

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
December 12, 2023 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on December 12, 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 Vice Chair Munneryln.

COMMISSIONERS PRESENT WERE: Earl Curtis, District 3
Stacey Munneryln, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: John Gonsalves, Chair, District 1
Dave Wardall, District 2

Staff: Glenn Spitzer, Deputy County Counsel
Chuck Beatty, Planning Director
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 Vice Chair Munneryln at 7:00 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

AYES: Bennett, Curtis, Munneryln

ABSENT: Wardall, Gonsalves

D. Minutes: November 14, 2023

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Curtis, and carried to approve the November 14, 2023 minutes.

AYES: Bennett, Curtis, Munneryln

ABSENT: Wardall, Gonsalves

E. Correspondence: Letters received after publication of the agenda from WGA, Dutra Group, May, Landberg, and Costa.

F. Public Matters not on the Agenda: None

G. Recent Board Actions: Mr. Beatty reported that the Board of Supervisors approved a variance that was recommended by the Planning Commission at the November meeting.

H. Agenda Items:

Item 1 - Discussion and possible action concerning a request from George Reed, Inc. / Jackson Valley Quarry for and Amended Use Permit (UP-06;9-2) to extend the hours of operation for operational and reclamation activities (excavation, crushing/processing, truck loading, and hauling) from 6:00 a.m. to 6:00 p.m. Monday through Friday to 6:00 a.m. to 10:00 p.m. Monday through Friday.

Property Owner: The Reed Leasing Company
Applicant: George Reed, Inc. (Tom Ferrell, Representative)
Supervisory District: 2
Location: 3421 Jackson Valley Road, Lone, CA 95640 (APN 005-230-018)

Vice Chair Munnerlyn introduced the item.

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

Vice Chair Munnerlyn asked if the applicant has a presentation.

Tom Ferrell, permitting manager for George Reed, Inc., shared a PowerPoint presentation about the project and said that they have spent a lot of time meeting with their neighbors and have reduced their request from 24 hours a day to 4 additional hours a day on week days.

Jordan Main, Compass Land Group, stated that the project has been reduced in scale to an additional 4 hours a day with nothing else changing with the permit. He said that truck traffic will not increase and may decrease as the same production is spread over more allowed hours. He shared that George Reed company is local, family-owned, and has been in business for nearly 80 years and that Reed companies employ 700 people with 25 of them being in Amador County. He said they are heavily invested in the communities they work in and are both a contractor and a materials producer. He stated that the importance of Jackson Valley Quarry (JVQ) is that their aggregate meets very stringent quality specifications for all key local and state agencies. He shared that their aggregate supports a broad range of construction projects and that they supply over 120 local customers providing the building blocks for Amador County's infrastructure. He said that heavy construction projects routinely happen after 6 p.m. which leads to a need to be flexible to supply the market demand for varied hours of operation and for unpredictable customer and vendor demands. He added that the trucking shortage is real and being able to load out at different times of day is important. He shared that working off-hours benefits energy use, traffic, and allows parity with the other local and regional producers. He stated that a detailed, project level, noise analysis has been conducted with all impacts determined to be less than significant and stressed that they have voluntarily agreed to keep all the mitigations that would have been required for night time operations.

Paul Bollard, Bollard Acoustical Consultants, shared an overview of the noise analysis stating that the first step was identifying the processing area and then determining where the sensitive receptors in relationship to the project site are. He said that they identified the nearest 17 receptors, 16 residential and 1 winery, using walking, driving, and aerial imagery. He stated that they next determined the baseline ambient noise that people are used to hearing over 6 consecutive days at 6 locations as well as at the actual plant equipment and monitored for baseline vibration levels taking noise measurements close to the equipment. He added that the rock crusher was used as case study for the effectiveness of installing acoustical curtains, and that measurements were taken before and after and by extending to all the rock screens and crushers. He stressed that the mitigation discussed as a condition of approval is designed to meet nighttime standards which have a decibel level 15 decibels lower than daytime standards. He said that they understand that there are other residences in the area, but that they focused on the nearest ones because that is where greatest impacts would be, if any. He added that they considered atmospheric conditions and did an extensive analysis of offsite truck traffic concluding that the project complies with all the applicable noise standards of the County. He said that the project complies with the

existing use permit standards at all property lines currently and will be at even greater compliance after the screen decks are enclosed with acoustical curtains and backup beepers replaced. He ended that it satisfies all the CEQA requirements.

Mr. Main added that the quarry is a cornerstone business for Amador County and that construction demands now require flexibility to operate past 6:00 p.m. he shared that there are ongoing employment and tax benefits to the County and that they have a broad range of support. He stressed that they refined the proposal multiple times in response to outreach and feedback from the neighbors and the Technical Advisory Committee (TAC) in order to strike a balance for the needs of the site and the neighbors. He said that impacts were extensively analyzed, particularly with noise, and will meet all use permit, County, and CEQA thresholds in accordance with applicable guidelines. He reminded that they agree to voluntary mitigations in a good neighbor effort and that mitigations were developed for the 24 hr. operations.

Commissioner Bennett asked if the project will increase employment with the quarry.

Corey Turney, quarry operations manager, responded that it is possible that it will increase employment, but that it is not their intention to make this a year-round operation until 10 p.m. If it is needed to have multiple shifts of employees it could increase employment.

Commissioner Bennett asked if the shifts would be adjusted for existing employees.

Mr. Turney said in some cases, such as for curtailing energy use.

Commissioner Bennett commented that the existing number of employees probably will not increase, but that they could in the future.

Mr. Turney concurred and added that there naturally has been an increase in employees over the last couple of years.

Commissioner Curtis asked if the only product made is rip rap.

Mr. Turney responded no, and that it was identified that when loading the trucks that rip rap gives off a higher level of noise because of the large rock size which the neighbors said they could hear and that is why they are limiting those hours.

Commissioner Curtis asked if the loading of the trucks is the noise problem.

Mr. Turney responded correct.

Vice Chair Munnerlyn asked if there is any public comment.

Bill May, 4121 Jackson Valley Rd, stated he lives right across from the quarry separated by barbed wire. He stated that currently from 6 a.m. to 6 p.m. they hear noise from the quarry and that he does not consider 10 p.m. as daytime hours. He added that the Reed proposal is untruthful and that they are morally corrupt because of their corporate greed. He said they did not tell the truth about needing to run until 10 p.m. due to their competitor because the competitor is not yet operating. He referred to finding 4 of the staff report stating that it is false and stressed that this will clearly impact the neighbors' livelihoods, peace of mind, tranquility, and will be injurious to values of homes and property.

Matt and Kim Gibson, 6110 Martin Ln., said that they live about a mile and a half from the quarry and are not included in the noise study. Mr. Gibson shared that 5 or 6 years ago they did not hear the quarry that much and said that as soon as the quarry tore the main mountain down that the noise got worse and worse. He stressed the noise is now constant everyday where they can hear the trucks, the rip rap loading, the beeping, and the general crushing. He shared a couple recordings that he made the morning

of the Planning Commission meeting from the very back of his property where beeping trucks, rock crushing, jack hammering, and trucks on the road could be heard. He has concern that the data in the acoustical report was taken in 2020 when the footprint of the quarry was smaller and when the Gibson's did not hear much noise. He added that he believes the noise report guesses about some of the numbers because the report says that the data collected at each site was used to project ambient conditions as well as adjusting the data. He said that he believes that the acoustic report needs to be redone and stated that this most likely would not be allowed if a neighbor made the same amount of noise, referring to Public Nuisance Noise Ordinance, 9.44.010. He said that he and his wife drive to Sacramento for work and go to bed at 7 or 8 p.m. and asked the Commission to deny the permit. He stated that he recommends a new acoustical study and said that the quarry might be in violation of their own permit right now.

Jill Curran, 1000 Cook Rd., said she lives about 5 miles from the quarry and that they are ranchers who lease properties in the Jackson Valley area who haul cattle a lot and are concerned about traffic at Highway 88 and Jackson Valley Rd. She mentioned that condition #37 says to reconstruct Jackson Valley west from the quarry access northwest to Hwy 88 in accordance with Amador County standards. She said she is confused with there being no increase in traffic with the expanded hours and that she believes that there would be trucks coming out of there if they are allowed to operate after 6 p.m. She stated that there is no signage or any kind of notification that there are trucks entering the highway and that there are just stop signs at the intersection at Jackson Valley Rd. She stated that there should be signs warning of trucks entering the highway placed on either side of the intersection and that they should be illuminated. She said that she has seen a lot of near misses and said that traffic needs to be looked at if expanded hours are allowed with 80,000 lb. trucks entering the highway until 10 p.m. She added that a few years ago there used to be a single security light at the quarry, but that it now looks like an illuminated city and that she is concerned with the aesthetics of the lights. She added that she can hear their activities early in the morning from her house.

Maresa Danielsen said that she operates two mines and a processing plant in Amador County with one of them in lone and that this is an important quarry and that she supports this proposed amendment. She shared that there is a challenge with getting construction aggregates closer to where construction is happening and that aggregates are one of the main drivers for affordable infrastructure, housing, and roads. She stated there a lot of changes in trucking that are going to make it very challenging to meet the demand for construction aggregates. She commented that she hears what Ms. Curran said about the trucks and that Ms. Danielsen's challenge is with CalFire and prison traffic flying around a blind corner into trucks.

Mr. May said that George Reed does not care about his neighbors and that all they have done is lied. He stressed that the Commission should demand a completely new EIR under CEQA.

Mr. Turney said that he has been an employee of George Reed for about 11 years and has been heavily involved in overseeing operations, compliance, taking and following up with complaints, and inspections and that they have had numerous audits and permit reviews. He said that he does not agree with some of what has been said and that the company has a culture of taking care of its people and the community and takes pride in the work that they do. He shared examples of the quarry taking care of neighbors who were in need with their time, equipment, and materials. He added that the company has an open-door policy and that they respond in timely manner. He shared that the company participates in a number of community engagement programs, offers some of the highest paying jobs in the County, volunteers, and sponsors recreational sports programs. He added that the leadership and owners are available to contact with issues and that they are proud to be a supplier of high-quality aggregate. He ended by saying that they are looking for flexibility to continue to run their business and that they have worked really hard to find a balance of what they and their neighbors need.

Theodore Brozowski, Amador County homeowner and member of the mining community, shared that George Reed is a local company and supports a lot of programs with employees who are well paid with

good benefits. He stressed that we need a strong local economy and have to produce something and that nobody wants a mine in their backyard, but that everybody loves asphalt and concrete. He said that some of the nicest roads are in California and Amador County compared to other states he has traveled to. He added that we have a great infrastructure system and great supplies that are important to our economy and our way of life. He said he is in favor of approving the revisions which he believes are pretty reasonable and likes that they are working with the neighbors.

Jeff Gold, 4401 Jackson Valley Rd., agreed with Ms. Curran about the intersection and stated that he believes that they need to go through CalTrans with the intersection concerns. He said that he has a vested interest in that his wife works for George Reed and stressed that there are 25 other employees who live in Amador County. He said that the extra hours probably would mean overtime and that money spent in the County. He stated that mitigation of the noise with a curtain is an outstanding idea and that it looks like they are making every opportunity to improve the noise from the plant. He said that he hears the noise and that it does not bother him and that it looks like they have made a good will effort with the environmental review and the noises, and that they continue to make changes to make improvements. He added that they have the only rock within about 300 miles that gets a compaction report 90% or better.

Andy Borth, who owns the property with his father across the street, said that he opposes this mainly because of the truck traffic. He said that they have put up with increased truck traffic on that road and shared that his shop, barn, and working facility are about 300 yards from the entrance of the rock quarry. He stressed that the noise has gotten so bad that they have to wait to conduct business until after a truck passes by because they cannot hear each other and that having to listen to the traffic another 4 hours each night is unfathomable.

Virginia Costa, 4351 Jackson Valley Rd., shared a letter dated 12/12/23 with the Commission. She said that she is impacted and that there is a tremendous amount of constant noise that starts at 6 a.m. with the beeping and crushing and that extending the hours to 10 p.m. is just unacceptable. She shared that she researched quarries and their association with climate change. She said that they are energy intensive and that more carbon dioxide is added from the trucks. She said that she has complained many times about the dust to the Air District who say it is just the way the sun is hitting it. She stated that dust exposure can cause cancer and lung problems and that the dust comes right over her house and cars. She asked to deny a 4-hour extension and that another EIR should be done because the place has grown a lot since 2013.

Mr. Main said he would like to respond to some comments made. He said that Mr. May's home is separated from a property that is owned by the Reed Corporation, but that property is not a component of the quarry. He said the property is unmined and provides a 1,300 ft. buffer between Mr. May's property line and the start of the quarry property line. He explained they are not dictating what daylight hours are and that the County General Plan identifies what they are and sets the standards for compliance. He clarified that the Newman Ridge Quarry underwent a full CEQA review with an EIR and has an approved use permit that allows operation of hours well outside of George Reed's approved hours. He said that they have an approved permit limit that limits the amount of production that can be done at the quarry and by definition they will be lowering the number of trucks per hour. He referred to a comment made around an existing condition of approval for Jackson Valley Road and that the fix was completed by the quarry last year and signed off. He said that with the concern about climate change that material closer to the construction site will help climate change. He then deferred to Mr. Bollard.

Mr. Bollard said that he respectfully disagrees with Mr. Gibson that projections equal a guess and that they are a very common component of acoustical analyses. He said that the study took 2 ½ years and that they used one of the most sophisticated three-dimensional models. He ensured that no guessing occurred and that one of the conditions of approval requires noise monitoring which will confirm measurements. He added that just because we can hear things does not necessarily mean we are impacted by what is heard. He stated that this project satisfies not only the daytime standards, but the nighttime standards and the County has very good noise standards and defines nighttime like all cities

and counties in California from 10 p.m. to 7 a.m. He stressed that this project would comply with the restrictive nighttime standards even during the day.

Mr. May asked Mr. Beatty if he had told him that Newman Ridge was far from being up and running and asked to him to confirm if they are up and running.

Mr. Beatty explained that Newman Ridge was approved about 10 years ago explaining their approval, environmental review, and litigation process, and added that the project has not broken ground.

Mr. May stressed that if the Commission turns down this request that none of the 25 employees will be terminated. He said that he does not have grief with the employees but with the owner's corporate greed and that they are morally corrupt.

Mr. Borth asked to put yourself in the position of coming home from work and having to listen to the quarry go on for another 4 hours not having peace and quiet until 10 o'clock, 5 days a week. He said the traffic is supposed to not be increased and will be spread out. He asked to understand that the 4 hours is not any kind of quiet time for that resident and is a huge impact. He stressed that they have put up with it, but now they are asking to go until 10.

Tim Curran, 1000 Cook Rd., asked what the annual production limit is on their permit.

Mr. Main responded that the limit increases on an escalator through the years, ultimately at 2 million tons a year.

Mr. Curran asked what their production is today.

Mr. Main replied that the quarry is within the allowed production.

Mr. Curran asked if he can roughly tell him what it is.

Mr. Main responded that he respectfully would like to not do that.

Mr. Curran said that it could add to truck traffic.

Mr. Main stated that their use permit was approved in 2013 and allowed the current production limits.

Mr. Curran asked if Mr. Main can do research for this information or if it is private.

Mr. Main said that it is company proprietary information.

Mr. Curran shared that he does not know if truck traffic will increase.

Mr. Main stated that their truck traffic will not go above their allowed and permitted use.

Mr. Curran said so their answer is we do not know.

Sharon May, 4121 Jackson Valley Rd., said they built their house in 2007 and that Reed has been there the whole time that their house has been there. She shared that the hours, amount of rock, ground that is covered, and hours to 12 hours a day have all expanded. She stated that 12 hours a day should be enough to make their business profitable and said that others and some realtors have told them that they have a lovely house, but do not know what the quarry is going to do to their property value. She stated that the quarry's right to make money does not supersede her right to enjoy her house and maintain its value. She questioned the statement made about saving energy by expanding their hours and does not know how saving energy from 6 to 10 at peak hours is saving.

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

AYES: Curtis, Bennett, Munnerlyn

ABSENT: Wardall, Gonsalves

Vice-Chair Munnerlyn asked for discussion.

Commissioner Curtis asked staff to clarify the meaning of X zoning.

Mr. Beatty responded that X allows for single family homes and agriculture, otherwise, all uses require a conditional use permit.

Commissioner Curtis said the General Plan calls it a Mineral Resource zone and asked how far that zone extends beyond the quarry.

Mr. Beatty replied that he believes in that location that it is just to the quarry boundaries.

Vice-Chair Munnerlyn asked if the 1,300 feet buffer between the quarry and Mr. May is Agriculture General.

Mr. Beatty responded that it is and that it is also in the Williamson Act.

Commissioner Curtis commented that expanding the time could possibly reduce the truck traffic and that the mitigations to mitigate the sound, voluntarily agreed to, will mitigate the sound all day long. He said that he wishes that they did not have to go until 10 p.m. but that the quiet hours start at 10 p.m. He added that he sees that they are not going to work or make noise until 10 every day and that he is in support of it so far.

Commissioner Bennett stated that he believes that it is unfair to ask a company for proprietary information. He said that the problem of trucks entering Hwy 88 is a Caltrans problem and if there is a problem that Caltrans will address it and that it is certainly solvable. He added that if we did not have a competitive economy that our standard of living would be destroyed and the American Dream never would have happened. He said he is very sympathetic to noise complaints and that one is responsible for where they live and that change happens and is a constant. He shared that this project brings many advantages to this County and that his decision is based on the legal concept of the balance of equities. He shared that to restrict supply during a period of high inflation is absurd and that the project produces a needed material, tax revenue, and employment that will grow or at least be maintained. He said that there are many complaints about the condition of our roads. He explained that people are proposing an additional sales tax, which is regressive, to pay for it but that the most equitable solution is increased economic opportunity or maintaining what we already have. He pointed out that Sam Walton realized distribution efficiency and shared that he approves of the environmental review and the quarry expansion including the hours of operation.

Vice-Chair Munnerlyn said she understands the neighbors' requests for a new EIR, but that Government Code section 21166 is pretty specific in what parameters allow us to ask for a new or supplemental EIR. She said that of the three requirements, she does not see the substantial changes that would be necessary to approve that request. She said that the mitigations included in the project are extensive for noise, traffic, circulation, lighting. She then asked if the acoustic curtains are in place today.

Mr. Main said that they currently only have one crusher set up with them, but if this is approved that they will be installed on each crusher and screen deck.

Vice-Chair Munnerlyn asked if the curtains are good in controlling dust.

Mr. Main responded that they will help with that.

Vice-Chair Munnerlyn stated that she knows George Reed to be an important part of our local economy and that she has been here 17 years and cannot say she has ever seen a ball field without a George Reed sign on it. She said she knows friends and family that work for the plant and that it is undeniable that it is an important commodity for the area. She hopes that the mitigations, if approved, will help alleviate some of the concerns and problems with the sound. She asked Mr. Beatty if George Reed has been compliant with all the parameters set forth in the reporting.

Mr. Beatty responded that there are two forms of reporting that have to occur. He explained that one is an annual reclamation inspection that ensures they have an adequate financial assurance pledged to the County and the Department of Conservation to cover costs of reclaiming the site in the event the operator is unable to do so. He said they provide us with an annual financial cost estimate of what the reclamation would be, that is then reviewed by consultants employed by the County, and that we then make sure that they follow up with the adequate financial assurance. The second form of reporting occurs every three years. A third party prepares a report which covers the monitoring and mitigation of the conditions in their use permit. He added that, so far, they have prepared three of those triennial reports and that they all have been substantially compliant with conditions and mitigations.

Vice-Chair Munnerlyn said that this project started well before she was on the Commission and that she believes that the new mitigations could alleviate some of the problems that are present and that she is in support of the project amendment.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve the adequacy of the Subsequent Mitigated Negative Declaration.

AYES: Curtis, Bennett, Munnerlyn
ABSENT: Wardall, Gonsalves

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve the project with the recommended findings, conditions, and mitigations included in the staff report.

AYES: Curtis, Bennett, Munnerlyn
ABSENT: Wardall, Gonsalves

Mr. Beatty stated that the Planning Commission has approved Amended Use Permit UP-06;9-3. Anyone wishing to appeal may do so by filing a written appeal with the Clerk of the Board no later than 5:00 p.m. on December 22, 2023.

MOTION: It was moved by Commissioner Curtis, seconded by Vice-Chair Munnerlyn and carried to adjourn the meeting until the next regularly scheduled meeting on January 9, 2024.

Stacey Munnerlyn, Vice Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department