

# Exhibit D

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## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> September 30, 2015	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Consider an appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a conservation and scenic easement.	
<b>Project Location:</b> 22400 Indian Springs Road	<b>APN:</b> 139-111-011-000
<b>Planning File Number:</b> PLN150082	<b>Owner:</b> Indian Springs Ranch Prop Owners <b>Applicant:</b> Verizon Wireless- Tricia Knight
<b>Planning Area:</b> Toro Area Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "O-D" [Open Space with a Design Control Overlay]	
<b>CEQA Action:</b> Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines	
<b>Department:</b> RMA-Planning	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines; and
- 2) Deny the appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a scenic easement, based on the findings and evidence contained in **Exhibit C**.

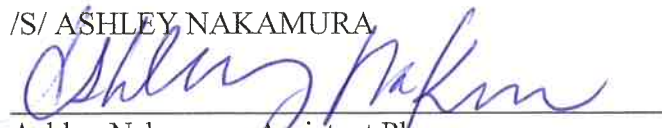
**OTHER AGENCY INVOLVEMENT:** The following department has reviewed this appeal:

√ RMA-Planning Department

The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the denial of an appeal of an administrative interpretation is statutorily exempt from CEQA, does not involve a lot line adjustment, variance, design approval, or any other entitlement for development which would require review by the LUAC.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ ASHLEY NAKAMURA



Ashley Nakamura, Assistant Planner  
(831) 755-5892, NakamuraA@co.monterey.ca.us  
(September 14, 2015)

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; John Ford, RMA Services Manager; Ashley Nakamura, Project Planner; Indian Springs Rch Prop Owners, Owner; Verizon Wireless (Tricia Knight), Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN150082

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution  
Exhibit D Conservation and Scenic Easement Deed  
Exhibit E Administrative Interpretation  
Exhibit F Appeal of the Administrative Interpretation  
Exhibit G Correspondence  
Exhibit H Vicinity Map

This report was reviewed by John Ford, RMA Services Manager.



## EXHIBIT A

### Project Information for PLN150082

**Application Name:** Indian Springs Rch Prop Owners (Verizon Wireless)  
**Location:** 22400 Indian Springs Rd, Salinas  
**Applicable Plan:** Toro  
**Primary APN:** 139-111-011-000  
**Advisory Committee:** Toro Advisory Committee  
**Coastal Zone:** No  
**Permit Type:** Appeal of Administrative Interpretation  
**Final Action Deadline (884):** 7/21/2015  
**Environmental Status:** Statutory Exemption  
**Zoning:** O-D|LDR/B-6-D  
**Land Use Designation:** Resource Conservation|Public/Quasi-Public

#### Project Site Data:

<b>Lot Size:</b> 72.6	<b>Coverage Allowed:</b> 25%
<b>Existing Structures (sf):</b> 0	<b>Coverage Proposed:</b> NA
<b>Proposed Structures (sf):</b> 0	<b>Height Allowed:</b> 20'
<b>Total Sq. Ft.:</b> 0	<b>Height Proposed:</b> NA
<b>Special Setbacks on Parcel:</b> Y	<b>FAR Allowed:</b> NA
	<b>FAR Proposed:</b> NA

#### Resource Zones and Reports:

<b>Seismic Hazard Zone:</b> IV VI UNDETERMINED	<b>Soils Report #:</b> NA
<b>Erosion Hazard Zone:</b> High Moderate Low	<b>Biological Report #:</b> NA
<b>Fire Hazard Zone:</b> Moderate High Very High	<b>Forest Management Rpt. #:</b> NA
<b>Flood Hazard Zone:</b> AE X (unshaded)	<b>Geologic Report #:</b> NA
<b>Archaeological Sensitivity:</b> low	<b>Archaeological Report #:</b> NA
<b>Visual Sensitivity:</b> Sensitive	<b>Traffic Report #:</b> NA

#### Other Information:

<b>Water Source:</b> NA	<b>Grading (cubic yds.):</b> 0
<b>Water Purveyor:</b> NA	<b>Sewage Disposal (method):</b> NA
<b>Fire District:</b> Monterey County Regional FPD	<b>Sewer District Name:</b> NA
<b>Tree Removal:</b> 0	

## EXHIBIT B DISCUSSION

### Project Description and Background

On April 23, 2015 Verizon Wireless submitted an application for a Use Permit and Design Approval to allow the construction of a wireless telecommunication facility consisting of a 34-foot high tower with 9 antennas (designed as a eucalyptus tree), an equipment shelter with a standby generator, and security fencing around the area leased to Verizon Wireless.

It was determined that the proposed wireless telecommunication facility was within a designated conservation and scenic easement (easement). After review of the easement deed, based on the specific language within the easement deed, it was determined that the proposed wireless telecommunication facility is not a use allowed within the easement (Exhibit D).

An appeal of the administrative interpretation that a wireless telecommunication facility is not allowed in the easement was submitted on September 10, 2015.

Pursuant to Section 21.82.050 of the Zoning Ordinance, appeals of an administrative interpretation are subject to review by the Planning Commission.

The applicant (Verizon Wireless) requested that only the appeal be considered at this time. The application for development may be considered at a later time pending the decision on the appeal.

### Staff Interpretation

The easement was required as condition of approval with the original Indian Springs Ranch Subdivision tentative map.

Based on review of the Conservation and Scenic Easement Deed (easement), dated July 3, 1973, the proposed wireless telecommunication facility is not allowed within easement. The easement deed has specific language regarding restrictions and exceptions. Specifically, Restriction No. 1 as shown on page 2 of the easement states:

*"That no structures will be placed or erected upon said described premises EXCEPT to permit the following, generally in the locations described in Exhibit "B" attached hereto and made a part hereof:*

*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, recreational 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, 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."*

The plain language of the easement is that "no new structures will be placed or erected upon said premises". That would be the intent of the easement. This is followed by an exception for the

uses and structures shown on Exhibit B of the easement deed. The listed uses and structures are those that were known with the establishment of the Indian Springs Ranch Subdivision. The exception does not allow for any additional structures other than shown on Exhibit B of the easement deed.

The reference in the exception to “*electricity, telephone and cable TV systems*” is for said utilities understood to support the structures and uses as stated in the exception, but not to structures or uses beyond those specifically shown on Exhibit B of the easement deed.

The subject easement is worded in an awkward manner and does include a large amount of Development, which is unusual for scenic easements. The file for the subdivision does not provide answers other than the Planning Commission approved the Indian Springs Ranch Subdivision tentative map in 1972 (Resolution No. 72-211) with a condition of approval, Condition No. 29, which stated:

*“All areas other than the lot areas and those occupied by other installations be covered by a scenic easement. Scenic Easement Deed to be approved by the Director of Planning prior to filing the final map.”*

Following the hearing, a letter was submitted by the applicant with concern in regards to uses and development proposed on the subject parcel, identified as “Area E” on the tentative map. The applicant was concerned that the public hearing moved so quickly that the entirety of the proposed development of “Area E” was not discussed. The letter included two attachments consisting of the proposed map and the original use permit application, which both reflected the existing development within “Area E”. The map attached to said letter later become known as Exhibit B of the easement deed.

Due Condition No. 29, an easement was recorded over “Area E”. The easement deed for this area included specific language consistent with the development that was originally proposed within this area with the approval of the Indian Springs Ranch Subdivision tentative map in 1972 (Resolution No. 72-211).

#### **Applicant Interpretation**

The applicant, Verizon Wireless is registered with the California Public Utilities Commission and classified as a public utility.

The applicant interprets the exception for “*electricity, telephone and cable TV systems*” as an exception for all public utilities, including Verizon Wireless, due to Verizon Wireless being classified as a public utility.

#### **Alternative**

As noted above there was an intent to allow development on “Area E”. The easement language could be modified to reflect the allowance of a wireless telecommunication facility as shown on the exhibits presented by the applicant. The commission could find that certain appropriately designed utilities could be consistent with the development already allowed in “Area E” and allow the applicant to pursue a modification to the exceptions in Exhibit B of the easement deed. However, due to the scenic beauty of the area, the facility would have to be designed to be harmonious with the surrounding area.

If the commission allows the applicant to place a wireless telecommunication facility within the easement area without first modifying the exception language, this would set a precedent for future wireless telecommunication facilities within easements.

**Environmental Review**

The project is Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines, which states CEQA does not apply to projects which a public agency rejects or disapproves.

**Recommendation**

Staff recommends that the Planning Commission find the project Statutorily Exempt from CEQA, and deny the appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a conservation and scenic easement, based on the findings and evidence found in the resolution (Exhibit C).



## EXHIBIT C

### DRAFT RESOLUTION

#### Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

**Indian Springs Ranch Prop Owners (PLN150082)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines; and
- 2) Denying an appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a scenic easement.  
[PLN150082, Indian Springs Ranch Prop Owners, 22400 Indian Springs Road, Toro Area Plan (APN: 139-111-011-000)]

**The Indian Springs Ranch Prop Owners application (PLN150082) came on for public hearing before the Monterey County Planning Commission on September 30, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

#### FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is an appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a scenic easement.  
**EVIDENCE:** The application, and related support materials found in project file no. PLN150082.
2. **FINDING:** **CONSISTENCY** – The wireless telecommunication facility is not allowed by the conservation and scenic easement put in place on the open space parcels in the Indian Springs Ranch Subdivision. The proposed location within a designated conservation and scenic easement is not consistent with the conservation and scenic easement deed recorded on the subject site.  
**EVIDENCE:** a) The property is located at 22400 Indian Springs Road (Assessor's Parcel Number 139-111-011-000), within the Toro Area Plan area.  
b) The Conservation and Scenic Easement Deed (easement), dated July 3, 1973, has specific language regarding restrictions and exceptions. Specifically, Restriction No. 1 as shown on page 2 of the easement states:

*"That no structures will be placed or erected upon said described premises EXCEPT to permit the following,*

*generally in the locations described in Exhibit "B" attached hereto and made a part hereof:*

*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, recreational 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, 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."*

- c) The easement language states "no structures will be placed or erected upon said premises. This is the guiding principle for the scenic and conservation easement to not allow new structures.
- d) The easement allows exceptions as specifically stated in Exhibit B of the deed, which does not include wireless telecommunication facilities.
- e) The exception for "*electricity, telephone and cable TV systems*" allows utilities necessary to support the structures and uses as stated in the exception, but no structures or uses beyond those specifically shown on Exhibit B of the easement deed.

3.       **FINDING:**       **CEQA (Exempt):** - The project is Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines.
- EVIDENCE:**   a) California Environmental Quality Act (CEQA) Guidelines Section 15270, statutorily exempts projects which a public agency rejects or disapproves.
- b) This project consists of denial of an appeal of an administrative interpretation that a wireless telecommunication facility is not permitted in a scenic easement; and therefore is statutorily exempt from CEQA.
4.       **FINDING:**       **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:**       Section 21.82.050.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Statutorily Exempt pursuant to Section 15270 of the CEQA Guidelines; and
2. Deny the appeal of the administrative interpretation that a wireless telecommunication facility is not permitted in a scenic easement.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of September, 2015 upon motion of **xxxx**, seconded by

xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 5-14-2014

3. Exception 06 G23754

G 23754

REL 857 REL .67  
RECORDED AT REQUEST OF

COUNTY OF MONTEREY  
JUL 5 1 56 PM '73

OFFICE OF RECORDER  
COUNTY OF MONTEREY  
SALINAS, CALIFORNIA

CONSERVATION AND SCENIC EASEMENT DEED

THIS DEED made this 3rd day of JULY  
19 73, by and between MID-COUNTY INVESTMENT COMPANY, INC. REL 857 REL .67  
a California Corporation

as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of  
California, as Grantee;

WITNESSETH:

WHEREAS, the said Grantor is the owner in fee of the real property  
hereinafter described, situate in Monterey County, California; and

WHEREAS, the said land of said Grantor has certain natural scenic beauty  
and existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for  
the public benefit the great natural scenic beauty and existing openness, natural  
condition and present state of use of said property of the Grantor; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey  
the scenic use as hereinafter expressed of the said land, and thereby protect the  
present scenic beauty and existing openness by the restricted use and enjoyment of  
said property by the Grantor through the imposition of the conditions hereinafter  
expressed;

NOW, THEREFORE, for and in consideration of the premises, the Grantor does  
hereby grant and convey unto the County of Monterey an estate, interest, and conserva-  
tion and scenic easement in said real property of Grantor of the nature and character  
and to the extent hereinafter expressed, which estate, interest, and easement will  
result from the restrictions hereby imposed upon the use of said property by said  
Grantor, and to that end and for the purpose of accomplishing the intent of the parties  
hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns  
with the said Grantee, its successors and assigns to do and refrain from doing  
severally and collectively upon the Grantor's said property the various acts herein-  
after mentioned.

G 23754

REV. 807 MAR. 66

The restrictions hereby imposed upon the use of said property of the Grantor and the acts which said Grantor shall refrain from doing upon their said property in connection herewith are, and shall be, as follows:

1. That no structures 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:  
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 walls, 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, 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. That no advertising of any kind or nature shall be located on or within said property except temporary real estate signs.
3. That the Grantor shall not plant nor permit to be planted any vegetation except as designated on landscape plans approved by Grantee.
4. That, except for Items No. 1 and 3 hereinabove designated and/or described, the general topography of the landscape shall be maintained in its present condition, and no excavation or topographic changes shall be made.
5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situate in the County of Monterey, State of California, and is particularly described in Exhibit "A" attached hereto, and made a part hereof.

EXCEPTING and reserving unto the Grantor, its Successors, Lessees/Vendees, or Assigns in Interest, the following:

1. The full use and occupancy of each, any, and all parts, of said property, not inconsistent with the conditions and restrictions herein imposed.
2. The right to maintain each, any, and all parts of said property as herein designated and/or described, and specifically to Grant Easements for Rights of Way not inconsistent with the conditions and restrictions herein imposed.

REEL 857 PAGE 69

Land uses permitted, or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

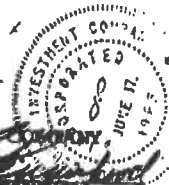
To have and to hold unto the said County of Monterey, its successors and assigns forever. This grant shall be binding upon the heirs and assigns of the said Grantor.

COUNTY OF MONTEREY

By [Signature]  
Chairman, Board of Supervisors  
GRANTOR

MID-COUNTY INVESTMENT COMPANY  
a California corporation  
By: [Signature]  
President

By: [Signature]  
Assistant Secretary



(To be fol)

STATE OF CALIFORNIA )  
COUNTY OF Monterey ) ss.  
On JULY 3, 1973 before me, the undersigned, a Notary Public in and for said State, personally appeared G. Langenhove  
known to me to be the President, and Ofelia G. Garcia  
known to me to be the Assistant Secretary of the corporation that executed the within instrument,  
and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and so acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.  
WITNESS my hand and official seal.  
Signature [Signature]  
DONALD G. TURNER  
Name (Typed or Printed)  
[Official Seal: DONALD G. TURNER, NOTARY PUBLIC - CALIFORNIA, MONTEREY COUNTY-268476, My Commission Expires July 23, 1975]  
(This area for official notarial use)

STATE OF CALIFORNIA )  
COUNTY OF MONTEREY ) ss.

On this 3rd day of July, 1973, before me, ERNEST A. MAGGINI County Clerk of the County of Monterey, and ex-officio Clerk of the Board of Supervisors and of the Superior Court, in and for said County and State, personally appeared ELLIS P. TAVERNETTI known to me to be the Chairman of the Board of Supervisors of the County of Monterey, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that said County of Monterey executed the same.



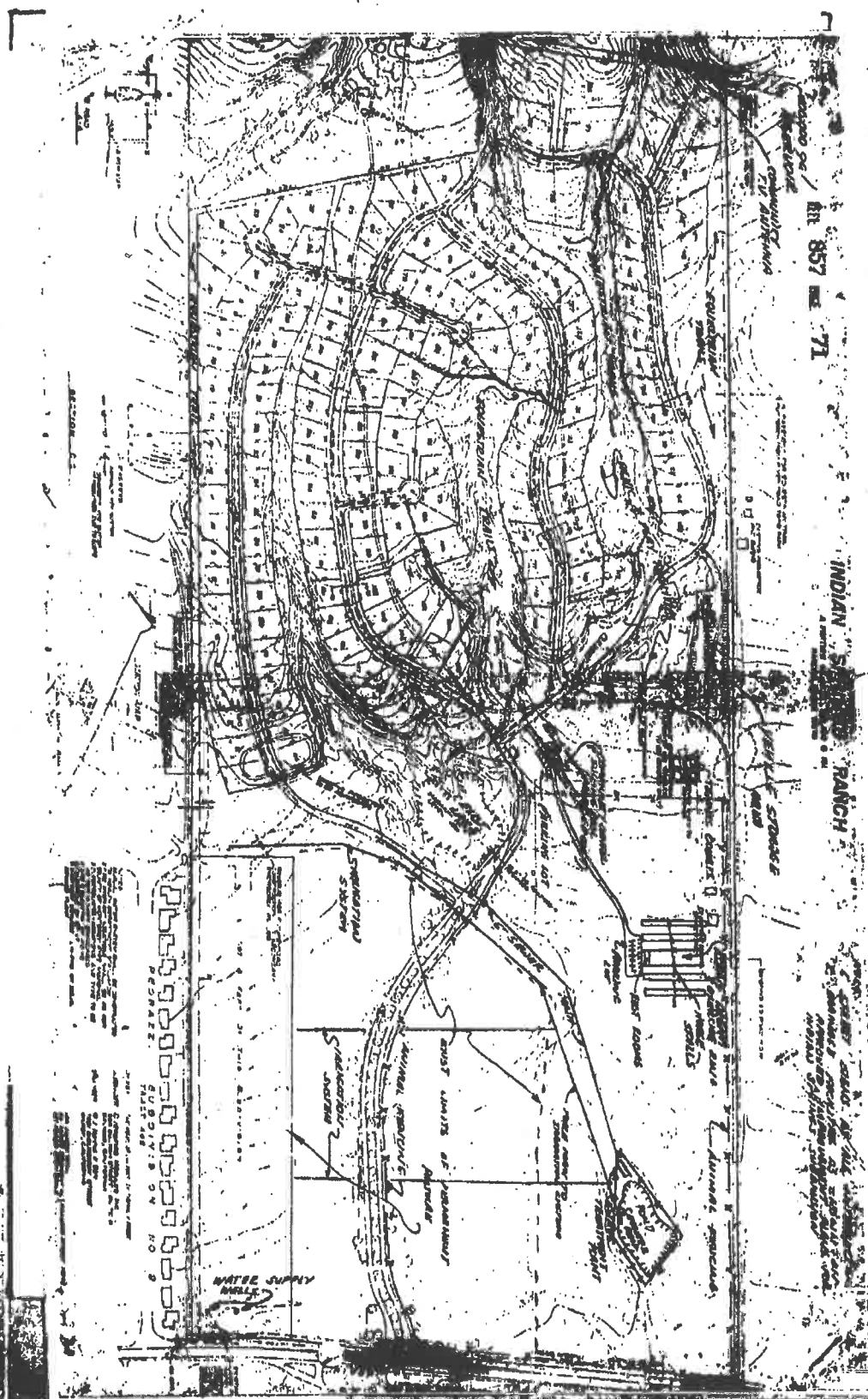
ERNEST A. MAGGINI  
County Clerk and ex-officio Clerk of the Board of Supervisors of Monterey County, State of California

By [Signature]  
DEPUTY CLERK

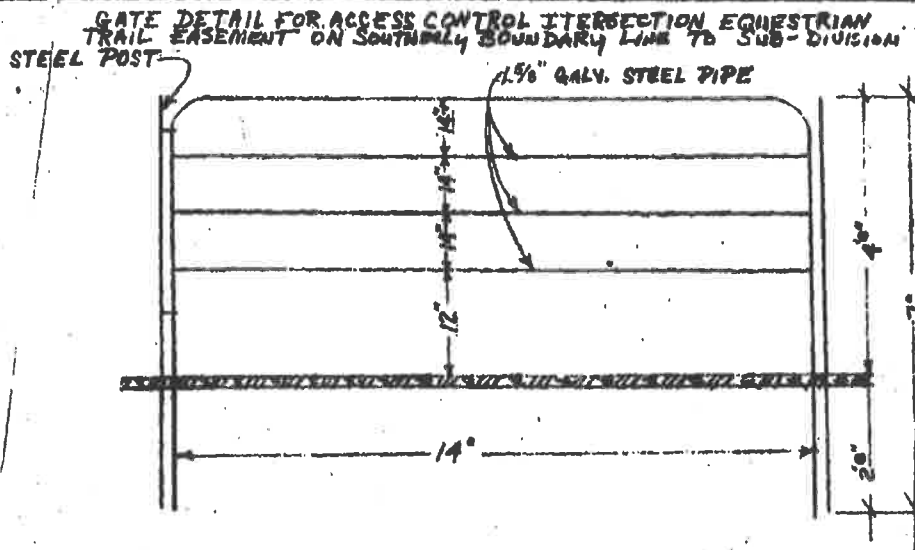
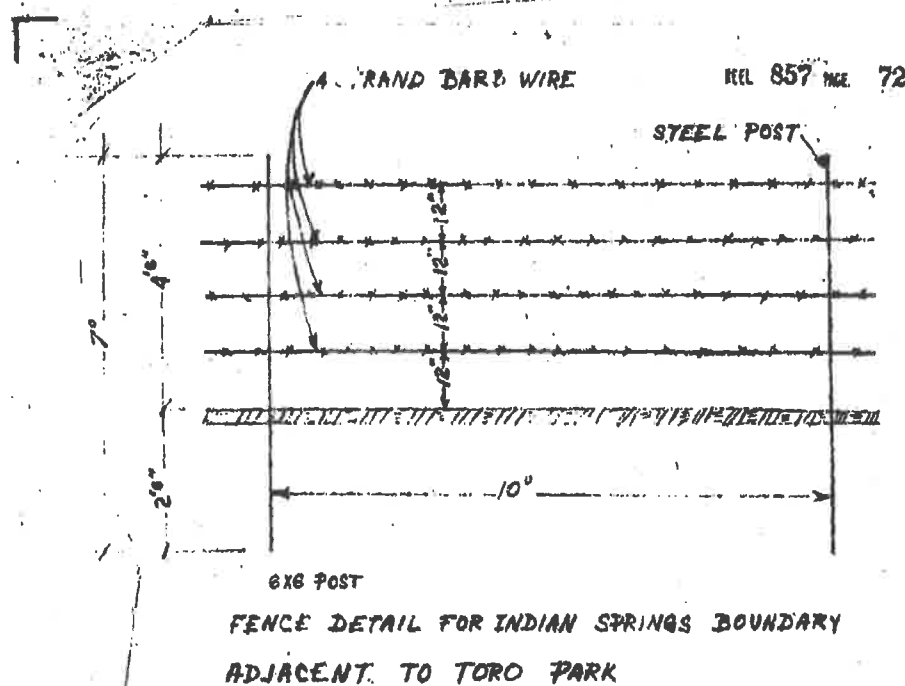
NEL 857 REC 70

EXHIBIT "A"

All of Lots A, B, C, D & E, as shown on that certain  
Subdivision Map entitled INDIAN SPRINGS RANCH, filed  
in the office of the County Recorder of the County  
of Monterey, State of California, on the 5TH day of  
JULY, 1973, in Book 1697 of Maps, at page  
87.







MONTEREY COUNTY  
RECEIVED  
APR 13 1973  
PLANNING DEPARTMENT

THIS DESIGN IS HEREBY APPROVED  
IN CONNECTION WITH PROJECT NO. 76-111  
Date: *[Signature]*  
Director of Planning

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director

John Guertin, Acting Deputy Director

Daniel Dobrilovic, Acting Building Official

Michael Novo, AICP, Director of Planning

Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2<sup>nd</sup> Floor

Salinas, CA 93901

<http://www.co.monterey.ca.us/rma>

August 27, 2015

TEK Consulting Inc.

Attention: Tricia Knight

123 Seacliff Drive

Pismo Beach, CA 93449

Re: 22400 Indian Springs Road, Salinas CA 93908; File No. PLN150082

Dear Tricia,

The RMA-Planning Department has reviewed the proposal for a Verizon wireless communication facility on the above mentioned property.

After careful review, we have determined that the wireless communication facility is not a use that can be permitted within the boundaries of the designated Conservation and Scenic Easement area. Although the Conservation and Scenic Easement Deed does state exceptions not ordinarily allowed within designated easement boundaries, page 2 of the Conservation and Scenic Easement Deed (enclosed), specifically states:

*"...That no structures will be placed or erected upon said described premises EXCEPT to permit the following, generally located in the locations designated in Exhibit "B"..."*

The RMA-Planning Department interprets this language as allowing only the structures shown in Exhibit B that were existing at the time of the easement was established. The exception in regards to telephone systems has been interpreted to allow the telephone and the cable TV systems that are shown on Exhibit B of the Conservation and Scenic Easement Deed. Therefore, we cannot move forward with a recommendation of approval for the proposed wireless communication facility within the easement boundaries.

Should you wish to appeal this decision, the appeal must be filed with the Secretary to the Planning Commission no later than 5:00 p.m. on Thursday, September 10, 2015, or no subsequent appeal on this issue may be heard.

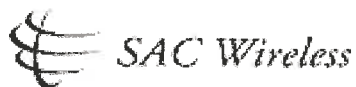
Please feel free to contact our department if you have any questions.

Thank you,

A handwritten signature in dark ink, appearing to read 'Mike Novo'.

Mike Novo, Director of Planning

Enclosures: Conservation and Scenic Easement Deed  
Zoning Ordinance Section 21.82



September 10<sup>th</sup>, 2015

Secretary of the Planning Commission  
Monterey Co. Resource Management Agency  
168 W. Alisal St. 2<sup>nd</sup> Floor  
Salinas, CA 93901

RE: Appeal of Planning Department decision for Verizon Project located at:  
22400 Indian Springs Rd., Salinas, CA 93908; File No. PLN150082

Dear Ashley,

Please consider this as formal request to appeal Planning Department decision dated August 27<sup>th</sup> 2015. It is Verizon's interpretation of the Conservation and Scenic Easement Deed associated with the above mentioned parcel, and called out in Exhibit B, does not only include existing utilities but also future utilities as needed by the approved development in the region and called out in the easement.

Verizon Wireless is registered with the California Public Utilities Commission and therefore is classified as a public utility just like power, telephone and cable companies. It is further our interpretation that the infrastructure that is allowed by those other utilities, be extended to Verizon.

It should be further noted that the Conservation Easement was recorded in 1973 before the requirements for all utilities could have been established for this area, as well as the fact that County emergency services uses the Verizon network for communications and would surely be considered vital infrastructure for those purposes.

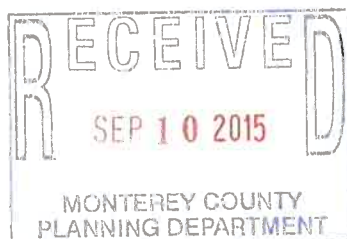
We would like to have the opportunity to present our case to the Planning Commission at the earliest opening in an agenda.

If you have any further questions, please contact me the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Tricia Knight".

Tricia Knight  
123 Seacliff Dr.  
Pismo Beach, Ca 93449  
(805) 448-4221



## Nakamura, Ashley x5892

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**From:** annie griffin [stallionsavers@gmail.com]  
**Sent:** Tuesday, September 22, 2015 1:47 PM  
**To:** Nakamura, Ashley x5892  
**Subject:** cell towers

Dear Planning Commission,

I am in Washington State and therefore cannot attend the meeting on Verizon's lawless effort to appeal a decision your department made about forbidding Verizon to put up a cell tower in a scenic easement area. Please consider my statement below.

If Verizon can set a precedent for Scenic Easement areas then all Scenic Easements areas will be open for these kind of lawless takeovers.

It simply must not be allowed if we are to be able to protect the few natural places left where we can all go to enjoy nature and places intended to be left for nature.

We are all facing microwave assaults upon our bodies much more than our bodies were meant to be exposed too.

Added to that is the fact that thousands of satellites are now going up as well which is a great threat to our ozone layer. Please refer to the link below where you can access an article called WI-Fi in the Sky.

Thank you,

Sincerely, Lorna Moffat

Po Box 545, Monterey, Calif. 93942

831-383-8067

Articles by Arthur Firstenberg - Cellular Phone Task Force

[www.cellphonetaskforce.org/?page\\_id=32](http://www.cellphonetaskforce.org/?page_id=32)

•  
•  
**REPORTS, ARTICLES & STUDIES.** Epidemiological Studies ... **SILENT WIRELESS** SPRING, 2007. THE LARGEST ... **Arthur Firstenberg & Susan Molloy**, 2002.

In Article by Aurthur

Do everything you can to fight Verizon on their illegal Appeal.

Cell Towers are very harmful to all of us . We must protect ourselves!

European Leaders Don't Want Cell Phones and WiFi in ...

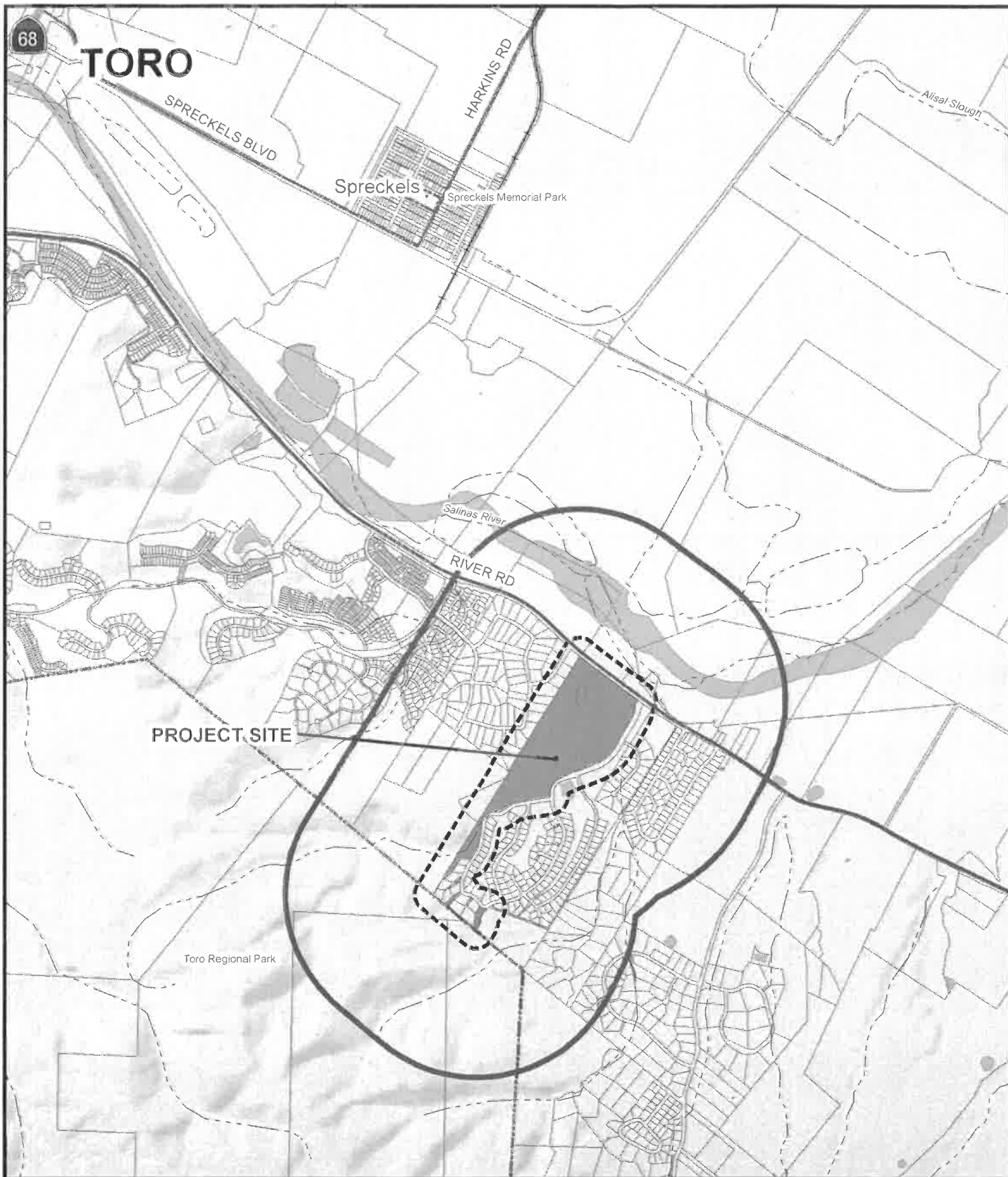
[articles.mercola.com/.../european-leaders-call-for-ban-of-cell-phones-an...](http://articles.mercola.com/.../european-leaders-call-for-ban-of-cell-phones-an...)

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Jun 2, 2011 - **European** Leaders Call for Ban of **Cell** Phones and WiFi in Schools ... They ruled that the technologies pose a **health risk** and should be banned ... even allowed the installation of **cell** phone **towers** directly on school grounds!

Environmental pollution - FREIBURGER APPEAL

[www.laleva.cc/environment/freiburger\\_appeal.html](http://www.laleva.cc/environment/freiburger_appeal.html)

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... to pulsing high-frequency electromagnetic radiation - as in mobile **cell phones**, microwaves, ... Education of the public, especially of mobile telephone users, regarding the health ... Wolf Bergmann, Genaeral medicine, Homeopathy, **Freiburg**

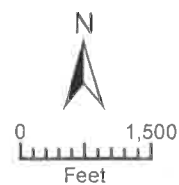


APPLICANT: INDIAN SPRINGS RCH PROP OWNERS

APN: 139-111-011-000

FILE # PLN150082

2500' Limit 300' Limit Water



PLANNER: NAKAMURA

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