

**AMADOR COUNTY PLANNING COMMISSION MINUTES  
SUMMARY MINUTES OF TAPE RECORDED MEETING  
SEPTEMBER 12, 2017 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, September 12, 2017 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chairman Wardall.

**THOSE PRESENT WERE:**

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

Staff: Greg Gillott, County Counsel  
Susan C. Grijalva, Planning Director  
Chuck Beatty, Planner III

**THOSE ABSENT WERE:** None.

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

**A. Pledge of Allegiance.**

**B. Approval of Agenda:**

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

**C. Minutes:** August 8, 2017

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to approve the minutes of August 8, 2017 as presented.

Abstain: Commissioner Ryan (due to absence)

**D. Correspondence:** The following items of correspondence (attached) were received pertaining to items on the agenda and were provided to the Commissioners just prior to tonight's hearing.

Item 3: Email dated September 10, 2017 from Devin Lyle; and  
Email dated September 11, 2017 from Brian Dano, American Tower Corp.

Item 4: Letter dated September 11, 2017 from Sean C. Buckley;  
Letter dated September 11, 2017 from Linda French;  
Letter dated September 12, 2017 from Kristi L. Grego, Ferrellgas, LP; and  
Letter (undated) from Jennifer Alger, Far West Construction, Inc., dba Far West Forest Products

**E. Public Matters not on the Agenda:** None.

**F. Recent Board Actions:** Chuck Beatty, Planner, stated the Board of Supervisors approved the zone change from "R1A" to "AG" for Timothy and Jill Curran.

Public Hearings

- Item 1 - Request for Zone Change from the “R1A,” Single-family Residential and Agricultural District to the “AG,” Exclusive Agricultural District in conjunction with a request for inclusion into a California Land Conservation Act contract.**

**Applicant:** John L. Kirkpatrick and Maxine Kirkpatrick, Trustees of the Kirkpatrick Revocable Living Trust

**Supervisorial District 1**

**Location:** Located between Stony Creek Road and Highway 88 just west of Wicklow Way in the Martell area (APNs 044-010-047, 044-180-001, and 044-180-026).

Chuck Beatty, Planner III, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Wardall opened the public hearing.

John Kirkpatrick, applicant, informed the Commission he would like to amend the request to remove the 5 acre parcel (044-180-026) from the zone change.

Commissioner Ryan asked if staff had any concerns with this request and if it would require going back to the Agricultural Advisory Committee. Mr. Beatty replied the project would still qualify for the Williamson Act.

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

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and unanimously carried to recommend approval of the zone change to the Board of Supervisors subject to the findings contained in the staff report and the amended condition that the 2 parcels be merged into a single parcel prior to recording the contract.

*NOTE: Mr. Beatty advised those present that the Planning Commission had recommended approval of the requested zone change. This item will be heard at a future Board of Supervisors meeting for which public hearing notices will be sent out to those receiving notice of tonight's hearing.*

- Item 2 - Request by for a Use Permit to allow the installation of a 21-foot-tall amateur radio antenna on top of a 70-foot-tall tree. Pursuant to County Code Section 19.48.090(B), radio antennae may be installed to a greater height than the 30-foot height limit established for the “R1,” Single Family Residential District subject to securing a Use Permit.**

**Applicant:** John B. Laurant

**Supervisorial District 3**

**Location:** 16481 Alpine Lane, Pioneer, approximately 200 feet west of Cedar Heights Drive (APN 033-240-005).

Chuck Beatty, Planner III, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

John Laurant, applicant, stated he is an amateur CB/ham radio operator and he understands operating

radios can cause problems with “bleed-over”. When neighbors had problems and let him know, he has contacted Volcano Communications to install filters on the lines to resolve the interference. He explained the antenna is at the height it is due to the slope of his property.

He requested that if any of his neighbors are having interference problems, they should contact him or call Volcano Communications and request a filter be installed on their telephone or cable line to correct the problems. He added that ham radio operators are critical in assisting public agencies in emergency situations.

Commissioner Ryan asked if Mr. Laurant already had an FCC license to which Mr. Laurant confirmed he did.

Chairman Wardall opened the public hearing.

Steven Stacey, neighbor, stated he has listened to Mr. Laurant’s radio on his phone for about 2 years now. He did call Volcano Telephone, they did come out and put a filter on but he still hears him and he also hears him on his stereo. When he called Garth in Code Enforcement as well as Chuck in the Planning Department, they heard the bleed-over on the phone when he was talking to them.

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

Commissioner Ryan asked Mr. Laurant if the current antenna is the one that is pointing directly at Mr. Stacey’s property or is this antenna the one in the tree. Mr. Laurant stated it is the one in the tree and has been there about 7 years.

Mr. Laurant stated he and Mr. Stacey have a communication problem between them. All Mr. Stacey needs to do is call Volcano Communications and request a minimum 900 megahertz filter be installed. Commissioner Ryan asked about how many other neighbors have had their interference problems corrected. Mr. Laurant stated about 4 or 5.

Commission Ryan stated the Commission has approved several of these ham radio towers over the years and there haven’t been any problems after the fact as far as he knows. He sees the benefit of having these radio operators in emergencies and that is why the FCC limits the restrictions the County is able to put on them. He recommended Mr. Stacey call Volcano Telephone again to try and resolve the issues he’s having.

Commissioner Byrne asked staff to confirm Use Permits go with the land and asked what happens in the future if the antenna isn’t being used. Is there a removal clause as a Condition?

Greg Gillott, County Counsel, stated that there is a requirement to provide a deposit to cover the cost of removal for cell towers but he isn’t aware of that requirement being required for ham radio antenna. Commissioner Byrne stated he was just wondering in the “big picture” scenario, not just for this project if there is a need for something to prevent “derelict” towers in the event they are no longer used. Mr. Gillott stated the Commission could consider imposing that requirement if they felt it was warranted, but it is a bit tricky. Commissioner Ryan commented that this request is actually just a whip in a tree, not actually a tower.

Commissioner Callsen stated she really hopes Mr. Stacey will work with Volcano Telephone to get the issue fixed.

Mr. Stacey said he’s contacted Volcano Telephone twice. The first time they installed a filter, the second time they said there wasn’t anything more they could do. He added the antenna has only been in the tree for 2 years, not 7 years. It was lower before; it was just recently raised. He knew about the antenna in

the tree because he heard, on his phone, Mr. Laurant talking to someone on his radio telling them he had the tower 100' in the air. He feels it's inconsiderate that Mr. Laurant hasn't taken the proper steps to make sure it doesn't bleed-over on anyone's phone, stereo system, or computer.

Mr. Laurant responded that the issue is really a personal issue between him and Mr. Stacey due to a restraining order he had put in place against Mr. Stacey. The antenna has been a problem ever since. He stated he is willing to work with Mr. Stacey and even buy some 900 MHz telephones as he did for the neighbors next door. The new phones only have .1 megabyte that a motorcycle going down the street, if it doesn't have a regulator on it, will bleed onto a phone.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Ryan and unanimously carried to grant the Use Permit to exceed the height limit subject to the conditions and findings contained in the staff report.

*NOTE: Mr. Beatty, Planner III, advised those present that the Planning Commission has approved the requested Use Permit to exceed the height limit. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, September 22, 2017 at 5:00 p.m. along with the appropriate appeal fee.*

**Item 3 - continued - Request for a Use Permit (UP-17;5-2) to install a 136-foot-tall monopole wireless communication tower with twelve 6-foot-tall panel antennae, two 4-foot diameter microwave dishes, and associated tower and ground equipment.**

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

**Property Owner:** Villegas Family Trust

**Supervisorial District 5**

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

Chuck Beatty, Planner III, summarized the staff report, which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Wardall asked the applicant if they had anything to add. At the last meeting the Commission asked to have the potential of collocating on the existing tower evaluated and asked if they had any information related to that request.

Alice Perez, AT&T, introduced herself and stated Stephanie Dowdle would speak to the question from last meeting and she would be available to answer questions as they arise about the Connect America grant funding and what the process is about.

Stephanie Dowdle, Epic Wireless, stated they did go back to the radio frequency engineers about collocating on the existing tower and it ultimately came down to location and the existing tower location just doesn't provide the coverage to the same number of living units as the proposed tower location.

Commissioner Ryan asked if an analysis was run and tested, or did they just come to that decision? He asked if the existing tower was increased in height, would there be any chance it could be used? Ms. Dowdle stated they did run an analysis.

Alice Perez, stated AT&T accepted the \$360 million in Federal grant money in California to provide broadband service to over 141,500 homes and small businesses in FCC identified census blocks. Specifically, unlike other cell towers, this is specific to the number of living units covered. Their goal is to provide service to the maximum number of living units possible and the proposed location provides

service to more living units than the existing tower. Additionally, the existing tower is non-compliant today.

Commissioner Ryan asked if the engineering team were given the opportunity to consider an elevation increase of the existing tower prior to reaching their decision. At the last meeting it was discussed, if the County were willing to grant a variance to increase the height of the existing tower, will it do the job? Ms. Perez responded, "No."

Ms. Perez reiterated the purpose of the grant funding and added that when the engineers are looking for a site they look at census blocks to get the maximum coverage for CAF II eligible areas identified by the FCC. The elevation, the environment, the distance, and density of eligible homes are all factors in selecting a cell site. So movement of a site 100' can significantly affect the number of households that can be served.

Commissioner Ryan asked what is the total number of households they were expected to serve under the grant for this site? Ms. Perez responded the number of households expected to be served by the proposed site is 329. In response to a question from Commissioner Ryan, Ms. Perez confirmed that if this tower is denied and they have to find another location or collocate on the existing tower 67 households would not receive service. She added the other thing about this site is that AT&T received funding to provide broad band services but AT&T is also doing an additional investment in infrastructure to increase cell coverage which would impact public safety by ensuring areas that don't currently have in-building coverage will have that coverage as well as transit areas that don't currently have coverage would have coverage which also impact public safety.

Commissioner Ryan asked what alternate locations were looked at that would give as much or slightly less coverage if not located in someone's backyard or perceived to be in someone's backyard. Ms. Perez responded that when engineers look for areas for coverage it starts with where the FCC has identified as the areas eligible for coverage. They started with 5 existing towers – they increased and modified the coverage on 5 existing towers and additionally they looked at other areas where they may need to put new towers because the option of collocation or current coverage is not available there today. This proposal is very different from a normal cell tower in that this is about covering a specific number of households, not an area. This is an area that if they can't get the number of households they need to cover they may determine not to build in that area so it wouldn't get the coverage.

Commissioner Ryan stated he had done some research online about the program and commented that he understood they bid on and acquire the right to serve specific areas where service is needed. Then it is broken down further into the "n" number of households that must be served then it is broken down into how many have to be served in each year over a 6 year period. He felt that in six years the 67 houses that wouldn't be served if this site were denied would be served by some other technology that has evolved. The question is, from AT&T's perspective, if this tower is denied does using the existing tower make sense. Ms. Dowdle commented that the existing tower is non-compliant to which Commissioner Ryan said the Commission was very clear that they would consider recommending changes to the Board of Supervisors that would allow use of the existing tower so the fact the existing tower is non-compliant won't wash. Commissioner Ryan then asked if from an engineering standpoint is it just that the existing tower will fall short of serving 67 homes. Ms. Perez stated 67 homes in a rural area is a lot of homes particularly when you are talking the 329 homes potentially getting this technology. AT&T is looking at providing the service across the State of California. The engineers look at each community based on the maximum coverage. If they can't build at this site, they will look elsewhere to make up the minimum number of households they have to serve and there is no guarantee they will come back to this area because they won't get the maximum amount of coverage. So if they lose 67 households here they will have to go elsewhere to make up that number because, per the terms of the grant, there is a minimum number of households they have to serve.

In response to comments from Commissioner Ryan related to why there are objections to this site and not

to other recently permitted sites, Ms. Perez commented there are options they can offer as far as aesthetics of the tower are concerned. She stated she receives calls from County citizens as well as government representatives (e.g., Supervisors and Assemblyman Bigelow's office) asking what they are doing to increase coverage in the County, but nobody wants it in their backyard; they are trying to do the best they can.

Ms. Perez added this is the first time AT&T has accepted funding because this is the first time the funding has bridged the gap of the economics of building this type of the service in rural communities and 67 households is a lot in the number they are looking at. She reiterated they may have to go elsewhere if this site is not approved.

Ms. Dowdle restated that the engineers say the location is just not the right location to serve the numbers needed and .6 of a mile in hilly terrain is significant.

Chairman Wardall asked those present not to repeat comments heard at the last meeting but if there is anything new to add the Commission would like to hear from them.

Ms. Terry Villagas, owner of the proposed tower site, clarified the tower is over 700' away from the nearest residence. She stated they had an open house this afternoon to allow neighbors to come see the site and that there are trees and ridges that hide the site from the neighbors.

Ms. Virginia Groza, who lives across Highway 16 from the proposed site, related her experience with poor service from AT&T and stated after she dropped AT&T and went to Verizon she was told by Verizon that AT&T used to operate the existing tower but they pulled out. She supports extending the existing tower but doesn't want another tower after AT&T abandoned the existing tower.

Kelly Prime, mother of an 11-year-old diagnosed with pediatric cancer in 2016, stated for 5 years her son attended school on a campus with a cell tower less than 500' from the classrooms. She provided information from research she's done since her son's diagnosis. The public puts a lot of trust in the FCC Guidelines for cell towers and the radiation they emit but they haven't been updated since 1998. Many physicians have started to research the topic and have found some information that is alarming and have asked the FCC to reevaluate their standards. Ms. Prime added that Cindy Lee Russell, M.D., and Vice President of the Santa Clara County Medical Association, introduced a resolution she co-authored that states, physicians and scientists have recognized for years the dangers of ionizing radiation from X-rays and nuclear weapons. Tissue is directly damaged causing cancer and a wide range of other health effects. The non-ionizing microwave radiation from wi-fi routers, iPads, cell phones and cell towers has been thought to be harmless until the last few decades as a rapidly growing body of peer reviewed, not telecommunications reviewed, research shows very troubling biological health effects from even low levels of exposures. The studies have shown negative effects in the cell structures and brain function in animals and plants. Many experts feel this is a looming public health problem as the use of wireless technology swiftly rises in our homes, offices, and schools. EMF standards need to be reevaluated and designed for safety based on biological effects on living structures and not heat as is currently being done. In August of 2013 the American Academy of Pediatrics, which is a professional organization representing 60,000 physicians, sent a letter to the FCC and the FDA urging the FCC to adopt radiation standards that protect children's health and well-being. Current FCC standards do not account for the unique vulnerability specific to pregnant women and children. It is essential any new standards for cell phone or wireless devices be based on protecting the youngest and most vulnerable populations to ensure that they are safe throughout their lifetimes. American Academy of Environmental Medicine has also reached out. Adverse health effects such as learning disabilities, altered immune responses, headaches, etc. from wireless radio frequency fields do exist and are well documented in scientific literature. Safer technology such as hard wiring must be seriously considered in schools for the safety of those susceptible individuals who may be affected by this phenomenon. The facts are out there and the facts are simply our children were not taken into consideration when the FCC put the current standards into place. Our children are worth more than any amount of money a tower can give to you. She has

lived the possible effects that are affecting her son and has seen cancer in children and she urged the Commission to deny the Use Permit for this cell tower to protect the children living in the area.

Ms. Perez, AT&T, stated safety of customers is paramount to AT&T. She stated the FCC, American Cancer Society, and World Health Organization have all concluded there are no known health concerns related to cell site RF exposure and she provided handouts (attached) with information and facts of research that has been done.

Monica Ferrilli stated her son was diagnosed with brain cancer in January of 2017 at the age of 10 and he attends the same school (Weston Elementary) as Ms. Prime's son. A tower was installed in 2009 at his school and since then 5 students and 2 teachers have been diagnosed with cancer. There are safety standards established by the FCC but these standards, which were established 20 years ago, are currently being challenged. Some of the problems with these FCC guidelines for exposure safety limits are that they are based on an average exposure of 30 minutes, not prolonged exposure. Cell towers give off pulses throughout the day at various levels; some pulses are at very high limits and some are at low limits at other times. The standards the FCC has don't take into account the consideration of these pulses. The FCC compliance testing uses a model of a 220 lb. male's head which doesn't take into account effects on children's smaller bodies and heads. The FCC standards also only account for thermal exposure which causes heating to the body, which is not an issue. Hundreds, if not thousands, of studies have shown adverse health effects from headaches to many types of cancer, including brain cancer and all these studies show no temperature change. FCC exposure limits don't take into account health effects of chronic exposure, especially in children. Not everyone has sensitivity to radiation. For example, not everyone who smokes gets lung cancer. The standards are not intended to address low intensity, non-thermal, long term exposure. Investigation as to whether there may be effects from this exposure that is too low to cause heating is continuing. Cell towers were classified as possible carcinogens to humans in 2011. Ongoing research may change this classification to a known carcinogen. Studies are inconclusive and no safe levels for children or pregnant women have been determined. Therefore the claim a device meets the standards is a false impression of safety. It's not about the aesthetics or the safety of exposure, it's about the health of our community and our children. She highly recommended the Commission deny the proposed site.

Jeff Cartwright stated he visited the site today during the Villegas's open house. He feels there's false data being provided as to the number of homes being provided service. He believes they are using 2010 census date and they are making the assumption people who currently have internet will switch to AT&T. He believes the real reason is for improved cell service but are using the internet. He's never been asked if he has adequate internet service – he has Vita with a bounce from El Dorado Hills for \$40/ month and it's fabulous. It seems they are solving a problem that doesn't exist. He recommended a survey be taken to find out how many people need or want service.

John Somerville, adjacent resident, stated he wanted to correct the distance from his house to the tower location is more like 700 feet away, not 300 feet as his letter indicated. He read his presentation which is attached to these minutes. He asked the Commission to deny the Use Permit for this cell tower.

James Hernandez, 6200 Huot Rd. resident, stated he was torn because he doesn't want to see another tower but believes the Villegases should be able to do what they want with their property with the approval of the County. He also doesn't want to see the existing tower extended because it is in his view.

Kathleen Utley, Huot Rd. resident, stated she comes from a science background and doesn't understand how a taller tower doesn't provide more coverage and she wanted to see the study that proves it.

Tom Bridges, resident on Shakeley Lane in Lone, stated he was in favor of the tower. He visited the site today and it is remote and he doesn't see any issue with putting it there from an aesthetic point of view. He didn't feel it would reduce property values. He read an excerpt from the American Cancer Society which says the amount of energy (RF) decreases rapidly as the distance from the antenna increases. As

a result, the level of exposure to radio waves at ground level is very low compared to the level close to the antenna. Public exposure to radio waves from cell tower is slight for several reasons. The power levels are relatively low, the antennae are mounted high enough above ground level and the signals are transmitted intermittently rather than constantly. At ground level near a typical cellular base station, the level of RF energy is thousands of times less than the limits for safe exposure set by the FCC and other regulatory authorities. It is very unlikely a person will be exposed to RF levels in excess of these limits just by living near a cell tower. At this time there is very little evidence to support the idea that the risk of cancer or other health problems is increased by living near a cell tower.

Jason Bates read an email from Brian Dano, American Tower Corp. (attached) which was received by the Planning Department and distributed to the Commissioners prior to the meeting (see Correspondence listed on page one of these Minutes). He added that collocation is an advantage from an emergency responders' perspective due to the hazardous materials that are sometimes stored at these sites. He asked to see the evidence that the existing site is not viable.

Kelly Prime stated she wanted to address the American Cancer Society (ACS) information that was provided tonight. Not all the information from the webpage was provided. The page also states that very few human studies focused on cellular phone towers and cancer risks. Along with that, the ACS doesn't do the research, they are provided the information and they go by the FCC standards. These research projects that are done are industry funded, they are not peer research. Peer research does identify concerns about health risks in both children and pregnant women.

Ernest Gallo, area resident, thanked Commissioner Ryan for his research. He stated he's been lied to by AT&T about why his land line was going out. He wanted to know when technology changes, who is going to take down the tower?

Monica Ferilli pointed out that on the same American Cancer Society website there is a study of 2600 children with cancer compared to similar group of children without cancer and they found those who lived in a town where they were exposed to higher than average RF radiation from cellular phone towers in the previous 5 years had a slightly higher risk of cancer so there is a reason it is classified as a possible carcinogen.

Richard Utley, Huot Rd. resident, stated he doesn't understand why they can't collocate or put another tower next to or near the 67 homes that wouldn't be served. He was concerned about the amount of radiation he would be exposed to which, according to their information .35 for 30 minutes is safe but it will be .20 on his rooftop 24/7. It doesn't sound good to him. He also questioned the reasons for why the tower can't look like a tree. The reasons stated seem to be conflicting. He feels it's all about cost and profit.

Stacy Clark, grandfather of Harper Somerville, expressed his concern about the levels of radiation she will be exposed to if the tower is installed in the proposed location.

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

Under discussion, Stephanie Dowdle with Epic Wireless, responded to the comments made. They are willing to work with the County on the aesthetics of the tower; there are different types of towers they can do. She explained that line of sight is very important for this project in order to provide the service they are tasked with providing and they tried to make this proposed tower not visible as possible behind a hill, not out in the open. They are also willing to have a requirement for removal of tower in the event it is no longer being used. That is a typical requirement they encounter. She confirmed that no request to collocate on the existing tower had been submitted. She explained that is because a request to co-locate is made after it's determined the location will work and in this case the existing tower doesn't meet their needs, but they did evaluate the site. She reviewed the reasons Planning staff had given as to why a



waiver or variance to exceed the height limit isn't an option. The communication tower section of the code does not have a provision for a waiver or deviation to the standards and a variance can only be granted if the strict application of the code deprives the property of a use or activity that other properties in the same zone district are able to have, which doesn't apply to this request. She added that Planning staff also stated they didn't feel the findings for a variance could be made. Ms. Dowdle stated they have a timeline they have to adhere to and to pursue an ordinance change is a long process and they don't have that time under the CAF II program.

Commissioner Byrne stated he would be interested to see the types of "camouflage" towers that could be constructed.

Commissioner Ryan commented that he didn't feel any new information had been provided as had been requested at the last hearing. No information from the engineers showing they had evaluated the existing tower site at a higher height had been presented. All he had heard is that it won't work. He doesn't know if enough effort had been put into it to know what to do with this.

Commissioner DesVoignes added he, too, was disappointed to see that after 2 months there wasn't any new information in the staff report; it didn't appear any effort was made.

Commissioner Byrne, stated he wasn't going to second guess the engineers. They are trying to comply with the requirements of a federal agency. He sees it as another piece of infrastructure that is needed in this County.

Commissioner Ryan, stated the issue was that there wasn't any new information that indicates a second study was done from the existing tower.

Commissioner Byrne stated he didn't have the same concerns as other Commissioners so he was satisfied with the information.

Commissioner Callsen, stated she didn't have anything to add but that she has concerns about the tower and the need for it.

Chairman Wardall stated he'd like to see the current tower extended or a second tower on that same site. He was also willing to recommend to the Board of Supervisors they grant a variance or some other dispensation if they had to increase the height to use the existing tower.

Ms. Perez explained this isn't about cell coverage it is to provide broadband service which is different from cell phone service. This is a fixed-loop technology. It's not the same as providing service in a city or on flat terrain. It's because of the terrain that a different type of technology has to be used. Moving the tower isn't going to provide the service to the number of households they need to meet the grant requirements.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried by the following vote to deny the Use Permit for a wireless communication tower.

**Ayes:** Commissioners, Wardall, DesVoignes, Callsen, and Ryan

**Noes:** Commissioner Byrne

*NOTE: Mr. Beatty, Planner III, advised those present that the Planning Commission denied the requested Use Permit for a 136' tall wireless communication tower at 6206 Huot Road. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, September 22, 2017 at 5:00 p.m. along with the appropriate appeal fee.*

Commissioner Ryan commented that he noticed an incorrect APN for this project on the project

distribution form but noted it was correct on the public hearing notice. Staff stated they would correct the document.

**RECESS:** Chairman Wardall announced the Commission would take a 10 minute recess and re-convene at 9:05 p.m.

**Item 4 - Request for a Use Permit pursuant to County Code Section 19.24.040 "M," Manufacturing District regulations item 13, to allow the operation of a log processing facility to provide milling, chipping, and fabrication of wood products in the "M," Manufacturing District.**

**Applicant:** Cedar Mill Farms, LLC (Steve Ogburn, representative)  
**Supervisory District 3**

**Location:** South side of Highway 88, approximately one-half mile east of Defender Grade Road, being 25270 and 25400 Highway 88, Pioneer (APNs 031-060-015 & 031-010-117).

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Steve Ogburn, one of the co-owners of the project site, explained they are trying to help out with the dead tree issue being experienced in the upcountry by providing an avenue for using the wood.

Chairman Wardall asked what type of wood processing equipment would be used. Mr. Ogburn stated there would most likely be portable band saw mills, chipping on-site or taking logs to Ampine; the cost will dictate.

Chairman Wardall asked how much noise would be generated by the band saws. Mr. Ogburn stated not much as they would be small 40 horse engine (gas and diesel) band saws that are water cooled and portable; it doesn't make sense to set up what was there before since they don't know how long there will be a demand.

Chairman Wardall then asked about the chipping. Mr. Ogburn stated they may use a horizontal track chipper or a tub grinder. He's not sure they want to use a tub grinder. Noise from the chipper would be minimal in that chipping is done sporadically, one or two days at a time.

Commissioner Ryan noted there is a brochure in the staff report packet for a chipper. He stated that he'd researched the noise generated from these types of chippers and it isn't very high; something like 75 dB at the source which dissipates over distance. Mr. Ogburn estimated the nearest home would be about ½ mile away.

Commissioner Ryan asked about the hours of operation. It was clarified the application is not for 24/7.

Commissioner DesVoignes asked if operations would have to be 7 days a week. Mr. Ogburn stated that it would more likely be Monday through Friday and maybe some Saturdays depending on demand from the biomass plants.

Chairman Wardall opened the public hearing.

Karen Harmon, who lives on the other side of the hill from the Cedar Mill and plans to retire there stated she was concerned about noise, traffic, chemicals used in making wood products, air quality from dust and equipment engines. She stated she can hear people talking on the other side of the canyon. With this project her peace and quiet will be gone. She also expressed concerns about property values.

Ms. Harmon stated there are other facilities in Martell where this could be done and people don't live nearby and she felt this use should go there. She stated she can hear the CalTrans work going on on the highway. This facility will generate noise every day and probably every night.

Elizabeth Bonneville, who lives off Defender Grad Rd, stated her main concern is water. She doesn't want to have to drill a new well so she wants the project to use AWA not groundwater. They need a noise curfew especially on weekends and not at night. She supports the project as we need jobs.

Nettie Wijsman stated she recently renovated 4 rental units directly across Hwy 88 from the project. She was concerned about the noise and dust that could be generated and the impact on her property values. Her tenants are good tenants and she is concerned the impacts could cause her to lose them. She felt operating hours of 7 a.m. to 6 p.m. seven days a week seems unreasonable.

Chris Gatt, landowner across Hwy 88, stated he felt the ½ mile estimate to adjacent houses wasn't accurate. He is concerned about air quality due to dust, smoke, equipment emissions, etc. that would result from the project. He pointed out this application was not just for the bark beetle tree removal but would be for ongoing use. Noise is also a concern because the site is in a valley and sound carries. He stated property values are a concern as well, and for these reasons he opposes the project.

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

Commissioner Callsen stated she knows this is something the County needs but felt the hours of operation need to be reduced and recommended shorter weekday hours and no operations on the weekends.

Commissioner Ryan, commented the hours would probably vary, being busier in the summer months, and felt that it needed to be remembered the property is zoned manufacturing and the more processing done here means fewer trucks on the roads. He felt they needed to address the problem that is here today and recommended the Commission look at ways to mitigate the impacts.

Chairman Wardall stated burning is no longer allowed so the waste will have to be hauled off and dust will be required to be controlled. He felt 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday and Sunday with a limit on the number of weekends they could operate would be acceptable.

Commissioner Callsen felt Sundays should be eliminated entirely.

There was discussion as to the uses that were being conducted on the property that were allowed "by right" and those that require the Use Permit.

Commissioner Ryan wanted an additional condition related to dust suppression. He stated noise was also a concern and suggested the processing be limited to 5 days a week and 7 a.m. to 6 p.m. is reasonable.

Chairman Wardall stated he would like to allow 6 days for "surge" days to which Commissioner Byrne agreed. After further discussion there was consensus that 25 Saturdays per year with more restrictive hours would be acceptable.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Ryan, and unanimously carried to adopt the Mitigated Negative Declaration with the findings as contained in the staff report.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Ryan, and unanimously carried to approve the Use Permit to allow the operation of a log processing facility in an "M,"

