



AGRICULTURAL COMMISSION

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Chuck Bacchi – Livestock Industry
Bill Draper – Forestry/Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen – Livestock Industry
Lloyd Walker – Other Agricultural Interests

MEMORANDUM

DATE: April 10, 2019 (Revised from 3/14/19)
TO: Development Services/Planning
FROM: Greg Boeger, Chair
Subject: CUP18-0012
Horizon Tower Bavarian Hills Site - APN 048-090-04

During the Agricultural Commission's regularly scheduled meeting held on March 13, 2019 the Commission reviewed the following request from Planning:

Planning Services has requested a review by the Agricultural Commission for a Conditional Use Permit for a wireless communications facility, located on a 52 acre parcel at the north end of High Hill Road, approximately 1,700 feet north of the intersection with Carson Road in the Apple Hill area. The project parcel is within the PA-20 and TPZ zone districts.

Request: The applicant is requesting the Approval of a Conditional Use Permit that would allow a wireless communication facility consisting of a proposed 125 foot tall faux pine tree with associated ground mounted equipment.

Agricultural-zoned parcels (Planned Agricultural, PA-20) surround the project site.

The following General Plan Policy directs Commission guidance:

Policy 8.4.2.1 The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;

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- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Please direct the Agricultural Commission to review the application and provide a recommendation.

Parcel Description:

- Parcel Number and Acreage: 048-090-04, 52.24 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: TPZ (Timber preservation zone).
- Soil Type: All soils are choice

130.40.350 - Timber Production Zone: Criteria, Regulations, and Zone Change Requirements

G. Required Findings to Support Residential, Recreational and Other Non-Timber Uses. Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 130.21.020 (Agriculture, Rural Lands and Resource Zone Districts Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, for compatible, nontimber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met,

including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;

3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

Chair Boeger addressed the public for comment; the applicant, John Merritt and the property owner, Richard Bush were present and addressed the Commission. Aaron Mount from Planning addressed the Commission and said the application is not complete at this time, as Planning is waiting on future documentation. Several members of the public and neighboring property owners addressed the Commission in opposition of the project. Members of the public brought up the fact that the mono pine tower could affect the viewshed of the area and also the marketing of the agricultural products sold within close proximity to the proposed tower. One letter was received prior to the meeting in opposition. One speaker gave a written response to the Ag Commission for filing and the applicant gave a site map. Discussion between the Ag Commission resumed with major concerns over the proximity of the tower to neighboring properties. (All minutes will be attached to the Legistar file 19-0408).

It was moved by Commissioner Walker to recommend denial of the project as submitted and request the applicant return to the Ag Commission with another site location moved to the east and away from the neighboring property lines; Commissioner Bacchi requested a 365 degree simulator with a full representation of the proposed tower. This motion was seconded by Commissioner Neilsen.

Motion to deny passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Bacchi, Bolster, Draper
NOES: None
ABSENT: None
ABSTAIN: None