



RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- a. Find that the project involves a Conservation and Scenic Easement Deed, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exception under section 15300.2 applies;
- b. Approve and accept a Conservation and Scenic Easement Deed covering approximately 1.7 acres of environmentally sensitive habitat on property located at 48200 Coast Ridge Road, Big Sur (Assessor's Parcel Number: 419-031-034-000) as required by condition 15 of Zoning Administrator Resolution 21-041 (File No. PLN190088);
- c. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and
- d. 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:

On December 2, 2021, the Zoning Administrator approved a Combined Development Permit (PLN190088, Barbur) (Resolution 21-041) allowing for the construction of a new residence within 100 feet of Environmentally Sensitive Habitat (ESHA). To satisfy Condition of Approval No. 15 (Mitigation Measure No. 3g) of that permit, Peter Barbur is offering to convey a conservation and scenic easement (CSE) to the County of Monterey over the portions of the property where ESHA exists (**Attachment A**). The property contains ESHA as defined in the Big Sur Coast Land Use Plan (LUP) because it is in a dispersal zone for the California Red-legged Frog as defined by the U.S. Fish and Wildlife Service as CA-MNT-3. The Zoning Administrator applied the easement condition to protect ESHA, as required by the LUP. A CSE is already in place on most areas of the parcel that are within the CA-MNT-3 designated area which was applied as a condition to the subdivision of an 80-acre parcel into two in 1996, due to excessive slopes (Monterey County recorded document in Reel 2039, at page 225, Official Records). The attached CSE aligns seamlessly to the existing CSE on the west of Coast Ridge Road (which passes through the property) and ends at the Coast Ridge Road right-of-way which also has a recorded easement (Monterey County recorded document in Reel 3071, Page 362, Official Records).

No construction will be allowed within the expanded easement area. Recordation of this easement will disclose to future property owners where development is not allowed on the parcel. The easement allows maintenance of all existing private roads, bridges, trails, and the primary, secondary and tertiary leach fields of the permitted Onsite Wastewater Treatment System near the CSE area and does not interfere with road maintenance of Coast Ridge Road.

Staff shared the CSE proposed area with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service during the preparation of the Initial Study for the project and they made no recommendations for modification (SCH#2021100090).

The applicant has submitted the CSE deed and map showing the general location of the expanded easement on the property, along with the metes and bounds description, both of which are appended to this Report as **Attachment A**.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Acceptance of the expanded scenic easement qualifies for a Class 17 categorical exemption under CEQA because it constitutes "the acceptance of [an] easement . . . to maintain the open space character of the area." (CEQA Guidelines, § 15317.)

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the CSE as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY21-22 Adopted Budget for HCD - Planning. All costs associated with maintenance of the CSE will be borne by the project applicant (Grantor) of the easement, not the County of Monterey (Grantee).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD 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: Mary Israel, Senior Planner ext. 5183

Reviewed by: Craig Spencer, Chief of Planning

Approved by: Erik V. Lundquist, AICP, HCD Director

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

Attachment A - Conservation and Scenic Easement Deed

Attachment B - Cover memo to the Clerk of the Board

cc: Front Counter Copy; Kurt Melander, Agent; Plasha Will, Local Agent; Peter Barbur, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190088