



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 18-812

August 28, 2018

**Introduced:** 8/9/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve and accept a Conservation and Scenic Easement Deed protecting a 100 foot setback area from the landward edge of vegetation associated with all coastal wetlands areas of APN 133-211-008-000 as condition of approval for PLN090347 and
  - b. Authorize the Chair to sign the Acceptance and Consent to Recordation.
  - c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
- (Conservation Easement Deed - PLN090347, Collier, 7951 Moss Landing Road, Moss Landing)

### PROJECT INFORMATION:

**Planning File Number:** PLN090347

**Owner:** Robert and Fabienne Collier

**Project Location:** 7951 Moss Landing Road, Moss Landing

**APN:** 133-211-008-000

**Agent:** N/A

**Plan Area:** North County 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 protecting a 100 foot setback area from the landward edge of vegetation associated with all coastal wetlands areas of APN 133-211-008-000 as condition of approval for PLN090347 and
- b. Authorize the Chair to sign the Acceptance and Consent to Recordation.
- c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.

### SUMMARYDISCUSSION:

A Combined Development Permit (Collier/PLN090347) was approved by the Zoning Administrator on June 4, 2010 (Resolution 090347, Attachment A). Part of the approval process for the Collier project involved a condition (Condition No. 11) requiring the applicant to convey a conservation easement over those portions of the property where environmentally sensitive habitat (ESHA) exists, pursuant to Section 20.144.040.B.6 in the North County Coastal Implementation Plan. The ESHA on site is comprised mainly of coastal wetlands. Recordation of this easement will prevent any future permitted development from encroaching into these sensitive areas and destroying coastal wetlands.

Conditions of Approval run with the land, the owners are now satisfying Condition No. 11 by the recordation of this easement.

Staff has reviewed the condition of approval and finds the dedicated area satisfies the requirements for allowing the approved development. Further, the easement will serve as an effective instrument to permanently protect coastal wetland.

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 approve as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY18-19 Adopted Budget for RMA-Planning. All costs associated with maintenance of the easement will be borne by the project applicant (Grantor) of the easement, not the County (Grantee).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Son Pham-Gallardo, Associate Planner ext. 5226  
Reviewed by: Brandon Swanson, RMA Planning  
Approved by: John M. Dugan, FAICP, Deputy Director RMA Land Use and Development Services

cc: Front Counter Copy; Brandon Swanson RMA Services Manager; Son Pham-Gallardo, Project Planner; Robert and Fabienne Collier, owners; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Project File PLN090347.

Attachments:

Attachment A - Conservation Easement Deed