

WEEKLY ReCAP**JANUARY 15, 2021****A Sampling of News and Views****P.O. Box 935, San Andreas, CA, 95249 • (209) 772-1463*****Protecting our rural environment by promoting citizen participation in sustainable land use planning since 2006***

The Community Action Project (CAP) administers the Calaveras Planning Coalition (CPC), which is comprised of regional and local organizations, community groups, and concerned individuals who promote public participation in land use and resource planning to ensure a healthy human, natural, and economic environment now and in the future. Learn more at www.calaverascap.com.

**NEXT CALAVERAS PLANNING COALITION MEETING:
February 1, 2021, 3:00 P.M. TO 5:00 P.M. VIA ZOOM**

NEW MEMBERS WELCOME AT CPC MEETINGS

Organizations, groups, and individuals may join the CPC. Prospective members may attend two consecutive meetings before making a final decision on membership in the Coalition. The membership form is a pledge to support and advocate for the Coalition's eleven Land Use and Development Principles, which you will find on our website: www.calaverascap.com. There is no membership fee. However, members are encouraged to donate to the CAP/CPC. Visitors and prospective members will, by necessity, be excluded from attorney/client privileged discussions.

If you are interested in CPC membership, please email CPC Facilitator Tom Infusino, tomi@volcano.net, to receive a membership form, agenda, and the Zoom meeting connection.

To help prevent the spread of Covid-19 in our county, all CAP/CPC meetings will be held online via Zoom until restrictions are lifted by the Public Health Department.

Upcoming Board of Supervisors Meetings

BOS – January 19, 2021 – [agenda online](#)

Bill of the Week: AB 1 (C. Garcia) – Department of Toxic Substances Fiscal and Governance Reform

RCRC January 8, 2021 / *The Barbed Wire*

On the first day of the 2021 Legislative Session, Assembly Member Cristina Garcia (D-Bell Gardens) introduced Assembly Bill 1, which makes numerous changes to improve the governance of the Department of Toxic Substances Control (DTSC) and increase the revenues that support its programs.

DTSC is charged with regulating the management of hazardous waste and overseeing clean-up of contaminated sites. Importantly, DTSC also cleans-up legacy and orphan contaminated sites. DTSC has a significant structural budget deficit and faced significant management challenges over the last several years, prompting numerous calls for structural and financial change. Additionally, it lacks the resources necessary to address the significant backlog of sites in need of remediation.

With respect to governance, AB 1 establishes a new five-member board to oversee DTSC, consider permit appeals, and facilitate greater public engagement. AB 1 also incorporates a significant number of policy reforms suggested by the DTSC Independent Review Panel that will improve and expedite internal decision-making while restoring trust in those communities disproportionately impacted by hazardous waste management and disposal.

AB 1 would also raise about \$20 million annually for DTSC by significantly increasing fees for hazardous waste facilities and generation and repealing several current fee exemptions for local government programs and used oil. Admittedly, AB 1 repeals several other minor fees.

AB 1 continues a discussion begun last year that culminated in the veto of a similar bill, AB 995 (C. Garcia). In vetoing AB 995 last year, Governor Newsom indicated that even more funding is needed to right the DTSC ship and ensure a stable source of funding for cleaning up contamination.

RCRC engaged extensively with DTSC and the Legislature on AB 995 and the Governor's DTSC state budget proposals last year and has renewed those discussions. For more information, contact John Kennedy, RCRC Legislative Advocate at (916) 447-4806 or jkennedy@rcrcnet.org.

Hometown California Starts the New Year with RCRC Chair of 2021, Mono County Supervisor Stacy Corless

In the newest episode of Hometown California, RCRC Senior Vice President of Governmental Affairs, Paul A. Smith sits down for a conversation with the 2021 RCRC Chair, Mono County Supervisor Stacy Corless. ([Download now](#))

After facing a year of devastating wildfires, a global pandemic, and the resulting changes to everyday life, we enter 2021 with new resolve and hope. Although uncertain what the immediate future holds,

Supervisor Corless is focused on the comprehensive wildfire response and long-term recovery necessary for rural California and its communities to survive and thrive. Tune in next week to get a glimpse of the inspiration that drives Supervisor Corless as a leader in one of California's smallest counties. Hear about her experience as a county leader through what was arguably one of the toughest years in recent history, and about her vision for RCRC in the year ahead.

Previous episodes of Hometown California are [available here](#).

RCRC Member County Projects Receive Funding for Affordable Housing

This week the California Department of Housing and Community Development announced more than \$40 million in awards to RCRC counties for the permanent financing of affordable multifamily rental and transitional new construction, acquisition, rehabilitation, and conversion housing developments for lower-income households. This funding is part of the latest round of Multifamily Housing Program awards, totaling over \$205 million in Round 3. A complete list of awardees can be found [here](#). The Multifamily Housing Program is funded by the Veterans and Affordable Housing Bond Act of 2018, which was adopted by voters on November 6, 2018, (Proposition 1) and authorized the issuance of bonds in the amount of \$4 billion under the State General Obligation Bond Law.

New CPUC Energy Storage Program May Assist Local Governments

A new energy storage incentive program mandated by the California Public Utilities Commission is set to open early in 2021. **Funds are limited and will be available to fund energy storage solutions for public and private buildings which are equipped with chillers to handle cooling load.** Local governments with buildings fitting this profile (administrative centers, courthouses, jails, etc.) should look into the Self Generation Incentive Program Large Thermal Energy Storage (SGIP L-TES) program and plan on participating in an informational webinar hosted by RCRC on Friday, January 15, 2021, at 9 a.m.

It is anticipated that the SGIP L-TES program will open for application submittal at the end of January or early February. Eligible applicants include customers of California's Investor Owned Utility (IOU) companies - Pacific Gas & Electric, Southern California Edison, Southern California Gas, and San Diego Gas & Electric. The program will cover most, if not all, of the costs associated with the acquisition and installation of specialized energy storage equipment to work with chilled water systems. IOU customers who take advantage of this program to install new energy storage systems will be able to significantly lower their cooling bills, increase resilience, and better position their facility budgets against future rate changes.

To help local governments understand the program benefits and application requirements, RCRC will be hosting an informational webinar on Friday, January 15, 2021, at 9 a.m.

During this webinar, participants will:

- learn about eligibility and documentation requirements,
- gain an understanding of how this technology can help reduce energy costs and improve resilience, and
- hear about different paths available to access the program.

[Join Zoom Meeting](#)

Phone one-tap: US:

+16699009128,,99282173894# or

+12532158782,,99282173894#

Meeting URL: <https://rcrcnet.zoom.us/j/99282173894?from=addon>

Meeting ID: 992 8217 3894

U.S. Senate Flips to Democrat Control – Procedural Implications

After a hotly contested runoff race in Georgia for two Senate seats on Tuesday, both Democrat candidates emerged with narrow victories. The Reverend Raphael Warnock defeated Senator Kelly Loeffler (R-Georgia), becoming the first Black Democrat elected to the Senate from the South. And, Jon Ossoff, the 33-year-old head of a video production company who has never held public office, defeated Senator David Perdue (R-Georgia), who recently completed his first full term as senator. The victories by Democrats mean that the Senate will now hold a 50-50 split between parties, with Vice President-elect Kamala Harris holding the tying vote in favor of Democrats.

Democratic majorities in both the U.S. Senate and the House of Representatives will enable the party to use budget reconciliation to enact their priorities. That process enables lawmakers to write filibuster-proof legislation, as long as it has a budgetary impact and does not increase the deficit beyond the period covered by the annual budget blueprint, among other restrictions.

The reconciliation process is the Congressional mechanism through which multiple landmark pieces of legislation have been passed in prior Congresses such as the Affordable Care Act and the Trump tax cuts. It could be expected that this process to be used at least once, if not twice, in the recently-convened 117th Congress. Additionally, as the tying vote holder in the Senate, Vice President Harris is expected to garner an enormous amount of influence over what comes to and passes the Senate Floor, making the policy objectives of the Biden Administration ever more imperative. Coronavirus relief, climate-change/energy, infrastructure, tax, social justice, and other prominent reform measures will all be strong candidates for the Biden Administration's policy agenda and are likely to utilize said legislative budget reconciliation process in 2021.

Permits Required for Hiking the Pacific Crest Trail in 2021

RCRC's partner, the Pacific Crest Trail Association (PCTA), will be issuing permits for hiking the Pacific Crest Trail (PCT) in 2021. The Pacific Crest Trail Association had discussions with State Parks and the USDA Forest Service before deciding to issue permits. As such, the [PCTA announcement](#) was released several days ago.

The PCTA decision to issue permits is in concert with a multi-faceted public education campaign about the risks and dangers of COVID-19. **Of particular note to counties, those planning a trip on the Pacific Crest Trail must follow all local, state, and federal regulations related to COVID-19.** Individuals may apply for a permit online, starting on January 19, 2021 at 10:30 a.m. Pacific Time. Learn how to apply for a permit [here](#).

The PCTA has the highest expectation that the PCT community will carefully consider the many risks and will make smart decisions that minimize risks to themselves, other hikers, and communities along the trail. The PCTA is recommending that trail users seriously consider postponing long-distance travel on the PCT until 2022.

For questions or additional information, please contact:

U.S. Forest Service PCT Administrator Beth Boyst

SM.FS.PCTPermits@usda.gov

707-334-4959

Pacific Crest Trail Association's Director of Trail Operations Jennifer Tripp

jtripp@pcta.org

916-243-9923

'WE'RE BEING RAILROADED'

Proposed cell tower sparks opposition in Vallecito

Noah Berner January 13 2021 / *The Calaveras Enterprise*

While most county residents would probably agree on the need to improve cell phone service in the area, the installation of new cell towers is often controversial.

The recent submission of an application from AT&T to the Calaveras County Planning Department for an administrative-use permit to erect a 140-foot cell tower in a residential area of Vallecito has sparked strong opposition from a group of local residents.

"We kind of got blindsided," said Julie Hollars, who lives across Main Street from the proposed site. "We felt like we didn't have a say in the matter."

Last month, residents whose properties are within 300 feet of the roughly 20-acre parcel containing the proposed project were sent notification letters from the planning department. After those closest to the proposed site were notified, members of the close-knit community got together, drafted a petition and sent off their own letters of protest to the planning department.

The concerns outlined in the petition include aesthetics, sound annoyance, health effects, declining property values, potential fire hazards, effects on pollinators, and fears that one tower in the neighborhood will lead to more. The petition also requests the right to a public hearing, which is not required for administrative-use permits.

"There are alternate landowners willing to work with the county and cellular company to install this tower well outside the immediate town and away from residents and farmers," the petition reads. "We ask that the residents and landowners have a part of this decision process."

Eighty Vallecito residents have signed a paper petition, and an additional 15 have signed an online petition, Hollars said.

While Hollars' main concern is health impacts, she is also worried about the effects the tower could have on the local bee population.

"I'm fifth-generation on this property here," she said. "I have a farm and we have pollinators. ... (The tower) could mess with their electromagnetic ability to get back to the hive. ... If I lose my bees, I won't have a business anymore."

Hollars said that she has contacted a representative of AT&T about the project.

"She said, 'We didn't know there was opposition,'" Hollars said. "Well, you couldn't have known, because nobody asked."

On Jan. 8, a group of residents opposed to the project met with the Enterprise on the corner of Canepa Lane and Main Street in Vallecito, across from the proposed site at 3984 Main Street.

Dan Malatesta, who has lived in Vallecito for 22 years and owns a parcel near the project, said that he was concerned about the speed with which the project seemed to be going through. He said he had mixed feelings about a new cell tower in Vallecito.

"A tower is needed around here to improve service because it drops off all of the time," he said. "But, there's other places to put it that are available. This is probably the cheapest." The parcel containing the proposed cell tower site is outlined in red, while the proposed cell tower site itself is represented by the red square.

Richard Howard recently made a sign reading "No Cell Phone Tower Here Please," and placed it in front of his home, which faces the proposed site.

"I know there's a lot of reasons why people want really fast service, but this just doesn't seem an appropriate place for the cell tower," he said. "This little valley is so beautiful--why would you put a cell tower slightly up off of the lowest point in Vallecito, when you have mountains just off to the side which would be away from most people in town and out of sight?"

Richard Howard's wife, Mary Ellen Howard, said that, "If you want something done, you have to speak up.

"There's a lot of open country around Vallecito, and there's a lot of places to put it," she said. "It doesn't have to be in our front yards. It doesn't have to be on Main Street, Vallecito."

Mary Ellen Howard moved to Vallecito as a small child about 60 years ago, along with her sister, Debbie Jensen, who lives on Coyote Creek Road, even closer to the site of the proposed tower.

Jensen said that she was frustrated by the apparent ease of the process of gaining approval through the county for a cell tower, when approval for other projects seemed to be much more difficult and time consuming.

"We're being railroaded," she said. "I'm ready to start really protesting."

Jensen said she said she was especially concerned about potential health effects, noise pollution and impacts on property values.

"My whole life I've been involved with this town," she said. "Everybody knows everybody—we're all family. That's why we're all working together to do something about this."

Jensen said that she might not want her granddaughter coming to her property if the tower were installed.

"It's not healthy for them, but they expect us to live with that," she said. "We don't even have a stoplight in town. There are no businesses. We value our peace and quiet."

Ray McDonell also lives on Coyote Creek Road especially close to the site of the proposed project. "We have no time to react," he said. "We should have a voice."

Although Eric Bausback's parcel is within 300 feet of the project parcel, he said he has yet to receive a notification letter from the county. Several residents said that they didn't receive their letters until the end of December due to mail delays during the holidays. Bausback said that he had only found out about the project through a neighbor the day before.

"I'm opposed to it," he said. "I'm going to go call the planning department."

Planning Director Peter Maurer said that the installation of new cell towers in the county is often controversial.

"It's really hard to avoid that conflict for all of the cell towers that we have, even though everyone wants to have good cell communication," he said. "There's a tradeoff there, and unfortunately, the trade off is more direct to the people that are having to look at the cell tower. They're the ones getting the negative aspect of it."

The county is limited in the concerns that it can address in processing applications for cell towers, Maurer said.

"A lot of the concerns about cell towers, the local jurisdiction—the counties and the cities—have been precluded from addressing because it's been determined by the federal government or the state government that these are state and federal issues that are addressed through those laws," he said.

"We're very limited in what we can and cannot require of communication facilities in our permitting process, and we have a very short timeframe to review those."

Scott Speer is the county's planner responsible for processing the application. He said that he sent out notification letters to affected property owners the same day that the administrative-use permit application was submitted to the planning department on Dec. 15.

"This project itself is in the very preliminary stages," he said. "They just turned it in."

Up until this week, the project was in a 30-day initial review period, during which time the planning department ensures that the application is complete. Local residents also have an opportunity to comment during this time.

"If we need any more information from (the applicant), we have 30 days to let them know," Speer said. "When it comes to cell towers, there is a federally mandated review timeframe that we have to deal with that's fairly strict, and we have to make sure that we hit these certain benchmarks."

The processing of applications for permits for cell towers has been streamlined across the country in recent years to boost connectivity. Speer said that the federally mandated review period for cell towers can be no longer than about six months.

Following the initial review period, the project will go through the California Environmental Quality Act (CEQA) process to determine and address environmental impacts, which will entail another 30-day review period in which affected residents within 300 feet of the parcel containing the project and others who commented during the initial comment period will again be notified and have another opportunity to comment.

"When it boils down to it, the main things that we look at for cell towers are aesthetics—its visual impact on the environment—and noise," Speer said.

The county cannot deny the application over health concerns due to the U.S.

Telecommunications Act of 1996, which states that, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

Many studies have suggested that radio frequency (RF) signals may have harmful effects on human health. In 2011, the World Health Organization's International Agency for Research on Cancer classified RF radiation as "possibly carcinogenic to humans."

"At this time, there's no strong evidence that exposure to RF waves from cell phone towers causes any noticeable health effects," The American Cancer Society's website states. "However, this does not mean that the RF waves from cell phone towers have been proven to be absolutely safe. Most expert organizations agree that more research is needed to help clarify this, especially for any possible long-term effects."

After the project goes through the CEQA process, the planning department will make a decision. Following this decision, members of the public have a right to appeal.

"With an administrative-use permit, the only way you can get to public hearing is if you file an appeal after a project is approved or denied," Speer said. "An appeal has to be filed within 15 calendar days of the date of our decision, and an appeal fee of \$500 has to be paid at the time that you turn in your appeal. That will take the project to the planning commission and you will have a public hearing."

Speer said he had already heard from a number of concerned residents in Vallecito.

"I've definitely been hearing more on this one than cell towers in the recent past," he said. "When you get into places where there's a little bit higher concentration of people, sites that are more visible, then you get a little more controversy, and this is definitely one of those places."

The planning department will take public concerns about the project into consideration, Speer said.

"We definitely do take the local consideration into our evaluation of the project," he said. "Just because there's no public hearing doesn't mean we're not listening to the public. We're sending out

these notices to everybody for a reason, and we do want to hear what people's opinions are on this project."

AT&T's Lead Public Relations Manager Megan Daly declined to comment on the project.

"(W)e don't have anything to share at this time," she said.

Hollars said that she hoped the project would be denied or relocated to a more suitable location.

"We're one of those towns that didn't develop, and there's a reason why we didn't develop—we didn't want to be developed," she said. "We don't want to be Murphys. We want to stay Vallecito."

http://www.calaverasenterprise.com/news/article_8298c854-5535-11eb-8be3-f7f1a545c3e2.html



No photo description available.

Oak Woodland at Sunset

Community Action Project/Calaveras Planning Coalition
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