

The Planning Commission of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chairman Wardall.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District I
Dave Wardall, District II, Chairman
Andy Byrne, District IV
Ray Ryan, District V

Staff: Jennifer Magee, Deputy County Counsel
Susan C. Grijalva, Planning Director
Heidi Jacobs, Recording Secretary

THOSE ABSENT WERE:

Planning Commissioner: Caryl Callsen, District III

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to approve the agenda as presented.

Absent: Commissioner Callsen

C. Minutes: June 13, 2017

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and carried to approve the minutes of June 13, 2017 as presented.

Absent: Commissioner Callsen

D. Correspondence:

- Letter and Report from Amador County Grand Jury
- Item 1:
 - a) Letter from Bruce Odelberg, Kirkwood Meadows Association
- Item 4:
 - a) Alternative Site Analysis and RF Compliance Report
 - b) Letter from Richard and Kathleen Utley
 - c) Emails and Letter from Brooke Wunschel
 - d) Letter from John H. and Mercedes Somerville

E. Public Matters not on the Agenda: None.

F. Recent Board Actions: None.

Public Hearings

Item 1 - Request for a variance from County Code Section 19.24.040, "PD-R1" District Regulations which requires a 25' front building setback to allow construction of an attached garage, living space and two decks to an existing residence within approximately 5' of the front property lines (APN 026-172-014).

Applicants: George W. & Sharon H. Bensch
SUPERVISORIAL DISTRICT 3

LOCATION: 33905 Fremont Road about 650 feet west of the intersection with Kirkwood Meadows Drive, being Lot 29 of Kirkwood Meadows Unit 1, in Kirkwood.

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. Ms. Grijalva reviewed the letter from Mr. Odelberg and recommended the Commission approve the variance for the request of up to 5' from the property line and include a condition requiring approval by Kirkwood Meadows Association.

Chairman Wardall opened the public hearing. There was no public comment.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and carried to close the public hearing.

ABSENT: Commissioner Callsen

Commissioner Ryan agreed with staff's recommendation.

Commissioner Byrne asked if the existing building received a variance. Ms. Grijalva stated a variance was approved for the existing building.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to recommend approval of the variance for up to 5' from the front setback; subject to the findings and conditions contained in the staff report with the addition of a condition requiring approval by Kirkwood Meadows Association.

ABSENT: Commissioner Callsen

NOTE: Ms. Grijalva advised those present the Planning Commission recommended approval of the variance to the front setback. This item will be heard at a future Board of Supervisors meeting and notices will be mailed out.

Item 2 - Environmental document determination and possible project decision for Tentative Parcel Map No. 2851 proposing the division of 36+/- acres into 4 parcels ranging from 5.6+/- acres to 17.9+/- acres.

Applicant: Pheasant Hill Partners, LLC

Supervisorial District: 2

Location: Lying along Last Chance Alley and Bunker Hill Road, immediately north of the Amador City corporate limits (008-230-040).

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Lance Jagers, applicant, was available to answer any questions.

Chairman Wardall opened the public hearing. There was no comment.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and carried to close the public hearing.

ABSENT: Commissioner Callsen

The Commissioners had no questions. Commissioner Ryan stated he had no concerns and the conditions seem appropriate for the project.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to find the mitigated negative declaration is the appropriate environmental document.

ABSENT: Commissioner Callsen

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to adopt the findings and approve the tentative parcel map subject to the conditions contained in the staff report.

ABSENT: Commissioner Callsen

NOTE: Ms. Grijalva advised those present the Planning Commission approved Tentative Parcel Map No. 2851. If anyone wishes to appeal the decision of the Commission they can do so by submitting in writing to the Board of Supervisors a request for appeal prior to July 21, 2017 at 5:00 p.m. along with the appropriate appeal fee.

Item 3- Request for a Use Permit (UP-17;5-5) to install a 95-foot-tall “mono-pine” wireless communication tower with twelve 6-foot-tall panel antennae, two 4-foot diameter microwave dishes, and associated tower and ground equipment.

Applicant: Epic Wireless Group, Inc., on behalf of AT&T Mobility, LLC

Property Owner: Lisa Cunningham Trust

Supervisorial District 5

Location: 15570 Tyler Road, Fiddletown, approximately 2,000 feet south of the intersection with Lawrence Road (APN 014-180-011).

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Wardall opened the public hearing.

Stephanie Dowdle, Epic Wireless Group, Inc. representing AT&T, stated she was available to answer any questions. She stated the primary purpose of the tower is to provide high-speed internet to the area; it is a part of the CAFII (Connect America Fund) project to provide high-speed internet to underserved areas. She stated by definition high-speed internet would provide 10 Mbps download speed and 1 Mbps upload speed.

Commissioner Ryan asked what the ultimate purpose of the tower is and if it would provide voice services. Ms. Dowdle stated the primary purpose of the project and the reason why Epic Wireless is going in to the area on behalf of the FCC is to provide wireless internet; the secondary purpose is to provide voice LTE services. Commissioner Ryan stated he has been informed by AT&T that land lines would be obsolete by 2020. He asked how much of the area would be covered by this particular tower. Ms. Dowdle stated she is not able to address anything regarding the land lines because that is not what they do. She stated the voice part would be to supplement coverage in the area. She is not able to provide the actual number of people who would be served by the tower. Commissioner Ryan asked what the radius is that would support the full 10Mbps download speed. Ms. Dowdle stated the radius would change depending upon topography and the actual site; the FCC has objectives that must be met for each CAFII project. Typically, Epic Wireless will look at 1/4 mile to 1 mile search rings; available service for internet is subject to elevation changes and requires a line of site while cell service typically provides better service without the line of site. Commissioner Ryan asked if the microwave dishes are for communication between towers; Ms. Dowdle answered yes but she does not know which towers this site would communicate with.

Chairman Wardall was concerned about ensuring the tower is visible to pilots and asked how far above the tree canopy the proposed tower will be. Ms. Dowdle stated the FAA guidelines are followed and the height of the tower is proposed to be a total of 22 feet above the tree canopy to accommodate the crown of the proposed mono-pine. Chairman Wardall stated that was acceptable.

Ben Hulet, President of Mother Lode Internet, stated his company is a local provider of internet and has been providing the service for 23 years. The main objective of Mother Lode Internet is to provide internet to rural communities. The proposed project is funded by government money; a key to distributing internet in rural communities is "neighborhood networks." He stated line of site is critical to distribute data and voice communications. He asked the Commission to encourage neighborhood networks and condition any permit for such a tower to allow other tenants on the tower with unbiased rates.

Commissioner DesVoignes asked if it is common to share towers. Mr. Hulet stated it is common to share towers and given that this is a publically funded tower it should be available for other providers.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes and carried to close the public hearing.

ABSENT: Commissioner Callsen

Commissioner Ryan asked if the use permit would allow co-located services. Ms. Grijalva stated Amador County Code encourages co-location and it is required to be reviewed in the alternative site-analysis; specific contracts may or may not allow it.

Chairman Wardall asked Ms. Dowdle if there is a policy regarding co-locating on the towers. Ms. Dowdle stated the towers are designed to be co-locatable and they will work with others to co-locate equipment when possible; she cannot address what is in the contracts.

Commissioner Byrne asked if this tower will have the capacity to co-locate and Ms. Dowdle stated it would.

Commissioner Ryan stated co-locating is a critical part of the process for providing services. He asked what happens when someone wants to co-locate on an existing tower. Ms. Grijalva stated a building permit is required to add equipment to an existing tower; some towers do have use permit conditions that limit the amount and type of equipment which would require a use permit amendment.

Commissioner Ryan stated he would like to have a condition to allow other service providers to co-locate and it would be up to the applicant to verify the contract meets the use permit conditions; he felt the towers are ugly and the number should be minimized as much as possible. Chairman Wardall agreed and suggested the host can charge a reasonable fee for access to the tower. Commissioner Ryan did not think pricing structure should be addressed in the use permit.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes to find the project is categorically exempt from CEQA and to approve the use permit subject to the conditions and findings contained in the staff report including a condition to allow others to co-locate on the tower.

ABSENT: Commissioner Callsen

NOTE: Ms. Grijalva advised the Planning Commission approved the use permit for a 95' monopine wireless communications tower in Fiddletown. If anyone wishes to appeal the decision of the Commission they can do so by submitting in writing to the Board of Supervisors a request for appeal prior to July 21, 2017 at 5:00 p.m. along with the appropriate appeal fee.

Item 4 - Request for a Use Permit (UP-17;5-2) to install a 136-foot-tall monopole wireless communication tower with twelve 6-foot-tall panel antennae, two 4-foot diameter microwave dishes, and associated tower and ground equipment.

Applicant: Epic Wireless Group, Inc., on behalf of AT&T Mobility, LLC

Property Owner: Villegas Family Trust

Supervisorial District 5

Location: 6202 Huot Road, Plymouth, approximately 2,200 feet west of Willow Creek Road (APN 008-120-098).

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Wardall opened the public hearing.

Stephanie Dowdle, Epic Wireless Group, Inc. representing AT&T, was available to answer any questions. Ms. Dowdle stated the primary purpose of the tower is to provide high-speed internet and the secondary purpose is to provide wireless coverage. The site will be capable of providing 10 Mbps download speed and 1 Mbps upload speed. Ms. Dowdle explained several sites in the area were evaluated including the existing monopole tower but the objectives of the FCC were not met at the other sites due to location and topography which led to the decision to propose the tower at this location. She stated a monopole was proposed because it would be less obvious than a mono-pine because there are not a lot of trees in the area; additionally, it is easier to maintain a monopole tower of this height.

Commissioner Ryan asked if the existing tower Ms. Dowdle referred to was the tower on Elden Wait's property. Ms. Dowdle stated the existing tower that was evaluated is owned by American Tower and approximately 3,200' away. Commissioner Ryan asked why it did not meet the objectives. Ms. Dowdle explained several options are always considered and each site is evaluated by the RF engineers; the American Tower simulations provided significantly less housing than the proposed location. The proposed location is closer to the highway and more housing so the simulations meet the objectives. Commissioner Ryan asked if the objectives could be met if the existing tower were taller; the big question is why the existing tower can't be used and what would be needed to modify the existing tower to allow it to be used. Ms. Dowdle stated County Code restricts the height of towers and it appeared the existing tower was already at the maximum height. She explained the existing tower is 3,200' away from the proposed site, the topography is very hilly and moving a proposed site even 100' can change the number of houses that can be reached. In this case, the proposed site will reach 64 more homes than the current tower; that is a significant number of homes in this rural area.

Elden Wait, area resident, stated he has a tower on his property and he receives rent for it. He stated the tower is owned by Verizon and is leased by American Tower. He stated the applicant has not approached him. Mr. Wait explained he contacted Wayne Lowell with AT&T in October and offered his site but he never heard back from him. He felt the area is already well-served by Volcano internet and does not think the proposed tower will cover any more ground. Mr. Wait stated he would like to have more rent but first he wants honesty in the neighborhood.

Jeff Cartwright, Willow Creek Ranch Estates, stated based on the map the tower will be fairly close to his home and will obstruct his view. He is also concerned about the potential health risks. Mr. Cartwright stated he has had Mother Lode Internet for 10 years utilizing a 6' antenna on his roof. Mr. Cartwright stated that 64 houses could easily be served with equipment from his roof; he did not understand the need to install a massive tower when he believed Mother Lode Internet could provide the service. He did not appreciate a proposed tower that is 13 stories tall and asked the Commission not to approve the use permit.

Richard Utley, area resident, stated he received the public hearing notice on Friday, June 30. He stated he has read all the information and did not understand all of the technical information. He did not understand why the existing tower would not be a good location. He stated the broadband he has comes from El Dorado Hills. The location of the proposed tower is on the side of a hill; if this tower is approved there will be two towers that he has to look at. Mr. Utley asked about what the health risks are from the tower emissions, the report refers to 30 minutes but he does not understand the risks. He did not find anything in the report that explained what the microwave dishes will do; there is a potential for health risks from the microwaves. Mr. Utley stated if the existing tower cannot be used, the proposed tower should be

built right next to it.

Kathy Vicini, area resident, stated she did not believe the area is an underserved community because there are at least 3 providers of internet and Verizon. She thought the applicant is not being truthful in stating more people are served at the proposed tower location rather than at Mr. Wait's property. She felt the tower on Mr. Wait's property would be a better location; she thought there was enough room on the existing tower for more equipment. Ms. Vicini reviewed health concerns she found on the internet; some of the health concerns she found were increased cancer risk, insomnia, immune order deficiencies, depression, headaches, concentration difficulties, joint problems, auditory system disorders, gastrointestinal problems and the list goes on. She did not think the families near the proposed tower should be exposed to the potential health risks when there is already a tower that can be used.

Mr. Uteley stated property values will be negatively impacted. In addition, he will have no benefit from the tower because they are in the "dead zone" at the base of the tower.

Jason Hounihan, resident of Willow Creek Estates, stated he recently purchased the home and one of the reasons he purchased the property was because of the view; the proposed tower will be in his view. He agreed with Mr. Uteley that property values will go down. Mr. Hounihan was concerned about not using the existing tower to co-locate. He asked why the applicant knows this proposed tower will serve 64 more houses than the existing tower; but was not able to address how many homes are being covered by the proposed tower on Tyler Road.

Brooke Wunschel, area resident, stated her view will be impacted if the tower is built. She was especially concerned about the potential health risks because her daughter is a leukemia survivor. Ms. Wunschel stated there is an existing tower that could be used. She stated it is hard to get information from the FCC regarding the CAFII project; she stated it does appear the area is in what the FCC defines as underserved even though services are currently available from multiple providers. Ms. Wunschel wanted to have additional simulations of the proposed tower to be provided; the proposed tower will be visible from her property. She stated another location on Mueller Road was proposed but there is no reason given why it was not chosen. She asked the Commission to consider if an additional 64 homes would justify having a 136' tower. She asked the Commission to require the tower to be a mono-pine if the use permit is approved.

Ed Gallup, area resident, asked what the base of the tower is. Ms. Grijalva stated the base of the proposed tower is at 666 feet. Mr. Gallup commented if the existing tower cannot be used it should be placed somewhere so it is not so tall and is not an eye-sore to everyone driving on Highway 16; it should be placed somewhere so it can blend in. He stated the proposed height of the tower is 136' which is the same as a 13 story building. He suggested utilizing the existing tower or to put the proposed tower in a place so it is not such an eye-sore.

John H. Somerville, area resident, stated he lives next door to the proposed tower and submitted a letter in support of denying the tower. He stated the tower would be detrimental to the health, safety, peace, morals, comfort and general welfare of him, his family and the neighborhood. Mr. Somerville asked Commission to deny the use permit request.

Ben Hulet, CEO Mother Lode Internet, felt it is clear there will be impact to the neighborhood if the tower is approved; he stated it could be mitigated with a neighborhood network and the same objectives could be met utilizing 2-4 foot antennas on rooftops rather than 136' tall towers. Mr. Hulet asked Commission to encourage the applicant to look at a more appropriate site.

Mervin Vicini, area resident, stated that two years ago fiber optic was run to the existing tower and AT&T ran conduit to the tower and wanted to know why. He wanted to know why the new tower is being proposed and asked why the community should suffer if the providers cannot work together to be on the same tower.

Brooke Wunschel quoted the General Plan and believed that at 136' feet tall the proposed monopole site selection does not, "protect the character of neighborhoods and communities, reduce the potential for health and safety hazards and to maintain the visual quality of Amador County especially along highways and roadways."

Mr. Wait added that in his contract for the tower there is specific language that gives him part of the rent for any other company that co-locates on the tower.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to close the public hearing.

ABSENT: Commissioner Callsen

Commissioner Ryan asked Ms. Dowdle to respond.

Ms. Dowdle stated she could respond to the comments or answer any questions the Commission has; whichever they prefer.

Commissioner Ryan asked for responses first.

Ms. Dowdle stated she appreciated the correspondence and conversation she had from Ms. Wunschel because that enabled her to request and obtain more information, including propagation maps, from the RF engineers. She reviewed the information from the presentation, attached. The maps indicate the in-transit service, outdoor service and indoor service; the simulations indicate the indoor service will significantly improve. A total of 329 living units (LU) will be provided service by the proposed tower which will meet the FCC requirements; it was determined this is the best location to primarily provide internet service and secondarily to improve cell service in the area.

Chairman Wardall reminded everyone the public hearing is closed. Commissioner Byrne stated new information is being given and would be willing to reopen the public hearing. Ms. Grijalva suggested allowing Ms. Dowdle to finish the responses.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and carried to reopen the public hearing when Ms. Dowdle finishes responding to the concerns raised.

ABSENT: Commissioner Callsen

Commissioner Ryan stated he understood the big push for CAFII is to push the mobile phone services because land lines will be eliminated by 2020; the area being shown on the maps is for 4G cell phone service. He wanted to ensure that everyone understood the purpose is not strictly to provide internet service but also to provide mobile phone coverage. Ms. Dowdle stated that is correct.

Commissioner Byrne asked if the 64 additional homes that will be served by locating the tower at the proposed site have any other service available to them now. Ms. Dowdle stated it is not only internet, but high speed internet; the FCC looked at the census blocks and found these areas are not served by high speed internet. She explained the primary goal of the CAFII project is to close as many gaps as possible. Commissioner Byrne asked if the areas to be served are being proposed by the FCC. Ms. Dowdle explained the FCC identifies the areas that are lacking in service.

Commissioner Ryan asked if the existing tower on Mr. Wait's property were allowed to be increased in height would that serve the area. Ms. Dowdle stated the existing tower will just not cover as many homes as the proposed site. Commissioner Ryan asked why the alternate tower site was not chosen; Ms. Dowdle stated the alternate site did not cover as many homes.

Ms. Dowdle then addressed specific concerns that have been raised. She explained that co-locating is

the first choice but the existing tower on the Wait property did not fulfill the objectives of the FCC; co-locating is the easiest for planning and permitting. Ms. Dowdle stated the proposed emissions are below the FCC limits; this is highly regulated by the FCC. She explained the microwave dishes are being included in the project description to allow for future use. Ms. Dowdle stated there will be a generator on-site that will be on approximately 10 minutes per week. She stated with this type of tower it is not possible to be too close to receive service but it is possible to be too far away. Commissioner Byrne asked if there would be service at the base of the tower; Ms. Dowdle said yes. Ms. Dowdle stated different locations on the hill were investigated but due to the setback requirements it was not possible to put the tower on the hill. She stated the balloon test is not required for an application but if it is required by the Commission they will do it. Ms. Dowdle stated a monopole was proposed because they felt a mono-pole would stick out more.

Chairman Wardall reopened the public hearing and asked Ms. Dowdle to stay at the podium to answer the questions.

Mr. Hulet asked if a study of coverage was done from the existing tower site on Mr. Wait's property. Ms. Dowdle stated the existing tower coverage was reviewed but it did not perform as well as the proposed location. Mr. Hulet asked for the propagation maps from the existing tower and if it would be possible for the Commission to request them. Ms. Dowdle stated she did not have the maps from the existing tower; she can say there are an additional 64 homes served from the proposed site and the primary purpose is for high-speed internet. Mr. Hewitt reiterated that internet can be provided through the neighborhood networks he described earlier.

Greg Lamar, Huot Rd resident, stated he is an AT&T cellular subscriber and used to have great coverage when AT&T was on the existing tower. He did not understand why the existing tower cannot be used.

Mr. Somerville asked what percentage of funds the applicant will receive when the CAFII numbers are met. Ms. Dowdle stated she does not have that information; it is between the FCC and AT&T.

Mr. Gallup asked for clarification of what the colors mean on the maps for cell phone service provided by Ms. Dowdle. Ms. Dowdle clarified the green areas indicate service inside of buildings, the yellow areas are the in-transit service and the blue areas indicate service outside of buildings.

Mr. Cartwright did understand the focus of the project is to provide high-speed internet but it seems focus has shifted to cellular phone service. He lives in the blue area as shown on the current AT&T coverage map and gets 4G service inside his home not just outside like the map indicates; he is able to get high-speed internet and have cellular phone service and not drop calls. He questioned the validity of the maps because his experience does not match what the map indicates. Ms. Dowdle explained the maps are based on the modeling done by the RF engineers.

Ms. Wunschel asked if the 329 living units refer to homes not currently served by AT&T or homes that do not have internet service at all. Ms. Dowdle explained that is the number of homes AT&T would be able to cover from this site. In response to Ms. Wunschel, Ms. Dowdle explained the FCC determined the area is underserved for high-speed internet based on the census block data; the FCC objectives would not be fulfilled if AT&T co-located on the existing tower. Ms. Wunschel asked if AT&T would not receive funding if the objectives are not met; Ms. Dowdle was not aware of how the funding process works. Ms. Dowdle knows there is a number of homes that must be reached and the existing tower does not meet that number. Ms. Wunschel asked if the number of homes can be reached through multiple service providers. Ms. Dowdle stated she understood FCC approached different carriers for different locations; based on that, Amador County will be served by AT&T. Ms. Dowdle explained they are looking at the underserved areas of Amador County as determined by the FCC in order to provide high-speed internet coverage.

Mr. Utley asked if the FCC is requiring this be done or if it is a potential to be done. Ms. Dowdle stated the FCC has a specific amount of funding that it will provide to carriers who will provide high-speed

wireless internet service in the underserved areas; it is an incentive to the carriers to provide service to the identified areas.

Chairman Wardall asked if anyone new would like to speak. No new people wished to speak.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes and carried to close the public hearing.

ABSENT: Commissioner Callsen

Commissioner Ryan understood from a technical point of view why the site was chosen but does not understand why the existing tower could not be modified in a way to provide the same coverage. He understood there is a height limit on the existing tower but would like to know if the County could allow the tower height to be increased.

Commissioner DesVoignes agreed.

Commissioner Byrne understood there is a need for separation between the equipment on existing towers. Commissioner Ryan agreed and felt if a tower needs to be 136' tall it would be better to modify an existing tower to accommodate the needs rather than installing a new tower. Commissioner Byrne reminded everyone the project is to provide high-speed internet. Commissioner Ryan added that line of site is a critical part of the project that the Commission must consider; the goal may be high-speed internet but a side benefit is cellular phone service will improve.

Commissioner Byrne asked if he understood the reports correctly that building a new tower at the same site as the proposed tower would not meet the FCC objectives. Ms. Dowdle confirmed that is true. Commissioner Byrne stated raising the height of the existing tower may not help.

Commissioner Ryan asked staff if the County would be able to approve increasing the height of the existing tower. Ms. Grijalva explained the County Code sets out the skyline requirement (not over 15' above the skyline); there is nothing in that section to allow a deviation or waiver. An applicant may ask for a waiver to the setback requirement because the County Code allows for a setback modification subject to the conditions of the use permit. She explained the variance section of County Code states that if the strict application of the Code will deprive a property of a use or activity that other properties in the area are able to have, a variance may be granted those reasons must be due to site specific conditions such as topography or location. She stated in her opinion those findings could not be made to allow an increase in the height of the existing tower because the tower could be installed somewhere else. Ms. Grijalva believed the only option to increase the height of the existing tower would be to change the County Code. She added that Mr. Wait's tower use permit was issued in 1996; the Code regulating cell towers was modified to read as it does today in 2002 with a slight correction in 2010.

Commissioner Ryan stated the technology has changed drastically since the County Code was written; there are many variables that would lend themselves to modifying the Code. He suggested the applicant look at the existing tower site again from a perspective of what height the tower would have to be in order to meet the FCC objectives of the project. Commissioner Ryan stated there are a number of reasons to use the existing tower if at all possible: it is already there and property values have already been impacted. Commissioner Ryan suggested modifying existing towers should be the option rather than installing new towers.

Commissioner Byrne asked how tall the existing tower is. Ms. Grijalva stated the existing tower is 100 feet tall and is on a hill; the base of the existing tower is higher than the height of the proposed tower. Commissioner Byrne asked what the FAA requirements are; Ms. Grijalva stated at 200 feet, the FAA requires the tower to have lights.

Commissioner Ryan stated he supports getting the work done to provide the services but wants to

explore all possible options for utilizing the existing tower prior to approving another tower that would impact even more people.

Ms. Grijalva clarified that Commissioner Ryan would like to see evaluation done using the existing tower as to what height it would have to be in order to achieve the service to meet the FCC objectives. Commissioner Ryan agreed; he added the County is underserved and low-cost internet access is the biggest complaint he hears. As a Commission, they need to carefully consider how this is structured.

Chairman Wardall suggested the Commission keep in mind it may be more cost effective to build a new tower rather than modify the existing tower.

Commissioner Byrne agreed that having one tower would be the best option. He stated the Commission is asking for feedback to see if the existing site could be made to work if the height were extended. Commissioner Ryan agreed; he wants all options to be considered.

The Commission asked how long it would take the applicant to get the answers. Ms. Dowdle asked for clarification. Commissioner Byrne explained the Commission wants to know how tall of a tower will be required at the existing site to meet the objectives and then the Commission can make a determination if it is worth the time and effort to modify the County Code to allow the tower to be taller. Ms. Dowdle believed one month would be sufficient time. Commissioner Ryan stated he will not be at the August meeting and because the project is in District V, the district he represents, he would want the meeting continued to September 12, 2017; which will provide more than enough time to properly model the project.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to continue this item to September 12, 2017.

ABSENT: Commissioner Callsen

Adjournment: At 9:40 p.m. Chairman Wardall adjourned this meeting of the Planning Commission, to meet again on August 8, 2017.

/s/
Dave Wardall, Chairman
Amador County Planning Commission

/s/
Heidi Jacobs, Recording Secretary
Amador County Planning Department

/s/
Susan C. Grijalva, Planning Director
Amador County Planning Department