



Legislation Details (With Board Report)

**File #:** ZA 24-025      **Name:** PLN230291 - RATAUL BALBIR TR  
**Type:** Zoning Administrator      **Status:** Agenda Ready  
**File created:** 6/20/2024      **In control:** Monterey County Zoning Administrator  
**On agenda:** 6/27/2024      **Final action:**  
**Title:** PLN230291 - RATAUL BALBIR TR  
Consider the construction of a test well within 100 feet of environmentally sensitive habitat.  
Project Location: 46820 Clear Ridge Road, Big Sur  
Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Biological Assessment (LIB240075), 5. Exhibit D - Geological Assessment (LIB240076), 6. Exhibit E - Vicinity Map

Date	Ver.	Action By	Action	Result
6/27/2024	3	Monterey County Zoning Administrator		

**PLN230291 - RATAUL BALBIR TR**

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RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exepctions to the exemptions listed in 15300.2 can be made; and
- b. Approve a Combined Development Permit consisting of:
  - 1. Coastal Administrative Permit for a test well; and
  - 2. Coastal Development Permit for the development within 100 feet of exvironmentally sensitive habitat.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions of approval.

PROJECT INFORMATION

**Agent:** Michael Linder

**Property Owner:** Ratual Balbir TR

**APN:** 419-271-001-000

**Parcel Size:** 57 acres

**Zoning:** Watershed and Scenic Conservation Residential Zoning District, 40 acres per unit, with a Design Control zoning overlay in the coastal zone or “WSC/40-D”

**Plan Area:** Big Sur Coast Land Use Plan

**Flagged and Staked:** N/A

### SUMMARY/DISCUSSION

The proposed project is the construction of a test well within 100 feet of environmentally sensitive habitat area (ESHA) for use as fire suppression and irrigation. The existing well onsite shows signs of diminishing supply, and therefore a new well is necessary at this time.

#### Development Standards

The subject parcel is zoned as Watershed and Scenic Conservation Residential with one unit per 40 acres with a Design Control Overlay in the Coastal Zone, or “WSC/40-D(CZ)”. The proposed test well is not required to meet setbacks and height restrictions unless a structure is proposed to be constructed over the well head.

#### Cultural Resources

County records identify that the project site is within an area of high sensitivity for cultural resources. The Big Sur Coast Land Use Plan requires that a survey be conducted where development is to occur in areas having a probability of containing archaeological sites. On May 18, 2023, an archaeological pedestrian survey was conducted at the site in areas that would be impacted by construction of the test well. The project parcel was surveyed for evidence of prehistoric or historic resources. No indicators were present in the area of the well site. The report recommended that in the event that unexpected traces of historic or prehistoric materials are encountered during development that a qualified archaeologist should be retained for appropriate archaeological mitigation. A standard condition of approval has been incorporated into this project to assure construction work would be halted if archaeological resources are accidentally uncovered.

#### Biological Resources

The project parcel was observed as having several natural habitat communities throughout the area. The Biologist and Hydrologist met several times to identify a feasible area for the well construction while having minimal impact to ESHA. A Biological Assessment (see **Attachment C**) identified an area where existing landscaping and planted/boxed Monterey Cypress trees are located adjacent to an existing access road and 30 foot easement. The landscaped area is located next to coastal prairie grassland. While the coastal prairie grassland is ESHA, the landscaped area is not and while the landscaped area will be the primary area for staging, any vehicles parked on the grassland during staging/construction will not have any short-term or long-term negative impacts to the grassland itself. The Biological Assessment also recommends to remove fix boxed Monterey cypress trees as they are not indigenous to the Big Sur area. Pursuant to Big Sur Coast Land Use Plan Policy 5.4.2.13.a and Monterey County Coastal Implementation Plan, Part 3, Section 20.145.140.A.12, a discretionary permit is not required for trees that have been planted. Therefore, no permit is required and replanting of trees are not recommended at this time.

#### Geological Hazards

County Records identified a fault in proximity to the proposed well location. Further investigation has been reported (see **Attachment D**) and confirmed that the fault, identified as the Pfeiffer Fault, is no longer active and does not pose a hazard or threat to the proposed project or surrounding area.

#### CEQA Review

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts new construction of small new facilities. The proposed project is to allow a test well for the purpose of determining if sufficient water supply exists on site to support future fire suppression and irrigation. Therefore, the project qualifies for a Class 3 categorical exemption. None of the exceptions under CEQA Guidelines section 15300.2

apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

Note: This project will be referred to the Monterey County Board of Supervisors if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

#### OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

HCD-Engineering Services

Environmental Health Bureau

HCD-Environmental Services

Carmel Fire Protection Associates

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans

Exhibit C - Biological Assessment (LIB240075)

Exhibit D - Geological Assessment (LIB240076)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Carmel Fire Protection Association; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Planner; Anna Ginette Quenga, AICP, Principal Planner; Balbir Rataul, Property Owner; Michael Linder, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230291