

Staff Submittal
Draft PN150082

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO
INDIAN SPRINGS RANCH
PROPERTY OWNERS ASSN
P.O. BOX 1355
SALINAS, CA 93902

AMENDMENT TO CONSERVATION AND SCENIC EASEMENT DEED

This Amendment to Conservation and Scenic Easement Deed ("Amendment") is entered into between Indian Springs Ranch Property Owners Association, a non-profit corporation, successor in interest to Mid-County Investment Company, a California corporation ("Grantor") and the County of Monterey, a political subdivision of the State of California, ("Grantee"). Grantor and Grantee are collectively referred to as the "Parties".

RECITALS

A. Mid-County Investment Company and Grantee entered into that certain Conservation and Scenic Easement Deed ("Easement") dated July 3, 1973 and recorded July 5, 1973 as document Number G23754, Reel 857, page 67 of the Official Records of the County of Monterey.

B. Pursuant to the Easement, Grantor granted Grantee a conservation and scenic easement in certain property more particularly described in Exhibit A to the Easement (the "Easement Area"), resulting in certain restrictions on the use of said property, and specifying certain exceptions to such restrictions.

C. The Parties have agreed to amend the language of Restriction 1, found on page 2 of the Easement, to allow wireless telecommunications facilities in the Easement Area, provided such wireless telecommunications facilities comply with the wireless communications facilities regulations in Monterey County Zoning Ordinance §20.64.310.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged the Parties agree as follows:

1. Grantor and Grantee hereby amend Restriction 1, found on page 2 of the Easement by adding "or in locations otherwise permitted by Grantee" after the words "and made a part hereof" in the first paragraph of Restriction 1, and by adding "permitted wireless telecommunications facilities" after the words "telephone and cable TV systems" in the

second paragraph of said Restriction 1, so that as revised said revised Restriction 1, shall read:

"1. That no structure will be placed or erected upon said described premises EXCEPT to permit the following, generally in the locations designated in Exhibit "B" attached hereto and made a part hereof, or in locations otherwise permitted by Grantee:

Corral and animal fencing, stables, paddocks, exercise rings, horse arenas, and other related equine facilities, tennis courts, swimming pools, dressing and rest rooms, community recreational building, recreation vehicle and horse trailer storage, picnic and play facilities, water wells, irrigation facilities, water reservoirs; Allowing also for the location, construction and maintenance of water systems, sewer systems with treatment and disposal facilities, electricity, telephone and cable TV systems, permitted wireless telecommunications facilities, together with the location, construction, alteration, relocation and maintenance of streets and roads, pedestrian and horse trails, street and identification/direction signs, storm drains and land erosion relief."

2. All other terms and conditions of the Original Easement shall remain in full force and effect.

IN WITNESS WHEREOF, this amended Grant of Easement is executed this _____ day of April 2016.

GRANTOR:

INDIAN SPRINGS RANCH
PROPERTY OWNERS
ASSOCIATION, a non-profit
corporation

By: _____

Its: _____

GRANTEE:

COUNTY OF MONTEREY, a political
subdivision of the State of California

BY: _____

ITS: _____

McDougal, Melissa x5146

From: Onciano, Jacqueline x5193
Sent: Thursday, August 24, 2017 6:58 PM
To: Quenga, Anna V. x5175
Subject: FW: Indian Spring Hearing Jun 28
Attachments: Cell_Tower.pdf

HEARING SUBMITTAL	
PROJECT NO./AGENDA	RW150002 #1
DATE RECEIVED:	8/24/17
SUBMITTED BY/VIA:	Public / Email
DISTRIBUTION TO/DATE:	PC 9/12
DATE OF HEARING:	9/13/17

For your staff report packet.

Jacque O.

~Jacqueline R. Onciano
RMA Chief of Planning
Monterey County Resource Management Agency

1441 Schilling Place, 2nd Floor
Salinas, CA 93901
Office: (831) 755-5193
Fax: (831) 757-9516
oncianoj@co.monterey.ca.us

-----Original Message-----

From: Judi Lehman [mailto:jlehman@redshift.com]
Sent: Friday, June 23, 2017 7:08 AM
To: Onciano, Jacqueline x5193 <oncianoj@co.monterey.ca.us>
Cc: Janet Brennan <janetb@montereybay.com>
Subject: Indian Spring Hearing Jun 28

Dear Jacqueline Onciano, Acting Chief of Planning:

As the new President Elect to LWV Monterey County I am forwarding our letter that was not included in your recent packet.

Could you please include this in your packet for the upcoming meeting June 28 to be sure our comments are in the official records.

Thank you, Judi Lehman, President LWV MC

May 13, 2017

Cosme Padilla, Chair
Monterey County Planning Commission
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

Subject: Amendment to Indian Springs Scenic Easement for Cell Tower

Dear Chair Padilla and Members of the Commission:

The League of Women Voters of Monterey County urges you to deny approval of an amendment to a Scenic Conservation Easement for the proposed project.

Based on numerous studies of land use, the League of Women Voters of Monterey County supports the protection of scenic resources. Amending a conservation easement intended to protect such resources would set a precedent and lead to other similar requests which the Commission might have difficulty denying.

Scenic easements are typically required as mitigation measures for significant impacts on scenic resources or access. Additionally, Title **21.64.310, REGULATIONS** provides:

Wireless communication facilities shall be allowed on any lot or parcel in any zoning district, subject to a discretionary permit, and subject to the following regulations: (4) Wireless communication facilities shall be sited in the least visually obtrusive location possible.

Permitting a cell tower in a scenic easement is inconsistent with this provision.

We urge the Planning Commission to direct planning staff to work with the applicant to find an alternative site as was undertaken for the proposed Holman Ranch cell tower in Carmel Valley a few years ago. This effort led to a solution satisfactory to all those involved including residents who wanted increased coverage and the applicant.

Thank you for your consideration.

Sincerely,

Janet Brennan
President