

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
June 11, 2024 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on June 11, 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 Chair John Gonsalves.

COMMISSIONERS PRESENT WERE: John Gonsalves, Chair, District 1
Dave Wardall, District 2
Earl Curtis, District 3
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: Stacey Munnerlyn, District 4

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 Chair John Gonsalves 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: Wardall, Gonsalves, Bennett, Curtis

NOES: None

ABSTAIN: None

ABSENT: Munnerlyn

D. Minutes: May 14, 2024

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve the May 14, 2024 minutes.

AYES: Wardall, Curtis, Bennett

NOES: None

ABSTAIN: Gonsalves

ABSENT: Munnerlyn

E. Correspondence: Letters for Item 2 were received the following after publication of the agenda: Piety, Perano, Lockwood Fire Protection District, Brown, Farnham, OKU Solutions, R. Curtis, N. Curtis, Vaughn, Cummings/Baker, JM, Bowman/Cadd, Bowers, and Duckworth.

F. Public Matters not on the Agenda:

Jessie Mullan asked what the process is to amend the telecommunications ordinance to increase boundaries from towers.

Counsel Gillott responded there is a code section that talks about the process for amending ordinances and either the Planning Commission or the Board of Supervisors can make a Resolution of Intention. He added that most of the time it comes from the Board of Supervisors and she should make a request to the Board.

Jim Snoke, resident of Mella Dr., shared that he is a ham radio operator and has things to say about the proposed cell phone tower.

Chair Gonsalves explained that this is the time to speak about items not on the agenda and for Mr. Spokes to comment about the tower when the item comes up. There was no other public comment.

G. Recent Board Actions: Chuck Beatty reported that the Board of Supervisors approved the variance request that was recommended for approval at the last Planning Commission meeting.

H. Agenda Items:

Public Hearings

Item 1 - Request for Use Permit (UP-24;3-1) to relocate the existing Amador Fire Protection District (AFPD) Station #114, currently located at 19840 Highway 88, Pine Grove, CA, to 19302 Ridge Road, Pine Grove, CA (approximately one-half mile to the west). The project involves the construction of a 22,500 square-foot fire station housing 3 fire engines and 1 water tender, plus a 1,000 square-foot training tower with a height of 35 feet. The station will be occupied by a minimum of 2 personnel on a 24-hour per day schedule (APN 030-740-022).

Applicant: Amador Fire Protection District

Supervisory District: 4

Location: 19302 Ridge Road, Pine Grove, CA 95665

Chair Gonsalves opened the public hearing.

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. He explained that because Amador Fire Protection District (AFPD) is the lead agency for the project, their Board of Directors approved the subsequent Mitigated Negative Declaration and now a decision just needs to be made on the use permit.

Chair Gonsalves asked if the applicant is present and asked about a vacant parcel on Mt. Zion Rd. owned by either AFPD or the County.

Fire Chief Withrow, AFPD, responded that the District has owned the property on Mt. Zion Road for several years and the initial plan for the site was to build a fire station there, but after the site was surveyed upwards of seven utility easements were found making it difficult to build the type of facility desired. He added that the AFPD Board elected to purchase the property behind Dollar General that will better suit their needs.

Commissioner Bennett said his only concern is noise, but that there probably will be less noise than with certain businesses that could be there. He stated that he is in favor of the project and that it will take the property off of the tax rolls. He asked what is going to happen to the property on Mt. Zion Rd.

Chief Withrow replied that the unofficial direction of the Board is to put the property up for sale.

Chair Gonsalves asked if there is further public comment. There was none.

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

AYES: Curtis, Gonsalves, Wardall, Bennett

NOES: None

ABSENT: Munnerlyn

Chair Gonsalves asked for Commission discussion.

Commissioner Wardall said that he believes that this is a good project, that it will have a training tower, and that we can always use more fire protection.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve UP-24;3-1 with the conditions and findings in the staff report.

AYES: Curtis, Gonsalves, Wardall, Bennett

NOES: None

ABSENT: Munnerlyn

Mr. Beatty stated that the Planning Commission has approved UP-24;3-1. 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 June 21, 2024.

Item 2 - Request for a Use Permit (UP-24;4-1) to install a 90-foot-tall monopine design wireless communication tower with 9 panel antennae and associated tower and ground equipment, within a 30' x 30' enclosed lease area (APN 021-390-006).

Property Owners/Applicant: Hollander Marty & Ryglisyn Antoinette/Pinnacles Cellular Inc. d/b/a Verizon Wireless. (Steve Proo, Complete Wireless Consulting, Inc. – Representative)

Supervisory Districts: 5

Location: 19585 Shake Ridge Rd., Volcano, CA 95689

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 shared that the applicant submitted supplemental material that includes an updated oak woodlands study correcting the height of the tree next to the tower from 45 ft. to 85 ft. and that an updated RF study was received with a slight revision to the RF emissions.

Chair Gonsalves asked the applicant to come forward.

Steve Proo, Complete Wireless Consulting, introduced himself along with Yvonne Pinto with Verizon Wireless Municipal Engagement, and David Witkowski, electromagnetic safety expert, with OKU Solutions. Mr. Proo shared a presentation available online beginning with a number of photo simulations. He stated that this section of the county suffers from poor coverage levels. He added that the proposed tower will help improve wireless coverage and provide access to users to 911 services and offload capacity issues in the neighboring communities of Pine Grove and Fiddletown. He said that the tower will vastly improve indoor and outdoor coverage directly surrounding the site. He explained that the site was chosen using topography, zoning regulations, available utilities, access, a willing landlord, and ability to meet Verizon's needs. He explained why this site was chosen over other locations and added that the search ring of one mile was smaller than most due the topography in the area and that the area has elevation challenges. He explained that the project complies with FCC guidelines, noise regulations, with Amador County development standards per section 19.48.150, and is designed at minimum function height. He shared, regarding the helipad, that Lockwood Fire provided a letter saying there were no

concerns about height or with the helicopter landing. He said he understands there is community concern regarding the project and voiced that this is not just for coverage, but for capacity. He said that when large numbers of people are dialing at the same time the system will overload and calls will not go through and asked for approval.

A gentleman in the back of the Chambers asked for copies of documentation of what Mr. Proo had just said and stated that he believes that what Mr. Proo said is false and misleading.

Mr. Proo responded that everything that he just spoke about has been submitted in the packet.

Chair Gonsalves instructed to let the applicant share their presentation and then to open up the public hearing.

Mr. Witkowski, CEO of OKU Solutions, said he is with the engineering consulting firm retained to do a 3rd party review of the electromagnetic report. He shared that he submitted a letter and that they find no issues with report. He stated that they looked at the question of distances from the site to nearest residences and found that the nearest home is 476 feet from the proposed site. He explained that RF energy and light dissipate very quickly over distance. He added that he analyzed property valuations using a study he published from 2021 and a study from the same organization in 2012 using almost 12 million real estate transactions from 2010-2020 that were in proximity to 1,700 cell sites installed during that time. He stated that he shared the data with a real estate economist who found no negative impacts to property valuations and in some areas found an increase in valuations.

Commissioner Bennett asked Mr. Proo for a response to concerns about microplastics, its pollution, and the desire from some to put a red light on top of the tower.

Mr. Proo replied that the tower was made a monopine because of county code and that he does not recommend putting a light on top of a tree. He said to maybe consider changing the design to a neutral color monopole with a light on top which will also reduce microplastics.

Chair Gonsalves opened the public hearing.

Jessie Mullen, asked to refer to the map from the petition located on page 215 of the packet. She said that it is important to understand the topography of the area and brought a topo map if needed. She explained that the proposed tower will be in a depression and because all the residents are on a ridgeline that many have a view of the tower. She asked what the Commission is looking for in their decision making.

Chair Gonsalves responded that they are looking at the big picture and that he has read the letters of opposition. He added that the Commission recently had a cell tower project that was sent back in order to look for a better location and that the Commission did not come with a decision made.

Ms. Mullen asked in their decision making if they are going by the ordinance, the General Plan, or all of the above.

Chair Gonsalves responded all of the above.

Commissioner Wardall commented that this is a small county, that he read that there is a petition, and that historically the Planning Commission has been sensitive to what neighbors say about a project.

Ms. Mullen said, in regards to topography, that dozens up on ridgelines will be affected. She asked if this is the best place for the tower to reach the most people per what Verizon is trying to accomplish. She stated that she believes there will be greater exposure for those up higher with the tower in a depression. She commented that it is great that much of the proposal from Verizon has mitigations, but believes that

the location is an amplification of negative impacts and cannot meet the criteria of mitigation due to the sheer quantity of people affected. She continued that she believes that there is a contradiction from Verizon in their application and referenced, on page 61, Verizon's need for the facility being based on complaints from Verizon customers, travelers, and businesses in the area. She also referenced page 23 where it says a lack of travelers into the project site makes it a less than substantial impact. She asked which is true and if it is admittance that the impact is significant or if it is an admittance of the volume of travelers.

Chair Gonsalves responded that believes she is talking about two different things and that they are talking about travelers throughout the community and travelers going specifically to that site.

Ms. Mullan said that she hopes that the Commission will consider the petition as evidence that they do not want the cell tower. She shared that another example of negative impacts is a decrease of property values and that she intentionally bought her property because there was no cell tower in the area. She added that a lot of times towers are around one or two homes, but this involves a hundred homes. She voiced that the location of the proposed tower will be entirely visible from the roadway and that another tower in the area on Darling Court is very difficult to be seen, is in the vicinity of about 5 homes, and does not impact drivers. She stressed that cell towers need to be disclosed in real estate transactions and Mr. Proo for clarification if the fence will be chain link or wood.

Mr. Proo responded wood.

Ms. Mullan said that she does not appreciate a disturbance to Lockwood Fire Protection District (LFPD) heli-flight emergency abilities. She added that she does not believe it is reasonable to put in a monopole with a light since the ordinance states that it may not have a light. She asked if a tower with a light is something the Commission can even consider approving.

Commissioner Wardall replied that he is a former fire-fighting pilot and that there are a lot of advantages of a light. He explained that Caltrans Aeronautics has recommended to install a red anticollision light and then asked the Commission to include that as a requirement. He continued that it would be lit on an obstacle map for fire-fighting pilots, that medi-flight would have the tower location, and that there is a lot of value of a light for the fire-fighting community.

Ms. Mullan said that she agrees, but the light will be even more of a visual impact to the community and the ordinance says they cannot have one.

Counsel Gillott said that the letter that came in tonight from Caltrans Aeronautics says if the proposed tower is located within one mile of the EMS landing site, that the tower should have red obstruction lights affixed to the top. He continued to refer to the letter that said that failure to follow this recommendation will degrade flight safety to the point where use of the EMS site may need to be discontinued. Counsel Gillott stated that the County ordinance precludes lights on cell towers and that the Commission cannot impose a condition that is in conflict of the code. He commented that he is not sure that the requirement for the light is accurate, that it seems unclear, and also does not believe that the Planning Commission can put a light on a tower when the code says no lights.

Ms. Mullan said when considering the safety of the heli-flight operations versus a tower that the community prefers the service they have been having. She asked if the Commission is evaluating the site to where the tower could potentially go 20 ft. taller with no review.

Jim Snoke, Mella Dr., said that about 70% of people in the county use a cell phone, but few know what a cell tower actually does. He explained that a cell tower has to be connected to the internet in order to work and if the internet goes down that the cell tower is absolutely useless and it does not matter what backup systems there are. He said that the only thing that works is satellite on wheels, but it is brought in after the fact. He commented that if Verizon is arguing there is a safety factor involved from having the

tower that the argument is erroneous. He continued that if the cell tower burns down, that it is it. He referred to the Camp Fire in Butte County as an example and explained that the fire started in the morning, but the general public did not get the evacuation notice until the afternoon when it was too late.

Chair Gonsalves asked how this is relevant to the project.

Mr. Snokes responded it is relevant because if the argument is that this is going to be a safety factor for an immediate point of contact in the event of a disaster, such as a wild fire, it will not be.

Commissioner Bennett asked how the fire started.

Mr. Snokes said that it started in a canyon, but does not know how. He continued that the Code RED system along with other systems failed and said that the same thing happened in Lahaina, Hawaii. He added that the FCC regulates a great deal of the cell phone communication systems, but the FCC does not require any specific backups on the towers. He stressed that brush fires burn power lines, generators, and battery backups and after disasters occur there is plenty of interest in updating regulations but the telecom industry lobbies and regulations go unheeded. He continued by sharing the number of fatalities in several disasters.

Chair Gonsalves said he does not see how this is relevant to a cell tower application.

Mr. Snokes responded that he does not know what criteria the Commission is going to use.

Commissioner Wardall said we are looking at this cell phone tower and this application. He voiced that there were a lot of mistakes made with the Camp Fire and a lot of administrative errors. He said going on about it is irrelevant and asked the Chair to limit comments to 3 minutes.

Chair Gonsalves stated that he agrees to limit comments to 3 minutes and asked for a 5-minute break. After break, he said that 14 comments letters were received and then asked the public to comment and to try to keep comment to new and relevant information.

Counsel Gillott corrected that there are closer to 40 objection letters.

Chair Gonsalves said that he stands corrected.

Mark Berkner 19425 Mella Dr. and 19370 Mella Dr, said that he opposes the project. He added that he and Tracy were travelling when the petition was circulating, but would have signed it as opposing. He shared that he believes that there are alternative sites within a couple hundred feet of the proposed site which blend in with the trees.

Courtney Young said she lives at the end of Loma Ranchos and is opposed to the proposal anywhere on Shake Ridge or the vicinity. She said she specifically looked for a site that did not have a cell tower in the area and moved here in 2020 to have a mushroom farm. She shared that she has a two-year-old daughter and that health claims may fall on deaf ears, but the community deeply believes they are a concern. She explained that the FCC guidelines have not been updated since the communications act and there has been a lot of development regarding 5G internet and cell phones since then. She referenced property value statements made by the engineer and stressed that rural property owners value different things than urban and do not look for great internet, but instead look for low light pollution, beautiful skylines, and peace and quiet.

Richard Bolyard, 19641 Hale Rd., referred to the petition map saying that the first 3 lots have no trees and that all the people on Mella and Loma Ranchos have a direct view to the tower with no obstructions other than one tree on the corner. He said that he has been told that Verizon can raise the tower to 190 feet without any further authorization.

Counsel Gillott clarified that there are rules about modification of towers that allow an increase in height of 10% or the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet. He said that the County cannot deny it if it fits within the Federal regulations and added that usually the purpose is to add more service and avoid having another tower.

Mr. Bolyard asked if any Commissioners or staff went to see the site. All present Commissioners responded that they had not. Mr. Bratan responded that he had.

Cheryl Scott, resident of Volcano, said that she does research for Kaiser, UCSF, and Stanford on a variety of healthcare issues primarily for women and babies and this has been a real concern of theirs. She shared that about 10 years ago the Volcano Community Service District (VCSD) had proposed to put in a 3G cell tower behind the armory hall to generate revenue for the District and ultimately declined the offer after researching effects for the sake of the health of the members of the community. She explained that all in the community have Wi-Fi in their homes and various providers, whether satellite or Volcano Telephone, do a great effort with mesh extenders. She asked the Commission to take into consideration health concerns because clinical studies show people who live close to towers are at risk for brain tumors, cancer, leukemia, depression, suicide ideations, and autoimmune disorders.

Commissioner Bennett said a lot of the objection is based on the degree to which the body is electric rather than chemical and asked Ms. Scott if she has any comments about that.

Ms. Scott responded that electrical frequencies affect us even though we have a material form and as the towers get stronger and stronger so do the risks.

Edward Rigel, resident on Mella Dr. for 25 years and owner of several properties on Mella Dr., stated that there is a concern about property values dropping and that they already have to worry about fire insurance. He said he is concerned about the health of himself, his dog, and of his granddaughter's that he is raising. He voiced that the number one reason not to approve this is safety issues over fire. He stated that his taxes will not be lowered if his property value drops or be compensated for his losses.

Jackie Vaughn, Mella Dr., said she submitted a letter and opposes this. She shared that they started their own network called the Lockwood Neighborhood Radio Watch which runs on General Mobile Radio Service (GMRS). She voiced that she is not opposed to the tower, just where it is located close to people amongst 61 one-acre lots. She said that the cell tower is not going to do anything for emergencies because they already have GMRS and are expanding on it. She stated that she bought her home for the view, will be able to see the tower, and will have to disclose it on a real estate form.

Christian Mullan, 19650 Buckeye Dr., shared that he wants to clarify a couple things for Richard because he was speaking where the Zoom participants could not hear him. He said that Richard was clarifying that the proposed tower is 176 ft. from the tower to his property line and 200 ft. from his house, not the 476 ft. as estimated by Verizon. Mr. Mullan said that he recently moved here and would not have moved his family to this area if he knew that a cell tower was going in. He shared that he spent almost 13 years in the Navy and was a naval special warfare communicator who has experience with frequencies and cell towers. He stated that by placing towers in a lower altitude and depression they need a higher power or greater amount of coverage in order to provide the 5G service. He said that greater power means it is going to penetrate buildings and communities even more and when you can begin to see health effects per the 1996 study. He shared concern that the tower photos do not show any of the ridgeline photos of the area as was mentioned by a lot of the community members and that none of the photos show the higher ground views. He said that travelers can use Wi-Fi from an area of coverage to get their map so that argument is invalid and when you dial 911 it does not matter what carrier you have. He shared that he is in a depression and can get through to 911 and that the public outcry is for not having the tower. He added that he has seen carriers provide boosters or Wi-Fi pucks.

Annette Rigel said that she opposes this for safety and health issues and is concerned for her 10-year-old granddaughter. She asked the Commission if they usually see cell towers by homes or in backyards and voiced that even PG&E phone lines are known to give people cancer. She asked that the tower go by Hwy 88 and away from homes and that their homes have telephones in the house. She asked who means more.

Counsel Gillott interjected reminding that Federal law precludes the County from denying a cell tower based on health concerns related to emissions. He explained that the information presented earlier is that the project meets the regulations and if the public has information that it does not meet those regulations it would be relevant.

Chair Gonsalves asked why a public hearing is being held.

Daniel Perano said that he lives in the house two doors up from Lockwood Fire and that he submitted a letter. He shared that a warning light is wise for pilots, but does not want to be looking at one. He referred to what Counsel Gillott said earlier where in certain circumstances it could be necessary to close the helipad. Mr. Perano stated that he has daughters with health issues that can severely affect their breathing, have had problems breathing in the past, and said that it is the best comfort in the world knowing they live two doors down from a life flight helipad. He asked the Commission to take into account the possible effects to emergency services if the helipad needs to be relocated.

Dan Rausch, resident for 50 years at 15986 Shake Ridge Rd. said he opposes the tower and has concern for his property values. He stated that he has 4 bars with ATT and does not need a cell tower.

Douglas Brown, Mella Dr. resident since 1979, said that he moved here because it is quiet and away from the craziness of the big city. He reiterated that a majority in the community do not want the tower for a variety of different reasons and that they believe that it is bad. He said he has good cell service and has a hard line in his house. He shared that about 7 years ago a lumber truck had a bad accident near the proposed location when coming down the hill.

Carla Bowers stated that she lives near the proposed tower and has submitted comments. She explained that the petition was provided to residents within 2000 ft. of the proposed tower and that 96 parcels were canvassed in one week. She summarized that, out of the 96 parcels and 103 signatures, 71% were opposed, 3% in favor, 8% neutral, 12% who could not be reached, and 6% vacant land. She referred to both the Amador County General Plan and municipal code that she says support public involvement and influence. She quoted from the General Plan saying that the Board of Supervisors, Planning Commission, and all levels of county government will continue to work in and for the community. She added that also in the General Plan it says that Amador County will make decisions in the public interest and will seek meaningful public input to support its decisions. She quoted from the municipal code there should be orderly development of wireless service facilities to encourage appropriate locations, protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, and maintain the visual quality of Amador County especially along highways and roadways. She stressed that the majority of people in the nearby neighborhood are opposed to the tower and hopes to use the General Plan and the code to deny the project.

Ms. Bowers continued that she is aware that the Planning Commission cannot deny the project based on RF exposures to residents because of Federal law and that a lot of people are working to change that. She shared examples to say that standards are not safe according to online experts around the world and that links are available in the packet. She stated that a 5G tower should not be located close to the Lockwood Helipad and the FAA required all airplanes to upgrade their altimeters to safely operate in the vicinity of 5G wireless signals as of September 2023. She stressed that not all helicopters are equipped with upgraded altimeters making this is a potential safety hazard for helicopter pilots that use the medivac helipad and also a huge liability issue. She asked Commissioner Wardall's opinion as a pilot.

Commissioner Wardall explained that after 5G came out the FAA basically grounded aircraft that made CAT 3A, 3B, or 3C landings until they upgraded their radar altimeter. He added that most helicopters are not landing at SFO or LAX in zero-zero conditions so most helicopters have not had an upgrade to their radar altimeters.

Ms. Bowers said her concern is that the helicopters could possibly be affected by 5G coming out of the tower.

Commissioner Wardall responded that would be a correct assessment.

She stressed that besides the other reasons that this is probably the most important reason to deny the tower so that pilots can maneuver safely and get their charges to the hospital. She asked that the proposed tower be relocated at least a half mile from residences, up on top of a knoll, not in neighbors' view sheds, and not near any frequently travelled roadways. She added that there are other solutions such as fiber optic cable for 5G without the need for a tower or a booster for those who have a weaker signal.

Kathy Butler, 19875 Shake Ridge-right next to the Lockwood Fire Dept., shared that they oppose the tower. She said that their property is up for sale and according to a 2022 study by the National Association of Realtors homes for sale lose up to 20% property value and 90% of the people look for another location if there is a cell tower next to the property. She voiced that the county would lose out on that income and that it would also affect their rental property. She stressed that there are two locations on the disclosure where have to disclose a cell tower. She voiced that their cell service is fine and that if a helicopter's altimeter messes up and crashes it is going to go through her ceiling. She added that numerous countries have stopped 5G towers from going up because they do not know what it does.

Ms. Pinto, with Verizon, said she would like to speak to some of the concerns. She began with explaining that the 1996 Act is reviewed every couple of years by the FCC and that the understanding that it has not changed since 1996 is not exactly accurate. She shared that they submit findings and determine whether any changes are needed and that the public is just not aware of this. She voiced that the letter says the light proposed in the letter says "should" versus "shall" and is not a dictate. She added that FAA regulations for lighting is 200 feet.

Commissioner Wardall interjected that 200 ft. is for a tower out in the middle of nowhere, not near a landing facility heliport.

Ms. Pinto repeated if the letter referenced "shall" that it would be a dictate and asked Counsel Gillott for clarification.

Commissioner Wardall voiced different regulations come into play.

Counsel Gillott responded that the letter said "should," but the letter also stated "failure to follow the recommendation will degrade flight safety to the point where the use of the EMS landing site may need to be discontinued."

Ms. Pinto responded that obviously a tree would not be the preference, but if a light is required, it is required. She said that the type of plastics used on cell towers are the vinyl kind of materials that are found in pool floats and things like that, not microplastics such as are found in dryer lint from polyester clothes and rubber that comes off of roads. He said their maintenance would pick up any leaves that might fall, but the leaves would not be made of microplastics. Ms. Pinto explained that the one reason the location was picked was because of the county code and the code requires 20 acres or more for parcels zoned R1A. She stated that in the alternative sites analysis that this is the only property that meets the code requirements and that all others require a variance. She said she had no service when taking the long way from Sacramento via Hale and that when people have to evacuate they are going to overload

the system trying to reach someone if they are trapped on one of those roads. She added that she manages all the emergency temps so people can have emergency services in an area and knows what these emergencies do to people.

Mr. Mullan said in August 2021 that the Federal government mandated that the FCC update their guidelines and the FCC has not made any mention of it nor made any corrections.

Mr. Proo said that Commissioner Wardall is correct and if Verizon chose to raise the tower at this location that they would need to apply for an amendment to the Conditional Use Permit (CUP). He said he does not foresee that happening and that this location allows quasi-public uses. He added there is no minimum functioning height in the zoning code and that they could have requested a tower that is 120 ft., but kept in mind the public and visuals. He said the 20 ft. addition would be another carrier and that he cannot speak for them and does not know if they are considering this location. He shared that the tower is not just for coverage, but for capacity, and explained that two locations in Pine Grove and Fiddletown are over capacity. He stated that this location is in the center and will help off load capacity and improve service. He commented that it sounds like a lot of residents on Mella Dr. have Wi-Fi and can make calls in their house, but he saw on a social media app that people do want this tower. He stressed that a variance needs to be requested for other locations. He asked for approval and for a continuance if the vote is no in order to see if there is another location on this property, but that the location on this property was chosen for utilities and is landlord preferred. He added that the tower can be a monopole resulting in being able to lower the pole by 8 ft. and can provide designs at a later date.

Doug Wescott said he used to live on Hale for around 20 years. He shared that he has heard about health issues, but has not heard about concern for the firefighters that are right there. He asked who is paying for the tower and stressed that this is all about money.

Kathy Butler stated that Mr. Proo says that they care about the community, but did not consider talking to them who live right next door nor, she has been told, to any neighbors.

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

AYES: Curtis, Gonsalves, Wardall, Bennett

NOES: None

ABSENT: Munnerlyn

Commissioner Bennett commented that people who live in the area stress that they do not have cell phone problems, but believes it to be true that travelers do. He said that he, as well as those trying to help him, experienced not having cell phone coverage when his car broke down. He shared that the Verizon representative said a variance would be required somewhere else, but the Commission grants variances every month and this location seems horrible. He said he understands that the electromagnetic radiation is within FCC guidelines, but that any government guideline is a mathematical average and there are always people that it does not apply to. He said Counsel stated, and it was also on the first page of the staff report, that no nonfederal jurisdiction can alter the FCC requirement and said he feels that whoever is behind that should pay their tea tax to King George with interest.

Commissioner Wardall said he is reading in recommended findings, under finding number 2, that in accordance with 19.56.040, Use Permit Findings, the establishment, maintenance, or operation or proposed use will not be detrimental to the health, safety, peace, morals, comfort, general welfare of persons residing and working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the county. He stated that with that statement and the comments from the residents in the area he cannot support the project in accordance with the government code.

Commissioner Bennett said that he cannot support the project either and said he thinks that the dangers of electromagnetic radiation are severely underappreciated by people in the government and their lobbyists.

Commissioner Wardall said that he is going to make a motion to not address the environmental document. He added he is not going to approve this project. He said he is not going to address health issues because they cannot do that, but because the project doesn't meet recommended finding number 2 in that it is detrimental to the peace, morals, comfort, general welfare of persons residing and working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the county. He stressed that there are about a half a dozen problems with the project.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to deny UP-24;4-1 based on the project not meeting recommended finding number 2 in the staff report.

AYES: Curtis, Gonsalves, Wardall, Bennett
NOES: None
ABSENT: Munnerlyn

Mr. Bratan stated that the Planning Commission has denied UP-24;4-1. 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 June 21, 2024.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to adjourn the meeting to the next regularly scheduled meeting on July 9, 2024.

AYES: Curtis, Gonsalves, Wardall, Bennett
NOES: None
ABSENT: Munnerlyn



John Gonsalves, Chair
Amador County Planning Commission



Mary Ann Manges, Recording Secretary
Amador County Planning Department



Chuck Beatty, Planning Director
Amador County Planning Department

