



# AT&T

## 13083 Wild Life Lane

### Telecommunications Tower & Facility



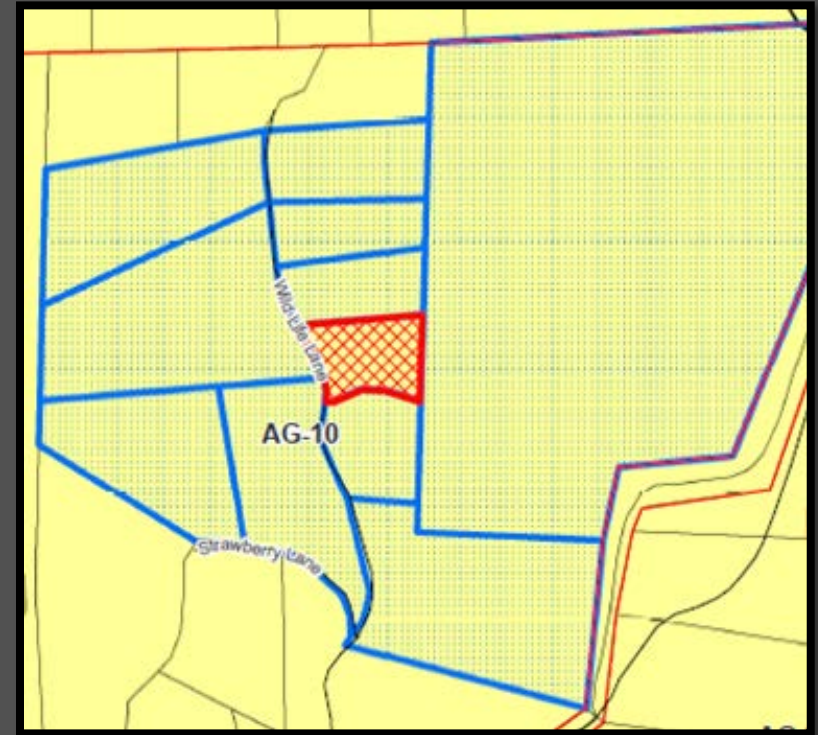
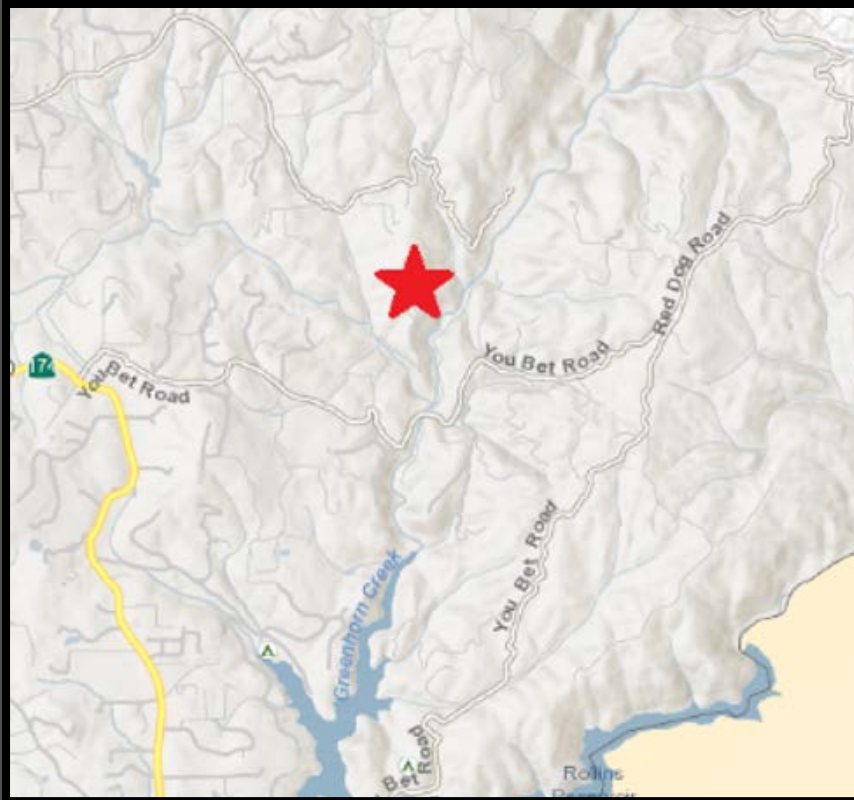
PLN17-0074, CUP17-0016, MIS18-0012, EIS17-0023

APN 012-720-045

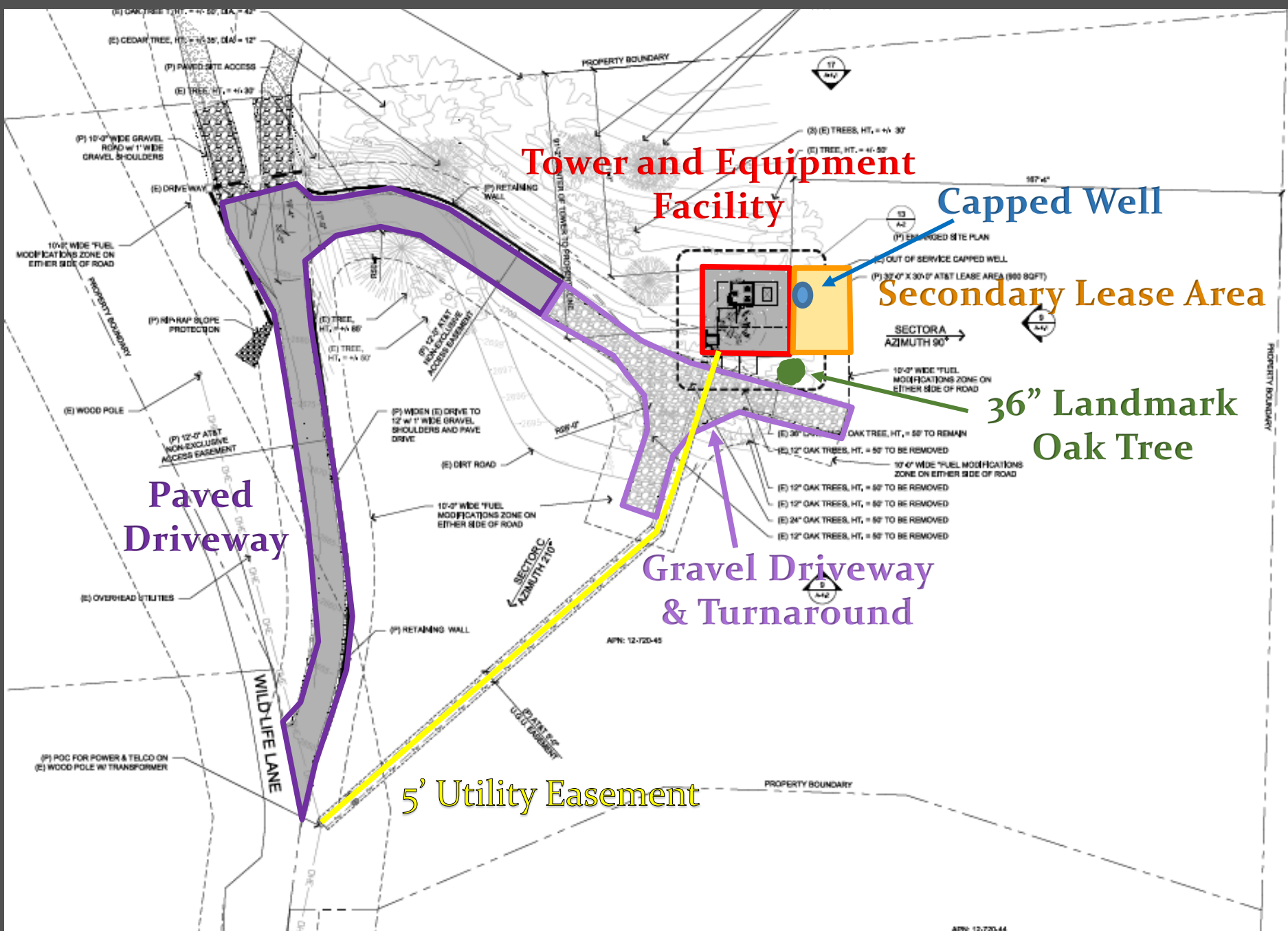
Board of Supervisors– May 28, 2019

# Project Site

- Located southeast of Grass Valley
- 1.3 miles north of You Bet Rd.



- 2.32-acre parcel
- AG-10 zoning
- Capped Well and Access Driveway
- Surrounding Uses: agricultural & rural-residential



**Tower and Equipment Facility**

**Capped Well**

**Secondary Lease Area**

**36" Landmark Oak Tree**

**Gravel Driveway & Turnaround**

**Paved Driveway**

**5' Utility Easement**

APR: 12-720-43

APR: 12-720-44

Project Site



36" Landmark Oak Tree



Existing Driveway (paved)



New Driveway (gravel)



# Zoning Administrator Hearings

- February 27, 2019 Hearing
  - Property owner revoked his authorization for the project
  - Project was continued indefinitely
  - Property owner gave authorization for the project to continue and seek approval
- March 27, 2019 Hearing
  - Project was approved

# Appeal Arguments

1. Environmental Concerns
2. Damage to Private Road and Bridge
3. Failure to Comply with County Ordinances
4. AT&T Agreement with Property Owner

## Additional Public Comments

- ❖ Radio Frequency Emissions
- ❖ Noise
- ❖ Visual Impacts
- ❖ Property Values

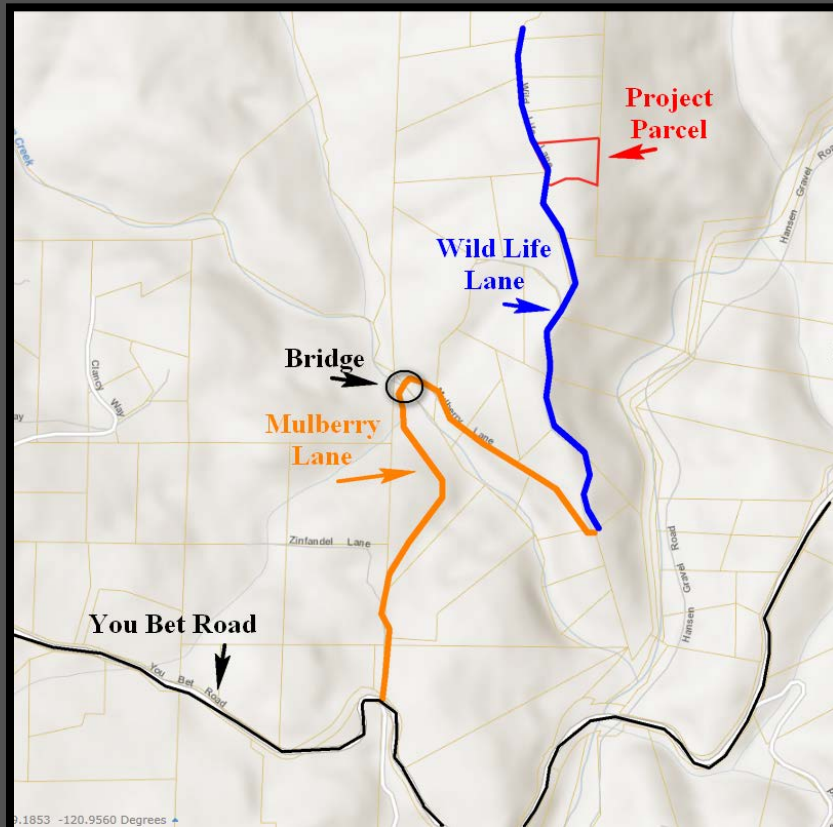
# Argument 1: Environmental Concerns

- Biological Inventory with 2017 & 2018 Site Surveys
- One Landmark Oak Tree- Mitigation
- No Other Resources
- Capped Well
  - COA (C.2) requires the well to be formally abandoned
  - Filled and Sealed by a professional
- Initial Study/MND was completed for a thorough environmental review



# Argument 2: Damage to Road & Bridge

- 1.3 miles of Private Roads
- Traffic- Maximum of 4 trips per week
- Bridge- Structural Report by an Engineer
- Roadway Analysis- revised COA A.14 to include Mulberry Lane and the private bridge





# Argument 3: Failure to Comply with County Ordinances

- ❖ LUDC L-II 3.8 Communications Towers and Facilities
  - Design Standards to Minimize Visibility
    - ❑ Blend in with environment: Monopine
    - ❑ Equipment to match the color of the tower
    - ❑ Limitations on Lighting: 2 manually-operated lights, shielded, downward
  - Location Requirements
    - ❑ Structural Report if located within a distance less than 100% of height from the property line – can withstand wind, earthquakes and ice
      - ❑ tower 110' tall; located 91' from property line
    - ❑ 50' setback from public trail or park
    - ❑ Setback 100% of height from residential zoning districts- surrounded by AG
- ❖ Complies with County Noise Standards
- ❖ Allowed with Use Permit in AG zoning
- ❖ GP Policy 1.7.18
  - Encourages and supports high-speed transmission systems

# Argument 4: AT&T Agreement with Property Owner

- ❖ Private agreements are made without County's knowledge or involvement
  - County does not have the authority to get involved in private agreements
- ❖ Application for a project is submitted, the County verifies authorization by the property owner
  - Letter of Authorization signed by property owner on June 26, 2017

# Additional Public Comments

## Radio Frequency Emissions

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- Telecommunications Act of 1996
- Federal Communications Commission (FCC) has established Maximum Permissible Exposure (MPE) limits
- RF emissions at the nearest walking/work surface is approximately 3.5% of FCC general public limit

## Noise

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- Generator & HVAC - 44.98 dB at the nearest property line
- HVAC – 36.61 dB
- County Noise Standards

| Time Period |       | Noise Level, dBA |       |
|-------------|-------|------------------|-------|
| Start       | End   | L eq             | L max |
| 7 am        | 7 pm  | 55               | 75    |
| 7 pm        | 10 pm | 50               | 65    |
| 10 pm       | 7 am  | 40               | 55    |



AG Bldg.  
190'

655'

165'

71'

Project Area

167'

147'

Residence  
190'

530'

# Additional Public Comment

## Visual Impacts

### Monopine Design

- Fabricated branches
- Bark-like color & texture
- Antennas would match the monopine

Tree Bark



Antennas & Equipment  
Color



Equipment  
Cabinet Roof  
Material

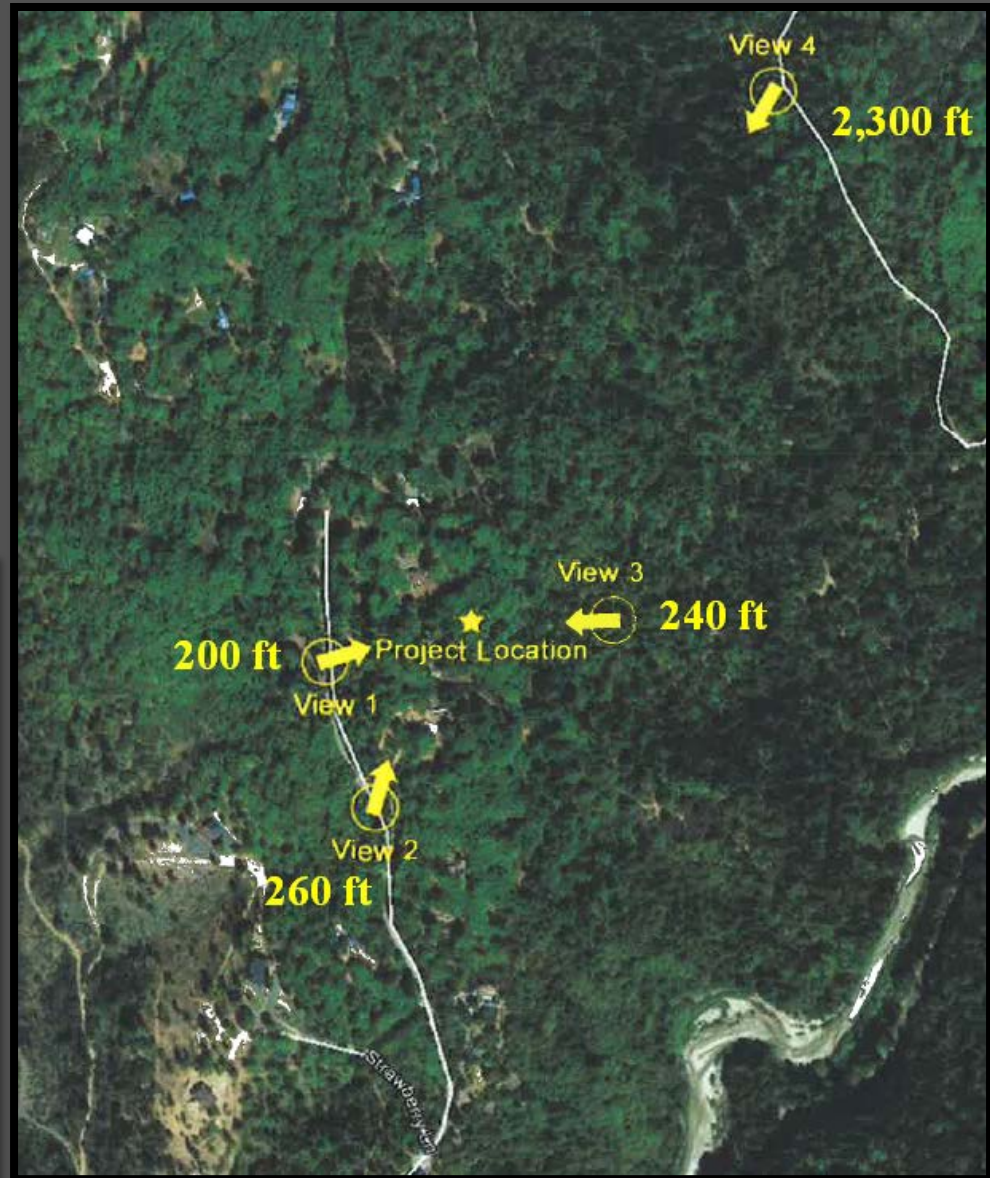


Monopine  
Branches



# Photo Simulations

- Not visible in any photo simulations
- View from Wild Life Lane



# Additional Public Comments

## Property Values

### Analysis of the Project

- Compliance with the Land Use and Development Code
- Environmental Review in Compliance with CEQA standards

### Property Values

- Not included in CEQA
- Not within the purview of the land use permit

# Summary

- Environmental Impacts- Mitigated
- Road Analysis (COA A.14) requires repairs by AT&T
- Compliance with County Ordinances
- County has no authority in private agreements
- Radio Frequency Emissions
  - Project is within FCC limits
  - Telecommunications Act prevents the County from denying the project based on RFE
- Under the County noise standards
- Minimal/No visual impacts from public views



# Staff Recommendation

Adopt the Resolution denying the appeal and upholding the Zoning Administrator's decision:

## Approve

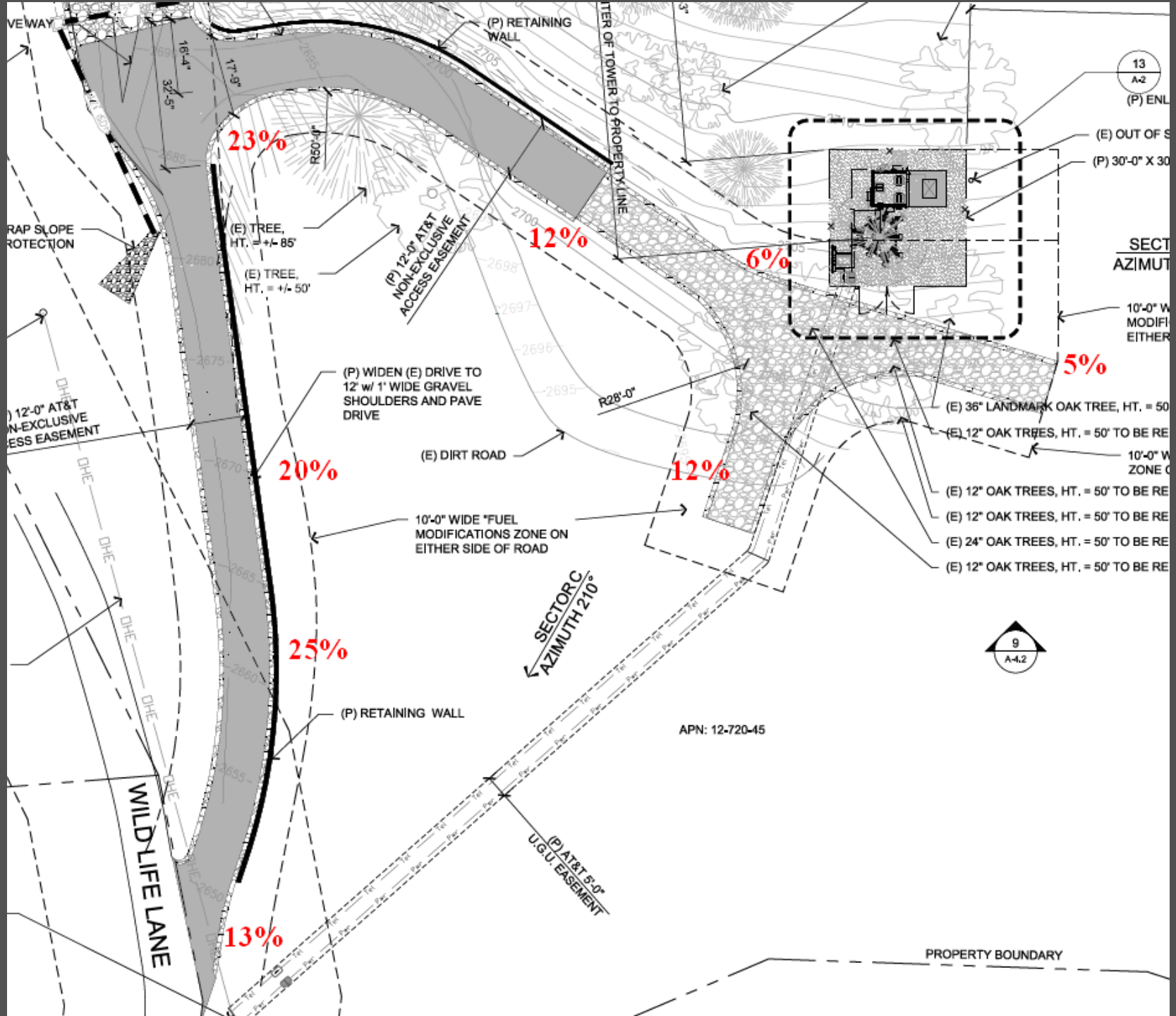
Conditional Use Permit (CUP17-0016)

Petition for Exceptions to Driveway Standards (MIS18-0012)

## Adopt

Mitigated Negative Declaration (EIS17-0023)

# Extra Slides



13  
A-2  
(P) ENL

(E) OUT OF S  
(P) 30'-0" X 30'

SECT  
AZIMUT

5%

- (E) 36" LANDMARK OAK TREE, HT. = 50'
- (E) 12" OAK TREES, HT. = 50' TO BE RE
- 10'-0" W
- ZONE C
- (E) 12" OAK TREES, HT. = 50' TO BE RE
- (E) 12" OAK TREES, HT. = 50' TO BE RE
- (E) 24" OAK TREES, HT. = 50' TO BE RE
- (E) 12" OAK TREES, HT. = 50' TO BE RE



APN: 12-720-45

PROPERTY BOUNDARY

23%

12%

6%

20%

12%

25%

13%

SECTOR C  
AZIMUTH 210°

(P) AT & T  
U.G.U. EASEMENT

(P) 12'-0" AT&T  
NON-EXCLUSIVE  
ACCESS EASEMENT

(P) WIDEN (E) DRIVE TO  
12' w/ 1' WIDE GRAVEL  
SHOULDERS AND PAVE  
DRIVE

(E) DIRT ROAD

10'-0" WIDE \*FUEL  
MODIFICATIONS ZONE ON  
EITHER SIDE OF ROAD

(P) RETAINING WALL

WILDLIFE LANE

RAP SLOPE  
PROTECTION

12'-0" AT&T  
NON-EXCLUSIVE  
ACCESS EASEMENT

(P) RETAINING  
WALL

LINE OF TOWER TO PROPERTY LINE

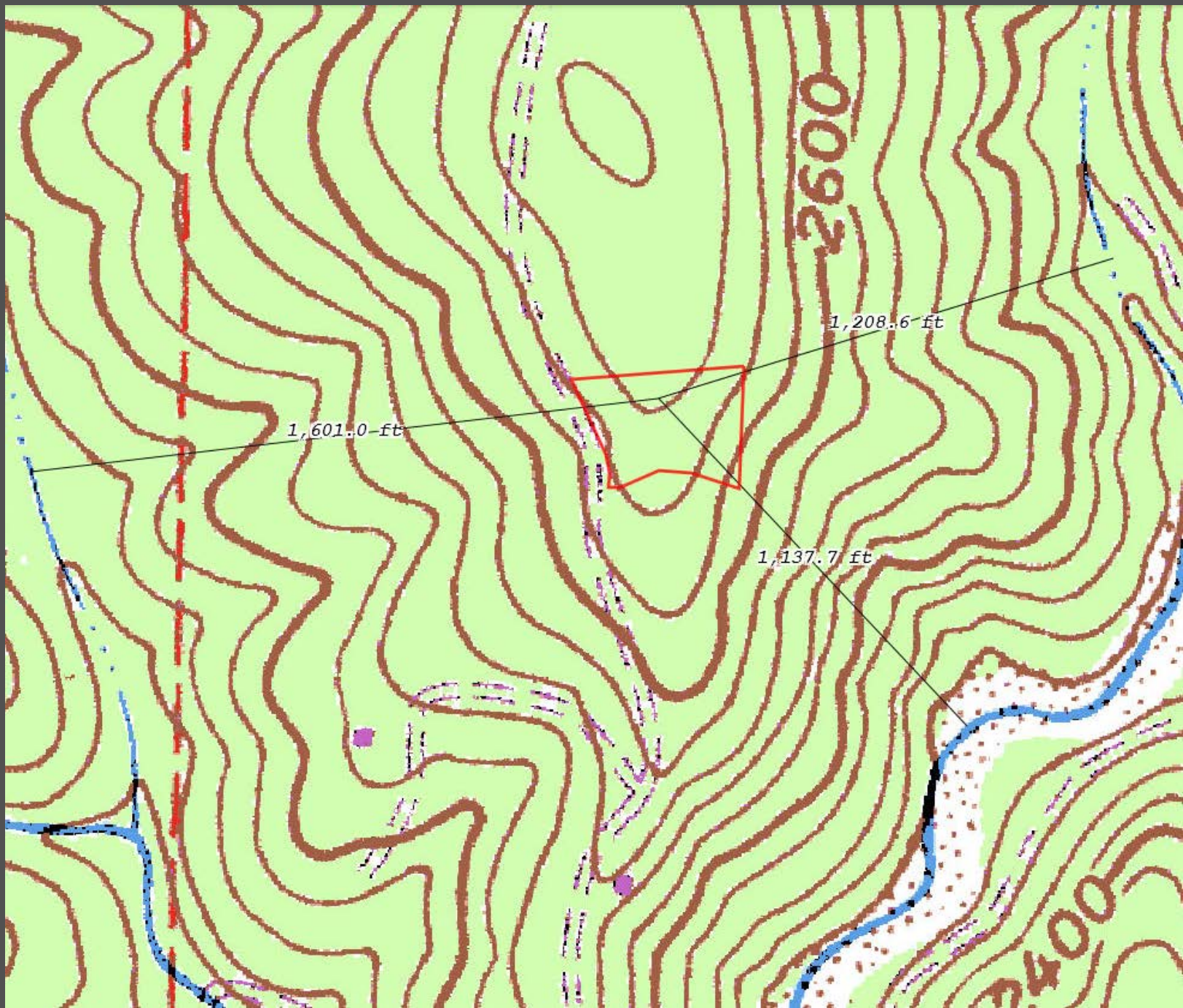
VIEWWAY

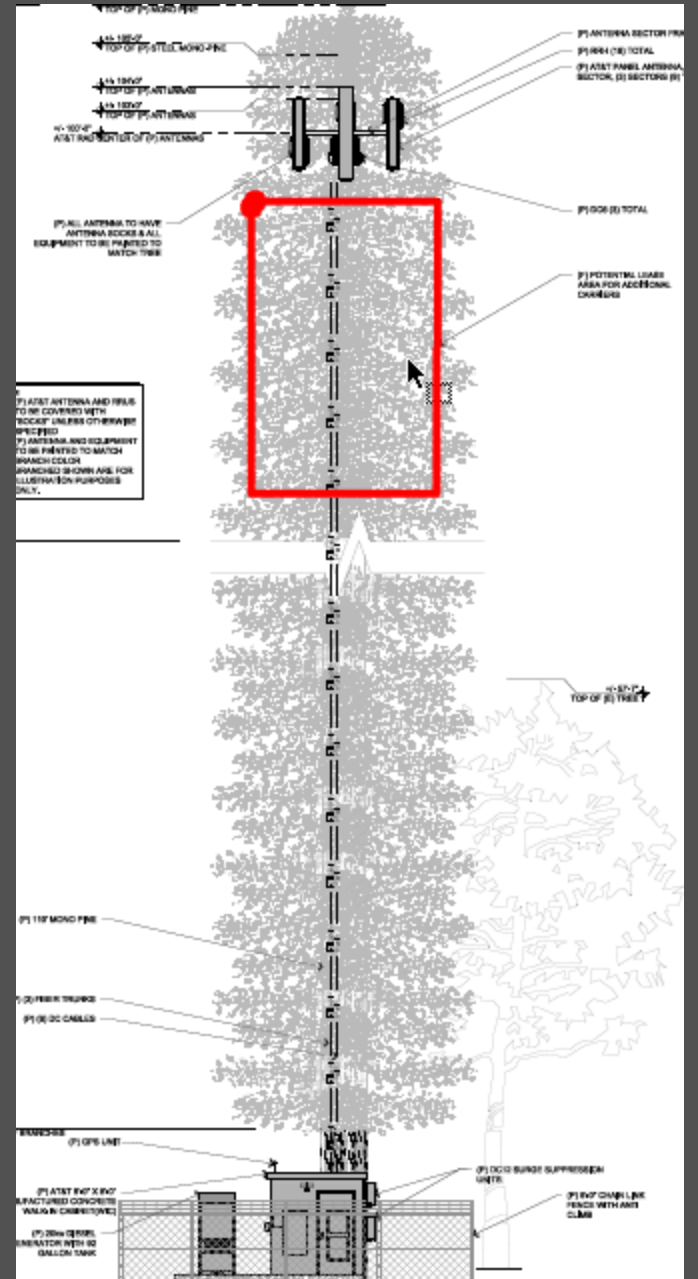
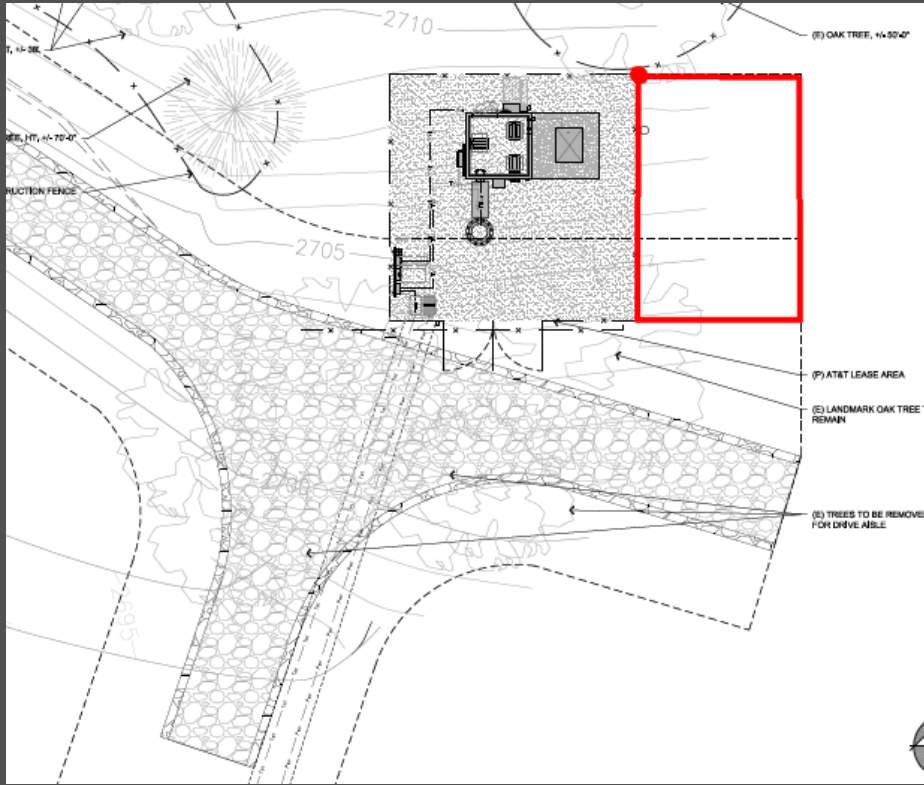
# COAA.14

Roadway Analysis: As part of the building permit submittal, include a roadway analysis for the Planning Department that shows photos of **Mulberry Lane and Wild Life Lane, including the bridge crossing over Little Greenhorn Creek**, which documents the condition of the roads prior to construction of the tower facility. At the request for permit final, a follow-up analysis of the roadways and bridge is required to be submitted, with photos showing that any impacts to the private roads or bridge that may have occurred as a result of the construction of the telecommunication tower facility, have been repaired by the applicant.

# Telecommunications Act

The Telecommunications Act of 1996, as amended, 47 USC 332(c)(7)(B)(iv) specifically prohibits “local government [from] regulat[ing] 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.”

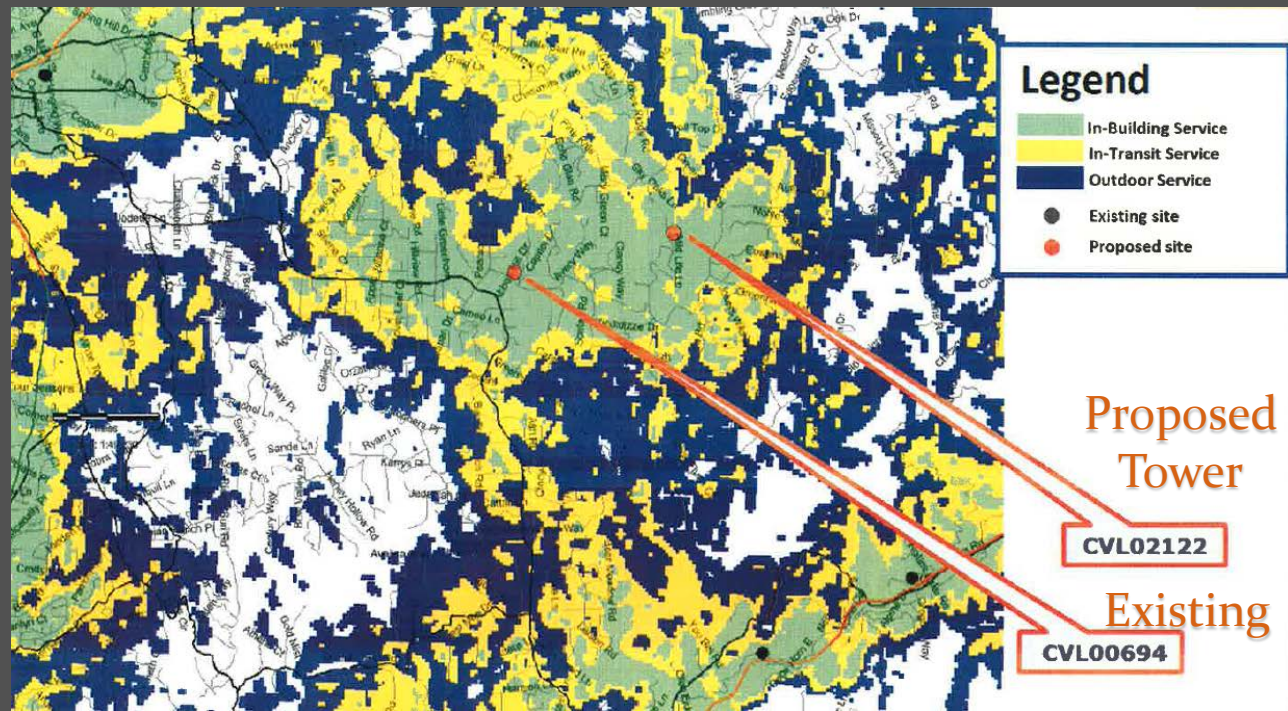
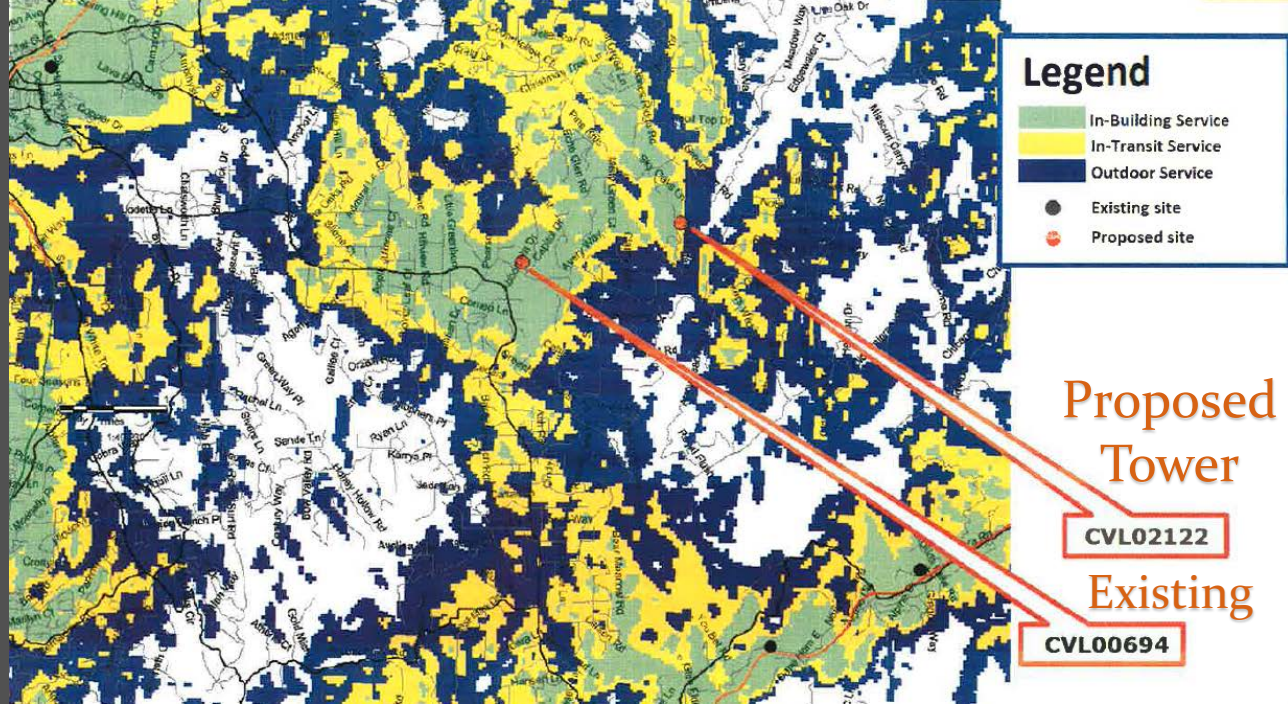




# Site Selection & Coverage

- Coverage Objective – 70 homes & businesses

- Nearest tower is 1.5 miles away – 14516 You Bet Road
- Other active towers are 4 miles away

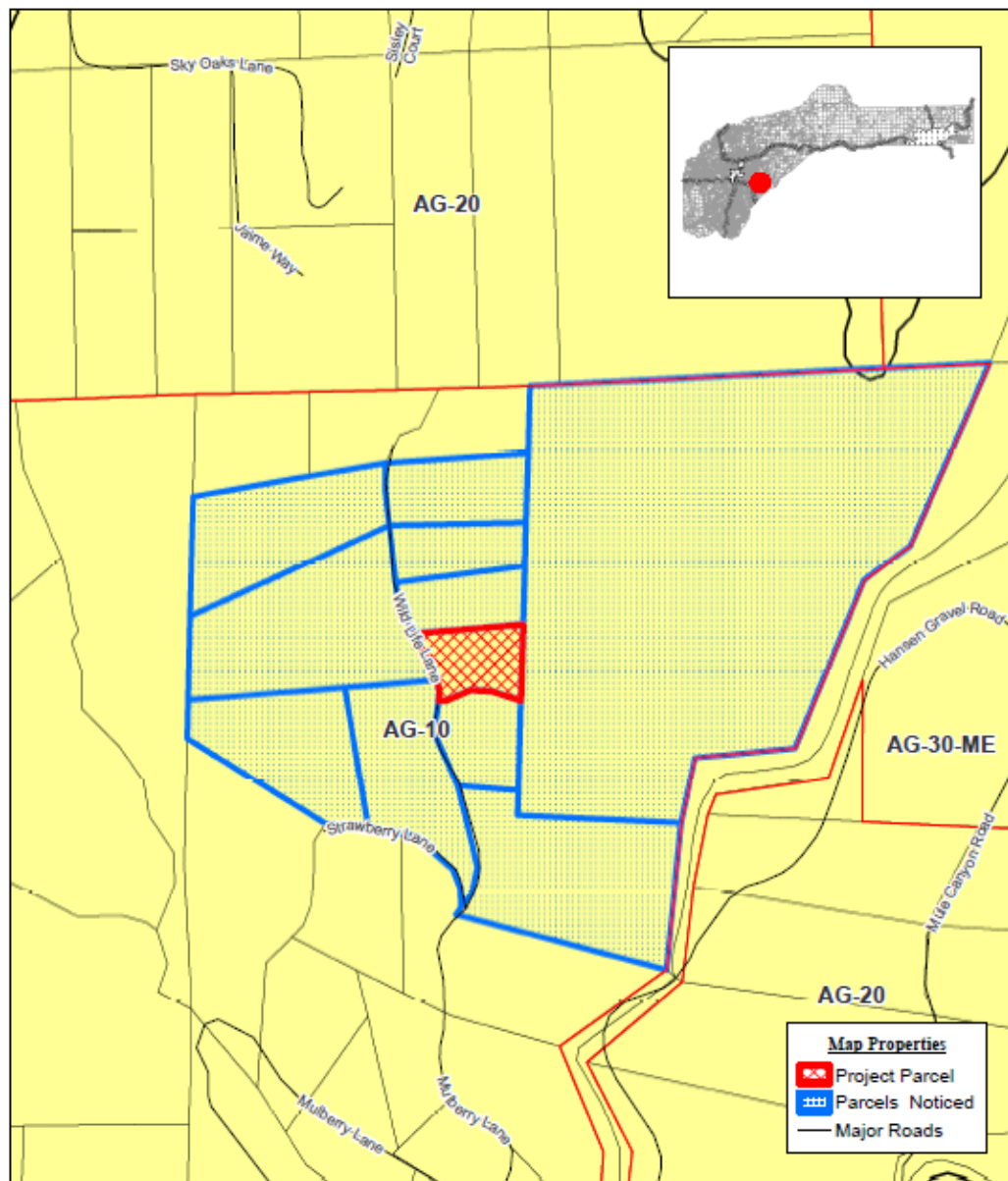




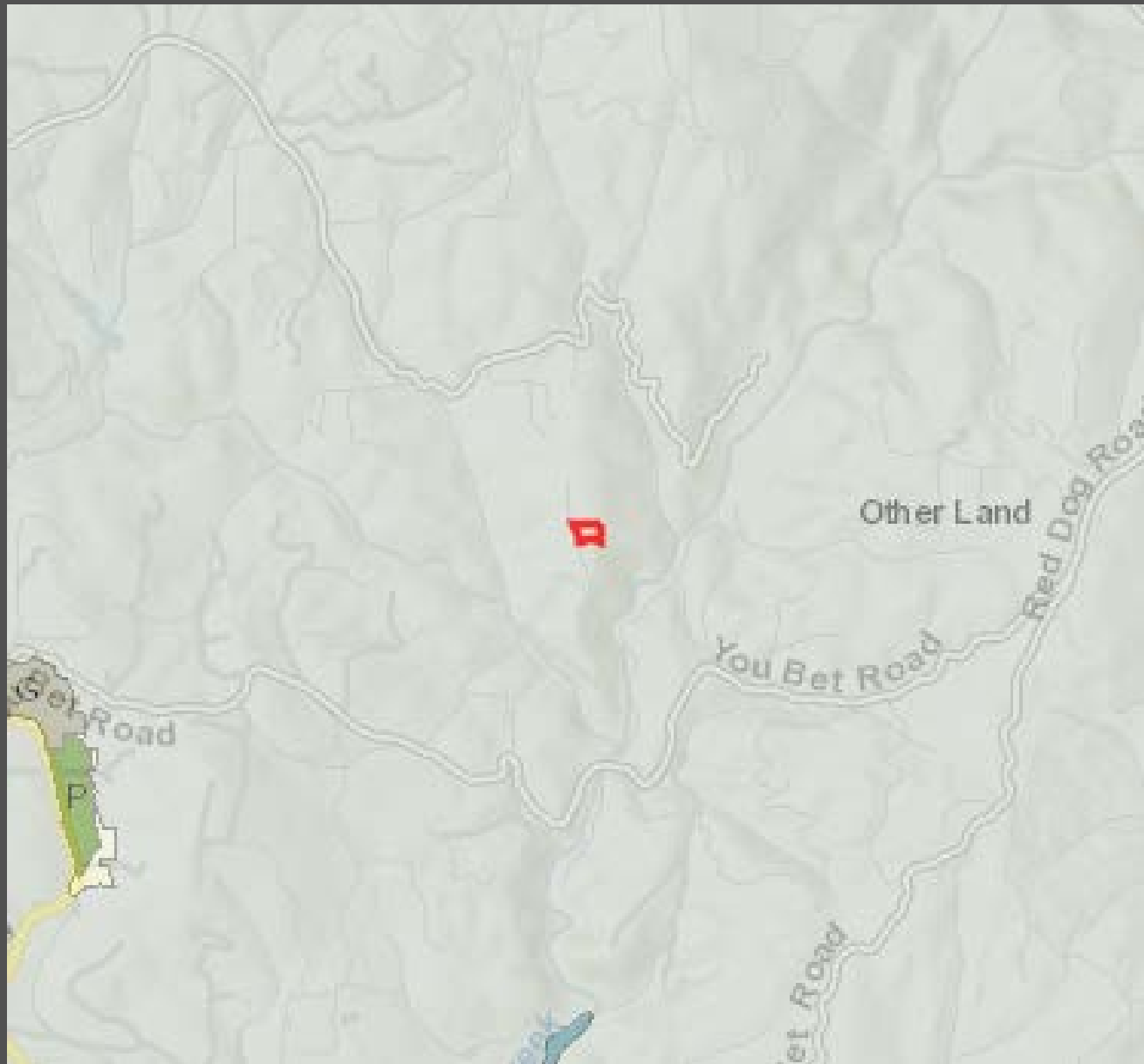
# Zoning & General Plan Compatibility

- IS/MND circulated from February 4-24<sup>th</sup> for review
- GP designation (RUR-10) & Zoning district (AG-10) allows communication towers with a Use Permit
- Meets Communication Towers and Facilities Requirements (LUDC Sec. L-II 3.8)
- GP Policy 1.7.18 encourages broadband transmission systems

AT&T Conditional Use Permit  
13083 Wild Life Lane  
Zoning, Parcels Noticed & Vicinity Map



Every reasonable effort has been made to assure the accuracy of the maps and data provided; nevertheless, some information may not be accurate. The County of Nevada assumes no responsibility for any use of the information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Before making decisions using the information provided on this map, contact the Nevada County Public Course staff to confirm the validity of the data provided.



Get Road

P

Other Land

You Bet Road

Red Dog Road

et Road

Per. R.S. 4-30  
and R.S. 4-181

L. J. HAGLIE  
522 O.R. 515

H. L. WOODRUFF  
534 O.R. 380

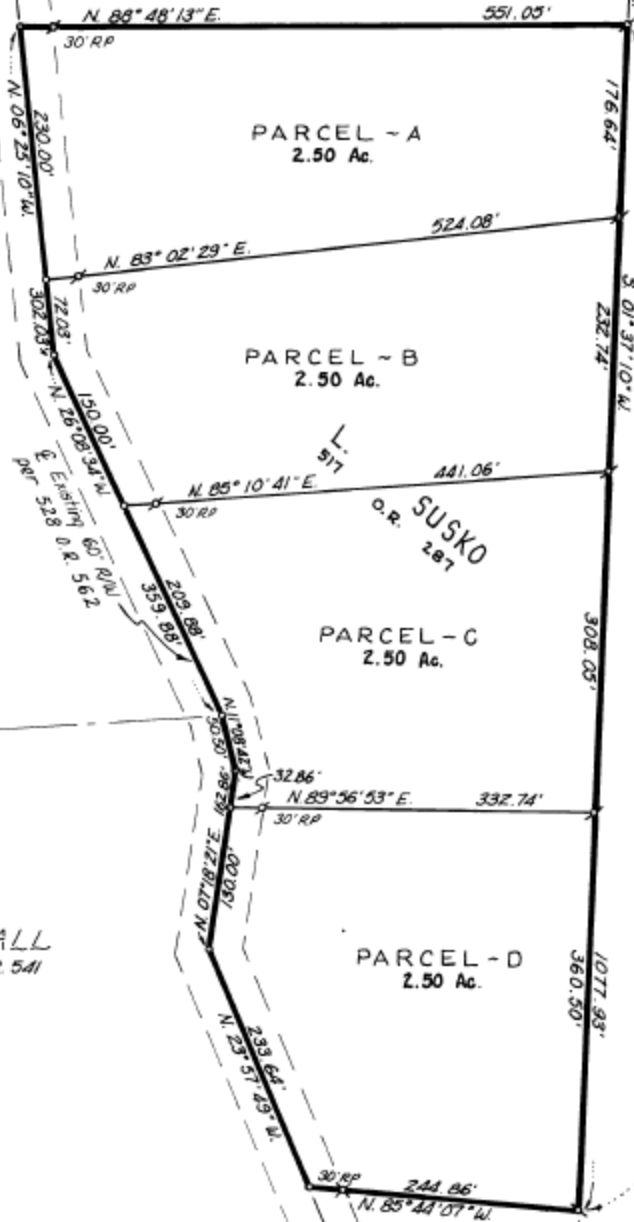
C. A. WILSON  
526 O.R. 675

M. HALL  
538 O.R. 541

R. A. DOWNEY  
508 O.R. 124

adequate potable domestic  
water must be demonstrated prior  
to a sewage disposal permit

Department does not



## Lighting

- Two downward facing, fully shielded lights
- Manually operated

## Noise

- Generator & HVAC - 44.98 dB at the nearest property line
- HVAC – 36.61 dB
- Construction

## Radio Frequency Emissions

- Telecommunications Act of 1996
- Federal Communications Commission (FCC) has established Maximum Permissible Exposure (MPE) limits
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