

The Carmel Pine Cone

Volume 100 No. 36

On the Internet: www.carmelpinecone.com

September 5-11, 2014

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Despite concerns, supes pass private road ordinance

By CHRIS COUNTS

NINE YEARS after the push to create it began — and despite the warnings by some that it will create conflicts among neighbors — the Monterey County Board of Supervisors voted unanimously Aug. 26 to approve what is being called the Proof of Access ordinance. It has also been called the “Disgruntled Neighbor Empowerment Act.”

The ordinance requires anyone proposing an “intensified use” of a property located on a private road to notify his neighbors of his plan and show evidence that the project or activity is permitted by an easement or an agreement governing the use of the road. In the absence of explicit language allowing the new use, the ordinance would give neighbors leverage to stop something they don’t like.

Because of the complexity and variety of private road agreements and easements, the ordinance creates a four-tiered process to address cases where access and road-maintenance agreements exist, where only an access agreement exists, where only a road-maintenance agreement exists, and where no

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Here, kitty kitty ...



PHOTO/FACEBOOK

Carmel Valley resident Kevin McMahan likes to put water out for wildlife, and is used to seeing thirsty deer and birds in his backyard. But Monday a family of mountain lions decided to stop by for a drink. McMahan, who lives near the intersection of Carmel Valley Road and Cachagua Road, captured 40 seconds of video of the adult female and her three cubs about 10 feet from his backdoor and posted it on Facebook. “I took the video from my living room,” he said. The serious drought hitting California is making it harder for wildlife to get water from natural sources, wildlife officials said.

Bank sues Agha over unpaid loan

■ Foreclosure initiated against Moss Landing commercial park

By KELLY NIX

A SAN Joaquin Valley bank has filed a nearly \$19 million lawsuit against developer and would-be desal owner Nader Agha, and has begun foreclosure proceedings against his Moss Landing Commercial Park, because Agha has failed to make payments on a loan for the 200-acre property east of Highway 1.

But one of the banks owed money by Agha says it doesn’t support the legal action, and said Agha has been making payments on time for a large portion of the debt.

In the suit filed Aug. 29, Bank of the Sierra claims that Agha borrowed \$17.6 million from a group of banks in 2010 and secured the loan with the land where he has long promised to build what he calls the “People’s Moss Landing Water Desal Project.” The high-profile Highway 1 property is across the street from the Moss Landing power plant.

The loan, which was originated by Monterey County Bank and then sold to Bank of the Sierra and other creditors, required Agha to make 35 monthly payments of \$127,447.68 beginning in February 2010, and then a balloon payment of \$17,613,247.73 on Jan. 31, 2013.

The suit contends Agha failed to pay off the loan as promised and now owes \$18,812,197.27, including principal of \$17,498,623.16, accrued interest of \$1,271,699.85, plus \$6,346 in late charges and \$35,527.76 in foreclosure costs.

Charles Chrietberg, president of Monterey County Bank, which originated part of the loan, defended Agha.

“Most of the participants in the debt don’t agree with the filing of the Notice of Default,” Chrietberg said. “The Moss Landing property has been appraised at \$200 million, and Nader has got the debt down to about \$11 million. He owes us \$1.5 million and is current on it.”

Agha owes Bank of the Sierra \$7.5 million, and filed

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PETITION CALLS MONARCHS A ‘THREATENED’ SPECIES

By KELLY NIX

A LEADING monarch expert and three public interest groups are pushing for the beloved butterfly to be granted federal protection, a designation that could help boost the insect’s declining numbers but which will not likely have a big impact on Pacific Grove’s monarch sanctuary and its proposed “butterfly pavilion,” according to the director of the city’s museum.

In a 159-page petition, Lincoln Brower is among those requesting that U.S. Secretary of Interior Sally Jewell designate the monarch butterfly as a “threatened” species under the Endangered Species Act, which it contends would allow the insect to bounce back in bigger numbers.

“The charismatic monarch butterfly is an irreplaceable piece of the natural heritage of North America,” according to the petition.

“Yet this butterfly, that was once common across the country, is now plummeting toward extinction and needs protection or is at risk of being lost forever,” the petition says.

The Center for Biological Diversity, the Xerces Society and the Center for Food Safety are the other petitioners, besides Brower, hoping the federal government will grant monarchs federal protection.

Pacific Grove Museum of Natural History executive Lori Mannel said the designation would not have a significant impact the museum’s proposed butterfly pavilion — an attraction that would feature live butterflies about six months out of the year. It probably also wouldn’t drastically affect the city’s monarch butterfly sanctuary, where thousands of monarchs cluster every year. The site is a tourist draw for Pacific Grove.

“Basically, this petition only strengthens the need and use of

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No permits, illegal grading, a big fire — and now landslide risk

By CHRIS COUNTS

SIX MONTHS after a home that was being illegally renovated burned to the ground in Carmel Valley, neighbors told the Monterey County Planning Commission they are worried grading on the property will trigger mudslides this winter.

The fire started March 2 at about 9:15 p.m. and quickly consumed the house. Its cause remains unknown.

At an Aug. 26 hearing, residents said the owners of the property have disappeared, and they are asking county officials for help to prevent what they describe as a public safety risk.

According to planning department documents, the property is owned by Grandeur Ventures, Inc., and Rick Alexander is listed as its contact. There are numerous references online to a company of the same name in Henderson, Nev., and the names Beryl and Lee Alexander shown as being involved. A phone number listed online was disconnected.

The property, which was red tagged before the fire because of the illegal construction and grading work, is located on three acres at 26135 Zdan Road, about a half-mile west of Laureles Grade. At the time of the fire, the owners were working with planning officials to clear up a series of code-enforcement violations.

At the Aug. 26 hearing, neighbor Russ Hatch told commissioners the grading done on the property by its owners



PHOTO/DENISE STEVENS

A red-tagged home at 26135 Zdan Road in Carmel Valley erupted in flames March 2. Its owners have disappeared.

High-heel law makes latest Ripley’s collection of world’s oddities

By MARY SCHLEY

CARMEL’S QUIRKY ordinance requiring people wearing high heels to obtain a permit from city hall has made it into the latest Ripley’s Believe it or Not book, “Reality Shock,” which is slated for release Sept. 9. The book targets youth and teen readers, and is being advertised as “a mix of ‘can’t bear to look but can’t look away’ stories, people, facts and photos.”

“Ripley Publishing has a team of researchers constantly looking for odd and unusual stories, so that is how Carmel’s unique story was found,” publicist April Stratemeyer explained. The book is a compilation of “strange stories, bizarre bits and twisted tales,” like that of wolf-man Werner Freund, who lives with a pack of wolves, a grandma with 18-inch-long fingernails she hasn’t cut in two decades, a wheelchair-bound BASE jumper and a food festival featuring live octopus.

And page 137 contains the Carmel entry: “Women require a license to wear shoes with heels more than 2 in. (5

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