

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
July 9, 2024 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on July 9, 2024 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 Munnerlyn.

COMMISSIONERS PRESENT WERE: Dave Wardall, District 2
Stacey Munnerlyn, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: John Gonsalves, Chair, District 1
Earl Curtis, District 3

STAFF: Greg Gillott, 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 Vice Chair Munnerlyn at 7:00 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

AYES: Munnerlyn, Bennett, Wardall

NOES: None

ABSENT: Gonsalves, Curtis

D. Minutes: June 11, 2024

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Wardall, and carried to approve the June 11, 2024 minutes.

AYES: Munnerlyn, Bennett, Wardall

NOES: None

ABSENT: Gonsalves, Curtis

E. Correspondence: Letters for Item 1 from McCann, Reano, Lorz, Carino, Hutson and an Assurance Development presentation; Letters for Item 3 from Bonneau and the Volcano Community Services District (VCSD).

F. Public Matters not on the Agenda: None.

G. Recent Board Actions: Mr. Beatty shared that the Board of Supervisors approved the amendments to the various winery ordinances reviewed at the last several Planning Commission meetings.

H. Agenda Items:

Public Hearings

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

Property Owners/Applicant: Russell & Doris Evitt Trust/Assurance Development
(obo/Vertical Bridge)
Supervisory District: 4
Location: 17140 Valley Blvd., Jackson, CA 95642

Vice Chair Munnerlyn opened the public hearing.

Mr. Bratan introduced the item and shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full. He stated that there is an additional alternate site in the Assurance Development presentation making it a total of 7 alternate sites, instead of 6.

Bill Lewis, Assurance Development, shared details from power point presentation. He said that the nearest cell tower sites are just under 5 miles away and displayed maps with before and after coverage areas to show need. He stated that a concern at the last Planning Commission meeting on this project was the view of the equipment and that they are now proposing green privacy slats and faux vines on the equipment enclosure fence. He showed pictures with various views of the proposed site stating that the nearest residence is a little over 700 ft. away. He then shared the alternative site analysis, stating that the only viable option is the site being proposed. He added that, previously, access rights were a concern and said that a title report of the adjacent parcel shows a 50 ft. wide road easement and public utility easement along Valley Blvd. He shared that the easement can be used to access the site and that their survey has been updated. He said that an electromagnetic energy (EME) report was prepared that shows that the site itself emits less than 1.4% of the maximum allowed limits set by the FCC.

Vice Chair Munnerlyn asked for public comment.

Nancy Reano submitted a letter along with a page referencing finding #2 in the Staff Report to the Commission and staff. She said that she and her husband have lived at 17270 Oak Rd. on 5 acres for 16 years and that this is their forever home. She corrected that the proposed tower is going to be a little over 400 feet from her house, not 700 feet. She stated that they attended the November 14, 2023, Planning Commission meeting where they raised concerns about the location of the tower being so close to their home and directly in their view. She stressed that her family said they are concerned about the electromagnetic radiation and that they will not bring her grandchildren to visit if the tower is built. She said she has health and property value concerns and that a local realtor has written a letter stating that a cell tower that is 130 feet tall will negatively impact their view, that the property could suffer as much as 20% or more loss in value, and that most buyers will not buy a property within sight of a cell tower. She added that her realtor also wrote that a cell tower will have to be disclosed if the property is transferred. Ms. Reano stressed that she will not be able to open her blinds with a flashing light on top of the tower.

Scott Hutson, resident on Valley Blvd., said that he attended the prior hearing and is disappointed to see that the request made to look at extra locations was unanswered. He voiced concern about his property values and shared that his family will be moving if the tower goes up and said he will lose money. He said that he is familiar with electromagnetic radiation due to the field he is in and pointed out that exposure per day is shared by the applicant, but not continuous exposure 365 days per year and that a lot of the

residents in the area are home all day. He pointed out that the photos submitted by the applicant are all uphill photos and that the neighbors on the higher hills should have been notified because the tower will be blasting straight into them and him. He voiced concern for the health of his self and his neighbors. He said that on page 113 of the packet that computer modeling was used, but no data is referenced. He said in his business that on their drawings they use heat maps and asked to see heat maps on the hillsides and higher properties around the tower to see where the highest concentrations will be. He said that big towers down near Clements are away from residences and that this size of tower is not the kind that is typically found in a high-density area. He asked what the radius of reach is of this tower and what the regulation is for emissions when more carriers are on it. He stressed that everybody in the area needs to receive information about the proposed tower.

Gene Sproul, resident on Oak Rd., brought pictures and said that he just heard about this project and that he is not well prepared. He handed pictures to the Commission and staff taken with a drone. He explained that the first picture taken was taken at 50 feet with the tree being 40 ft, the next picture was taken at 100 feet, and the next picture taken from the top of the tower to the Reano house. He said that the rest of the pictures are random pictures showing the hillsides around the tower and the many houses that cannot be seen from the ground. He said most people have not heard about this tower and are going to be ticked off.

Vice-Chair Munnerylyn asked Mr. Sproul whose residence is in the picture.

Mr. Sproul responded that it is the Reano's.

Betty Saterlie said she has lived 26 years on Kit Lane which is about a block from the opening of Oak Rd. at 2,300 feet in elevation. She voiced that she has great views of Lake Camanche, downtown Jackson, Galt, and Stockton and that a 130 ft. tower is tall like a 13-story building. She said that she was not notified and recently found out about this project. She said she was previously President of the KC Ranchettes HOA and that the rest of their residents need to know what is going on at their next meeting next week. She said that the County did not accept their roads, that they are privately maintained, and that they are very careful about heavy equipment coming in. She asked that this is tabled so that 77 homeowners can be present next time.

Anthony Reano, 17270 Oak Rd, wants to make sure that the Commission understands that this is a 130 ft. tower that is in line of sight of their residence. He said that a monopine is not going to blend in and said that he complained about the line of sight at the last meeting. He stressed that the 189-acre proposed site is 431 feet off of his property line right in his view. He referred to pages 3 and 6 of the October Planning Commission minutes where Commissioner Wardall asked about a topographical map and alternative locations because of the significant impact to neighbors. Mr. Reano said he has not seen one. He referred to the use permit code and said that this is detrimental to their health, welfare, safety, peace, morals and comfort, detrimental and injurious to property or improvements. He asked how his children are going to allow his grandchildren to come visit. He voiced concern about his property values dropping 20% and having to disclose the tower making his property unsellable. He added that owners of the project property do not live there and will never have to see it, nor will those who are building it.

James Gonzales, 17234 Oak Rd, said he moved from Illinois to Amador County to get some peace. He shared that he is a neighbor of the Reano's and is a trauma and acute care surgeon and deals with catastrophes and life and death every day. He said when he comes home that he does not want to be in the line of sight of a cell tower. He shared that he sees the validity of cell towers, but does not believe that full safety understanding or the effects have been established. He added that sometimes it takes decades to figure out causality in the setting of medicine. He stressed that he does not want to have to leave the county and leave a void for medical services that he provides because of worrying about the tower affecting his children. He said we do not know the full safety of this stressing that this is not the wilderness but a residential area.

Mr. Lewis said in response to public comments that it sounds like the major concerns are health and safety and the views. He said he wants to clarify the discrepancy between the 700 feet and 400 feet to the nearest residence and explained that he was measuring that from the tower to the building itself, not necessarily the property line. He said that 700 feet is about an eighth of a mile, and that in urban areas towers can be anywhere from a quarter mile to less than that to residences. He pointed out they are on one of the largest parcels in the area and if located on another site could potentially be even closer to a residence. He said they are trying to maintain the elevation and on the proposed property there is a significant drop in elevation. He said that they are 130 feet below the 2,300-foot elevation line and clarified that there will not be any lights on the tower. He shared that Vertical Bridge is willing to post a performance bond to address any damage to private roads during construction. He stressed that the EME report done to the nearest residence shows that emissions are 1.4% of the allowable limits by the FCC and at ground level less than 1%. He added that the highest concentration for the signal is going to be right in front of the antenna. He said that he heard that heat maps are wanted, but the signal dissipates from to tower so the EME level would be lower. He shared that every time another carrier comes onto a tower that another EME report is done and that the tower is significant to the community for emergencies.

Mr. Reano referenced the October minutes where Commissioner Wardall asked if a study is going to be done on the property values and if alternate locations can be addressed. He said that has not happened. He shared that the only thing brought tonight on property values is what his wife presented and that other sites were not brought either.

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

AYES: Munnerlyn, Wardall, Bennett

NOES: None

ABSENT: Gonsalves, Curtis

Deputy County Counsel Spitzer reminded the Commission that Federal law restricts the way we can regulate and deliberate regarding cell towers. He said that any denial, if there is one, has to be in writing and supported by substantial evidence in the record and that no regulation, restriction, or denial can be based on the environmental effects of the radio emissions.

Vice Chair Munnerlyn asked the applicant if there is a proposed percentage increase in the coverage in the coverage map.

Mr. Lewis responded that as far as the added users he does not have the numbers with him, but would be happy to bring them at a later date, if needed.

Vice Chair Munnerlyn said that she only sees a concentration of coverage in the coverage maps and not a range of coverage.

Mr. Lewis said that the darkest color represents reliable in-building coverage which is the standard the industry uses in determining what the coverage needs are. He continued that the lighter shades are outdoor coverage, followed by less reliable outdoor coverage. He stated that the area they are trying to cover does not have reliable in-building coverage and in an emergency, if inside a home, that a reliable phone call will not be able to be made.

Vice-Chair Munnerlyn said that she has found, in other instances, that cell towers are not always reliable and that they have gone down in emergencies such as wild fires and other catastrophic events and asked how he can guarantee reliability.

Mr. Lewis said that there is no guarantee, but in an emergency the site will have between 6 and 8 hours of emergency battery backup power. He added that a microwave dish will be on the tower if a fiber line is

not available for internet and for a longer-term power outage that the site will have a generator plug so that a temporary emergency generator can be brought in on a truck.

Commissioner Bennett asked what type of batteries are used.

Mr. Lewis replied that they are enclosed, but that he does not have that information but can provide it.

Vice Chair Munnerlyn said that she was hoping he would have come back with alternative sites within the 189-acre parcel further away from the community.

Mr. Lewis said they looked at the initial design of the site and between having to meet fire code, maintain a specific elevation, and assess the cost of access to the access road this is really the only location where can be as far as possible from residences and maintain coverage.

Commissioner Wardall polled the public to please stand if they are against the project. A large majority of the public in the Chambers stood.

Vice Chair Munnerlyn asked if any attendees are in favor of the project. None responded. She then asked if any of the public participating online are in opposition to the project. None responded.

Vice Chair Munnerlyn commented that the public hearing has been already closed and to end it there.

Commissioner Wardall asked how far out the notification was and said that a couple of the residents have asked for a broader mailing in order for their homeowners' group to notify other homeowners in the area. He said this meeting might be underrepresented with the local population. He stated that this goes back to what kind of impact this is going to have on the neighborhood. He said that health aspects cannot be considered but other things injurious or detrimental to property or improvements in the neighborhood or the general welfare of the county are grounds for not approving. He asked at a minimum to delay the meeting for a broader notification and that he is not inclined to support or approve the use permit application.

Vice Chair Munnerlyn asked how an additional mailing would work.

Mr. Beatty responded that the hearing can be continued and that the Commission can ask staff to increase the notification area.

Vice Chair Munnerlyn asked what the notification area was.

Mr. Beatty responded 300 feet.

Vice Chair Munnerlyn stated that it seems relatively small for the lay of the land and asked if the notification area was 300 feet from the proposed location of the site or from the 189-acre parcel.

Mr. Beatty said from boundary of the 189-acre parcel.

Commissioner Wardall asked what the general size of the parcels are in the area.

Mr. Beatty responded that he believes KC Ranchettes lots to be 5 acres.

Commissioner Wardall asked if $\frac{3}{4}$ of a mile or a mile is doable.

Vice Chair Munnerlyn stated that she believes that a mile will encompass the majority of KC Ranchettes.

Commissioner Bennett shared that he also supports a mile.

Vice Chair Munnerlyn said that she does as well.

Mr. Lewis said that he requests to continue the hearing to a date uncertain in order to provide additional information on the batteries and the additional coverage as well as residents to help determine impact on the community.

Commissioner Wardall and Vice Chair Munnerlyn said they do not have a problem with that.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to continue the hearing to a date uncertain for the applicant to respond to the two questions asked and increase the notification area to one mile.

AYES: Munnerlyn, Wardall, Bennett

NOES: None

ABSENT: Gonsalves, Curtis

Mr. Bratan stated that the Planning Commission has postponed this item to a date uncertain and that another notification will go out when the meeting date is determined.

Item 2 - Request for Zoning Ordinance Amendment (ZOA-24;6-1) which would add farm breweries as an allowed use in the A-G/Exclusive Agriculture (Williamson Act) zoning district, establish minimum planting densities, and regulations for their ancillary uses consistent with ancillary uses allowed for wineries.

Applicant: County of Amador

Supervisory Districts: All

Location: All property included in the AG/Exclusive Agriculture (Williamson Act) zoning district

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

Commissioner Wardall said that he does not have a problem with it. He asked if farm breweries would be allowed to have events like wineries and voiced concern that it could become party central. He asked what the limitations are.

Mr. Beatty responded that limitations will be groundwater because breweries will be limited to 5,000 barrels of production a year and will have to have at least 3 acres of hops or other crops onsite associated with beer manufacturing. He stressed that this amendment directly ties agricultural production to a parcel for that specific use.

Commissioner Wardall asked if there will be any limitations on the number of days or number of participants.

Mr. Beatty responded that it will be the same as wineries.

Vice Chair Munnerlyn asked if breweries will be able to participate in the Amador Vintners Association (AVA) or its successor association's events or if there will be an additional association within the county just for breweries.

Mr. Beatty responded farm breweries will be allowed to participate in AVA or successor events.

Vice Chair Munnerlyn asked for confirmation that the two main things are that they need to produce less than 5,000 barrels annually and grow a minimum of 3 acres of hops.

Mr. Beatty responded that is correct and that they need to be licensed as a small beer manufacturer through the California Department of Alcoholic Beverage Control (ABC).

Vice Chair Munnerlyn opened the public hearing.

Steve White, owner of 16 Quartz Hop Farm on Hwy 16, said that they just want to have equal rights as wineries so they can use their crops to sell on site and produce beer on site and are not looking to do anything different than a local winery. He stated that the number of barrels in the proposed ordinance came from input provided in meetings from Will Pritchard from Amador Brewing. He said that the hop farm is a Vicini family property, that they also grow grass hay, and want to continue the farm tradition in another way other than grapes. He added that they have a functional farm where they sell hops to breweries in and outside of the county. He shared that besides the brewery that they want to have small private venues and in years to come be open to the public.

Commissioner Wardall asked if he is on the corner of Carbondale and Hwy 16.

Mr. White replied yes.

Vice Chair Munnerlyn asked if there is any further comment. There was none.

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

AYES: Munnerlyn, Bennett, Wardall

NOES: None

ABSENT: Gonsalves, Curtis

Commissioner Bennett shared that he believes that this should be consistent with the wineries otherwise unnecessary restrictions, problems, and bureaucracy will be created. He said that he is in favor of this and that it generates tax revenue and adds to economic diversity.

Vice Chair Munnerlyn voiced that she is also in favor of adding breweries and believes that it will increase agricultural tourism in the area.

Commissioner Wardall said that he wants the brewery ordinance, as much as possible, to be in parallel with the winery ordinance.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to recommend approval of the Notice of Exemption and ZOA-24;6-1 to the Board of Supervisors.

AYES: Munnerlyn, Wardall, Bennett

NOES: None

ABSENT: Gonsalves, Curtis

Mr. Beatty stated that the Planning Commission has recommended that the Board of Supervisors approve ZOA-24;6-1 and a public hearing will be held on July 23, 2024.

Item 3 - Request for Zoning Change (ZC-24;6-2). The zone changes affect parcels that have a zoning district classification which is inconsistent with the land use designation adopted with the 2016 General Plan Land Use Element update. The changes include:

11 parcels to be rezoned from the M/Manufacturing zoning district to the R1A/Residential Single Family & Agricultural zoning district;

1 parcel to be rezoned from the M/Manufacturing zoning district to the MR/Mineral Resources zoning district; and

298 parcels owned by the Federal government to be rezoned from the USA zoning district to the OS/Open Space zoning district.

Applicant: County of Amador

Supervisory Districts: All

Location: Parcels currently zoned M/Manufacturing in the Volcano area and 298 parcels county-wide owned by the Federal government designated as having "USA" zoning

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

Vice Chair Munnerlyn opened the public hearing and asked if there is any public comment. There was no public comment.

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

AYES: Wardall, Munnerlyn, Bennett

NOES: None

ABSENT: Gonsalves, Curtis

Vice Chair Munnerlyn said that this seems to be a necessary step in cleaning up zoning.

Mr. Bratan said correct.

Commissioner Bennett shared that his understanding is that the Manufacturing zoning is a vestige from when mining was considered in those locations and is not necessary today.

Mr. Beatty replied that is correct and said when the General Plan was approved it was deemed that those areas were not viable for manufacturing and there were not adequate utilities or infrastructure in place to support it.

Commissioner Wardall asked if everyone with M zoning, other than the one family who responded, was notified of this.

Mr. Bratan responded that they were all notified.

Commissioner Bennett shared some history of Bureau of Land Management (BLM) land and said that he is totally in favor of cleaning up this zoning. He commented that BLM land in Pioneer has been ignored as far as fire safety.

MOTION: It was moved by Vice Chair Munnerlyn, seconded by Commissioner Wardall, and carried to recommend approval of the Notice of Exemption and ZC-24;6-2 to the Board of Supervisors.

Mr. Bratan stated that the Planning Commission has recommended that the Board of Supervisors approve ZC-24;6-2 and a public hearing will be held at a later date.

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Mr. Beatty added that this is the first of several groups, of zone changes and zoning code amendments to be consistent with the General Plan and to also remove things that are outdated, conflicting, or ambiguous.

Vice Chair Munnerlyn commented that maybe this will make the new General Plan easier to implement.

MOTION: It was moved by Vice Chair Munnerlyn, seconded by Commissioner Wardall, and carried to adjourn the meeting to the next regularly scheduled meeting on August 13, 2024.

AYES: Bennett, Munnerlyn, Wardall

NOES: None

ABSENT: Gonsalves, Curtis



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

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