



Monterey County

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Board Report

Legistar File Number: 17-0093

January 31, 2017

Introduced: 1/23/2017

Version: 1

Current Status: Agenda Ready

Matter Type: General Agenda Item

PLN140532 - KF Terra LP, California Limited Partnership

- a. Accept the Conservation and Scenic Easement Deed for the KF Terra LP property;
- b. Authorize the Chair of the Monterey County Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing and recordation, subject to the collection of the applicable recording fees.

(Conservation and Scenic Easement Deed - K F Terra LP, California Limited Partnership, 36670 Highway 1, Big Sur Coast Land Use Plan, Coastal Zone)

PROJECT INFORMATION:

Owner: Lisa L.K. Kleissner, General Partner of the KF Terra, LP

Assessor's Parcel Number: 243-231-015-000

Plan Area: Big Sur Coast Land Use Plan, Coastal Zone

Flagged and Staked: Not Applicable

CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Conservation and Scenic Easement Deed;
- b. Authorize the Chair of the Monterey County Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing and recordation, subject to the collection of the applicable recording fees.

SUMMARY:

On August 8, 2012, the Zoning Administrator adopted a Mitigated Negative Declaration and approved a Combined Development Permit (PLN110150) and then on September 10, 2014, amended said Combined Development Permit (PLN140532), subject to 25 conditions of approval including four mitigation measures. Condition No. 21 of Resolution 14-046 requires the conveyance to the County over those portions of the property where Seacliff Buckwheat (host to the Smith's Blue Butterfly) exists. The acceptance and recordation of the Conservation and Scenic Easement deed will satisfy Condition No. 21 of amended project PLN140532

DISCUSSION:

On August 8, 2012, the Zoning Administrator adopted a Mitigated Negative Declaration and approved a Combined Development Permit (PLN110150) to allow a Coastal Administrative Permit for the construction of a single family dwelling with associated uses, a Coastal

Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat (ESHA); a Coastal Development Permit to allow development on slope in excess of 30%; a Coastal Development Permit to allow development on a parcel with a positive archaeological report, and Design Approval. On September 10, 2014, the original project was amended (PLN140532) to reduce the size of the single family dwelling, detach the garage which required the removal of three planted non-protected Cypress trees, and reduce the amount of grading.

The Zoning Administrator's Resolution 14-046 included 25 conditions of approval including four mitigation measures that would protect the ESHA onsite. Condition No. 21 requires the conveyance to the County over those portions of the property where Seacliff Buckwheat (host to the Smith's Blue Butterfly) exists. The attached Conservation Scenic Easement Deed and map shows the exact location of the easement on the property, along with a metes and bounds description (**Exhibit C of the Conservation Easement Deed**). Staff submitted the Conservation and Scenic Easement Deed to the Executive Director of the Coastal Commission for review of the legal adequacy and consistency with the requirements of potential accepting agencies, per Title 20, Section 20.64.280.A.6.g. A Subordination Agreement is not necessary as there is no lien on the property. The Coastal Commission has approved the Conservation and Scenic Easement Deed as to form. The County is named beneficiary of the easement, which provides the enforcement by the County. It is therefore necessary for the County to accept the Conservation Scenic Easement. Staff recommends that the Board accept the Conservation and Scenic Easement Deed for filing and recordation. The acceptance and recordation of the attached Conservation and Scenic Easement deed will satisfy Condition No. 21 of amended project PLN140532.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed and approved the Conservation and Scenic Easement Deed as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2016-2017 Adopted Budget for RMA-Planning.

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102
Reviewed by: Brandon Swanson, RMA Services Manager, ext. 5334
Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Cover Letter to the Clerk of the Board

Attachment B - Conservation and Scenic Easement Deed, including;

- Legal Description (Exhibit A)
- Resolution No. 14-046 (Exhibit B)
- Map (Exhibit C)

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Services Manager; Lisa L. Kleissner, Owner; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN140532