



AGRICULTURAL COMMISSION

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Lloyd Walker – Other Agricultural Interests

MEMORANDUM

DATE: May 9, 2019
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 May 8, 2019 the Commission reviewed the following request from Planning: (continued from 3/13/19)

Planning Request and Project Description:

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 Policies direct 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.

Policy 8.1.3.5 On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved. (Added per discussion with County Counsel at meeting)

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.

Prior to Chair Boeger hearing public comment, Planning Department, Aaron Mount expressed being available for any questions and Deputy County Counsel, Breann Moebuis addressed the Commission and assisted with consideration of County General Plan Policies 8.1.4.1, 8.4.2.1, and 8.1.3.5 pertaining to the cell tower placement and the federal Telecommunications Act of 1996.

Chair Boeger addressed the public for comment; the applicant, John Merritt from Empire Media addressed the Commission and provided new pictures of the project as requested by the Commission on March 13, 2019. Public comment was opened with many comments opposing and supporting the project were heard by Paul Bush, Lucy Barnes, Christa Campbell, Pam Harris, Pam Harris-Chris Delfino letter, Allen Thompson, Siva Yerramili, Gorden Helm, Dyana Anderly, Steven Grace, Stanley Geel, Joan Geel, and Tyler Grace, Stan and Joan Geel provided a drone video showing the location of the cell tower in relation to their property. The applicant addressed the Commission again answering questions that were noted while public comment occurred. (Copies of letters submitted are attached to the Legistar File #19-0408 and a full tape recording will be provided through Legistar pending approval at 6/12/19 Agricultural Commission Meeting, No duplication of drone video will be provided on county files, <https://eldorado.legistar.com/LegislationDetail.aspx?ID=3881731&GUID=CD26A5FD-C0F4-4E16-BD04-ACAFFBAD3950&Options=&Search=>)

Commission members discussed the importance of the Agriculture and Timber issues being addressed, a second location was discussed but the Commission recognized the alternative location would negatively affect the Timber Land as there would be additional loss of trees.

It was moved by Commissioner Walker and seconded by Commissioner Draper to recommend APPROVAL of the Special Use Permit for the proposed cell tower location 81 feet from the property line and approximately 463 feet from the neighboring house as stated by the applicant. The Commission recommends that the Planning Commission make the necessary findings of Policies 8.1.4.1 and 8.4.2.1 required for approval of a Special Use Permit for the proposed cell phone tower location based on the placement not having an impact on Agriculture/TPZ on the subject parcel and the adjacent parcels. The Commission also recommends that, under Policy 8.1.3.5, approval will not impair or impact

agricultural use; and also recommend that the Planning Commission make the necessary findings under Zoning Ordinance 130.40.350 (G) (Timber Production Zone: Criteria, Regulations and Zone change requirements). The Ag Commission further notes that the alternative location 100' to the east could detract from the lands ability to produce timber. (Note: The Commission did not make a recommendation on the view fields or the land values, as the Commission determined that these issues do not have an effect on agriculture or timber uses).

Motion passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Bolster, Bacchi, Draper

NOES: None

ABSENT: None

ABSTAIN: None