



County of Monterey

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

Legislation Details (With Board Report)

File #:	19-0669	Name:	Martinez_PLN170705
Type:	General Agenda Item	Status:	Passed - RMA Land Use and Community Development
File created:	8/26/2019	In control:	Board of Supervisors
On agenda:	9/10/2019	Final action:	9/10/2019
Title:	a. Approve and accept a Conservation and Scenic Easement Deed protecting a 0.38 acre area of APN 129-091-071-000 as condition of approval for PLN170705 and b. Authorize the Chair to sign the Acceptance and Consent to Recordation. c. 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. Project Location: 473 Paradise Road, Salinas Proposed CEQA Action: N/A - not a project		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Conservation Easement Deed, 3. Completed Board Order Item No. 34, 4. Conservation and Scenic Easement Deed- Martinez

Date	Ver.	Action By	Action	Result
9/10/2019	1	Board of Supervisors	approved - rma land use and community development	Pass

- a. Approve and accept a Conservation and Scenic Easement Deed protecting a 0.38 acre area of APN 129-091-071-000 as condition of approval for PLN170705 and
b. Authorize the Chair to sign the Acceptance and Consent to Recordation.
c. 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.

Project Location: 473 Paradise Road, Salinas

Proposed CEQA Action: N/A - not a project

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- Approve and accept a Conservation and Scenic Easement Deed protecting a 0.38 acre area of central maritime chaparral on APN 129-091-071-000 as condition of approval for PLN170705
- Authorize the Chair to sign the Acceptance and Consent to Recordation.
- 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.

PROJECT INFORMATION:

Planning File Number: PLN170705

Owner: David and Antonia Martinez

APN: 129-091-071-000

Agent: N/A

Plan Area: North County Coastal Land Use Plan

Flagged and Staked: No

SUMMARY/DISCUSSION:

A Combined Development Permit (Martinez/PLN170705) was approved by the Planning Commission on November 14, 2018. Part of the approval process for the Martinez project involved a condition (Condition No. 16) requiring the applicant to convey a conservation easement over the 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 central maritime chaparral and includes the sensitive species pajaro manzanita.

Recordation of this easement will prevent any future permitted development from encroaching into the sensitive area and impacting sensitive habitat. Conditions of Approval run with the land, and the owners are now satisfying Condition No. 16 by the recordation of this easement.

Staff has reviewed the condition of approval and finds the dedicated area satisfies the requirements for allowing the approved development. Further, the easement will serve as an effective instrument to permanently protect central maritime chaparral.

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 has approved it as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY 19-20 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: Cheryl Ku, Senior Planner, ext. 6049

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; Cheryl Ku, Project lanner; David and Antonia Martinez, Owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN170705.

Attachments:

Attachment A: Conservation Easement Deed