



County of Monterey

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

Legislation Details (With Board Report)

File #: 20-337 **Name:** Conservation and Scenic Easement Deed
Type: General Agenda Item **Status:** Passed - RMA Administration
File created: 4/30/2020 **In control:** Board of Supervisors
On agenda: 5/19/2020 **Final action:** 5/19/2020
Title: a. Approve and accept a Conservation and Scenic Easement Deed of approximately 9,552 square feet (0.22 acre) of APN 117-081-013-000 as a required condition of approval for PLN170822, and authorize the Chair to sign the Acceptance and Consent to Recordation; and
b. 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.
(Conservation Easement Deed - PLN170822, Saba, 5 Hillcrest Road, Royal Oaks)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - CSED, 3. Attachment B - Memo Cover Letter to COB, 4. Item No. 50 Completed Board Order, 5. Recorded Docs Conservation and Scenic Easement Deed Deed

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

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PROJECT INFORMATION:

Planning File Number: PLN170822

Owner: Ahmed Saba

Project Location: 5 Hillcrest Road, Royal Oaks

APN: 117-081-013-000

Agent: none

Plan Area: North County Land Use Plan

Flagged and Staked: no

CEQA Action: N/A

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

- Approve and accept a Conservation and Scenic Easement Deed of approximately 9,552 square feet (0.22 acre) of APN 117-081-013-000 as a required condition of approval for PLN170822, 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 filing with all recording fees to be paid by the applicant.

SUMMARY:

A Combined Development Permit (Ahmed/PLN170822) was approved by the Zoning Administrator on 30 August 2018 (Resolution 18-050, Attachment A). Pursuant to Section 20.144.040.B.6 in the North County Coastal Implementation Plan, To satisfy Condition of Approval No. 8, the applicant is offering to convey a conservation easement to the County over the portion of the property where environmentally sensitive habitat (ESHA) exists. In accordance with the March 2018 Wetlands and Biological Assessment (File No. LIB180156) prepared by Coast Range Biological, LLC, the eastern boundary of the subject property transects an area of existing riparian habitat and wetland. The ESHA being placed under an easement was identified by the project biologist, and is comprised of wetland and riparian woodlands, which can provide habitat for sensitive species such as California Red legged Frog (CRLF) and other riparian-dwelling species. No construction will be allowed within the easement area. Recordation of this easement will disclose to future property owners where development is not allowed and prevent it from taking place on the parcel in the future. The easement does allow for Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan adopted with the approved Permit on file with the Monterey County Planning. The property adjacent to the eastern boundary of the subject parcel also contains riparian and wetland ESHA contiguous with ESHA of the subject parcel. The ESHA on the adjoining property is not part of this easement. Staff has reviewed conditions of approval for this project and finds the dedicated easement area would be appropriate for approved development and as an instrument to permanently protect ESHA.

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 approve and accept 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 approve as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY19-20 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: Jaime Scott Guthrie, AICP, Associate Planner ext. 6414
Reviewed by: Brandon Swanson, Planning Services Manager
Approved by: John M. Dugan, FAICP, Acting Chief of RMA-Planning

cc: Front Counter Copy; Brandon Swanson, Planning Services Manager; Ahmed Saba, Applicant/Owner; Mark L. Couper, Architect; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170822

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