



# Monterey County

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## Board Report

Legistar File Number: 18-800

August 28, 2018

**Introduced:** 7/31/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve and accept a Conservation and Scenic Easement Deed over a 47,573-square foot area of APN: 129-151-055-000 as required as mitigation for PLN070650 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 - PLN070650, Dyer, 327 Hidden Valley Road, Royal Oaks)

### PROJECT INFORMATION:

**Planning File Number:** PLN070650

**Owner:** Stacey and Deborah Sell

**Project Location:** 327 Hidden Valley Road, Royal Oaks

**APN:** 129-151-055-000

**Agent:** Alette Pritchett

**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 over 47,573-square foot area (1.092 acres) of APN 129-151-055-000 as required as mitigation for PLN070650 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 with all recording fees to be paid by the applicant.

### SUMMARY/DISCUSSION:

A Combined Development Permit (Dyer/PLN070650) was approved by the Zoning Administrator on July 8, 2010 (Resolution 10-022, Attachment A). Part of the approval process for the Dyer project involved a condition (Condition No. 9) 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 Manzanita. Recordation of this easement will prevent any future permitted development from encroaching into these sensitive areas and destroying important habitat. An environmental document addressing potentially significant impacts to identified ESHA was circulated for public review from May 24, 2010 through June 24, 2010 (SCH#:2010051065). In consultation with the project biologist and a land surveyor, the easement area identified covers approximately 47,573-square feet in the northern section of the parcel.

On January 19, 2018, the previous owners of the subject parcel (APN:129-151-055), transferred ownership of said parcel to Stacey and Deborah Sell. As land use entitlements and subsequent Conditions of Approval run with the land, the Sell's are now satisfying Condition No. 9 by the recordation of this easement.

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 ESHA.

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: Maira Blanco, Assistant Planner ext. 5052   
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; Maira Blanco, Project Planner; Stacey and Deborah Sell, owners; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Project File PLN070650.

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

Attachment A: Conservation Easement Deed (Exhibit C)