

# Exhibit F

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**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. 15-049**

Resolution by the Monterey County Planning  
Commission:

- 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 Commissioner Vandever, seconded by Commissioner Getzelman, by the following vote:

AYES: Brown, Vandever, Getzelman, Salazar, Padilla, Roberts, Mendez  
NOES: None  
ABSENT: Rochester, Diehl, Hert  
ABSTAIN: None

  
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON OCT 02 2015

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 OCT 13 2015

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.

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