



Legislation Details (With Board Report)

**File #:** 12-1150                      **Name:** Hain and Foster/Rocky Creed Road  
**Type:** General Agenda Item              **Status:** Passed  
**File created:** 12/3/2012              **In control:** Board of Supervisors  
**On agenda:** 12/11/2012              **Final action:** 12/11/2012

**Title:** a. Accept the Amended Conservation and Scenic Easement Deed for the Hain and Foster properties;  
b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and  
c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation.  
(Conservation and Scenic Easement Deed Amendment - PLN120637/Hain and Foster, 38000 and 38010 Rocky Creek Road, Big Sur Coast Land Use Plan, Coastal Zone)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Amended Conservation & Scenic Easement Deed, 2. Completed Board Order/Recording Page, 3. Recorded Deed PLN120637

Date	Ver.	Action By	Action	Result
12/11/2012	1	Board of Supervisors	approved	

a. Accept the Amended Conservation and Scenic Easement Deed for the Hain and Foster properties;  
b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and  
c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation.  
(Conservation and Scenic Easement Deed Amendment - PLN120637/Hain and Foster, 38000 and 38010 Rocky Creek Road, Big Sur Coast Land Use Plan, Coastal Zone)

PROJECT INFORMATION:

**Planning File Number:** PLN120637  
**Applicants:** Hain and Foster Family Trusts  
**Project Location:** 38000 and 38010 Rocky Creek Road, Big Sur  
**APNs:** 418-132-009-000 and 418-132-010-000  
**Plan Area:** Big Sur Coast Land Use Plan (Coastal Zone)  
**Flagged and Staked:** No  
**CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15317

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Amended Conservation and Scenic Easement Deed (**Attachment A**) for the Hain and Foster properties;
- b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the

County Recorder for recordation.

SUMMARY/DISCUSSION:

The applicants propose to amend the existing conservation and scenic easement deed to apply the easement over the entirety of the two subject parcels (Lots 9 and 10 of the Rocky Creek Ranch as recorded in Volume 18 of Surveys, Page 92). The County granted the previous owner of the properties a coastal development permit to allow lot line adjustments (Planning File Nos. LL88010, LL90032, and LL90033, approved by the County of Monterey Minor Subdivision Committee on October 29, 1992, Resolution No. 92-67). As a condition of approval, the County required the conservation and scenic easement, which the previous owner recorded on February 4, 1994 (Reel 3063, Page 369 of Official Records). The existing easement allowed one building envelope on Lot 9, and two building envelopes and an approximately 15 acre area outside of the easement on Lot 10. The proposed amendment would voluntarily retire/extinguish the three existing building envelopes on the two parcels as well as development rights over the remaining portion of Lot 10 outside of the existing easement area.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the Amended Conservation and Scenic Easement Deed as to form. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy or other implication to the County of Monterey.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department. Development fees have been collected to finance the processing and review required for the applicant to proceed. Based on current property valuations, the Assessor's Office estimates an approximate \$17,800.00 annual reduction in property tax revenue from the extinguishment of development rights on the parcels.

Prepared by: Joe Sidor, Associate Planner, ext. 5262

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance by Laura Lawrence and reviewed by Cynthia Hasson.

cc: Front Counter Copy; Board of Supervisors (10); California Coastal Commission; Laura Lawrence, Planning Services Manager; John Hain, Applicant/Owner; Steven Foster, Applicant/Owner; Mark Blum, Agent; The Open Monterey Project; LandWatch; Project File PLN120637.

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

Attachment A Amended Conservation and Scenic Easement Deed