



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 18-1036 **Name:** PLN180329 - Long/Caswell
Type: General Agenda Item **Status:** RMA Land Use - Consent
File created: 10/9/2018 **In control:** Board of Supervisors
On agenda: 11/6/2018 **Final action:**
Title: PLN180329 - Long/Caswell
a. Accept an Amended Conservation and Scenic Easement Deed (Attachment A) for the Long Property (APN 187-541-020-000), as required as a Condition of Approval for PLN180198, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
b. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.
(9 Story Road, Carmel Valley, Carmel Valley Master Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Amended Conservation and Scenic Easement, 3. 52. Completed Board Order, 4. 52. Revised Board Order

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

PLN180329 - Long/Caswell

a. Accept an Amended Conservation and Scenic Easement Deed (Attachment A) for the Long Property (APN 187-541-020-000), as required as a Condition of Approval for PLN180198, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
b. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.
(9 Story Road, Carmel Valley, Carmel Valley Master Plan)

PROJECT INFORMATION:

Owners/Applicants: Sheron Long

Agent: Mark Blum

Project Location: 9 Story Road, Carmel Valley

APNs: 187-541-020-000 and 187-541-023-000

Plan Area: Carmel Valley Master Plan

CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- Accept the Amended Conservation and Scenic Easement Deeds (Attachment A) for the Long for the Long Property (APN 187-541-020-000), as required as a Condition of Approval for PLN180198, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
- Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.

SUMMARY/DISCUSSION:

The subject property was developed prior to the creation of the Cerro Del Oso subdivision in 1966. At the time, the Planning Commission's recommendation to the Board of Supervisors for approval of the subdivision included a condition of approval that the portion of steep terrain that is not within the building sites themselves should be included in a scenic easement. Scenic easements were shown on the subdivision map and scenic easement deeds were recorded over portions of lots on the map including the areas not comprising parts of the Long's property. An area of the Long's property which did not contain slopes, and was previously used as part of the building site, was inadvertently included in the Conservation and Scenic Easement.

In 2017 when the Long's prepared to sell their house, multiple issues were discovered pertaining to both permitted and unpermitted structures that existed in the Scenic and Conservation Easement, in a drainage easement, and partially on a neighboring property. Structures, including retaining walls, an irrigation shed, a hot tub, deck steps, adobe walls, wooden fences, an iron gate, and an irrigation shed, exist within the Conservation and Scenic Easement. Following surveys and research into the permitting history, all parties signed a Settlement Agreement to resolve these issues. As part of the required actions in the settlement agreement, the Longs applied for a Lot Line Adjustment, Design Approval, and an Amendment to the Scenic and Conservation Easement.

On September 12, 2018, the Planning Commission heard item PLN180198 and approved the Lot Line Adjustment and the Design Approval for the existing structures and recommended that the Board of Supervisors approve an amendment to the Scenic and Conservation Easement. A Condition of Approval (Condition No. 5) requires the applicant to record an amendment to the Scenic and Conservation Easement deed over parcels 187-541-020-000 and 187-541-023-000. The amendment provides exceptions in the scenic easement for development on areas in the flat building site which existed when the Conservation and Scenic Easement Deed was imposed, including the areas previously developed by the Longs. This also includes maintenance of structures existing as of the date of recordation. The exception requires all development to conform to all applicable laws, policies, and regulations of the Monterey County Code. The specific area of this exception is shown and described in Exhibit A. Recordation of this amended easement will satisfy Condition No. 5 of PLN180198.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved this amendment to the Conservation and Scenic Easement as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY18-19 Adopted Budget for the RMA - Planning. Development fees have been collected to finance the processing and review required for the applicant to proceed. The applicant is responsible for paying fees to record easement documents. 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

X Administration
Health & Human Services
— Infrastructure
— Public Safety

Prepared by: Cheryl Ku, Senior Planner, RMA-Planning, x6049

Reviewed by: Brandon Swanson, RMA-Planning Services Manager

Approved by: John Dugan, FAICP, Deputy Director - RMA Land Use and Community
Development

cc: Front Counter Copy; California Coastal Commission; Jacqueline R. Onciano, Chief of Planning; Brandon Swanson, Planning Services Manager; Sherry Long, Owner; mark Blum, Agent; The Open Monterey Project; LandWatch; Project File PLN180329.

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

Attachment A - Amended Conservation and Scenic Easement including:

- Legal description
- Existing Conservation and Scenic Easement Deed