



County of Monterey

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

Legislation Details (With Board Report)

File #: 20-693 **Name:** PLN150669 - NASE
Type: General Agenda Item **Status:** Passed - RMA Administration
File created: 8/27/2020 **In control:** Board of Supervisors
On agenda: 9/15/2020 **Final action:** 9/15/2020
Title: a. Approve and accept a Conservation and Scenic Easement Deed of approximately 20,453 square feet for APN 008-232-003-000 to be conveyed to the Del Monte Forest Conservancy Inc. on behalf of the County of Monterey as a required condition of approval for PLN150669, 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.
Project Name: PLN150669 - NASE
Project Location: 1412 Lisbon Lane, Pebble Beach
Proposed CEQA action: Categorically Exempt per CEQA Guidelines Section 15317

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Conservation and Scenic Easement Deed, 3. Attachment B – Cover memo to the Clerk of the Board, 4. Item No. 35 Completed Board Order, 5. RECORDED; CONSERVATION AND EASEMENT DEED

Date	Ver.	Action By	Action	Result
9/15/2020	1	Board of Supervisors		

a. Approve and accept a Conservation and Scenic Easement Deed of approximately 20,453 square feet for APN 008-232-003-000 to be conveyed to the Del Monte Forest Conservancy Inc. on behalf of the County of Monterey as a required condition of approval for PLN150669, 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.

Project Name: PLN150669 - NASE

Project Location: 1412 Lisbon Lane, Pebble Beach

Proposed CEQA action: Categorically Exempt per CEQA Guidelines Section 15317

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

Find that approval and acceptance of a Conservation and Scenic Easement Deed is exempt from CEQA Categorically Exempt per CEQA Guidelines Section 15317 “Open Space Contracts or Easements”

- Categorically Exempt per CEQA Guidelines Section 15317 “Open Space Contracts or Easements”;
- Approve and accept a Conservation and Scenic Easement Deed of approximately 20,453 square feet for APN 008-232-003-000 to be conveyed to the Del Monte Conservancy Inc. on behalf of the County of Monterey as a required condition of approval for PLN150669, 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/DISCUSSION:

A Combined Development Permit (Nase/PLN150669) was approved by the Planning Commission on August 30, 2017 (Resolution 17-035, Attachment A). Pursuant to Monterey County Code Section 20.64.280.A., the applicant agreed to preservation of an “Enhancement/Restoration Area” of approximately 21,600 square feet on the eastern side of the property for protection of Monterey Pine forest and associated understory through open space conservation and scenic easements conveyed to the Del Monte Forest Conservancy, Inc. (Conservancy) (Condition No. 5). In compliance with this condition, the applicant is offering to convey a conservation easement over the portion of the property where intact and native Monterey Pine forest exists or has been restored on the parcel. After actual surveying, the conservation area is approximately 20,453 square feet. Preservation of this Enhancement/Restoration Area on the project site will preserve the open space and forest resource present on the property. The Conservancy has provided verification for acceptance of the Conservation and Scenic Easement area and has signed this acceptance in the draft Conservation and Scenic Easement Deed. See Attachment A.

The dedication of this easement is in accordance with the Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA (revised 2/08/2017) prepared by Pat Regan of Regan Biological and Horticultural Consulting (File No. LIB170244). No construction or non-native plantings would be allowed within the proposed easement area. Recordation of this easement will disclose to future property owners the restrictions of the easement.

Staff has reviewed conditions of approval for this project and finds the dedicated easement area would be appropriate for approved enhancement/ restoration and as an instrument to permanently protect ESHA. The easement as proposed would fully satisfy the requirements of Condition of Approval No. 5.

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.

CEQA

Acceptance of this conservation easement is exempt from CEQA pursuant to CEQA Guidelines Section 15317 “Open Space and Contracts or Easements”.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the Scenic and Conservation Easement and approves as to form and legality.

FINANCING:

Funding for staff time associated with this project is included in the FY20-21 Adopted Budget for RMA-Planning. All costs associated with maintenance of the easement will be borne by the Del Monte Forest Conservancy, not the County.

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: Nadia Garcia, Associate Planner ext. 5114
Reviewed by: Brandon Swanson, Planning Services Manager
Approved by: John M. Dugan, FAICP, Acting Chief of RMA-Planning

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; Brandon Swanson, Planning Services Manager; Craig Spencer, Planning Services Manager; John M. Dugan, Acting Chief of RMA-Planning; Werner Nase, Applicant/Owner; Del Monte Forest Conservancy, Inc.; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN150669