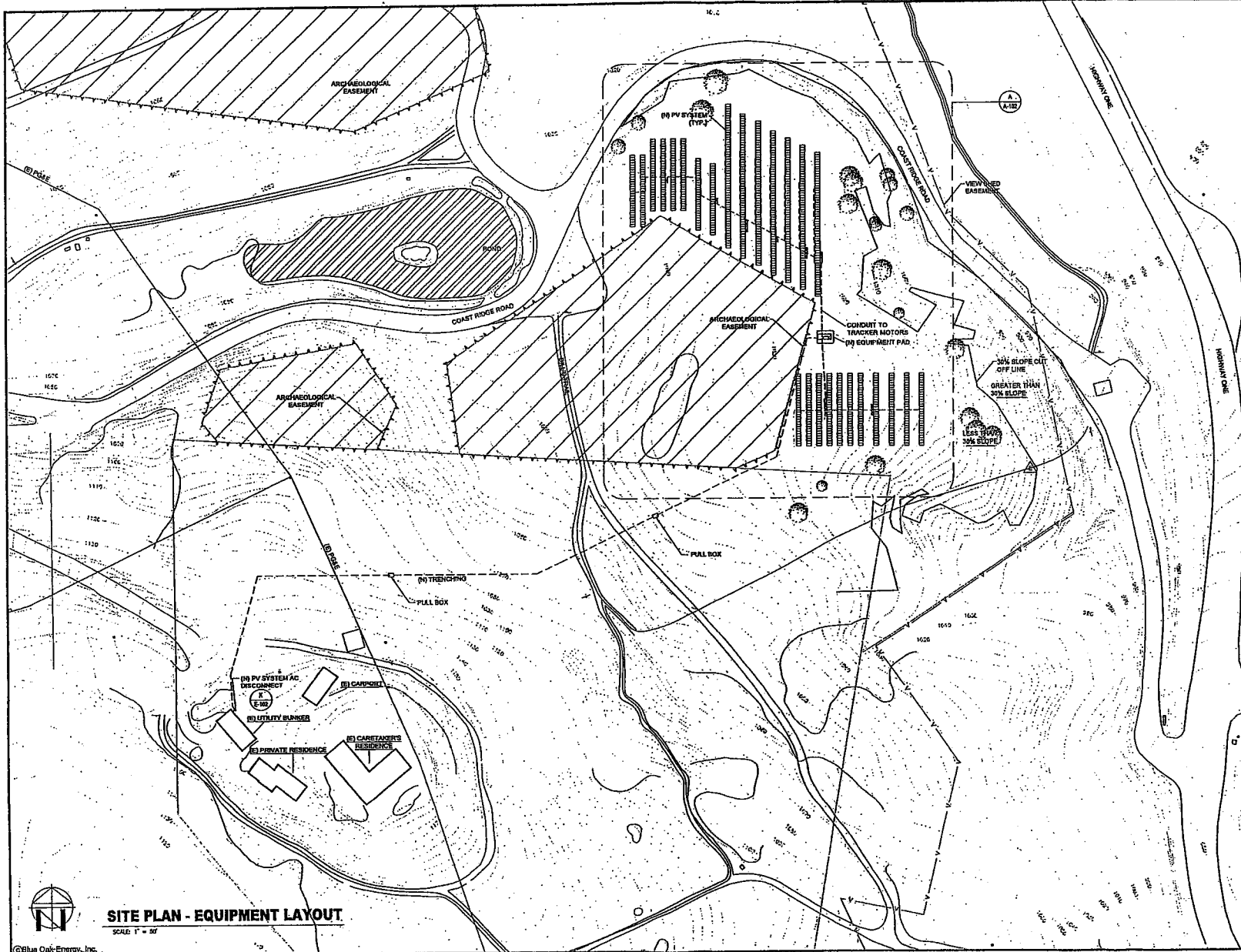
DRAWING: EXISTING SITE

PREP. NO.:	PROJ. NO.:	SCALE:
DRAWING NO.:	DATE:	AS NOTED
A-100		E

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EXISTING SITE
SCALE: 1" = 100'

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REVISED 04/14/09



SITE PLAN - EQUIPMENT LAYOUT
 SCALE: 1" = 30'

- NOTES:**
1. ASSESSOR PARCEL # 4183194000
 2. PROPERTY OWNER'S INFORMATION & ADDRESS:
 MAKE FREED
 4700 HIGHWAY ONE
 PO BOX 218
 BIG LAR, CA 93720
 3. SITE SURVEY SUPPLIED BY:
 SUBARASHI LAND SURVEYING
 PO BOX 3125
 MONTREY, CA 93942
 TEL: (415) 375-7200
 4. NO MAJOR VEGETATION TO BE REMOVED.
 5. LARGE TREES ON THE WEST SIDE OF HIGHWAY ONE
 OBSTRUCT THE VIEW OF POST RANCH INN FROM
 HIGHWAY ONE. THE NEW PV SYSTEM WILL NOT BE
 VISIBLE FROM HIGHWAY ONE.

NOTED NOTES:
 (1) NONE.

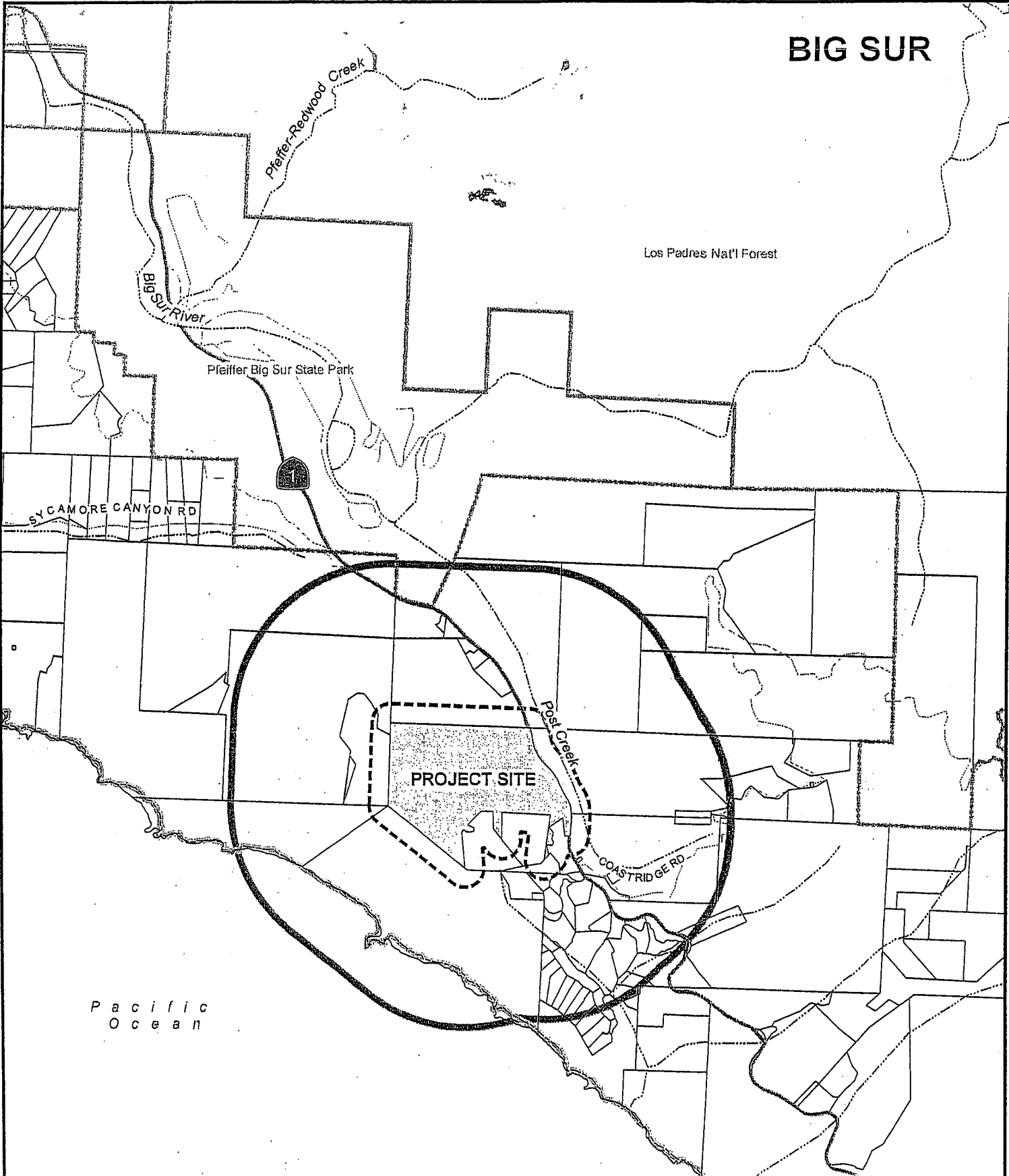
E	RE-SUBMITTAL	04.11.09	JTC
D	MOVED TRACKER UNITS	03.26.09	JTC
C	FOR SUBMITTAL	03.12.09	JTC
B	ARRAY TRACKER CHANGE	01.25.09	JTC
A	FOR PERMITTING	12.21.07	JTC
REV. NO.	DESCRIPTION	DATE	BY

BLUE OAK ENERGY
 PHOTOVOLTAICS
 8709 Board Road, San Jose, CA 95138 • www.blueoakenergy.com • Phone 408.711.2891

EI Solutions
 an Energy Innovations Company
 2171 Fremont Blvd., Suite H, San Rafael, CA 94901
 sub@ei-energy.com

POST RANCH INN
 PROJECT: SOLAR PHOTOVOLTAIC SYSTEM
 DRAWING: EQUIPMENT LAYOUT
 PROJ. NO.: JAYME GARCIA AS NOTED
 DRAWING NO.: **A-101** E
 THIS PRINT IS NOT TO BE USED FOR
 CONSTRUCTION UNLESS NOTED AND SIGNED
 OK FOR CONSTRUCTION ABOVE LAST
 REVISION.


BIG SUR




APPLICANT: POST RANCH LP

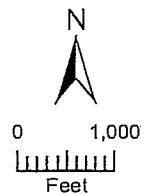
APN: 419-311-040-000

FILE # PLN080195

 300' Limit

 2500' Limit

 City Limits



PLANNER: HOLM