



NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memorandum

MEETING DATE: January 13, 2026

TO: Board of Supervisors

FROM: **Zachary Ruybal, Associate Planner**
Brian Foss, Director of Planning

SUBJECT: Resolution to deny the appeal and to uphold the decision of the Zoning Administrator to approve a Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) application proposing the removal of an existing 41 foot tall monopole and replacing it with a new 90 foot tall faux pine (monopine) at an existing wireless communication facility within a 390 square foot fenced lease area located at 22258 Juniper Street, Floriston, CA.

APN: 048-130-026

RECOMMENDATION:

I. **Project Action:** Adopt the attached Resolution (Attachment 1) to deny the appeal and to uphold the decision of the Zoning Administrator to approve a Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) application proposing the removal of an existing 41 foot tall monopole and replacing it with a new 90 foot tall faux pine (monopine) at an existing wireless communication facility within a 390 square foot fenced lease area located at 22258 Juniper Street, Floriston, CA, in eastern Nevada County.

FUNDING: N/A

ATTACHMENTS:

1. Resolution to Deny the Appeal
2. Appeal to the Board of Supervisors
3. Zoning Administrator Staff Report with Attachments
4. Email Thread Verifying Completion of PRA
5. Email Thread Verifying Adequate Legal Access
6. 11/12/2025 Zoning Administrator meeting minutes

This Staff Report provides a discussion and a brief background of the project, and the relevant issues identified in the appeal, and staff's responses to the relevant issues raised in the appeal to support the decision on the project.

PROJECT DESCRIPTION:

The project is an application for a Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) proposing the removal of an existing 41 foot tall monopole and replacing it with a new 90 foot tall faux pine (monopine) at an existing unmanned wireless communication facility located at 22258 Juniper Street, Floriston, CA 96111, approximately 0.1 miles directly east of Interstate 80 and directly adjacent to the Floriston Subdivision. The proposed facility will consist of eighty-five (85) feet of metal monopine structure with a 5-foot faux foliage extension, making the total height of the proposed tower ninety (90) feet tall. The proposed project includes the removal and replacement of an existing RBS 6201 cabinet with a new T-Mobile enclosure 6160 cabinet, relocating two (2) existing antennas from the existing monopole to the new monopine, relocating two (2) RRUS-449 B71/B85 units from the existing monopole to the new monopine, installing one (1) new 10 foot tall CMU retaining wall enclosure, installing one (1) new Double Tri-Sector Collar with T-Arms, installing two (2) new T-Mobile antennas, installing two (2) new RRUS-4460 B25/B66 units, installing two (2) new hybrid cables, removing two (2) existing antennas, removing four (4) existing diplexers at the equipment and antennas, and remove an existing cable tray.

The proposed project includes an extension of the existing 260 square foot crown castle lease area by approximately 130 square feet to accommodate the new monopine, for a total of a 390 square foot lease area. All brackets, antennas and RRUs green to match the faux pine tree (monopine) and will be fully within the monopine branch radius to best blend in with the existing environment. The facility will be surrounded with a new CMU retaining wall around the north, east, and south portion of the enclosure and a six-foot tall chain-link sliding gate is located on the west side for access. There will be a new 100 square foot concrete slab for the new 90 foot monopine to be placed upon. There is no exterior lighting proposed, and any service lighting will be compliant with Nevada County Lighting standards. The site will be accessed via an existing private dirt access road within an existing 12 foot access and utility easement that connects directly to Juniper Street, an existing paved private road within the Floriston Subdivision.

Additionally, the proposed project includes a Steep Slopes Management Plan for the work being proposed within slopes in excess of 30% slope. The new monopine will require a graded pad, concrete slab, and CMU retaining wall which will encroach into slopes in excess of 30%. Therefore, recommended actions have been provided by T&S Engineering to minimize the impact of the proposed construction activities within these areas of slopes exceeding 30% that shall be implemented into project construction and grading activities (please see the attached Staff Report from the Zoning Administrator meeting for additional details).

PROJECT SITE & SURROUNDING LAND USES:

The proposed wireless communication facility would be located mainly in the existing 260 square foot lease area in the northwestern portion of APN: 048-130-026, with the additional 130 square foot lease area extension of the existing crown castle lease area. The parcel is located approximately 0.1 miles directly east of Interstate 80 and directly adjacent to the Floriston Subdivision in the unincorporated Eastern area of Nevada County. The subject parcel (APN: 048-130-026) is zoned Forest with a minimum parcel size of 160 acres (FR-160) with a General Plan designation of Forest with a minimum parcel size

of 160 acres (FOR-160). The subject parcel is a mostly undeveloped 35.19-acre parcel that currently has two (2) monopole cell towers within the relative same footprint. The project parcel is surrounded by residential development to the southwest, consisting mainly legal non-conforming single-family residences and residential accessory structures.

The parcels to the north, east, and northwest all have a zoning designation of either Open Space (OS) or Forest with a minimum parcel size of 160 acres (FR-160) and are mostly undeveloped. The nearest residence is located southwest of the proposed project parcel and is located approximately 400 feet southwest from the proposed wireless communication facility lese area. The proposed wireless communication facility will be surrounded with a new CMU retaining wall around the north, east, and south portion of the enclosure and a six-foot tall chain-link sliding gate is located on the west side for access, which also provides screening from the equipment. The site will be accessed via an existing private dirt access road within an existing 12 foot access and utility easement that connects directly to Juniper Street, an existing paved private road within the Floriston Subdivision.

THE APPEAL:

- Failure of the County to Respond to My Public Records Act Request Prior to Approval.** I personally submitted a California Public Records Act (PRA) request before the hearing requesting essential documentation. None was provided, violating Government Code sections. Proceeding with a hearing without complying with my lawful PRA request violated Government Code §§6253 (bHc) and materially impaired my ability to participate in the hearing or evaluate the record. This alone is sufficient grounds to rescind the approval and schedule a new hearing with full documentation available.

The Nevada County Planning Department and Nevada County Records Department both provided the PRA materials Mr. Mapa requested on November 5, 2025, as shown in Attachment 4. The Nevada County Planning Department provided the requested documents through an email on November 5, 2025, two separate times, and the Nevada County Records Department uploaded the requested documents to Mr. Mapa's GovQa account, which was confirmed he has requested documents from before and is familiar with. Additionally, the PRA from Mr. Mapa was filed on November 4, 2025, which would have made the 10 calendar day date for County initial response pursuant to Government Code § 6253(c) to be November 14, 2025, which would have been past the Zoning Administrator November 12, 2025, hearing date. In order to best serve the public, the Nevada County Planning Department and Nevada County Records Department were proactive and gathered the requested documents the following day to be sent to both accommodate the 10 calendar day initial response time pursuant to Government Code § 6253(c) and to provide complete disclosure.

- Lack of Evidence of Lawful Access Rights.** No evidence was presented showing a recorded easement granting Crown Castle, T-Mobile, or contractors legal access, any rights to bring cranes, heavy equipment, or multi-axle vehicles up the private access road, any authorization to use, modify, or widen the narrow, privately maintained hillside road, and any agreement to repair road damage or indemnify property owners. Without legal access, the project cannot be constructed, cannot be operated, and cannot be maintained. Approving a project requiring trespass or unpermitted road use is improper and contrary to established California land-use principles.

As a part of the project review, the Nevada County Department of Public Works (DPW) reviewed all documents provided by the applicant's authorized representative that referred to the legal access for the project parcel. The Nevada County Department of Public Works provided five (5) different "Incomplete" determinations from a time period between March 8, 2023, and July 7, 2025, where proving legal access was the final item needed from the applicant for DPW to provide Conditional Approval. The Nevada County Surveyor went through and reviewed all of the provided documentation from March 2023 to July 2025, where it was finally determined on July 7, 2025, that the project parcel does in fact have adequate legal access through the Floriston Subdivision all the way to the project site. The project plan set was included as Attachment 4 of the Zoning Administrator hearing Staff Report packet which shows the required legal access for project approval in the As-Built Survey plan sheets. Additionally, Attachment 5 contained within this Staff Report to the Board of Supervisors also provides the direct email chain between the Nevada County Surveyor and the project authorized representative that indicated the provided documentation was adequate for approval.

3. Inadequate Geotechnical Review. No geotechnical reports addressing slope stability, water system proximity, or construction impacts were provided that evaluates slope stability, vibration impacts, crane staging impacts, subsurface conditions, foundation disturbance, road load-bearing limits, stormwater changes, and risk to existing tank foundations or underground water lines. The project's proximity to essential public water infrastructure requires enhanced scrutiny under CEQA Guidelines §§15064(e) and 15126.2(a), yet no such analysis was presented.

As a part of the proposed project application, a Steep Slopes Management Plan application (MGT24-0018) was included with the Conditional Use Permit (CUP23-0002) for the proposed grading in areas with slopes greater than 30%. The new monopole will require a graded pad, concrete slab, and CMU retaining wall which will encroach into slopes in excess of 30%. Therefore, recommended actions have been provided by T&S Engineering to minimize the impact of the proposed construction activities within these areas of slopes exceeding 30% that shall be implemented into project construction and grading activities. The Steep Slopes Management Plan, completed by Susan Dahl with T&S Engineering, provides Best Management Practices (BMPs) as recommended actions for any construction activities within slopes in excess of 30%. These Best Management Practices (BMPs) are included in the Conditional Approval letter as Condition of Approval A.7 for the proposed project to preserve the natural, topographic, and aesthetic characteristics of steep slopes, and to minimize soil erosion, water quality impacts, earth movement and disturbance, and the adverse impact of grading activities. Additionally, all work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion.

The proposed cell tower replacement project is proposed in a 390 square foot lease area that has already been mostly disturbed with previous construction activities (existing wireless communication facility, water storage tanks, and retaining walls). Pursuant to the Class 3 California Environmental Quality Act (CEQA) Categorical Exemption found in Article 19, Section 15303, a project may be exempted from CEQA if the project includes the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The new telecommunications facility would go in the relatively same location

as the existing telecommunication facility, with only requiring an additional 130 square feet of lease area for the proposed project. Additionally, the new telecommunications facility will utilize existing antennas by relocating them onto the new telecommunications facility and will provide area for future co-location to remove the need for potential future towers in the general area, which lessens the intensity of work being performed. Due to this project falling within the guidelines of the Class 3 California Environmental Quality Act (CEQA) Categorical Exemption found in Article 19, Section 15303, CEQA §15064(e) and §15126.2(a) would not be applicable for this proposed project.

4. No Propagation Maps or Justification for Increased RAD Center. No RF engineering, coverage maps, or necessity analysis for antenna height were included. None were in the record presented to me or the public. This alone violates the requirement for substantial evidence supporting approval.

T-Mobile identified a significant gap in its in-building, in-vehicle, and outdoor wireless services in the Floriston area of Nevada County, California. Based on the analysis and evaluation, T-Mobile concludes that the proposed monopine at 22258 Juniper Street is the most feasible site to address the gap in coverage when topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and a willing landlord are considered. The project parcel meets RF's objectives, is owned by a property owner willing to lease the space and is a location that allows the monopine to blend in with the natural surroundings. The proposed cell tower is consistent with the Nevada County Code and the requirements outlined in Title 12, Chapter 3, Section 12.03.080 Communication Towers and Facilities that governs wireless communication towers. As a part of the project submittal, the applicant provided a Radio Frequency (RF) Site Compliance Report completed by SiteSafe, propagation maps that include coverage plots identifying gaps in service, and justification for the need for the increased RAD center. At the Zoning Administrator meeting held on November 12, 2025, as a part of the Planning Department's PowerPoint presentation, a specific slide was included regarding the propagation maps showing coverage plots and the plots were provided on screen as well, thus further demonstrating that these items have been received, reviewed, and determined to be in compliance with the applicable requirements for project approval.

Additionally, Title 12, Chapter 3, Section 12.03.080 of the Nevada County Code also prohibits new towers from being installed closer than 2-miles from another readily visible, un-camouflaged or unscreened facility unless it is a co-located facility, on a multiple-user site, or is designed to blend in with the surrounding, existing natural and man-made environment so as to be effectively unnoticeable. The proposed wireless communication tower is proposed on a location with an existing cell tower to be removed and replaced, and it is proposed to be a faux pine tree (monopine) and will be fully within the monopine branch radius to best blend in with the existing environment. All equipment will be painted dark green to blend in with the monopine and existing surrounding environment. Please see the Zoning Administrator hearing Staff Report (Attachment 3) for additional information regarding site justification for an increased RAD center.

5. The Failure to Evaluate Impacts to Public Services. Impacts to water system access, emergency services, and state-funded infrastructure were not evaluated. The project did not evaluate construction obstruction of the only service road, impacts on water system emergency maintenance access, conflicts during fire-season operations, potential interruption of water service, and protection of a State-funded water treatment facility (a

multi-million-dollar investment currently being upgraded). Under CEQA §15065(a) ("substantial adverse effects on human beings"), omission of these analyses is a fatal flaw.

The Conditions of Approval approved at the November 12, 2025 Zoning Administrator hearing included the following Condition of Approval (A.17) to ensure that the Floriston Community Water System project:

"Prior to issuance of any grading, Building, or improvements plans, to ensure that the proposed wireless communication facility does not conflict with or compromise the existing private/public water infrastructure, the applicant shall obtain and submit documentation (official letter or email) from the Lahontan Regional Water Quality Control Board (or its administering agency) verifying that the proposed project will not interfere with the operation or purpose of the Floriston Community Water System. Additionally, the water vaults and infrastructure associated with the Floriston Community Water System project shall be shown on the Site Plan for all future submittals for any/all permits."

Pursuant to the Condition of Approval shown above, the proposed replacement cell tower project would not be allowed to begin any construction activities until documentation from the applicable administering agency is provided to the Nevada County Planning Department to ensure/verify that the proposed replacement cell tower project will not interfere with the operation or purpose of the Floriston Community Water System project. The Nevada County Fire Marshal reviewed the proposed project and it was determined that due to the project being an unmanned facility, the project as proposed would be sufficient for emergency vehicles the ability to navigate the existing roads in the event of an emergency. Therefore, with the Condition of Approval requiring the applicant to provide documentation verifying the proposed cell tower replacement project will have no impacts or interference with the Floriston Community Water System project and the Nevada County Fire Marshal not expressing concerns with emergency vehicle access due to this being an unmanned facility, these issues have been adequately and addressed as a part of the project review.

The proposed cell tower replacement project is proposed in a 390 square foot lease area that has already been mostly disturbed with previous construction activities (existing wireless communication facility, water storage tanks, and retaining walls). Pursuant to the Class 3 California Environmental Quality Act (CEQA) Categorical Exemption found in Article 19, Section 15303, a project may be exempted from CEQA if the project includes the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The new telecommunications facility would go in the relatively same location as the existing telecommunication facility, with only requiring an additional 130 square feet of lease area for the proposed project. Additionally, the new telecommunications facility will utilize existing antennas by relocating them onto the new telecommunications facility and will provide area for future co-location to remove the need for potential future towers in the general area, which lessens the intensity of work being performed. Due to this project falling within the guidelines of the Class 3 California Environmental Quality Act (CEQA) Categorical Exemption found in Article 19, Section 15303, CEQA §15065(a) would not be applicable for this proposed project.

6. **The Setback, Zoning, and FR-160 Standards Not Applied.** Required rural/forest setbacks and height standards were not demonstrated. The project lies adjacent to residential structures, legal nonconforming homes, sensitive rural forest terrain, a visually sensitive corridor, and multiple existing towers. County requirements demand larger setbacks, height-weighted setbacks, visual mitigation, "More restrictive standard applies" implementation, and compatibility with surrounding uses. There is no evidence that these standards were properly analyzed or applied.

The proposed cell tower is consistent with Nevada County's setback requirements for parcels zoned Forest with a minimum parcel size of 160-acres (FR-160), which are identified in Table 12.02.030.E Rural District Site Development Standards of the Nevada County Code. Additionally, Title 12, Chapter 3, Section 12.03.080 Communication Towers and Facilities of the Nevada County Code requires that towers that are located a distance that is less than 100% of their height from a property line, a habitable structure or other tower, shall include a report by a structural engineer licensed by the State of California, certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging. Pursuant to County records and scaling, the tower lease-area is proposed to be setback approximately 235 feet from the closest property line, Thus, as proposed, the tower and its associated equipment would meet the setback requirements of the wireless communication tower setback requirements (please see Figure 1 below).



Figure 1: Lease Area Distance from Property Lines

Although the proposed replacement wireless communication tower is more than 100% of its proposed height from all property lines and a Fall Certification letter is not required, a Condition of Approval (A.18) to ensure that the proposed replacement tower will be designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging has been implemented as a part of the project approval. Please see below for the language of Condition of Approval A.18:

“Due to the proposed new wireless communication facility being within 100% of the tower height from the existing above ground water tanks, to ensure that the water tanks and associated infrastructure are not damaged, prior to approving any grading/Building/improvements plans, the applicant shall provide a Fall Certification Letter from structural engineer licensed by the State of California to the Nevada County Planning Department certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging.” Therefore. The proposed project is consistent with all setback requirements from both the Nevada County Code and the Additional Checklist for Use Permits Proposing New Communication Towers requirements.

7. No Construction Impact Mitigation Plan or Required Notifications. No traffic, noise, vibration, or road management plans were presented. Missing entirely are construction timing plan, road management and closures, vibration or noise monitoring, road damage mitigation, utility protection, and resident notification protocols. On a narrow, mountainous, erosion-prone road, this is unacceptable.

Pursuant to Title 12, Chapter 4, Section 12.04.070 Noise of the Nevada County Code, Nevada County noise standards established by the previously mentioned Nevada County Code section shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions, and therefore no traffic, noise, vibration, or road management plans were required. However, in order to try to mitigate the noise as much as possible during construction time periods, Condition of Approval A.14 was included, which requires that the hours of operation for construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. These limited hours of operation shall be noted on project plans, which shall be reviewed and approved by the Planning Department prior to permit issuance. Additionally, pursuant to Condition of Approval F.1, a Transportation Permit will be needed for any project work that requires the movement of oversized or excessive load vehicles on State roadways.

8. Cumulative Impacts Ignored. The presence of three existing towers was not addressed in a cumulative analysis. No cumulative analysis was provided regarding visual impact, EMF aggregation, traffic and maintenance load, road integrity, and infrastructure conflicts. CEQA §15130 requires cumulative impact analysis for telecommunications facilities.

The Nevada County Planning Department and numerous additional Departments and Agencies (Department of Public Works, Fire Marshal, CalTrans, etc.) were included in the Initial Distribution and have all reviewed the proposed project, and it was determined through multiple rounds of review that all cumulative impacts had been adequately addressed. Pursuant to Title 12, Chapter 3, Section 12.03.080 of the Nevada County Code, new antennas on existing towers are strongly encouraged, and where appropriate to minimize visual impacts, new towers will not be approved where co-location on existing towers is technically feasible, will provide the desired service coverage, and do not result in alterations that create a greater visual impact. Due to the existing wireless communication tower being only 41 feet

tall, there is very minimal opportunity for co-location abilities, and due to the proposed tower being 90 feet tall, it provides a much more feasible ability for co-location with other carriers. Additionally, due to this proposed project consisting of a replacement tower rather than a brand new additional tower elsewhere, the overall environmental impact will be significantly less due to the project area already being a mostly disturbed area with previous wireless communication facility activities.

Title 12, Chapter 3, Section 12.03.080 Communication Towers and Facilities of the Nevada County Code prohibits new towers from being installed in a location that is not already developed with public or quasi-public uses or other wireless communication facilities, unless it blends with the surrounding, existing natural and man-made environment, so as to be effectively unnoticeable. This section of the Code also prohibits new towers from being installed closer than 2-miles from another readily visible, un-camouflaged or unscreened facility unless it is a co-located facility, on a multiple-user site, or is designed to blend in with the surrounding, existing natural and man-made environment so as to be effectively unnoticeable. The proposed wireless communication tower is proposed on a location with an existing cell tower to be removed and replaced, and it is proposed to be a faux pine tree (monopine) and will be fully within the monopine branch radius to best blend in with the existing environment. All equipment will be painted dark green to blend in with the monopine and existing surrounding environment.

Additionally, pursuant to Title 12, Chapter 3, Section 12.03.080.E.D of the Nevada County Code, no tower shall be installed closer than two (2) miles from another readily visible, uncamouflaged or unscreened facility unless it is a co-located facility, is on a multiple-user site, or is designed to blend with the surrounding existing natural and man-made environment so as to be effectively unnoticeable. Due to the project's proposal of the wireless communication facility to be a monopine and equipment to be painted dark green to blend in with the surrounding environment, the proposed project is compliant with Title 12, Chapter 3, Section 12.03.080.E.D of the Nevada County Code. The proposed project also meets the visual screening and setback criteria while providing service in the desired service area, and is therefore in compliance with Title 12, Chapter 3, Section 12.03.080 Communication Towers and Facilities of the Nevada County Code.

9. Approval Without Evidence. The approval lacked essential evidence in the record. At the time of approval no PRA documents were provided, no technical justification for height was provided, no access rights were provided, no propagation maps were provided, and no geotechnical analysis was provided. An approval lacking evidence cannot stand.

The Nevada County Planning Department has reviewed the proposed project and determined that all of the above mentioned items were included in the application process and analyzed for compliance with applicable regulation. Please see the attached Staff Report for additional information and further justification for the Planning Department recommendation of approval for the proposed cell tower replacement project.

Reasons for Appeal Items 10-14: Reasons for Appeal items 10-14 are all specifically related to the Floriston Community Water System project. Please see Attachment 2 for the complete language regarding Reasons for Appeal items 10-14 and the cumulative response to Reasons for Appeal items 10-14 below:

The Nevada County Planning Department has reviewed the proposed project and did not identify any adverse impacts for potential interference with the Floriston Community Water System project as the lease area extension was determined to be outside of the Floriston Community Water System project area. Additionally, Doug Henderson with Kennedy Jenks, who serves as the contracted point of contact for the Floriston Community Water System project, provided a sketch that identified where the water vaults associated with the Floriston Community Water System project are located, which are clearly shown outside of the proposed lease area for the proposed cell tower replacement project. Please see Figure 2 on page 11.

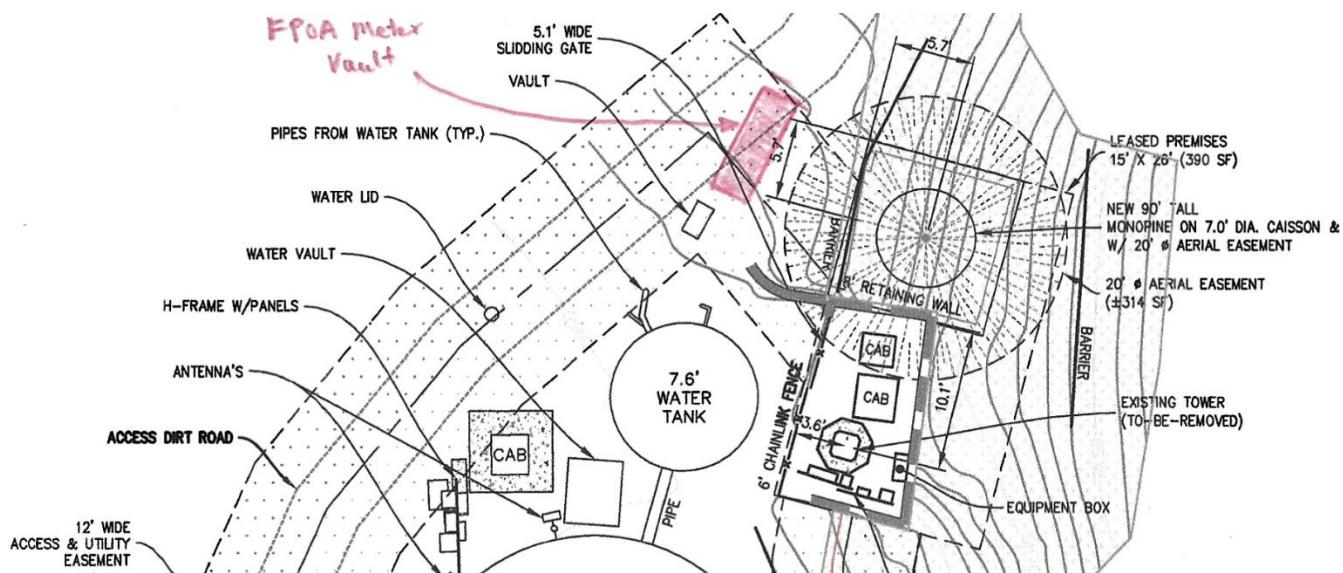


Figure 2: Location of Lease Area to Water Vaults (Close Up)

Although the proposed replacement wireless communication tower is more than 100% of its proposed height from all property lines and a Fall Certification letter is not required, an additional Condition of Approval, Condition A.18, was included to ensure that the proposed replacement tower will be designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging has been implemented as a part of the project approval. The Condition of Approval was included to provide further verification that the proposed replacement cell tower would not have a negative impact on any of the Floriston Community Water System project. Please see below for the language of Condition of Approval A.18:

“Due to the proposed new wireless communication facility being within 100% of the tower height from the existing above ground water tanks, to ensure that the water tanks and associated infrastructure are not damaged, prior to approving any grading/Building/improvements plans, the applicant shall provide a Fall Certification Letter from structural engineer licensed by the State of California to the Nevada County Planning Department certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with

antennas, transmitters and other equipment and camouflaging.” Therefore, the proposed project is consistent with all setback requirements from both the Nevada County Code and the Additional Checklist for Use Permits Proposing New Communication Towers requirements.

Additionally, to ensure that the proposed wireless communication facility does not conflict with or compromise the existing private/public water infrastructure nor have any adverse impact on the Floriston Community Water System project, an additional Condition of Approval, Condition A.17, was included as a part of the project Conditional Approval. Please see below for the language of Condition of Approval A.17:

“Prior to issuance of any grading, Building, or improvements plans, to ensure that the proposed wireless communication facility does not conflict with or compromise the existing private/public water infrastructure, the applicant shall obtain and submit documentation (official letter or email) from the Lahontan Regional Water Quality Control Board (or its administering agency) verifying that the proposed project will not interfere with the operation or purpose of the Floriston Community Water System. Additionally, the water vaults and infrastructure associated with the Floriston Community Water System project shall be shown on the Site Plan for all future submittals for any/all permits.”

With the implementation of both of the above-mentioned Conditions of Approval (A.17 and A.18), all potential impacts to the existing private/public water infrastructure and Floriston Community Water System project would be mitigated accordingly and therefore the proposed project would not have an adverse impact.

SUMMARY:

Staff finds that all of the issues raised in the appeal have been considered and were adequately addressed by County staff directly through correspondence, project Conditions of Approval, and attachments associated with the Staff Report completed for the Zoning Administrator hearing held November 12, 2025. The proposed project as conditioned meets all the requirements to obtain a Conditional Use Permit and Steep Slopes Management Plan and is consistent with the County’s Zoning Ordinance governing wireless communication towers. The project has been conditioned to ensure less than significant impacts to all potential project and environmental issues (please see the attached Conditions of Approval).

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following action:

- I. **Project Action:** Adopt the attached Resolution (Attachment 1) to deny the appeal and to uphold the decision of the Zoning Administrator to approve a Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) application proposing the removal of an existing 41 foot tall monopole and replacing it with a new 90 foot tall faux pine (monopine) at an existing wireless communication facility within a 390 square foot fenced lease area located at 22258 Juniper Street, Floriston, CA, in eastern Nevada County.

Item Initiated by: Zachary Ruybal, Associate Planner

Approved by: Brian Foss, Planning Director