The Planning Commission of the County of Amador met on November 14, 2023 in the Board Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Wardall.

COMMISSIONERS PRESENT WERE: John Gonsalves, Chair, District 1

Dave Wardall, District 2
Earl Curtis, District 3
Stacey Munnerlyn, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: None

Staff: Glenn Spitzer, Deputy County Counsel

Chuck Beatty, Planning Director

Ruslan Bratan, Planner II

Mary Ann Manges, Recording Secretary

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. Call to Order. The meeting was called to order by Chair Wardall at 7:00 p.m.
- B. Pledge of Allegiance:
- C. Approval of Agenda:

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and unanimously carried to approve the agenda.

D. Minutes: October 10, 2023

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Gonsalves, and unanimously carried to approve the minutes.

- E. Correspondence: Item 1 Letters from Alberta Hale Land Trust, Volcano Community Service District, Law Offices of Emrick, & Soluri Meserve; Item 2 Letter from KC Ranchettes HOA; Item 3 Geologic & Groundwater Potential Report from TKS Consulting
- F. Public Matters not on the Agenda: Mitchell Vinciguerra, resident of Amador County and field representative with the NOR CAL Carpenters Union, shared information about a new state law, Assembly Bill 2011, which provides streamlined CEQA exempt review for certain affordable and mixed housing development projects. He shared that the Union has created an application template for people to use and is available on their website. He added that Senate Bill 4 has similar language and is for institutions of higher education and religious institutions. He shared that once the template is available that he can hand it out.
- **G. Recent Board Actions:** Mr. Beatty reported that the Board of Supervisors and also the cities of lone and Sutter Creek approved the Housing Element update.
- H. Agenda Items:

Item 1 - Request for a Zone Change (ZC-23;9-1) from the M, Manufacturing district to the R1-A, Single Family Residential and Agricultural zoning district for an approximate 23.5 combined acres to establish consistency with the AG, Agriculture General Plan classification (APNs 030-020-102 and 030-020-108).

Applicant: Ketron Family Living Trust and Volcano Gold LLC (Representative: Doug

Ketron)

Supervisorial District: 3

Location: On both sides of Charleston Road approximately 1,400 feet northwest of the

town of Volcano.

Chair Wardall introduced the item.

Mr. Bratan stated that the applicant is not present and requested to continue the item to a later date.

Mr. Beatty said that the item will be re-noticed and re-advertised when a date is known and if anyone wants to comment the hearing can be opened.

Chair Wardall asked if there are any comments.

Craig Baracco, Executive Director of Foothill Conservancy, shared that they endorse the rezone which removes a bit of archaic zoning intended for mining in the 1960's. He noted that there are several other properties in the Volcano area zoned M which should also be changed in order to comply with the 2016 General Plan and asked that the County proceed with the update of the zoning map and code.

Commissioner Bennett asked if the assessed value of property changes when a zone is changed.

Mr. Beatty responded potentially.

Rebecca Korematsu, Director of Volcano Community Service District, shared that they are concerned about water sources especially with some of the proposed uses of the property. She stated that the Cleveland Channel is the main water source for 70 families and they are focused on ensuring that there is enough clean water. She asked when this will be brought up.

Mr. Beatty replied that it is not known and that it probably with be January or February before it is heard.

Chair Wardall asked if the hearing needs to be closed.

Mr. Beatty responded that it does not because it is continued.

Item 2 - Request for a Use Permit (UP-23;8-1) to install a 130-foot-tall monopine design wireless communication tower with (12) 8' antennas, (6) RRU's, (1) 2' microwave, (1) GPS antenna, cabling, HCS jumpers, (2) ground mounted radio cabinets, (1) raised concrete pad, cable ice bridge and associated equipment in a 50'x50' fenced lease area (APN 042-010-035).

Applicant: Assurance Development (obo/ Vertical Bridge)

Property Owner: Evitt & Doris Russell Trust

Supervisorial District: 4

Location: 17140 Valley Blvd., Jackson, CA 95642

Chair Wardall introduced the item.

Mr. Bratan shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Nicholas Votaw, representative for the applicant, shared that there is a strong need for a site in the area in order to mitigate coverage and capacity obsolescence.

Commissioner Bennett referred to a letter received by Richard Hill who said that the access is on a private roadway.

Mr. Votaw provided a copy of the final subdivision map of KC Ranchettes and said that dedications for the private roadways were accepted by the county in 1980 and have not been abandoned since.

Commissioner Bennett said so the letter is inaccurate.

Mr. Votaw responded that is correct.

Commissioner Gonsalves said that they are privately maintained roads that were dedicated to the county for public use.

Chair Wardall asked who maintains the roads today.

Commissioner Gonsalves replied that they are privately maintained.

Chair Wardall said that it is interesting that they are dedicated to the county, but privately maintained.

Commissioner Munnerlyn asked if there has been any communication with the HOA regarding access.

Mr. Votaw said no and that it is technically not needed.

Commissioner Curtis asked if the equipment used to build the facility damages the roadway how people would get repairs.

Mr. Votaw replied that it is unlikely, but they can submit a claim to Vertical Bridge or use the court system.

Commissioner Curtis commented that they do use pretty good size trucks that normally do not go up that road.

Mr. Votaw responded yes they do.

Anthony Reano, 17270 Oak Rd., said that their home, backyard, and lifestyle is in the KC Ranchettes subdivision and that the proposed project is approximately 400' off their property line and in their direct view. His concern is that this a commercial project going onto agricultural land in a residential setting. He voiced concern that page 3 of 61 of the project application claims that there is no change in scenic views or vistas from existing residential areas. He invited the Commission to come out and see what they are going to have to deal with. He added that they will have to look at the Christmas tree, a 50x50 fence, and a security light. He said that he believes this will diminish his property values and asked why, with a 175-200 acre property, that this has to be 400' off of his property line.

Mr. Votaw said that he understands the property owners' concern, but that the design is compliant with the code and the cell tower is a permissible use. He added that the tree blends into the natural environment.

Chair Wardall asked if there is a topographical map that shows elevations and the property lines of the ranch. He asked if there is another site with less impact to the neighbor.

Mr. Votaw said that he and the owner of the property chose this site specifically because of its elevation. He stated that it is reasonably close to the public right of way and utilities and is 13/100 of a mile from the residential structure.

Commissioner Gonsalves asked to be shown on the photo taken from the driveway where the monopole is.

Mr. Reano said that the picture is not of his driveway and that it is Oak Rd. He added that his residence is about 75 to 100 feet from the cul-de-sac. He voiced concern about the fence and the structures he is going to have to look at.

Mr. Votaw apologized for the mistake about the driveway. He commented that Mr. Reano likely signed a disclosure when he bought his property that view sheds are not guaranteed.

Mary Rullhausen, 17251 Valley Blvd., asked if the HOA was contacted because she pays HOA fees and if she makes any changes on her property that she has to contact them. She said that she has an 18-month-old son and that neighbors also have children and has concerns about possible health implications with towers. She stressed that they should not have the burden to show if there are any health implications and that she opposes the tower.

Commissioner Bennett asked if she is talking about radiation.

Ms. Rullhausen responded yes and that she is not an expert and has not researched radiation, but she should not have the burden.

Commissioner Bennett said he has read a great deal about radiation from towers.

Scott Hudson, 17320 Valley Blvd., said that he will be about 1/8 mile away and 100 feet below the signal. He stated that there is nothing in the proposal that discusses the power and how the signal comes off of these towers. He asked what the readings are going to be and that he has already ordered a RF meter so he can measure the readings to share with the neighbors. He shared that studies in European countries have shown negative health effects and asked who benefits, whose need is being mitigated, and what the potential use of the tower is. He stated that there is very little information about the sustained high frequency and what it does on a cellular level. He asked, if approved, afterwards for people's health to be monitored for information for future cell towers. He shared that he is concerned that the road is just a couple layers of two-inch asphalt with the remedy of having to go to court.

Deputy County Counsel Spitzer stated that he has two issues to point out. He said regarding the access easement that he reads it that the acceptance by the county is for utility easements not necessarily roadway easements. He said that it is a private issue and should not affect the Commission's decision. The second issue is that they cannot make a denial based on a health issue.

Mr. Votaw stated that he is very confident that it is not within the HOA and added that the information with the recorded subdivision map includes language roadways dedication to the public. He said regarding the health effects that the tower's emissions are 1.3% of the FCC's public exposure limit.

Deputy County Counsel Spitzer asked if there is an FCC rule on making decisions based on health issues because it usually does not come up to this extent.

Mr. Votaw said to his general knowledge that it cannot be denied if within the FCC's emission standards.

Chair Wardall asked if there is any additional public comment. There was none.

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MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Curtis, and unanimously carried to close the public hearing.

Commissioner Bennett said that people understandably object to change, but that things are constantly in flux. He stated that he personally believes that electromagnetic radiation is dangerous and said that this is not the best location for the tower. He added that he has no trust in the FCC, FDA, or other regulatory agencies and that he is in a quandary about approving this.

Commissioner Munnerlyn said initially that one of her biggest concerns was road access and that it was not a county maintained road.

Commissioner Wardall said that he would like to see if there are alternative sites that would work for the company, for the ranch, and also be more palatable to the neighbors. He shared that he would like an agreement made between the HOA and the applicant to cover any road damage with means for enforcement. He said also that he would like to look at a bigger area on a topographical map.

Commissioner Bennett said we need more towers.

Commissioner Curtis shared that the state took out emergency phones along the highways because of cell phones. He added that the applicant attempted to use at least 5 other sites which are included in the packet.

Mr. Votaw said that they submitted an alternative site analysis and that the majority of sites that were willing candidates did not meet the coverage objectives for this network. He added that in the staff report there are coverage maps, but the legend is difficult to read.

Commissioner Curtis said that amateur radio operators transmit on different frequencies with up to a 1000 watts of power and the FCC says when in close proximity to that kind of power that it can be dangerous. He stated that it drops off exponentially within meters and asked how many watts is going to be the maximum wattage for any frequency from this tower.

Mr. Votaw responded that the information is in the staff report and that the tower will be emitting 1.3% of the maximum allowable FCC occupational emissions limit at the nearest residence at 17270 Oak Rd. He said that the site owner has deeded access from Ridge Rd. and that they can likely alternatively use it to bring the construction equipment in.

Deputy County Counsel Spitzer stated that the use of additional access roads has not been analyzed and that he still disagrees with the utility versus roadway easement. He confirmed that the legal objection about radio frequency emissions cannot be a basis of denial for placement of the tower to the extent that such facilities comply with FCC regulations.

Commissioner Gonsalves commented that it is concerning.

Deputy County Counsel Spitzer shared that it is a matter of Federal law.

Commissioner Gonsalves said that it sounds like Chernobyl.

Commissioner Bennett commented that the standards are one size fits all standards.

Mr. Votaw shared that their propagating equipment is 120' in the air and set back 13/100 of a mile from the nearest residential structure with 1.3% of the allowable FCC emissions and that he cannot see an issue. He added that if it helps the Commission with the approval process that they would be willing to make it a condition of approval that the Planning Department be provided evidence that the property owner has a legal right to use one of the two proposed access ways.

Deputy County Counsel Spitzer said if alternative access is considered or granted it needs to be evaluated from a CEQA standpoint prior to adoption.

Mr. Votaw said they would be willing to have that be a condition of approval.

Deputy County Counsel Spitzer stressed to be clear that it cannot be approved until that process is completed.

Mr. Votaw asked if there can be a continuance.

Chair Wardall asked about the alternative sites in the packet.

Mr. Votaw said that the Jackson Rancheria was an alternative site, but they were reluctant to allow the lease because they thought it could materially interfere with their gaming license.

Mr. Reano said that he does not believe that anyone is living on the Evitt Ranch and that he does not believe the applicant is going to be affected. He asked to please consider their concerns.

Commissioner Gonsalves stated that there are too many question marks and that it is in the Commission's best interest and the best interest of those that live there to continue this and seek clear answers to access.

Chair Wardall said that he would like to also see alternative sites that would work. He asked to also address how, if approved, this impacts resale property values. He asked if the tower is over 100', with the county ordinance, if there needs to be an obstruction light on it.

Mr. Beatty responded that the FAA lighting requirement does not come into play until a tower reaches 200' and that the county ordinance mirrors the FAA's requirement.

Commissioner Gonsalves said that he believes with the last project that was over 100' that the Commission required that a light be put on it.

Chair Wardall said he thinks so, too, and that this is in a high risk fire area. He said he does not see a lot of conifers, but a lot of oak trees and that he is not supporting this and recommends that the applicant come back with alternate locations because there is a significant impact to the neighbors.

Commissioner Gonsalves asked to be reminded what happened with the tower approval at Mace Meadows regarding the light.

Mr. Beatty responded that at the original public hearing the Planning Commission requested a light. He said that the applicant came back and requested that the Planning Commission make a decision on the original application and it was approved without the light. He added that, as a compromise, that there is a requirement in the conditions that if the trees around it burn that the top 15 or 20 feet need to be painted white.

Commissioner Munnerlyn said one of her concerns for the adjacent homeowner is that the fencing surrounding the bottom of the tower is not camouflaged and that maybe there can be some kind of additional mitigation for that.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett and unanimously carried, to continue the matter to a date uncertain until there is clarification about the access to the property and for the applicant to show alternative sites.

Mr. Bratan stated that the Planning Commission has moved to continue this to a later date and that public notification will be republished.

Item 3 - Public Scoping Session to take public comments on the potential environmental impacts to be analyzed in the Draft Environmental Impact Report for the proposed Putnam Ranch Project. (APNs: 008-090-015 & 008-100-29)

Applicant: 16825 Hwy 49, LLC (Representatives: David Wade, Wade Associates; Matt

Toma, Toma and Associates)

Supervisorial District: 5

Location: The project site is located directly north of Highway 16 at the intersections of Highway 16 with Highways 124 and 49, directly south of the city limits of Plymouth.

Chair Wardall introduced the item.

Mr. Bratan shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

David Wade, Principal with Wade Associates and representative, said he is present to introduce the project and is available to receive comments, provide direction, and to understand how the EIR should be put together. He shared a PowerPoint presentation that began with explaining that the family has owned the property for over 30 years and that it has been used for grazing. He shared details about the project with highlights being that there would be 53 home sites that would be a minimum of 5 acres and an HOA. He shared that wells and septic systems would be used, that they prefer to do overhead electric and telecommunications, and would have a primary entry and a secondary fenced emergency exit. He added that there is a five acre agricultural pond which can be used for fire suppression, will be open space, and that the City of Plymouth is not interested in annexing. He said that a cultural resources study was commissioned years ago finding some significant resources that need to be protected. He added that biological and wetland resources studies also were commissioned back in the early 90's and that they are able to avoid most of these areas because they are aware of them, but that they will be addressed by the EIR. He stressed that water will be the issue.

Chair Wardall stated that this area recently came under discussion and the county fire marshal said that there is a real problem with having fire protection there with just wells. He asked what is proposed for fire protection.

Matt Toma, Toma and Associates, said that was discussed through the TAC meetings and that this is a subdivision project exactly like KC Ranchettes, Willow Creek Estates, Burke Ranch, and Surrey Junction with 5 acre lots and individual septic and wells. He stressed that County code 15.30 requires installation of either a 1500 gallon water storage tank or to pay a fee that is supposed to go to buy tankers.

Commissioner Gonsalves added there is a pond on site.

Mr. Toma said that the owner said it is spring fed and that she has never seen it dry.

Chair Wardall asked if there is going to be a draft pad.

Mr. Toma said a wharf hydrant could be down slope of it with fire truck signage.

Mr. Wade said they have met with the fire chief and are aware of the issue and can address this in the conventional way, also have the pond, and do site clearing to minimize potential hazards. He continued by sharing that the applicant has also commissioned a traffic impact analysis as though the EIR was already required. He concluded that Vehicles Miles Travelled (VMT) with this project are less than the county wide average. He said that looked at safety issues and concluded that there will not be substantial

hazard there. He stated that in most cases the roads do not dead end and the site is within the moderate fire hazard severity zone. He said that the Oak Woodland Study in 2022 concluded that it is an oak woodland, but covenants and restrictions would protect the trees.

Commissioner Bennett said he is pleased that there are two exit roads for fire evacuation, but they are near each other and it would be more preferable that one goes up to Zinfandel Ridge or some other location. He questioned the distance in the environmental check list for other health facilities. He said he shutters at the thought that there could be covenants and restrictions for oak trees. He added that on page 7 that it says that aerial photographs reveal that regeneration of oak trees has occurred over the past 30-40 years which mutes the other point. He said in the Preliminary Biological Resources that a golf course was mentioned which was new to him.

Chair Wardall asked if there is any public comment.

Craig Baracco, Executive Director Foothill Conservancy, said they endorse the findings in the Initial Study and mostly want to emphasize the issue of water supply in the region. He stated that they look forward to an objective 3rd party hired by the county to evaluate on whether water supply exists for an additional 53 homes. He asked to note that the City of Plymouth had long standing issues with its municipal wells where there was a decades long building moratorium which eventually resulted in the Plymouth Pipeline connecting to AWA's Amador Central Water Project and the abandonment of groundwater as a supply for the City. He added that earlier this year that the Allswell Ranch Estates 6-parcel subdivision located about a mile south of this project was appealed. He said there were objections from neighboring properties over impacts on water supplies and the Board of Supervisors unanimously denied the project. He stressed that this project is 8 times the size and in the same region. He added that a few years back, Rancho Victoria Vineyards, located to the west, proposed a project where they would take the City of Plymouth's treated effluent water to irrigate grapes.

Mr. Baracco continued that he agrees with Commissioner Bennett about access to the property. He said that the subdivision does not connect to the City of Plymouth which conflicts with the General Plan and creates an environmental issue with emergency access for residents and emergency vehicles. He added that the closest fire station is located in the City of Plymouth with no way for it to come in from the north. He said that the project, as proposed, violates a number of the County's General Plan policies and goals intended to direct new development towards existing urban areas and connect to available city services. He commented that there is no geographical obstacle for it to connect to city water, sewer, road, or trail networks. He asked, as part of environmental review, that the County consider a project alternative where the development is instead annexed to the City of Plymouth where parcels can be developed at a much smaller size like found in Zinfandel Ridge. He said this way that there could be substantially more open space and ranch land, services provided in a more efficient manner, and central water. He stated there would be no need for wells and septic systems, a more compact road network that is easier to maintain and cheaper to maintain in the long term, and that project alternatives need to be considered as part of the EIR process.

Commissioner Bennett said that he assumes that they proposed 5 acre lots because people want them and that it is up to the free market system.

Mr. Baracco said the fact that we are all meeting here today indicates that it is not up to the free market. He stated that the project is only possible through the massive intervention of the local government and that the people should have a clear say in what policies and goals we should have and how our county develops.

Chair Wardall interjected up to a point and said Commissioner Bennett is dead right. He commented that it is not the right of a government to tell people how, when, and where they can live or how, when, or where they can develop their land and that there has to be reasonable accommodation to follow the General Plan.

Mr. Baracco said that he respectfully disagrees.

Chair Wardall said that Mr. Baracco is free to speak here and offer comments.

Mr. Baracco said there are plenty of lots with 5 acres, but the difference is that this is immediately adjacent to the City of Plymouth with an already established water and sewer system and that there is clear alternative that has less impacts.

Kevin Walker, has a ranch at 17000 Greilich Rd. which is not far from Putnam Ranch and also represents Rancho Victoria Vineyard and Cathy and Scott Chastain. He said their properties comprise the western boundary of the Putnam property and that they are in support of the project. He said that the Chastains agree that it is a good transition from the more dense and urban use of Zinfandel Ridge. He said that in regards to water, that he often looks across our joint property line with envy of the pond which stays full year round. He stated that they irrigate their vineyard with Arroyo Ditch water and understands that the Putnam's have a very strong vein of water in addition to the pond. He shared that the project seems well located on the highway and is well thought out and that they are in support of the project.

Chair Wardall asked Mr. Toma what the distance is from the project to the City of Plymouth portal for the AWA water supply.

Mr. Toma responded that the project lies directly south of Zinfandel Ridge Subdivision which is the city limits. The applicant approached the City of Plymouth about annexation, and the city said that they have all they can handle right now.

Chair Wardall said he favors 5 acre projects, but he is looking for a better water supply for fire protection.

Mr. Toma said that they agree and that with the existing County Code 15.30, they exceed any other similar 5 acre subdivision. He mentioned that Burke Ranch is just east of Plymouth.

Chair Wardall suggested to run a pipeline to the AWA pipeline and that near where he lives he sees all the 1500 gallon tanks and they are empty.

Commissioner Bennett said that the AWA pipe to Plymouth was made intentionally too small by the lobbying of the Foothill Conservancy to prevent growth and that it was a waste because it should have been larger for basically the same cost. He shared that he is pleased to read the report on water by TKS Consulting where it says to begin the groundwater study that a remote sensing type of tool is used.

Mr. Toma said that groundwater is a gamble, but that a 6 or 7 day test was performed and based on the two wells on the property that there is a good possibility of water in the area per the groundwater report.

Mr. Beatty stated that staff is looking for direction on what analysis to include in the EIR. He said that it seems likely that they proceed with a typical EIR since no one said anything that was unexpected.

Chair Wardall said he has a concern that there should be a full service secondary paved road for both ingress and egress.

Commissioner Gonsalves agrees that it certainly should be addressed in the traffic study.

Commissioner Bennett shared that he also agrees and that it is his only serious objection. He added that good housing policy is to provide a variety of housing choices and that it is called freedom.

Commissioner Munnerlyn added for potential impacts that in the population and housing chapter we should include in the EIR how the Housing Element will be addressed.

Commissioner Curtis asked if for low and moderate income. He said this is over 10 units, but nobody is building the houses and that is probably how they circumvent it.

Mr. Beatty said we can include some analysis on how these houses will satisfy our regional allocation.

Commissioner Curtis said he has a few comments and asked who would manage the open space and that he likes the fact there are no homes along Hwy 16. He added that a central water system might be beneficial and if there is a great well there that it might supply a pressure tank that can supply the whole neighborhood. He asked who is going to monitor the emergency access, said that he hopes the state keeps it a moderate fire zone for insurance purposes, are asked if there are going to be horse trails because people who have 5 acres parcels tend to get horses. He asked who will widen the bike path along Hwy 16 and said that underground utilities should be looked at again because they help the view shed. He said he likes the idea that they are going to have a draft pipe from the pond, but that there needs to be language about how the pond is going to maintain its level, who is going to be responsible for that maintenance, and that the road maintenance language needs to be very clear.

Lisa Putnam, in the meeting chat, shared that it was a 10-day, 24/7 pump test and thanked the Commissioners for their time.

Maresa Danielsen, 7400 Hwy 16 and directly across from the development, said that the number one concern is groundwater. She stated that she supports the project and likes the 5 acre parcels and asked to clarify that these are sellable parcels that people can build their own designs on and asked if it is planned to be gated.

Mr. Wade responded that it is possible that there will be a gate at the main entry and, if so, would be set back in a couple hundred yards and that it is more of an issue for the HOA who will be responsible for the roads. He said that the intention is to sell these as home sites so people have freedom to build their own design. He added there will be design standards with a design handbook and they are looking for green development that is sustainable, energy efficient, and fire safe.

Commissioner Gonsalves said this is one of most well thought out projects that he has seen.

Commissioner Bennett shared that he agrees.

Chair Wardall asked if there is enough direction for staff to proceed.

Mr. Beatty confirmed.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Munnerlyn, and unanimously carried to adjourn the meeting until the next regularly scheduled meeting on December 12, 2023.

Dave Wardall, Chair Amador County Planning Commission	
Mary Ann Manges, Recording Secretary Amador County Planning Department	Chuck Beatty, Planning Director Amador County Planning Department