

Exhibit E

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December 13, 2022

To: The Monterey County Planning and Big Sur Land Use Advisory Committee

From: Board of Directors of Coastlands Mutual Water Company

Re: PLN040180-AMD1 Big Sur Development LLC

Members of the LUAC,

The Board of Directors of the Coastlands Mutual Water Company (CMWC), representing the Coastlands community, has serious concerns relative to the above mentioned application by Big Sur Development, LLC (BSD) requesting lot line adjustments (LLA) for APNs 420-011-041-000 and 421-171-032-000 adjacent to the Coastlands subdivision.

For the reasons set forth below, and as stated in CMWC's October 7, 2021 letter to the County and LUAC, CMWC reiterates its request that the LUAC recommend denial of the proposed lot line adjustment.

As we all are acutely aware, water usage, as well as maintaining safe road access to our homes, is a critically important aspect of our lives in Big Sur. The Coastlands Mutual Water Company assumes the responsibility for providing both water and roads to the Coastlands community.

Coastlands is comprised of 48 lots (created by the Coastlands Tract map in 1927), for which CMWC provides these services and is duly compensated through annual assessments (currently \$5,000 per year/per lot).

In 1927, when the Coastlands subdivision was being recorded, there was also a recorded agreement made between the Santa Lucia Company (Coastlands predecessor) and the Short family (Big Sur Development, LLC's predecessor) to provide one water right for, and road access to, one family residence on an adjacent inaccessible property owned by Short outside the Coastlands subdivision that could only be reached via the Coastlands community road, in exchange for Coastlands to be able to pass over a small segment of the Coastlands road that crossed over a piece of the Short property. This documented 1927 Agreement (refined in 1928) between Coastland's predecessor and BSD's predecessor clearly states that Short was granted one ("free" no annual assessment) water right and road access for **one** family residence.

Additionally, in 1949, a very small lot (.14 acres; Lot 20) within the Coastlands subdivision, adjacent to the non-Coastlands Short property, was purchased by the Short family. This small lot (essentially unbuildable because of its size and slope, with road running through the middle of it) provides access to the adjacent Short non-Coastlands property. Short, and his successor BSD, pay CMWC only one-half of the charges and assessments for Lot 20, as a lot owner who

does not have a water connection and is not using any water on Lot 20. Accordingly, neither Short nor BSD has contributed any funds towards the upkeep, maintenance, repair, and/or capital improvements required to maintain the Coastlands Mutual Water System. More importantly, this small lot, and a shared driveway with Lot 21, gives the Short family (BSD) the **only** access from the Coastlands' road to their non-Coastlands property via the shared dirt driveway. Without this small lot, there would literally be no way to access the Short (BSD) non-Coastlands property. This shared driveway crosses over a portion of Lot 21 (not owned by Big Sur Development) in the Coastlands subdivision and currently is utilized in a very limited capacity to access the one single family residence on the Short (BSD) property.

The CMWC Board's concerns center on the proposed LLA's plan to expand the number of lots that will be using the Coastland's water, road, and shared driveway from its current agreed upon one dwelling to three dwellings. This proposed expanded use of Coastlands water and road are serious concerns of the CMWC Board. As you all know, our roads demand constant attention and repair and over the years CMWC has spent large amounts of our reserves in road repair and water filtration and retrieval systems. The only fees paid by Short (BSD) have been one-half fees associated the small unbuildable .14 acreage Lot 20 which does not have water service.

CMWC fully understands that Big Sur Development (BSD) maintains 1 free water right from CMWC for **one** residential dwelling for use on the adjacent Short (BSD) non-Coastlands acreage pursuant to the 1927 agreement with Short. The Short property has no greater water or road access rights beyond the rights as set forth in the 1927 and the limitations on Lot 20. That has been what has been in place since 1950, and with the current utilization, has not presented any major issues since there has historically been only a single dwelling on the Short property.

Further development is not only contrary to the documented 1927 Agreement (a single water right and road access for a single dwelling), but is further restricted by the CMWC bylaws which require that Coastlands water use be used on parcels within the Coastlands subdivision. Any water right that may be associated with Coastlands Lot 20 can only be used on the tiny unbuildable .14 acre Lot 20 parcel. That water right cannot be used on Shorts (BSD's) land outside the boundaries of the Coastlands subdivision.

CMWC is concerned about the additional wear and tear on the existing Coastlands road—the use of which Short has never been assessed an annual fee under the 1927 legal agreement, as well as the proposed expanded utilization of the shared driveway over Lot 21. Upon your site visit, you will be able to see that this driveway poses a potential hazard and liability if there would be repeated truck and car utilization and that there is no practical way to realign it. The shared driveway that would consequently experience expanded use from the current access to a single dwelling to a proposed three dwellings creates, not only a strain on that infrastructure, but a serious liability to the owners of Lot 21.

In addition to the CMWC's serious concerns regarding expanded water and road use, CMWC has serious land use concerns regarding the proposed LLA. The only buildable lot on the Short

property is Parcel 2 which has the 2.5 acres of buildable land on top of the ridge, which area has already been developed with the one family residence, accessed over Lots 20 and 21, agreed to in 1927. The other two lots (1 & 4) are not buildable as they do not have access or level land to build upon.

The Coastlands subdivision is zoned as Rural Residential, while the Big Sur Development property is zoned as Watershed Scenic Conservation. The proposal of realigning Coastlands Lot 20 (.14 acre lot) to encompass additional acreage outside the Coastlands subdivision presents a zoning conflict and creates a larger than current footprint of the Coastlands community.

BSD indicates that a well outside of the Coastlands subdivision and CMWC's service area is sufficient to supply water to those additional properties, but wells are never guaranteed to produce water. This well is of no benefit to Coastlands and may actually harm Coastlands water supply. Additionally, if the well runs dry, the only means of water supply will be either from CMWC, which CMWC cannot provide under its Bylaws, or by trucking in water in a tender. If the latter, the potential damage to Coastlands roads could be significant. Additionally, without a substantial supply of readily available water (as the CMWC has in their 100,000 gallon water tank) additional development on the borders of the Coastlands subdivision could present a serious fire threat to not only Coastlands, but to the greater Big Sur community, including Post Ranch Inn which borders the proposed development.

Coastlands is a unique subdivision established in 1927 on the west side of Highway 1 in highly constrained sensitive coastal resource area. Nothing like Coastlands would be allowed today under the Coastal Act. The proposed BSD lot line adjustment takes two highly constrained unbuildable lots (Parcels 1 and 4 outside Coastlands, along with an unbuildable Lot 20 within Coastlands) and attempts to meld them in to the existing Coastlands subdivision. This was never anticipated when the 48 lot Coastlands subdivision was approved and the Short property was granted express water and access rights for one family residence on their adjacent non-Coastlands property, and should be not be allowed now, particularly given (1) the express agreement between the parties limiting water and road use on the adjacent Short property to one single family residence; (2) the unbuildable nature of Lot 20, which water use cannot be used outside the Coastlands Subdivision/CMWC's service area; (3) both the legal and practical the limitations on the Coastlands' existing water system and roads to serve the BSD property; and (4) the inconsistency with the Coastal Act in attempting to make two adjacent unbuildable, highly constrained lots, outside of the Coastlands subdivision, buildable.

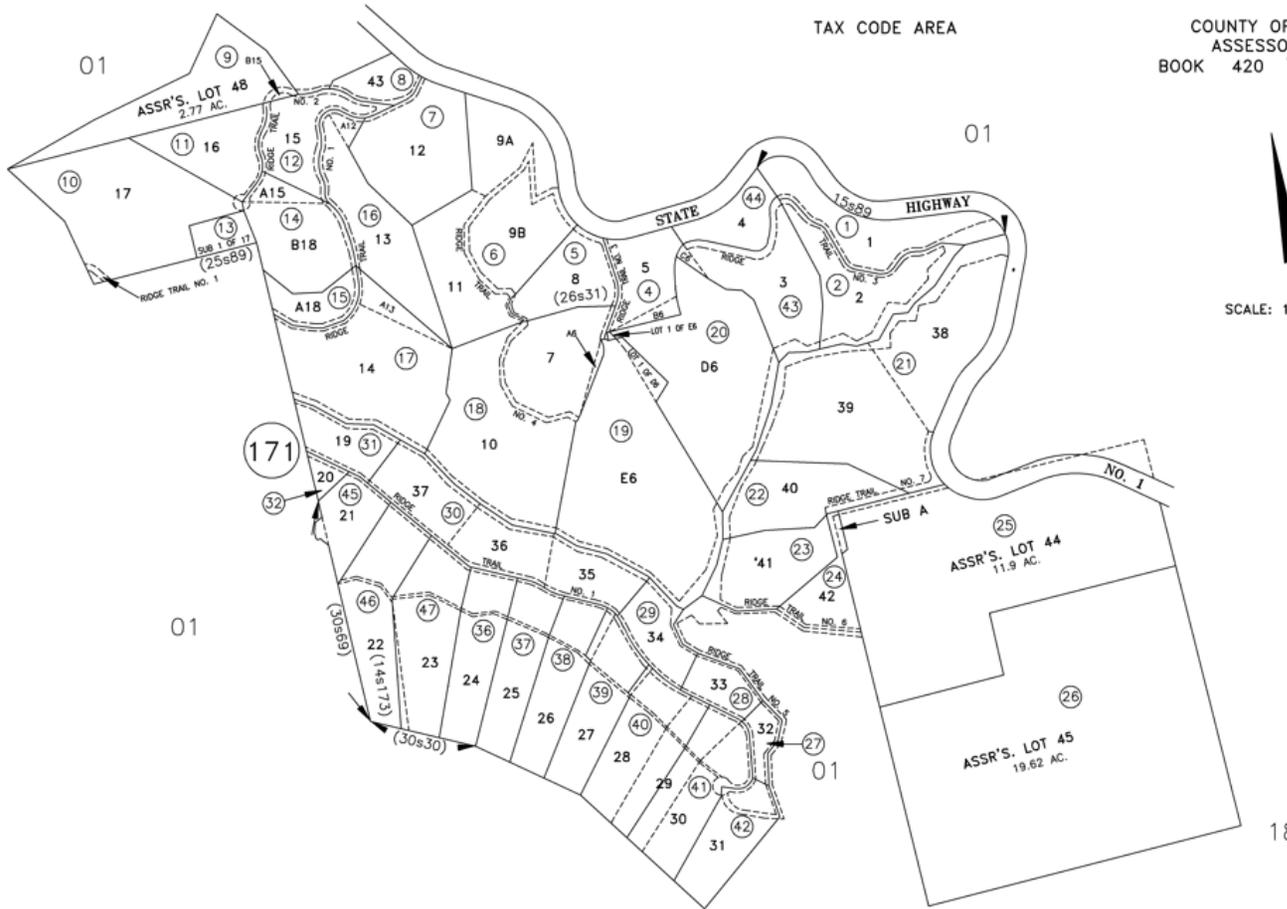
The CMWC Board recommends that this LLA application be reviewed very closely and requests that the LUAC recommend to the Planning Commission that it not be approved.

Thank you for your consideration.

The Board of Coastlands Mutual Water Company

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 420 PAGE 17



SCALE: 1 IN.=300 FT.

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

COAST LANDS TR. NO. 1
T.20S. R.2E.

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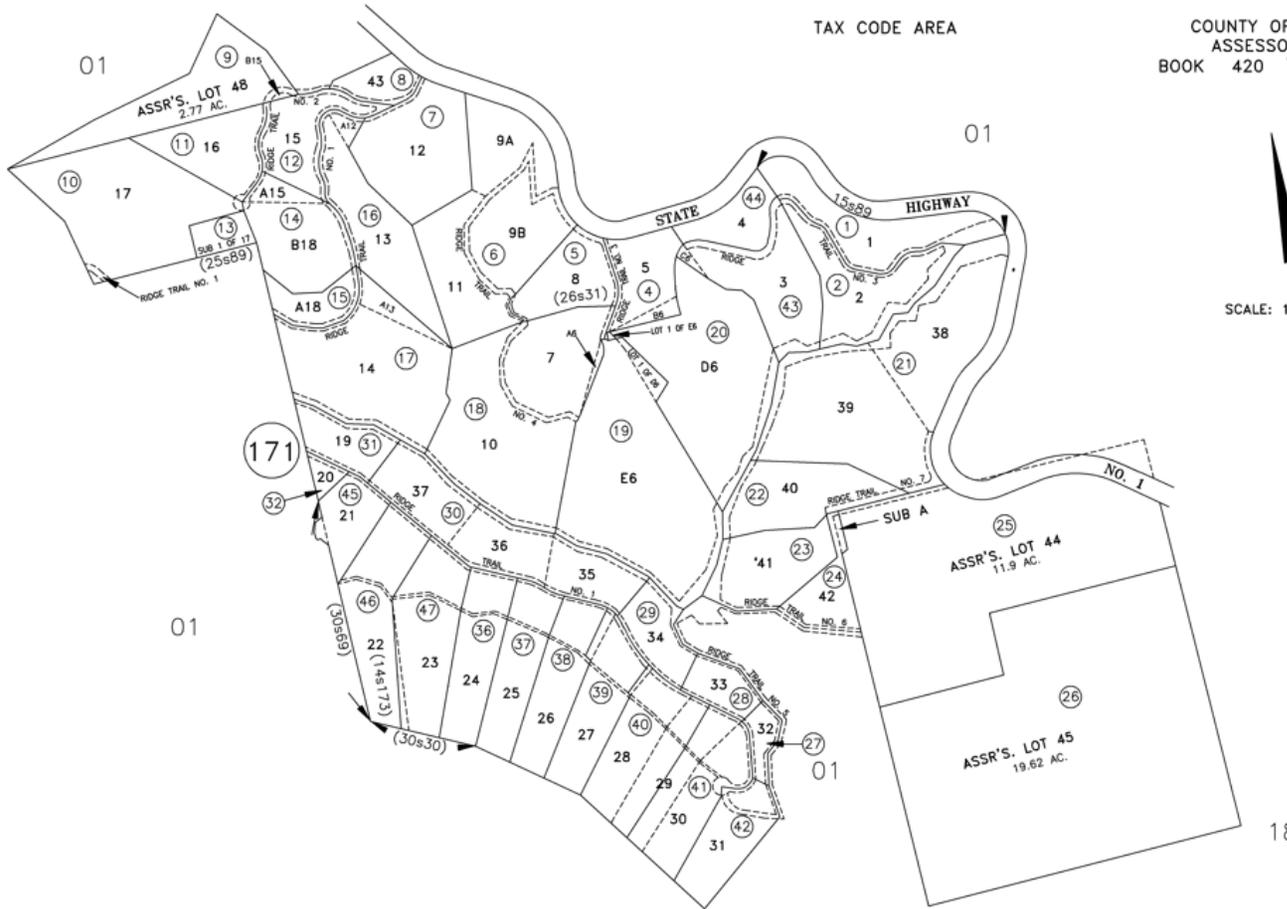
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COAST LANDS TR. NO. 1
T.20S. R.2E.

Friedrich, Michele x5189

From: Guthrie, Jaime S. x6414
Sent: Monday, October 11, 2021 12:46 PM
To: Friedrich, Michele x5189
Subject: Fw: PLN040180-AMD1 Bergeron Big Sur LLA Amendment From: Owners of parcel # 420-011001000
Attachments: Big Sur letter October 11, 2021 KER DAR.pdf

Michele,
Please forward this public comment letter to the Big Sur LUAC.

Thank you,
Jaime Scott Guthrie, AICP

Associate Planner
831.796.6414 | GuthrieJS@co.monterey.ca.us
County of Monterey Housing & Community Development
1441 Schilling Place South, 2nd Floor, Salinas, CA 93901
Code of [Ordinances](#) + [Accela Citizens Access \(ACA\)](#)



The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: [831-755-5025](tel:831-755-5025).

From: deborah raphael <deborah.raaphael.lcsw@gmail.com>
Sent: Monday, October 11, 2021 12:33 PM
To: Guthrie, Jaime S. x6414 <GuthrieJS@co.monterey.ca.us>
Subject: RE: PLN040180-AMD1 Bergeron Big Sur LLA Amendment From: Owners of parcel # 420-011001000

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Deborah Raphael
Kathryn Raphael
3555 Dwight Way
Berkeley, CA 94704

Big Sur Land Use Advisory Committee
Attention Jamie Guthrie
Associate Planner
County of Monterey Housing & Community Development
1441 Schilling Place South, Salinas, CA 93901

October 11, 2021

RE: **PLN040180-AMD1 Bergeron Big Sur LLA Amendment**
From: Owners of parcel # 420-011001000

Dear Big Sir Land Use Advisory Committee.

We are very concerned about the proposal to modify the property lines around our parcel of land in Big Sur. A group of families purchased Parcel Number 420-011-001-000 from a trustee of Marie Short in the early 1960's. There was an established footpath for access. Kathryn and I used that pathway with our parents when we visited the property. A trail was established from that spot in the road that cut across our property, through chaparral and poison oak, running down to a rock point where we went down by rope to the beach. The pathway ran along the Katherine Short/Post Ranch boundary from the sharp bend in Coastlands Road to the most inland corner of our 43.68 acre parcel formerly known as "Marie Short Trust Property". The Katherine Short property now belongs to Bergeron Big Sur Development LLC.

We would like to know that proposed lot line adjustments, especially that of Proposed Parcel "A" will not negatively influence access to our land. The historic footpath may have grown over after decades without use, but it is still our access point. We strongly protest any decision that limits our access to our property.

Sincerely,
Deborah Raphael and
Kathryn Raphael



Deborah Raphael
Kathryn Raphael
3555 Dwight Way
Berkeley, CA 94704



Big Sur Land Use Advisory Committee
Attention Jamie Guthrie
Associate Planner
County of Monterey Housing & Community Development
1441 Schilling Place South, Salinas, CA 93901

October 11, 2021

RE: PLN040180-AMD1 Bergeron Big Sur LLA Amendment
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We would like to know that proposed lot line adjustments, especially that of Proposed Parcel "A" will not negatively influence access to our land. The historic footpath may have grown over after decades without use, but it is still our access point. We strongly protest any decision that limits our access to our property.

Sincerely,


Deborah Raphael


Kathryn Raphael

From: sur1954janet@aol.com
To: [293-pchearingcomments](#)
Subject: Bergeron Big Sur Development LLC - PLN240203 - July 31, 2024
Date: Monday, July 22, 2024 7:27:28 PM
Attachments: [1. Lot 20 \(parcel 3\) highlighted in blue.png](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Project Name: Bergeron Big Sur Development LLC

Project File No: PLN240203

Project Location: 48170 Hwy 1, Big sur, CA. 93920

Project Description: Merger & lot line adjustment

Chair Diehl & Planning Commissioners,

I feel that a merger is imposable for a couple reasons. 1). Most importantly, parcels 1, 2 and 4 are not within Coastlands Subdivision, and parcel 3 which is in the Coastlands Subdivision is not within the WSC zoned Bergeron Big Sur Development LLC 132 acres. 2). I don't think you could rezone either just for the fact that Coastlands is its own subdivision which the 132 acres are not a part of ...

What they refer to being parcel 3 (0.14 acres) is actually Lot 20 within Coastlands Subdivision zoned Rural Density Residential (RDR) whereas parcels 1, 2 & 4 are not. Those three parcels are outside and to the west of Coastlands and are zoned Watershed Scenic Conservation (WSC). In all of the Bergeron Big Sur Development LLC documentation they refer to all the parcels as being in Coastlands, this is **not** true, only Lot 20 or as they refer to it "parcel 3" is.

Therefore, I believe Coastlands lot 20 (parcel 3) cannot be merged away from Coastlands Subdivision (RDR) into something that is not a part of Coastlands ... nor can parcels 1, 2 & 4 WSC be merged into the Coastlands Subdivision zoned RDR.

The lot line adjustments proposed by Bergeron Big Sur Development LLC, parcel 3 & parcel 4 are not consistent with our Big Sur LUP Policy 5.4.3.H.4 which states that "lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action" (emphasis added) In other words Policy 5.4.3.H.4 encourages reconfiguration of buildable parcels so the coastal resources can better be protected and discourages adjustments that convert unbuildable parcels into buildable parcels.

Early on in 1927 or thereabouts the Short parcel mentioned above with the APN 420-011-042 was landlocked and per Santa Lucia Coast Lands Incorp. now Coastlands Mutual Water Company (CMWC) & the Douglas Short Family agreement/easement ... the Short Family received one road easement & one water right for their 130 acre parcel, and then years later Kaye Short purchased Coastlands lot 20 (parcel 3), so now there were two water rights and two road easements for the

combined 2 properties ... one property being within Coastlands Subdivision, lot 20 referred to as parcel 3 (0.14 acres) and the other property (approximately 132 acres) which is outside of Coastlands Subdivision and which is zoned WSC. Back in 2004 or maybe a little earlier the Short Family heirs discovered that there were actually 3 lots of record within the WSC parcel with the APN 420-011-042. But they still only have the one road easement and one water right for only one residence for those 3 newly found parcels.

See attachment ... small triangular lot highlighted in blue. This is Lot 20 in the Coastlands Subdivision referred to as Parcel 3 in the Bergeron Big Sur Development LLC documents (PLN240203). The other 3 parcels are outside the Coastlands Subdivision boundaries (bluish colored).

Also, I really don't believe that the Bergeron Big Sur Development LLC property zoned WSC and outside of the Coastlands Subdivision could be considered for the transfer of a development credit (TDC) created under PLN060613 as receiver site due to the existing road access, water right and residence agreements, as well as the non-consistency of the lot line adjustments proposed.

Thank you,
Janet Hardisty

Results

Zoning

ZONING RDR/40-D(CZ)

DENSITY 40A/U

NOTES

Parcel

APN 420171032000

For more information, visit Monterey County Planning Department's website or call (831) 755-5025.

[Planning Website](#)

[Title 21 Zoning Ordinance \(Inland\)](#)

[Title 20 Zoning Ordinance \(Coastal\)](#)

