



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 14-207 **Name:** Post Ranch LP and Onesimo LLC
Type: General Agenda Item **Status:** Passed
File created: 2/28/2014 **In control:** Board of Supervisors
On agenda: 4/1/2014 **Final action:** 4/1/2014
Title: Consider:
a. Authorizing the State Coastal Conservancy to accept an Irrevocable Offer to Dedicate Public Access Easements, Recorded Instrument No. 21465, at Reel 2630 Pages 1143-1163, recorded on April 17, 1991 and extended for two years on April 13, 2012 in Document Number 2012022140;
b. Authorizing the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
c. Directing the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.
(Acceptance of Offer to Dedicate - REF140011/Post Ranch LP and Onesimo LLC, 47100 Highway 1, Big Sur, Big Sur Coast Land Use Plan area)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Certificate of Acceptance, 2. Attachment B - Extension of OTD, 3. Attachment C - Vicinity Map, 4. Completed Board Order, 5. Recorded Certificate of Acceptance

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|----------|--------|
| 4/1/2014 | 1 | Board of Supervisors | approved | |

Consider:

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PROJECT INFORMATION:

Planning File Number: REF140011
Owner: Post Ranch LP and Onesimo LLC
Project Location: 47100 Highway 1, Big Sur
APN: 419-311-037-000 and 419-311-042-000
Agent: Mike Freed
Plan Area: Big Sur Coast
Flagged and Staked: No
CEQA Action: Categorically exempt per section 15317 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the State Coastal Conservancy to accept an Irrevocable Offer to Dedicate Public Access Easements, Recorded Instrument No. 21465, at Reel 2630 Pages 1143-1163, recorded on April 17, 1991 and extended for two years on April 13, 2012 in Document Number 2012022140;
- b. Authorize the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
- c. Direct the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation.

SUMMARY:

A Coastal Development Permit to allow the development of the Post Ranch Inn was approved by the Monterey County Planning Commission on May 31, 1989 (Resolution No. 89-176). Condition No. 39 required a plan for provision of public recreational opportunities. The plan was to include opportunities oriented to providing public access, such as trail dedications. To comply with the condition, Post Ranch LP granted an “Irrevocable Offer to Dedicate and Declaration of Restrictions” (“OTD”). The OTD included four trail easements at various locations on the Post Ranch Inn property. The OTD was recorded on April 17, 1991 for a binding term of 21 years as Recorded Instrument No. 21465, at Reel 2620 Pages 1143-1163 (Exhibit C in **Attachment B**) and was extended on April 13, 2012 in Document Number 2012022140 (**Attachment B**).

The OTD will expire on April 13, 2014. Property Owners Post Ranch LP and Onesimo LLC have been unable to find a public entity or private nonprofit association willing to accept liability responsibility for the trails. Therefore, the Board of Supervisors, pursuant Public Resources Code section 31402.2, shall authorize the State Coastal Conservancy to accept the Irrevocable Offer to Dedicate the four (4) trail easements on the Post Ranch Inn property.

DISCUSSION:

On April 9, 1991, the Board of Supervisors accepted the “Irrevocable Offer to Dedicate and Declaration of Restrictions” (“OTD”). The OTD included four trail easements at various locations on the Post Ranch Inn property. The OTD was recorded on April 17, 1991 for a binding term of 21 years. A two-year extension was authorized by the Board of Supervisors on April 10, 2012. The extension was recorded in Document Number 2012022140 on April 13, 2012 (**Attachment B**). Provisions of the OTD require that the easement shall not be open to public use prior to: construction of the trails and any necessary associated fencing; assumption of maintenance and liability responsibilities for public use of the easements by the County of Monterey or other appropriate agency acceptable to the County Board of Supervisors; and completion of an access management plan in accordance with the Big Sur Coast Land Use Plan by the Grantor (Post Ranch LP and Onesimo LLC) and approval by the County.

Post Ranch Inn created, opened, and currently maintains three of the four trails within the general area of the Easements 2, 3, and 4 created in the OTD. Post Ranch has permitted access to the public and guests over the past 20 years. Of the 4 easements stipulated in the OTD, the trail on Easement 1 (located in the area below Post Ranch on the ocean side) was not created because the entire area is protected and subject to the Habitat Conservation Plan (“HCP”) that was implemented with the Post Ranch Inn expansion in 2002. The HCP was prepared to address the incidental take of the endangered Smith’s blue butterfly and the threatened California red-legged frog. The purpose of the HCP is to protect habitat for these two species. The majority of the four easement areas on Post Ranch are within the boundaries of the adopted HCP. Post Ranch specifically prohibits access on Easement 1 to anyone (public, guests or staff) due to the habitat preservation of the endangered Smith blue butterfly. This is consistent with Big Sur Coast Land Use Plan Policies 6.1.5.B and 6.1.5.E. The HCP areas are currently held in conservation easement by Big Sur Land Trust.

The OTD is set to expire on April 13, 2014. Property Owners Post Ranch LP and Onesimo LLC have been

unable to find a public entity or private nonprofit association willing to accept liability responsibility for the trails. Public Resources Code section 31402.1 states that in order to prevent the potential loss of public accessways to and along the state's coastline, it is in the best interest of the state to accept all offers to dedicate real property that provide access to and along the ocean shoreline. Further, section 31402.2 requires the State Coastal Conservancy to accept any outstanding offer to dedicate a public accessway that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date. Therefore, the Board of Supervisors, pursuant Public Resources Code section 31402.2, shall authorize the State Coastal Conservancy to accept the Irrevocable Offer to Dedicate the four (4) trail easements on the Post Ranch Inn property.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the Certificate of Acceptance as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY13-14 Adopted Budget for RMA-Planning.

Prepared by: Laura Lawrence, R.E.H.S., Planning Services Manager, ext. 5148

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

cc: Front Counter Copy; Linda Locklin, California Coastal Commission; Trish Chapman, State Coastal Conservancy; Laura Lawrence, Planning Services Manager; Michael Whilden, Deputy County Counsel; Mike Freed, Post Ranch LP; Onesimo LLC; The Open Monterey Project; LandWatch; Project File REF140011

The following attachments on file with the Clerk of the Board:

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| Attachment A | Certificate of Acceptance |
| Attachment B | Extension of Offer to Dedicate with Exhibits |
| Attachment C | Vicinity Map |