



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**MEMORANDUM**

**DATE:** June 11, 2008

**TO:** Planning Commission

**FROM:** David Gilbert, Senior Planner DH

**SUBJECT:** Minor Subdivision/Parcel Map Waiver Application No. MS08-008: 4-S  
Land & Cattle Company

**Background/Analysis**

In the Minor Subdivision/Parcel Map Waiver Application No. MS08-008 Staff Report dated May 14, 2008, it mentioned that the project site is located in a conservation easement. During the public hearing on May 14, 2008, Maureen McCorry commented that the Staff Report did not contain a copy of the conservation easement for the Planning Commission to review in order to make a decision. She asked that a copy of the conservation easement be provided to the Commission for review prior to making a decision on the application. Therefore, the Planning Commission voted to continue the public hearing to June 11, 2008, so that the property owner could provide the Planning Staff with a copy of the conservation easement. On May 15, 2008, the property owner's engineer provided a copy of two easements that covers the project site.

The Grant of Easements dated June 14, 1990 and dated June 9, 1991 (attached), grants access to the United States Fish and Wildlife Service for the maintenance and use of the land and waters for the management of migratory birds. This easement covers all of the property owner's holdings. An analysis of these documents with regards to the use of the property, division of the property, and sale of the property is provided below.

Use of the Property

The property owner is prohibited from altering topography and adding any structures (which clearly includes any residential development) [See 3(a) & (b)]. The easements allow the rotation of pasture grasses and agricultural crops such as oats, barley, wheat, or alfalfa which is acceptable with crop management practices. Cultivation of cotton, sweet potatoes, melons, and orchard crops is not allowed without prior written approval from the U. S. Fish and Wildlife Service. The exploration, development, and production of reserved oil and gas are allowed between June 1<sup>st</sup> and October 1<sup>st</sup> upon approval, including the location and method of exploration from the Fish and Wildlife Service. Finally, the grazing of livestock is permitted.