

# Attachment B

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A PROFESSIONAL CORPORATION

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April 14, 2025

Our File No. 5473.001

Craig Spencer, Chief of Planning Services  
Monterey County HCD  
1441 Schilling Place – 2<sup>nd</sup> Floor South  
Salinas, CA 93901

Re: Rancho Canada Village Conservation Easement

Dear Craig:

Our office represents Rancho Canada Venture, LLC (RCV), the developer of the Rancho Canada Village subdivision project in Carmel Valley. As you know, the final map for the subdivision has been filed and the grading permit has been issued to commence construction of the housing development.

The project Conditions of Approval required RCV to obtain all necessary permits from State and Federal agencies to include a Streambed Alteration Agreement under California Fish and Wildlife Code Section 1602 from the California Department of Fish and Wildlife (CDFW) in order to proceed with the development of any portion of the project that lies within the 100-year floodplain (a copy of the 1602 agreement is attached hereto as Exhibit A). Condition #3.2(a) of RCV's Streambed Alteration Agreement provides:

“Fee Title. Transfer fee title of the HM lands to a CDFW approved entity such as the Monterey Peninsula Regional Parks District (MPRPD), as proposed by Permittee. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.”

RCV has elected to comply with this condition by granting fee title to approximately 36 acres (identified on the Rancho Canada Village final map as Parcels H and I) to the Monterey Peninsula Regional Park District (MPRPD). MPRPD will then utilize those parcels for passive public recreation, open space and conservation purposes.

In addition to granting fee title of this mitigation property to MPRPD, the Streambed Alteration Agreement requires that a conservation easement held by a third party in favor of CDFW as beneficiary be placed on the parcels in question. Condition #3.2(a)(2) provides:

“Conservation Easement. CDFW shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. CDFW shall be expressly named in the conservation easement as a third-party beneficiary. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement. The conservation easement recorded on the HM lands will accommodate habitat and/or floodplain restoration projects/activities as allowable uses. The conservation easement will also accommodate passive recreation, including establishment and maintenance of a hiking trail and existing bridge, as allowable uses. The recreational and hiking trail contemplated on the HM lands is shown on the final map for the Rancho Canada Village Project approved by Monterey County. The conservation easement will also contemplate an existing water line easement, access/utility easement, and sewer easement (collectively, infrastructure easements) all of which are appurtenant to the Project. The details of the infrastructure easements, including specific footprints, will be addressed/authorized in the conservation easement and associated exhibits as opposed to through this Agreement.”

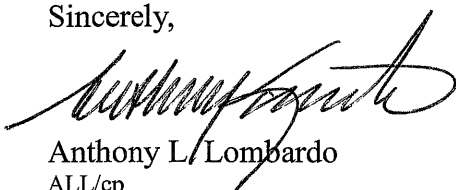
As the language of this condition provides, the conservation easement cannot be held by the same entity that owns the mitigation property. California Fish and Wildlife has stated that the County of Monterey would be an acceptable agency to hold the conservation easement.

As such, RCV requests that the County of Monterey hold the conservation easement attached hereto as Exhibit B consistent with the County’s long-held practice of holding conservation and scenic easements across the County.

The terms of the easement do not mandate that the County enforce the easement. The responsibility to enforce the easement lies with California Fish and Wildlife.

RCV respectfully requests that the County accept the conservation easement over Parcels H and I on the consent agenda at the next Board of Supervisors meeting on April 22nd.

Sincerely,



Anthony L. Lombardo  
ALL/cp  
Enclosures

Craig Spencer, Chief of Planning Services

Monterey County HCD

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cc: Supervisor Chris Lopez  
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