Introduced: 1/30/2018 **Current Status:** Agenda Ready

Version: 1 **Matter Type:** General Agenda Item

a. Approve and accept a Conservation and Scenic Easement Deed over a 5,458.5 square foot area of APN 008-201-013 as required as mitigation for PLN110247 and authorize the Chair to sign the Acceptance and Consent to Recordation.
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.

(Conservation Easement Deed - PLN110247/Martinez, 1631 Sonado Road, Pebble Beach)

PROJECT INFORMATION:

Planning File Number: PLN110247
Owner: Mariano Martinez Jr.
Project Location: 1631 Sonado Road, Pebble Beach
APN: 008-201-013
Agent: Ryan McNickle
Plan Area: Del Monte Forest Land Use Plan
Flagged and Staked: No
CEQA Action: N/A

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and accept a Conservation and Scenic Easement Deed over a 5,458.5 square foot area of APN 008-201-013 as required as mitigation for PLN110247 and authorize the Chair to sign the Acceptance and Consent to Recordation.
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.

SUMMARY/DISCUSSION:

A Combined Development Permit (Martinez Family Trust/PLN110247) was approved by the Zoning Administrator on March 29, 2012 (Resolution 12-010, Attachment A). Part of the approval process for the Martinez project involved an environmental document addressing potentially significant impacts to identified environmentally sensitive habitat areas (ESHA). An area of the Martinez property containing a concentration of ESHA (approximately 50 Yadon's rein orchids, Hooker's manzanitas, Shaggy-barked manzanitas, Monterey Pines and Coast Live oaks) was identified in the northwestern part of the lot. Pursuant to the Del Monte Forest Land Use Plan (Policy 13), ESHA shall be protected through deed restrictions or permanent open space conservation and scenic easements granted to the Del Monte Forest Foundation (also known as the Del Monte Forest Conservancy). At the time of project approval, the Conservancy did not choose to accept the Martinez' dedication because of the habitat's fragmented nature. In these types of situations, the LUP names the County the beneficiary of

the easement. In accordance with this policy, staff's environmental review and the recommendation from a retained biologist, RMA-Planning applied a condition (Condition No. 4/Mitigation Measure 4) requiring the applicant to convey a 5,458.5-square foot area of his property in a scenic and conservation easement deed to the County of Monterey. In addition to an updated letter from the biologist regarding the proposed area of conservation (Attachment B), staff has reviewed the environmental document and conditions of approval and finds the dedicated area to be an appropriate mitigation measure (for approved development) and an instrument to permanently protect the population of Yadon's Rein Orchids and other sensitive species. A survey of the current condition of the conservation easement was conducted and documented by the biologist in the updated letter, which reiterates the earlier assessment regarding the location of ESHA and its success in a conservation easement.

The applicant has submitted the conservation easement deed and map showing the general location of the easement on the property, along with the metes and bounds description (Attachment A). Therefore, staff recommends the Board accept, execute, and consent to the recordation of the Conservation and Scenic Easement Deed.

This action is exempt from CEQA because it is not a project and will not cause a direct physical change in the environment.

OTHER AGENCY INVOLVEMENT:
The Office of the County Counsel has reviewed the Scenic and Conservation Easement and approved as to form and legality.

FINANCING:
Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning. All costs associated with maintenance of the easement will be born by the project applicant (Grantor) of the easement, not the County (Grantee).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:
The Board of Supervisors FY 15-16 Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration)

Check the related Board of Supervisors Strategic Initiatives:

__ Economic Development
X Administration
__Health & Human Services
__ Infrastructure
__Public Safety

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Approved by: Carl Holm, AICP, RMA Director

cc: Front Counter Copy; Brandon Swanson RMA Services Manager; Maira Blanco, Project Planner;

Mariano Martinez, Jr., Owner; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Project File PLN110247.

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

Attachment A - Conservation Easement Deed

Attachment B - Updated Letter from Biologist