



County of Monterey

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

Legislation Details (With Board Report)

File #: 18-1090 **Name:** PLN010252 - Coelho
Type: General Agenda Item **Status:** RMA Land Use - Consent
File created: 10/23/2018 **In control:** Board of Supervisors
On agenda: 11/6/2018 **Final action:**
Title: PLN010252 - COELHO
a. Accept the Conservation and Scenic Easement Deed (Attachment A) for the Coelho property (APN 419-372-002-000) which will amend the current easement to accurately protect areas with slopes in excess of 30 percent; and
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.
(30001 Olivia Drive, Greenfield, Central Salinas Valley Area Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Conservation and Scenic Easement Deed, 3. Attachment B - Certificate of Correction, 4. Attachment C - Topographic Map, 5. Attachment D - Biological Report, 6. 56. Completed Board Order, 7. 56. Revised Board Order

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

PLN010252 - COELHO

a. Accept the Conservation and Scenic Easement Deed (Attachment A) for the Coelho property (APN 419-372-002-000) which will amend the current easement to accurately protect areas with slopes in excess of 30 percent; and
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.
(30001 Olivia Drive, Greenfield, Central Salinas Valley Area Plan)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- Accept the Conservation and Scenic Easement Deed (Attachment A) for the Coelho property (APN 419-372-002-000) to protect areas in excess of 30 percent slope and authorize the Chair to sign the Acceptance and Consent to Recordation; and
- Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation, with recording fees to be paid by applicant.

PROJECT INFORMATION:

Owner/Applicant: Coelho

Agent: Joel Panzer

Project Location: 30001 Olivia Drive, Greenfield, CA 93927

APNs: 419-372-002-000

Parcel Size: 10.8 Acres

Plan Area: Central Salinas Valley

CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

SUMMARY

The Final Map created and recorded in 2006 for the Abertola Estates Standard Subdivision was done with surveys that relied on aerial topography alone. This 2006 aerial survey did not accurately depict some of the conditions on the ground with regard to areas containing slopes. Due to this, portions of the subject parcel known as 'Lot 2', were designated as having slopes in excess of 30 percent, although they did not. All areas of the subdivision with this designation of slopes in excess of 30 percent were placed into conservation easement on the Final Map. A recent survey of the subject parcel by the property owner has determined that there are additional portions which contain slopes under 30 percent. The property owner has applied to remove an approximately one (1) acre portion of Lot 2 from the Scenic Easement area shown on the map (described in Exhibit A) which does not contain slopes over 30 percent, and to memorialize this modification with a formal Conservation and Scenic Easement Deed. Staff finds that amending the Conservation and Scenic Easement Deed as proposed would be consistent with the mitigation measure that required placement of areas with slopes over 30 percent into conservation and scenic easements.

DISCUSSION

The subject property was created as 'Lot 2' of the Abertola Estates Standard Subdivision (Resolution No. 05002), approved by the Planning Commission January 12, 2005. A Mitigation Measure (MM3) adopted with the Mitigated Negative Declaration prepared for the project required the property owner to:

"Create a permanent conservation and scenic easement for all areas with slopes in excess of 30 percent. No construction, non-native landscaping, or vegetation removal (except for safety and fire control) will be permitted in these areas. This measure is intended to keep habitat loss and fragmentation to a minimum."

In accordance with this mitigation measure, conservation and scenic easements were shown on the Final Map, however, formal Conservation and Scenic Easement Deeds were never created or recorded for the individual parcels. The majority of the subject 10.8 acre lot is within the mapped easement area, with the exception of an approximately 1.75 acre area in the northeastern portion of the parcel adjacent to Arroyo Seco Road. This area which is unencumbered by the easement contains a septic envelope that forms a de-facto building envelope. This is the only developable portion of the parcel.

In August of 2018, the property owner applied for an amendment to remove an approximately one (1) acre portion of Lot 2 from the Scenic Easement area because that subject area (described in Exhibit A) was found to not contain slopes over 30 percent. Along with keeping development off slopes, the subject area represents a building site which is more suitable because it is better screened from the road, which reduces public visibility. The applicant has submitted detailed topographic maps of the area (Exhibit D) completed through the on-the-ground surveys by a licensed surveyor demonstrating that the area requested for exclusion from the easement does not contain slopes in excess of 30 percent.

To address the original error in mapping areas in excess of 30 percent slope, the County Surveyor has processed a Certificate of Correction in accordance with section 66469 of the Subdivision Map Act and Monterey County Code Section 19.08.015 (Exhibit C). This correction recognizes the subject one (1) acre area as having slopes under 30 percent and therefore not needing to be contained in the easement shown on the Final Map. This correction delineates where the formal Conservation and Scenic Easement Deed should be recorded on the subject parcel, rather than solely relying on the depiction on the Final Map. The acceptance of this easement is the decision before the Board today.

In addition to topographical analysis, a biological report was prepared by Jeffrey B. Froke, Ph.D (**Exhibit E**). This report considered the effect that removing the subject area from the conservation and scenic easement would have on habitat which was analyzed in the original Mitigated Negative Declaration. Mitigation Measure

No. 3 was intended to protect two sensitive species, the California Horned Lizard and the Two-Striped Garter Snake. Although Lot 2 was not specifically identified as suitable habitat for these species at the time, an investigation was still conducted to determine if any new impacts could occur. The biological report concluded that the area still does not present suitable habitat for either species, so removal of the areas under 30 percent slope does not present any risk of impact for sensitive species.

Removing the subject one (1) acre area from the Conservation and Scenic Easement on the Final Map, and placing a formal Conservation and Scenic Easement Deed on the property will allow the correct portions of the parcel to be used as a potential building site. There is no change proposed for the existing area of Lot 2 that is not encumbered by the easement. Either site could potentially be used as a building site in the future. Any future proposed development would be subject to all applicable zoning, plan review and Monterey County Code requirements, including density.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved Amendment #2 to the Conservation Easement as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY18-19 Adopted Budget RMA Planning Fund 001, Appropriation Unit RMA001. 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
- ☒ 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: 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 - Conservation and Scenic Easement Deed

- Exhibit A - Property Legal Description
- Exhibit B - Resolution No. 05000

- Exhibit C - Scenic Easement Legal Description

Attachment B - Certificate of Correction

Attachment C - Topographic Maps

Attachment D - Biological Report