

Floriston Wireless Telecommunications Facility Appeal

PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001

22258 Juniper Street, Floriston, CA 96111

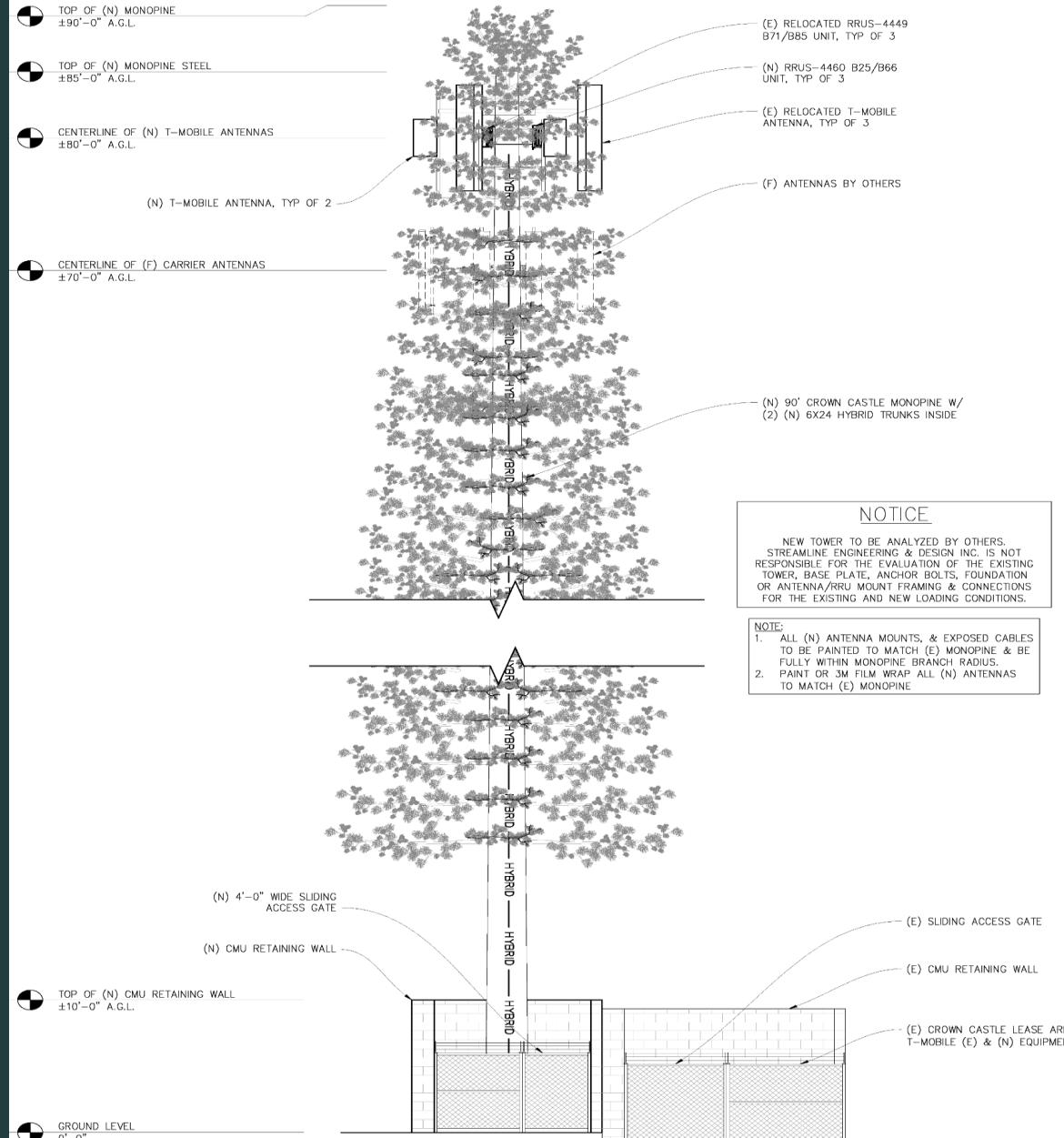
APN: 048-130-026

Nevada County Board of Supervisors:
January 13, 2026
Project Planner: Zachary Ruybal



Project Description:

- A Use Permit and Steep Slopes Management Plan to remove and replace an existing 41-foot-tall monopole with a new 90-foot-tall monopole.
- A 390 square foot lease area total.
- CMU retaining wall and a six-foot tall chain-link sliding gate.
- A graded pad, concrete slab, and CMU retaining wall which will encroach into slopes in excess of 30%.
- Steep Slopes Management Plan completed by Susah Dahl for any construction activities within slopes in excess of 30%.



Existing & Surrounding Land Uses:

- Zoning: FR-160
- General Plan: FOR-160
- Surrounded by residential development to the southwest and undeveloped parcels to the north, east, and northwest.
- Nearest residence approximately 400 feet southwest from the proposed lease area.



Appeal Argument 1

The appeal states:

“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 (b)(c) 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 PRA Mr. Mapa requested was completed on November 5, 2025, as shown in Attachment 4.
- Planning Department provided the requested documents through an email on November 5, 2025, two separate times, and the Records Department uploaded the requested documents to Mr. Mapa's GovQa account.

Appeal Argument 2

The appeal states:

“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.”

- DPW reviewed all documents legal access for the project parcel between March 8, 2023, and July 7, 2025.
- County Surveyor reviewed all the provided documentation and determined the project parcel does in fact have adequate legal access. The project plan set included in the Zoning Administrator Staff Report packet.

Appeal Argument 3

The appeal states:

“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.”

- A Steep Slopes Management Plan that included a Subsurface Exploration Report was submitted.
- Best Management Practices (BMPs) for any construction activities within slopes in excess of 30% provided.
- No significant impacts identified during review, therefore CEQA §15064(e) and §15126.2(a) are not applicable to this project.

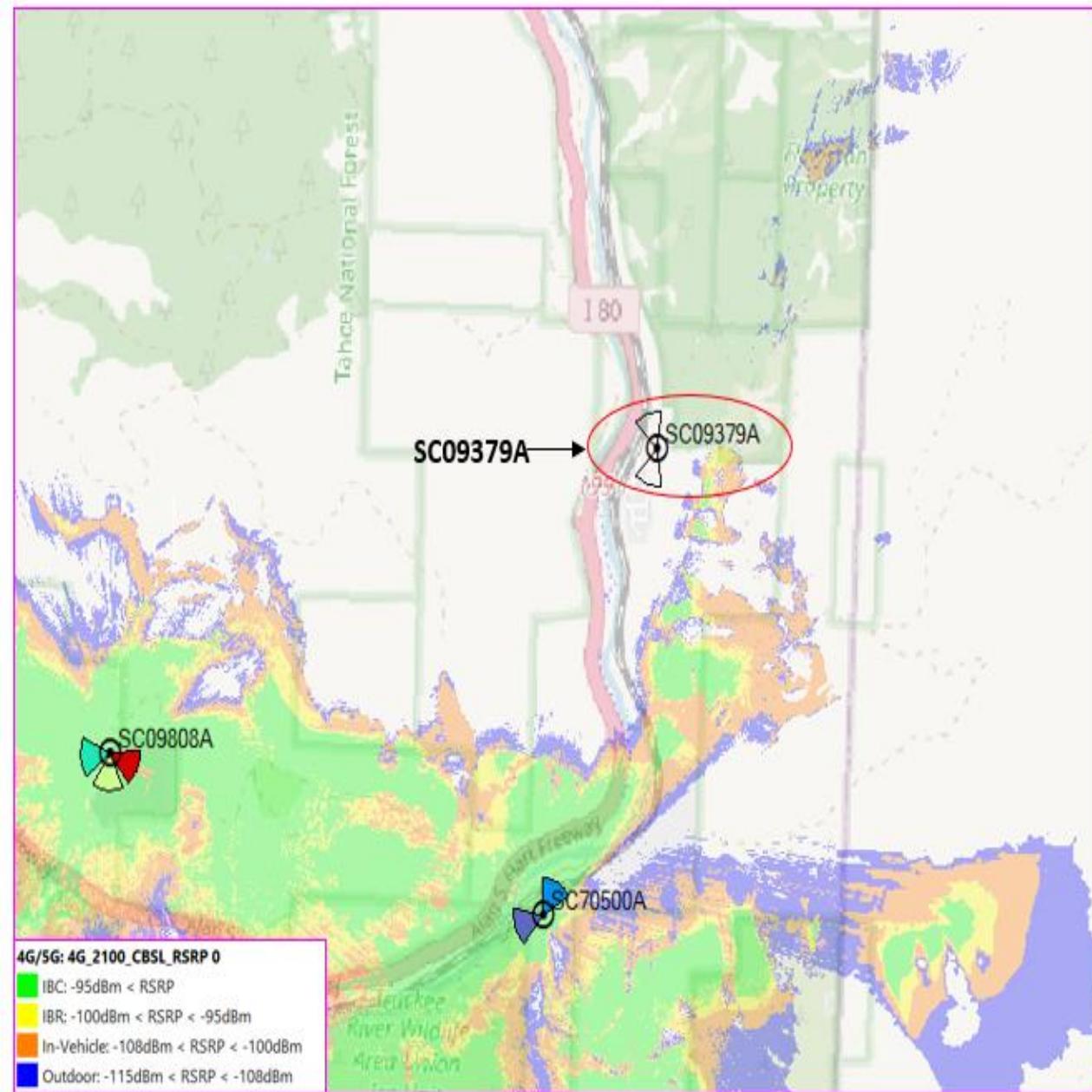
Appeal Argument 4

The appeal states:

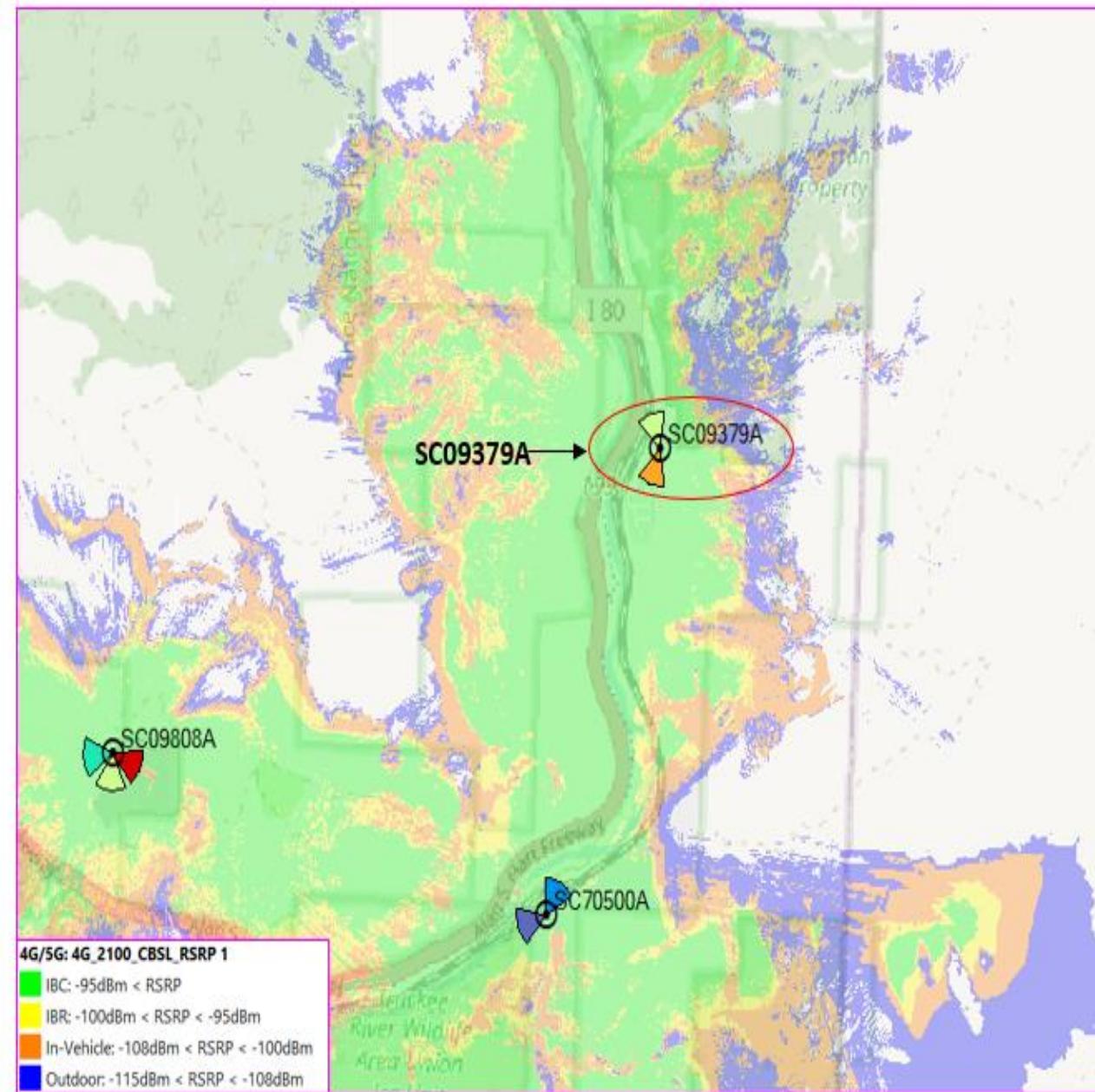
“No Propagation Maps or Justification for Increased RAD Center. No RF engineering, coverage maps, or necessity analysis for antenna height were included. None were in the record presented to me or the public. This alone violates the requirement for substantial evidence supporting approval.

- T-Mobile identified a significant gap in its in-building, in-vehicle, and outdoor wireless services in the Floriston area.
- T-Mobile provided a Radio Frequency (RF) Site Compliance Report, propagation maps, and justification for the need for the increased RAD center.
- The project parcel meets RF's objectives and is in a location that allows the monopole to blend in with the natural surroundings.

SC09379A L2100 Coverage – Without Site



SC09379A L2100 Coverage – With Site

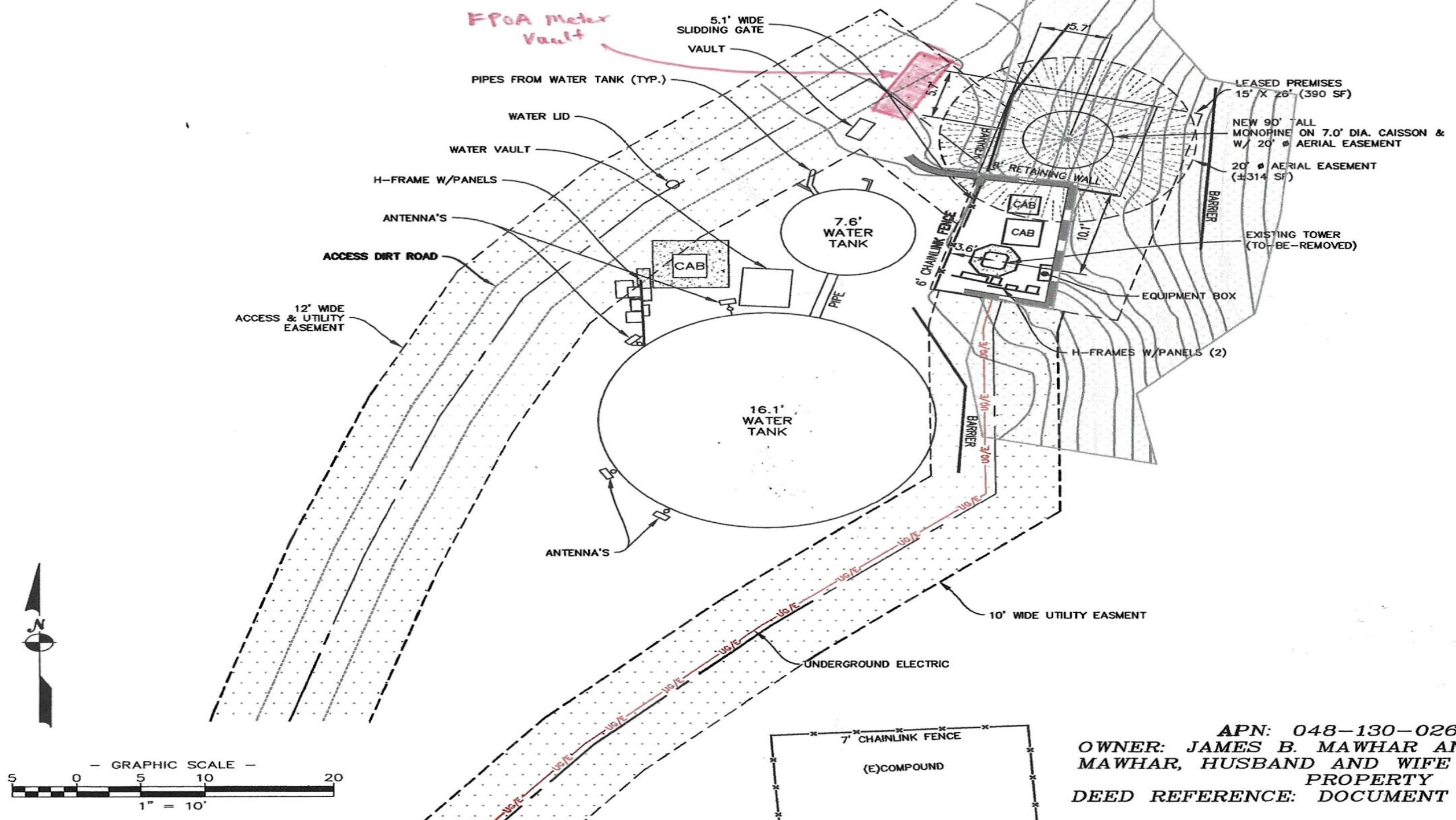


Appeal Argument 5

The appeal states:

"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."

- Floriston Community Water System (FCWS) project will not be impacted by the proposed project pursuant to Condition of Approval (A.17).
- Condition of Approval A.17 requires the applicant to provide documentation verifying the proposed cell tower replacement project will have no impacts with the FCWS project.
- Nevada County Fire Marshal did not express concerns with emergency vehicle access.
- No significant impacts identified during review, therefore CEQA §15065(a) is not applicable for this proposed project.



Appeal Argument 6

The appeal states:

"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."

- Consistent with Nevada County's setback requirements identified in Table 12.02.030.E Rural District Site Development Standards of the Nevada County Code.
- Fall Certification Letter required for towers located less than 100% of their height from a property line, a habitable structure or other tower.
- Condition of Approval A.18 included to require a Fall Certification Letter from a licensed civil engineer.





Appeal Argument 7

The appeal states:

“The 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.

- Nevada County noise standards shall not apply to the construction activities of a project.
- Condition of Approval A.14 was included, requiring the hours of operation for construction activities to be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
- Condition of Approval F.1 requires a Transportation Permit for any project work that requires the movement of oversized or excessive load vehicles on State roadways.

Appeal Argument 8

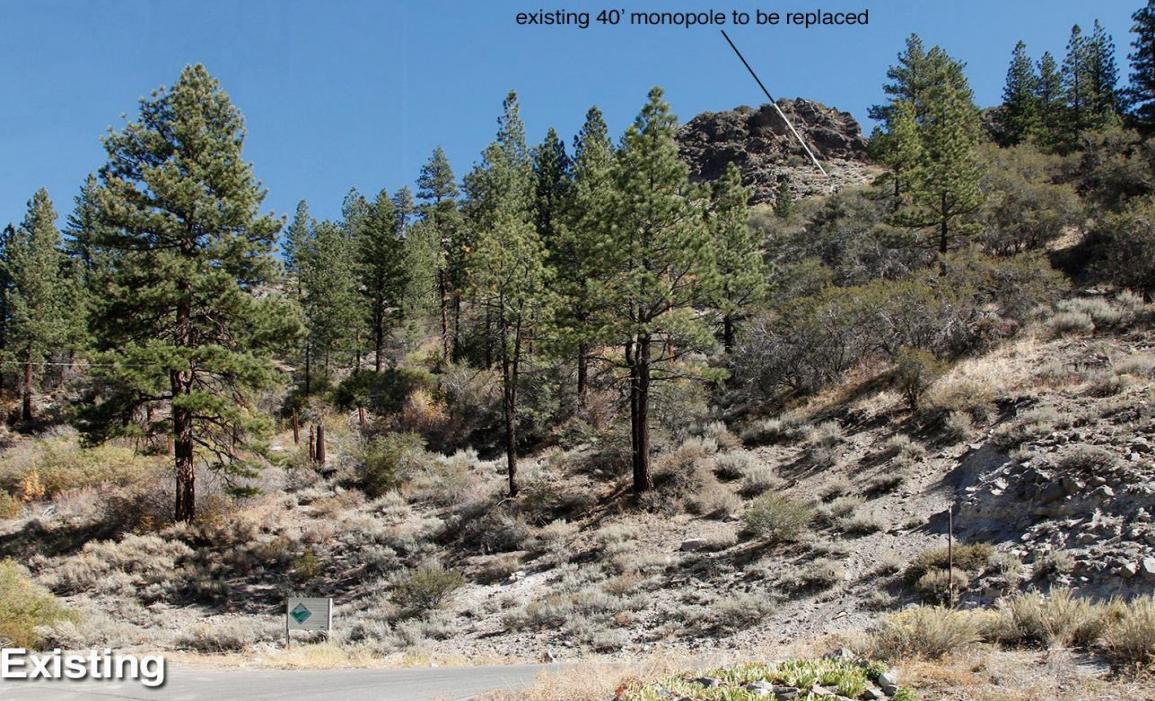
The appeal states:

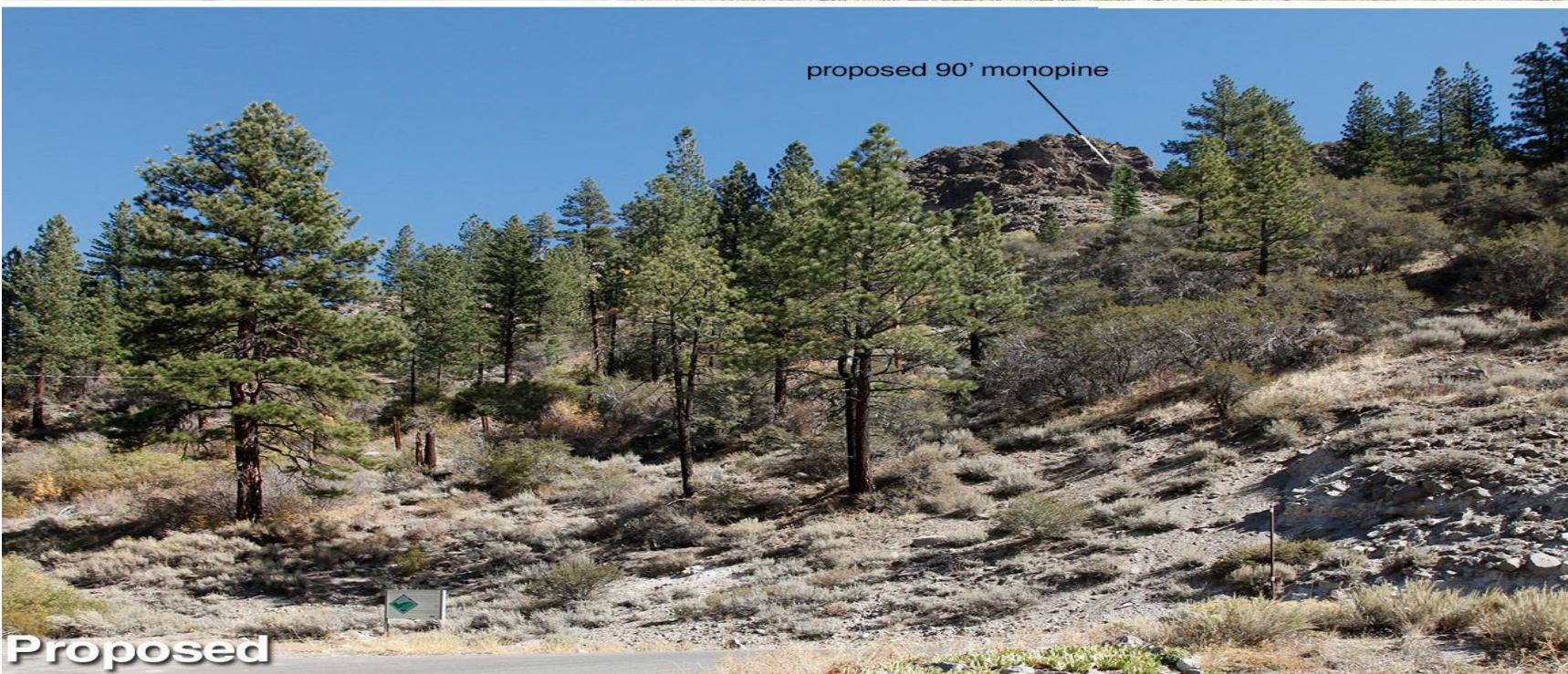
“Cumulative Impacts Ignored. The presence of three existing towers was not addressed in a cumulative analysis. No cumulative analysis was provided regarding visual impact, EMF aggregation, traffic and maintenance load, road integrity, and infrastructure conflicts. CEQA §15130 requires cumulative impact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

- Planning Department and numerous additional Departments/Agencies reviewed the project and determined that all cumulative impacts had been adequately addressed.
- Visual impacts have been adequately addressed.
- Project includes a replacement tower on a previously disturbed parcel.
- No significant cumulative impacts identified during review, therefore CEQA §15130 is not applicable.

Visual Analysis:

- The cellular tower as proposed would be a monopine design with the tower facility, the brackets, antennas, and RRUs painted dark green to meet the requirements of blending in with the surrounding environment.
- 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 chain-link fencing provides additional screening of the project equipment from the lease area from public view.





Appeal Argument 9

The appeal states:

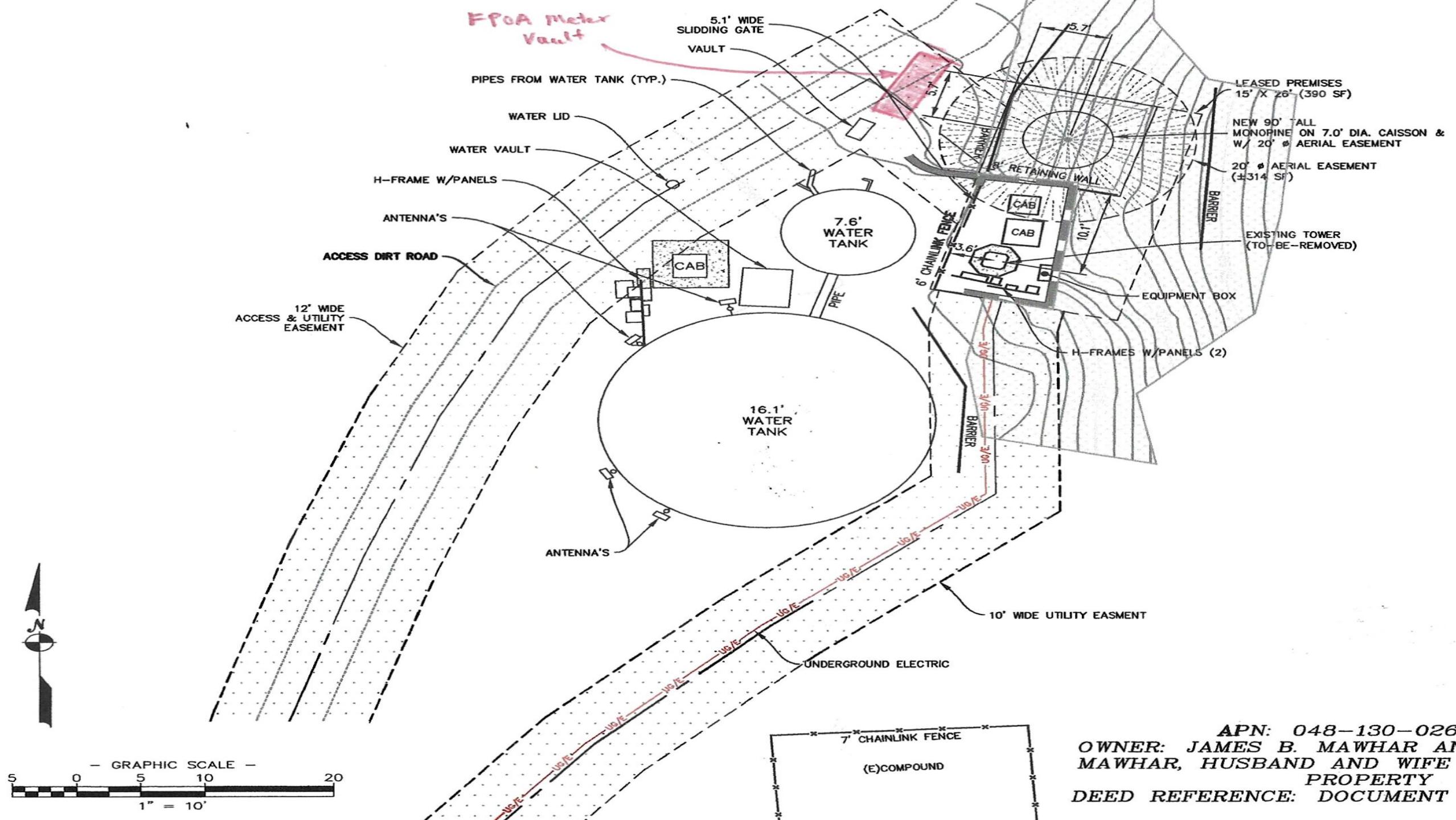
“Approval Without Evidence. The approval lacked essential evidence in the record. At the time of approval no PRA documents were provided, no technical justification for height was provided, no access rights were provided, no propagation maps were provided, and no geotechnical analysis was provided. An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

- Planning Department reviewed the project and determined that all items above were included in the application process and analyzed for compliance with applicable regulation.
- PRA was completed by both Planning and Records.
- Please see the Board of Supervisors Staff Report for additional information and further justification for the Planning Department recommendation of approval for the proposed cell tower replacement project.

Appeal Arguments 10-14

Reasons for Appeal Items 10-14: Reasons for Appeal items 10-14 are all specifically related to the Floriston Community Water System project specifically. 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:

- Planning Department did not identify adverse impacts for potential interference with the Floriston Community Water System project.
- The contractor for the FCWS project provided a sketch which shows the water vaults are clearly outside of the lease area.
- Conditions of Approval A.17 and A.18 included to ensure the project will not have any adverse impact on the FCWS project.



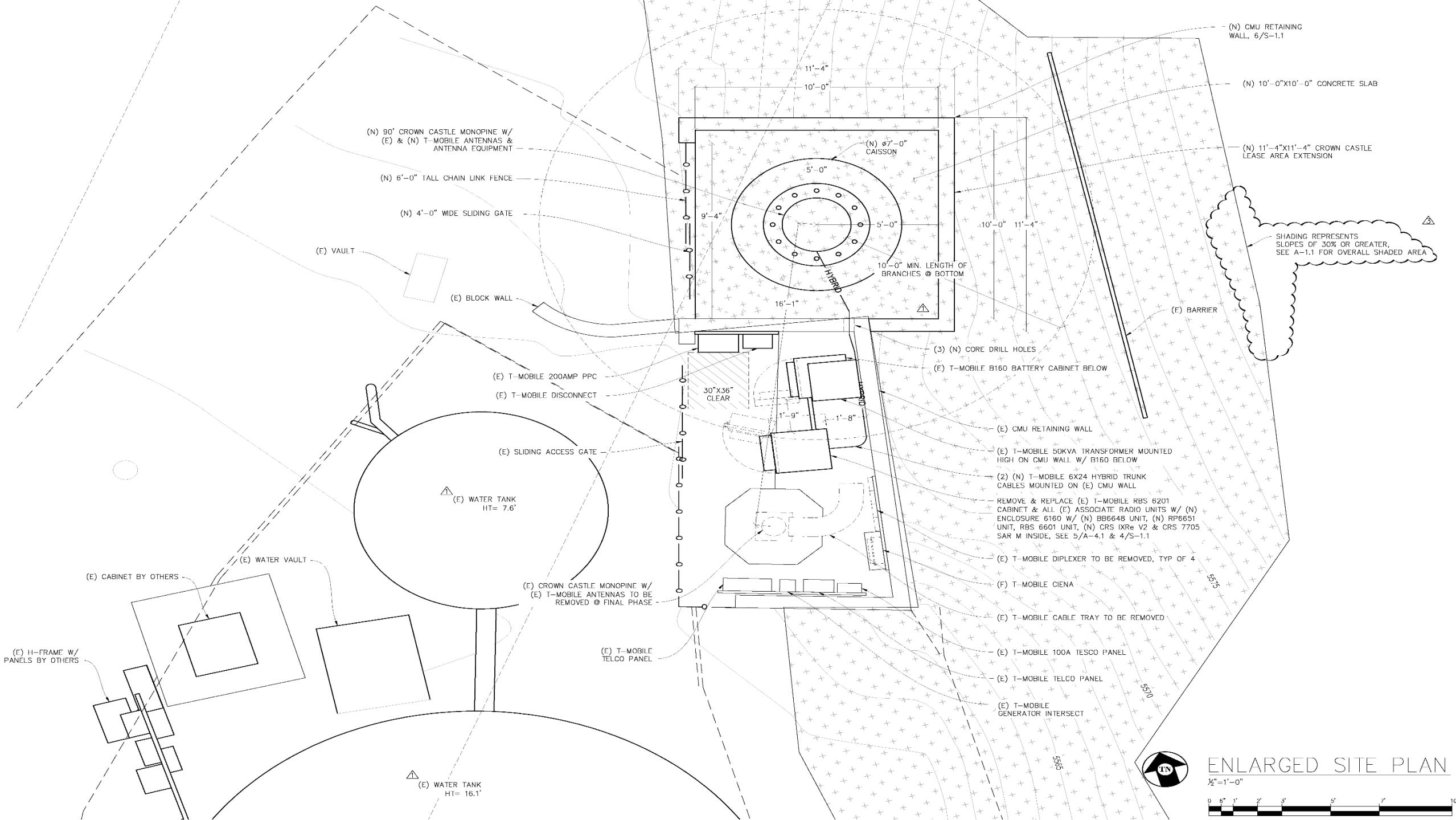


Recommendations:

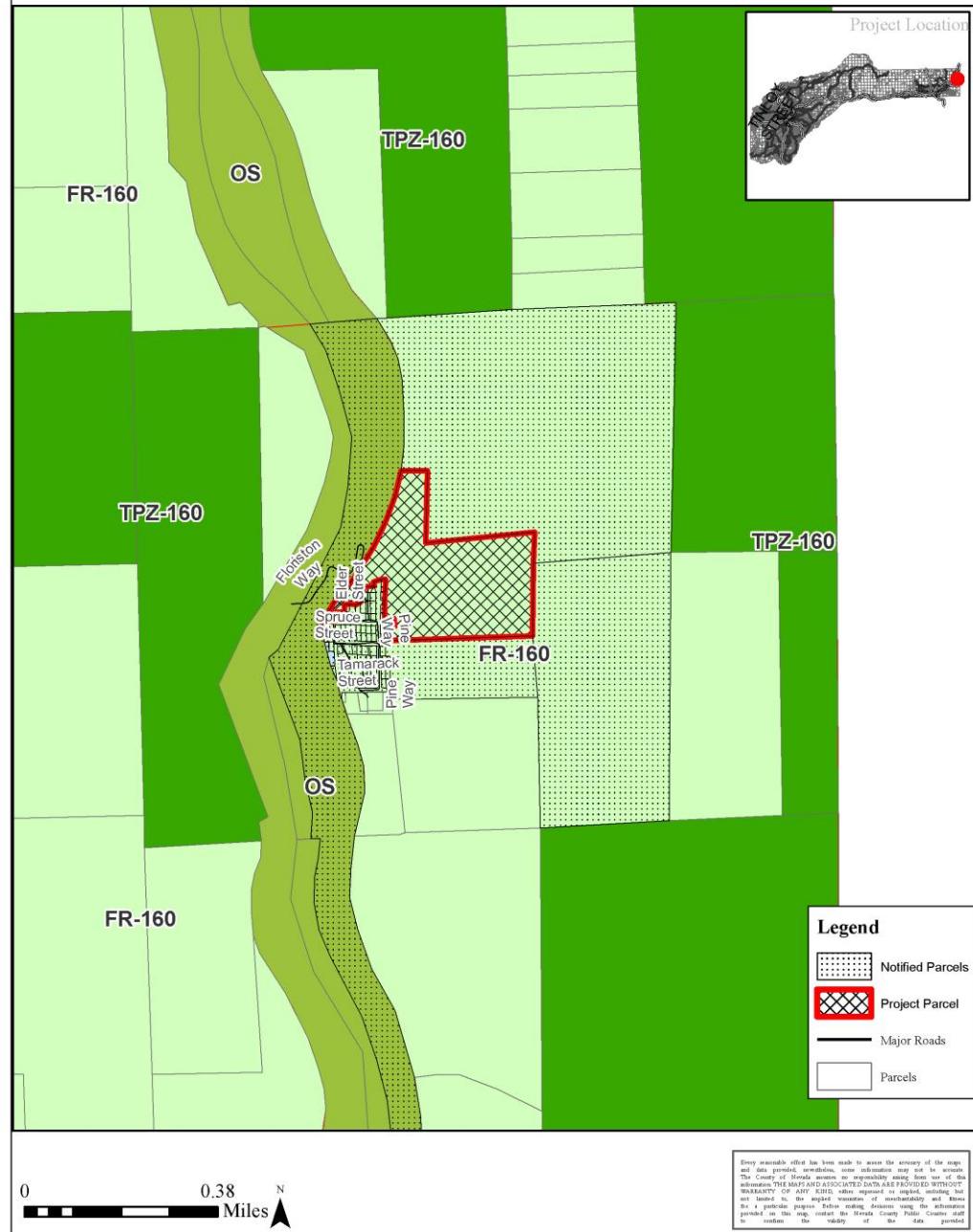
- I. Adopt the attached Resolution (Attachment 1) to deny the appeal and to uphold the decision of the Zoning Administrator to approve a Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) application proposing the removal of an existing 41 foot tall monopole and replacing 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.

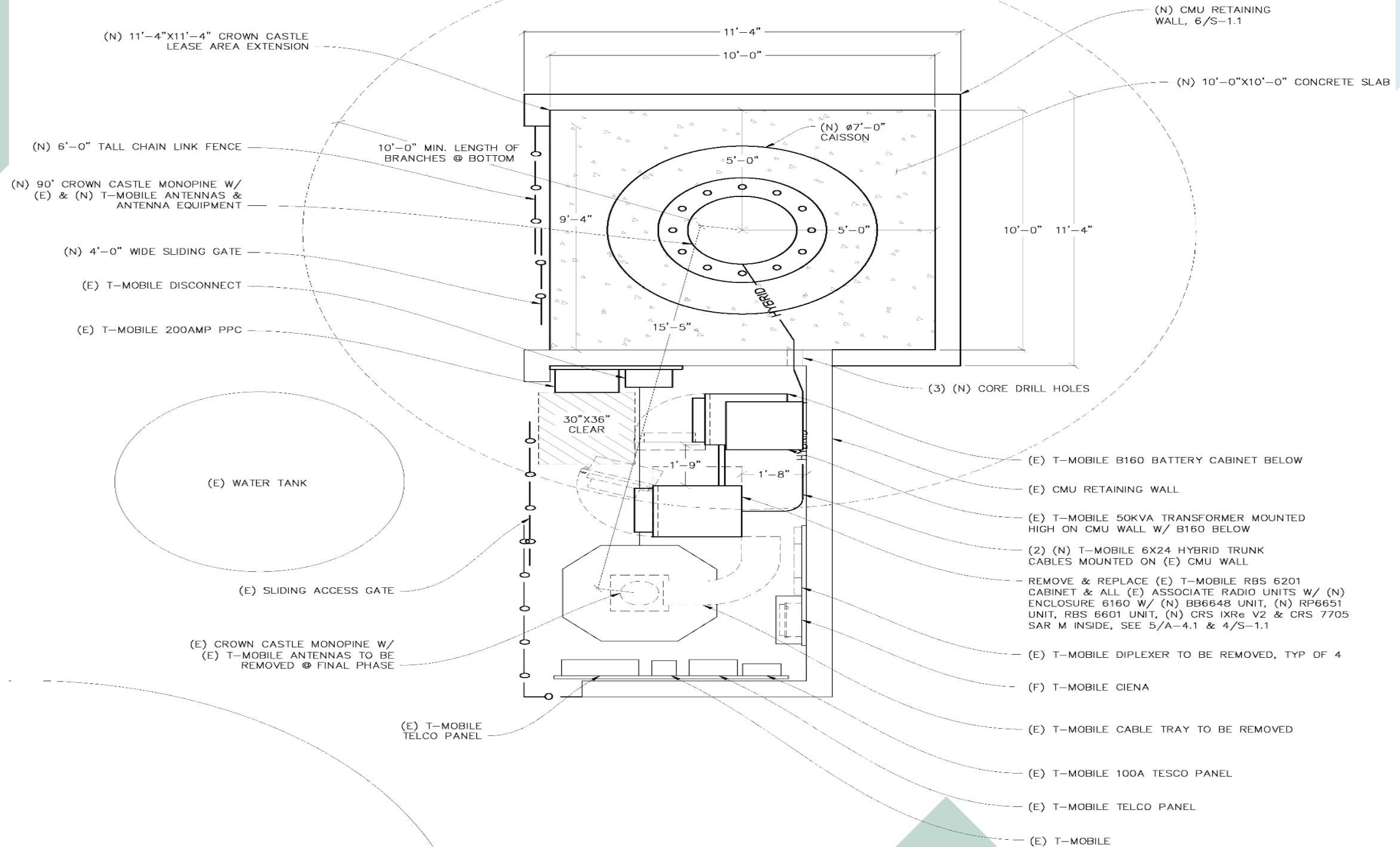


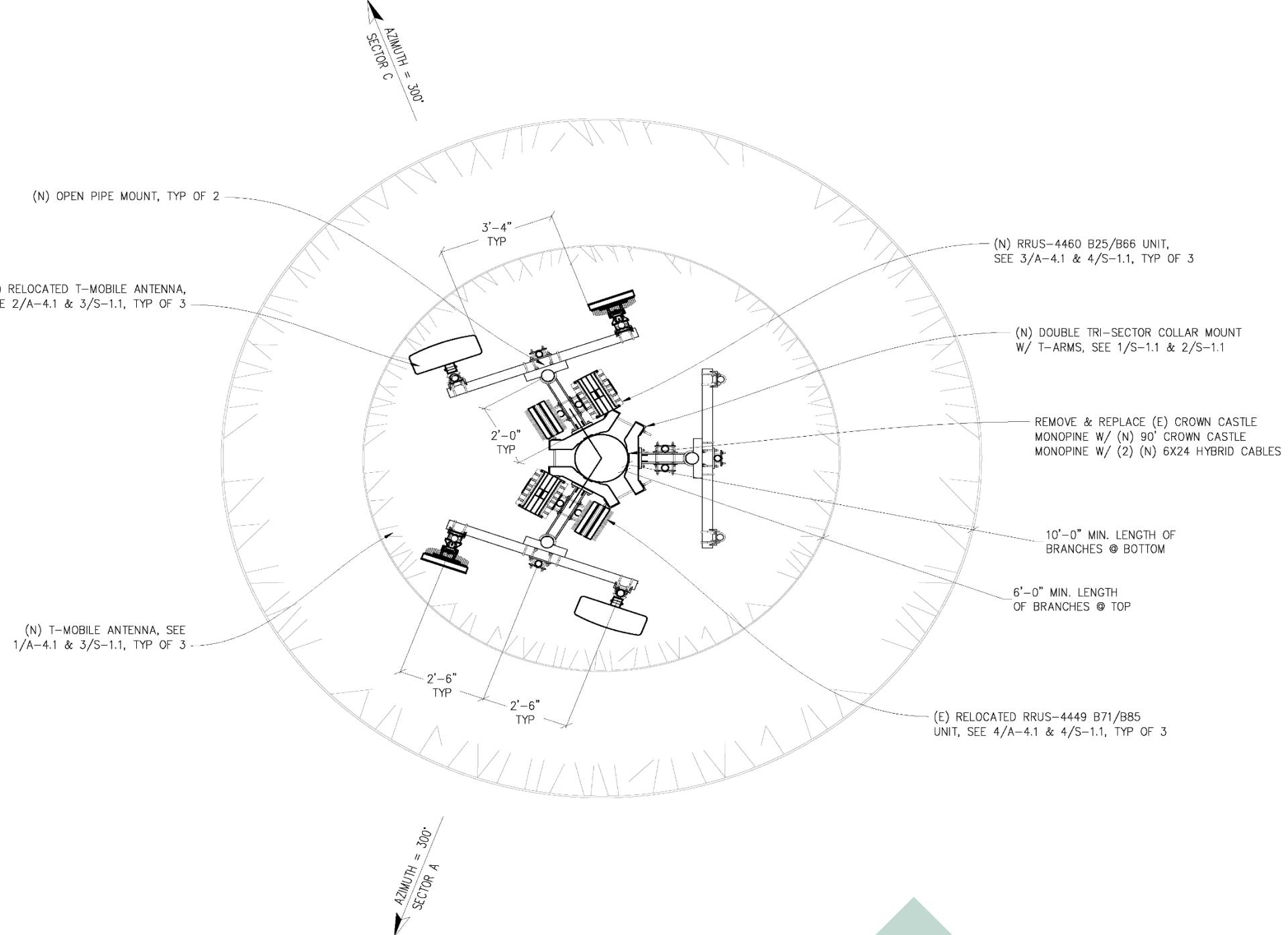
NEVADA COUNTY
C A L I F O R N I A

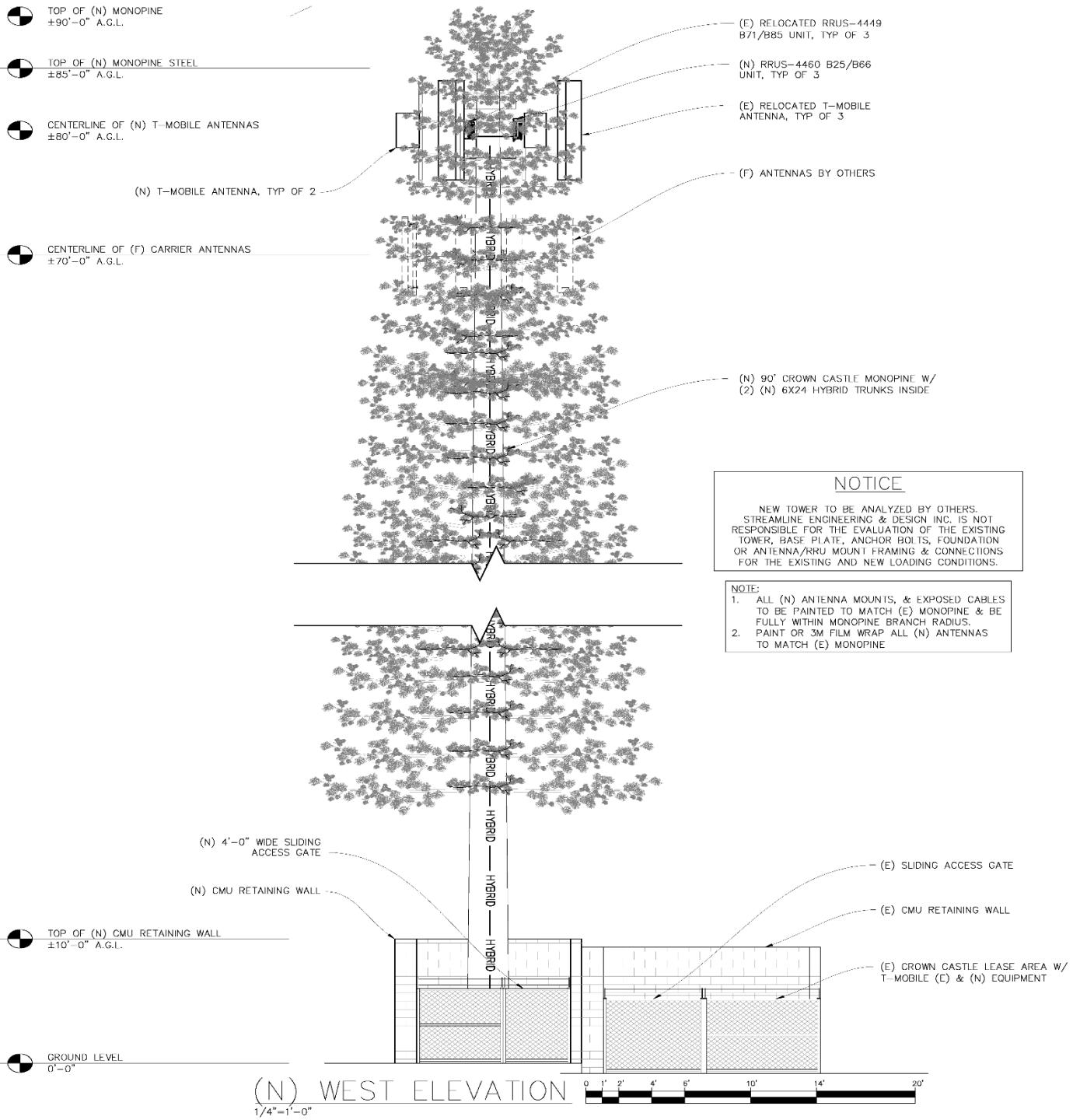
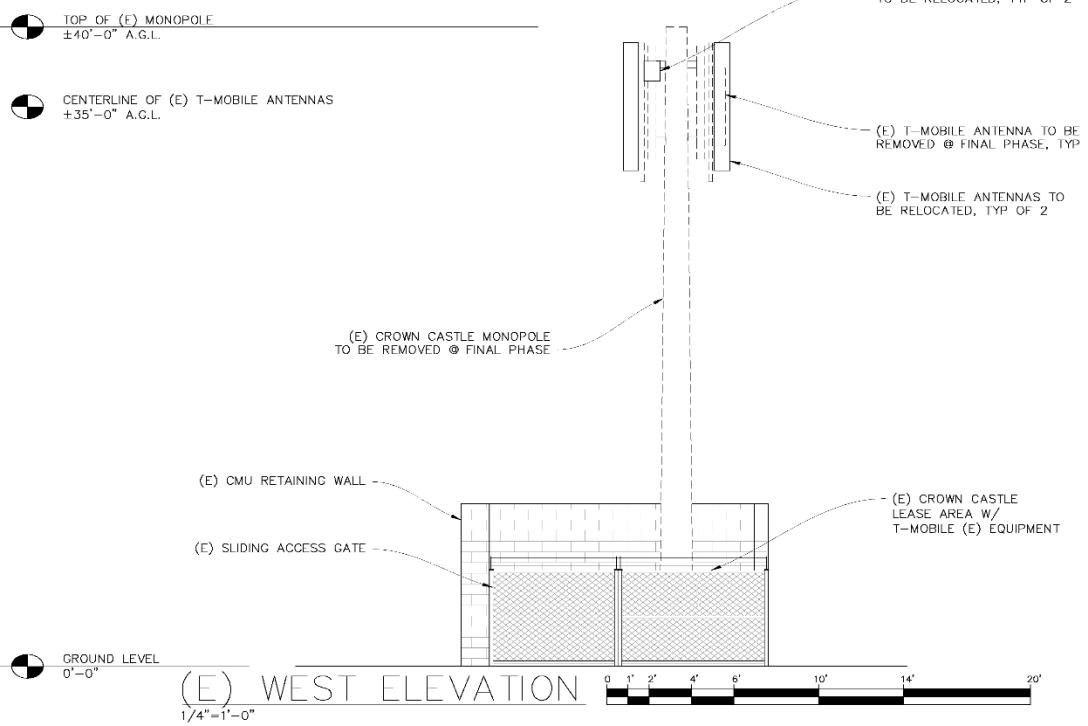


PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001
Crown Castle Cell Tower Use Permit
Zoning, Vicinity and Public Notice Map









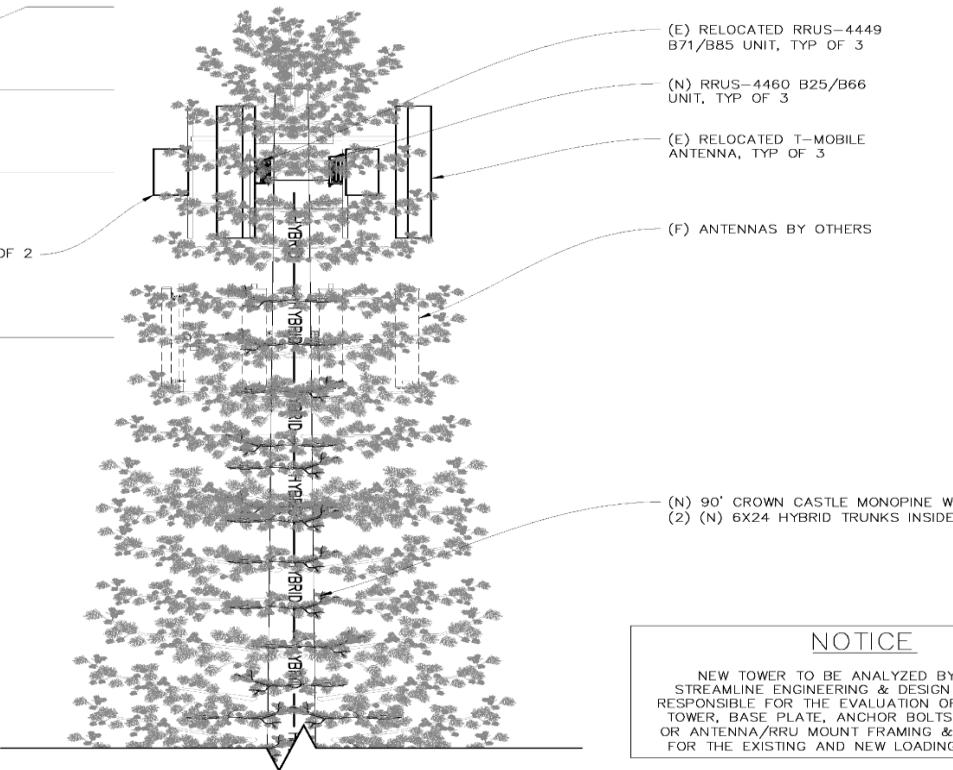
TOP OF (N) MONOPINE
 $\pm 90'-0"$ A.G.L.

TOP OF (N) MONOPINE STEEL
 $\pm 85'-0"$ A.G.L.

CENTERLINE OF (N) T-MOBILE ANTENNAS
 $\pm 80'-0"$ A.G.L.

(N) T-MOBILE ANTENNA, TYP OF 2

CENTERLINE OF (F) CARRIER ANTENNAS
 $\pm 70'-0"$ A.G.L.

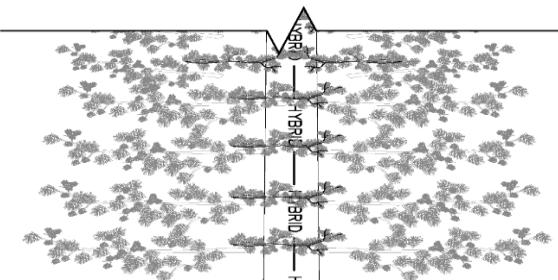


NOTICE

NEW TOWER TO BE ANALYZED BY OTHERS.
STREAMLINE ENGINEERING & DESIGN INC. IS NOT
RESPONSIBLE FOR THE EVALUATION OF THE EXISTING
TOWER, BASE PLATE, ANCHOR BOLTS, FOUNDATION
OR ANTENNA/RRU MOUNT FRAMING & CONNECTIONS
FOR THE EXISTING AND NEW LOADING CONDITIONS.

NOTE:

1. ALL (N) ANTENNA MOUNTS, & EXPOSED CABLES
TO BE PAINTED TO MATCH (E) MONOPINE & BE
FULLY WITHIN MONOPINE BRANCH RADIUS.
2. PAINT OR 3M FILM WRAP ALL (N) ANTENNAS
TO MATCH (E) MONOPINE

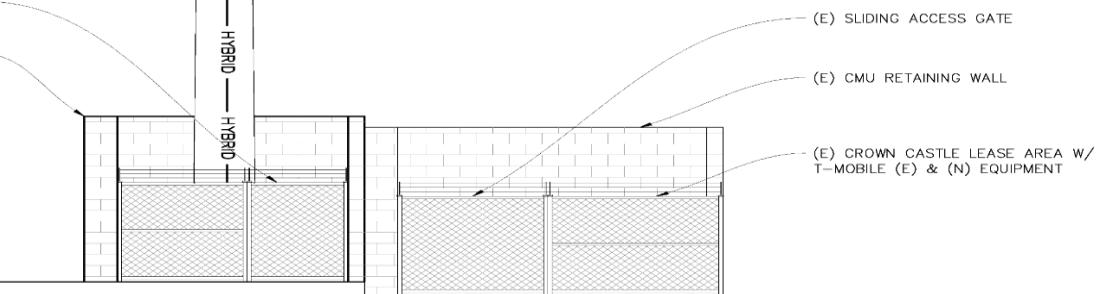


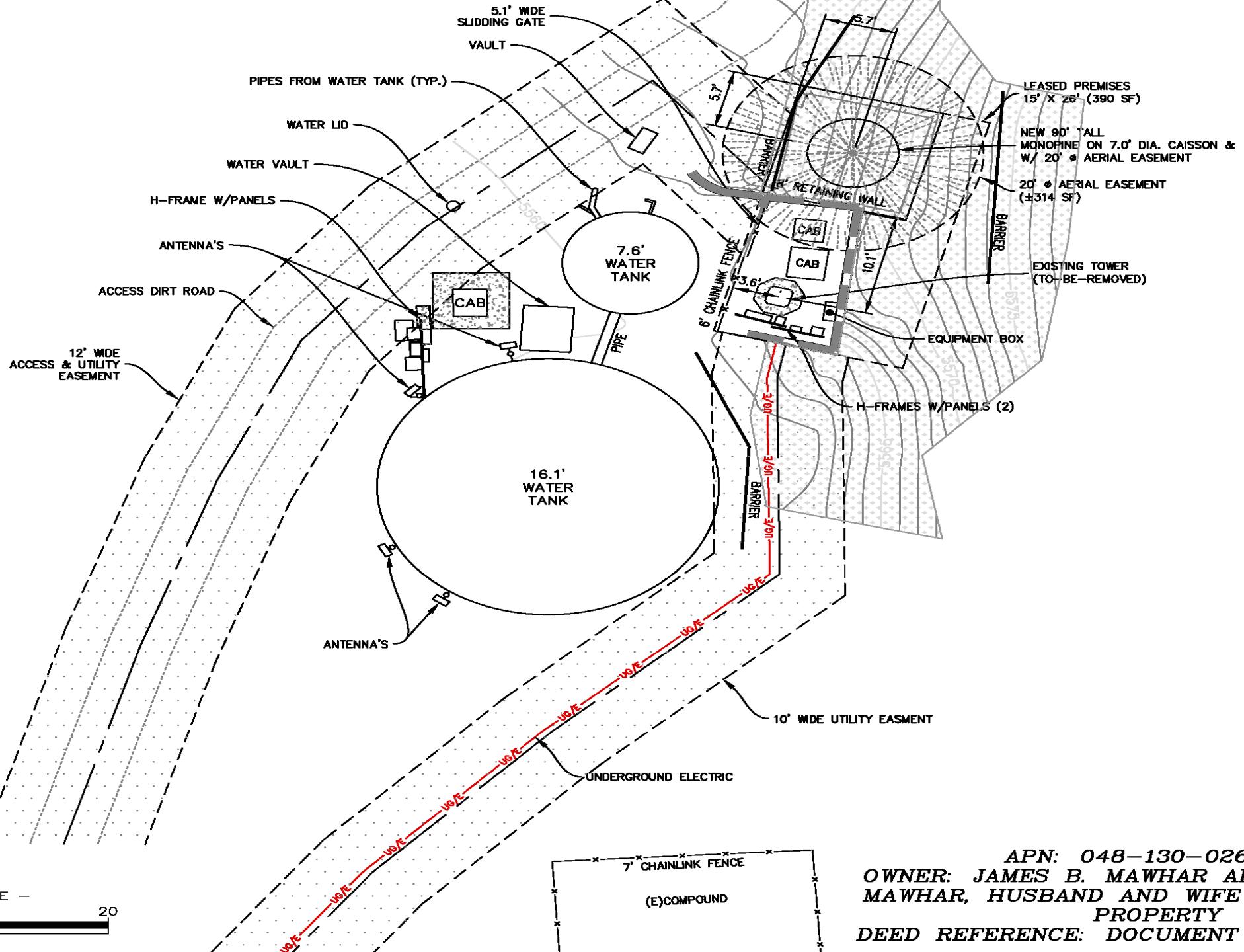
(N) 4'-0" WIDE SLIDING
ACCESS GATE

(N) CMU RETAINING WALL

TOP OF (N) CMU RETAINING WALL
 $\pm 10'-0"$ A.G.L.

GROUND LEVEL
0'-0"





APN: 048-130-026-000
OWNER: JAMES B. MAWHAR AND DEBORAH A. MAWHAR, HUSBAND AND WIFE AS, COMMUNITY PROPERTY
DEED REFERENCE: DOCUMENT NO. 20190021431

A graphic scale diagram. At the top, the text "- GRAPHIC SCALE -" is centered. Below this is a horizontal line with tick marks. The first tick mark is labeled "5" to its left. The second tick mark is labeled "0" to its left. The third tick mark is labeled "5" to its left. The fourth tick mark is labeled "10" to its left. The fifth tick mark is labeled "20" to its left. Below the line, the text "1" = 10'" is centered, indicating the scale factor.

EROSION AND SEDIMENT CONTROL LEGEND:

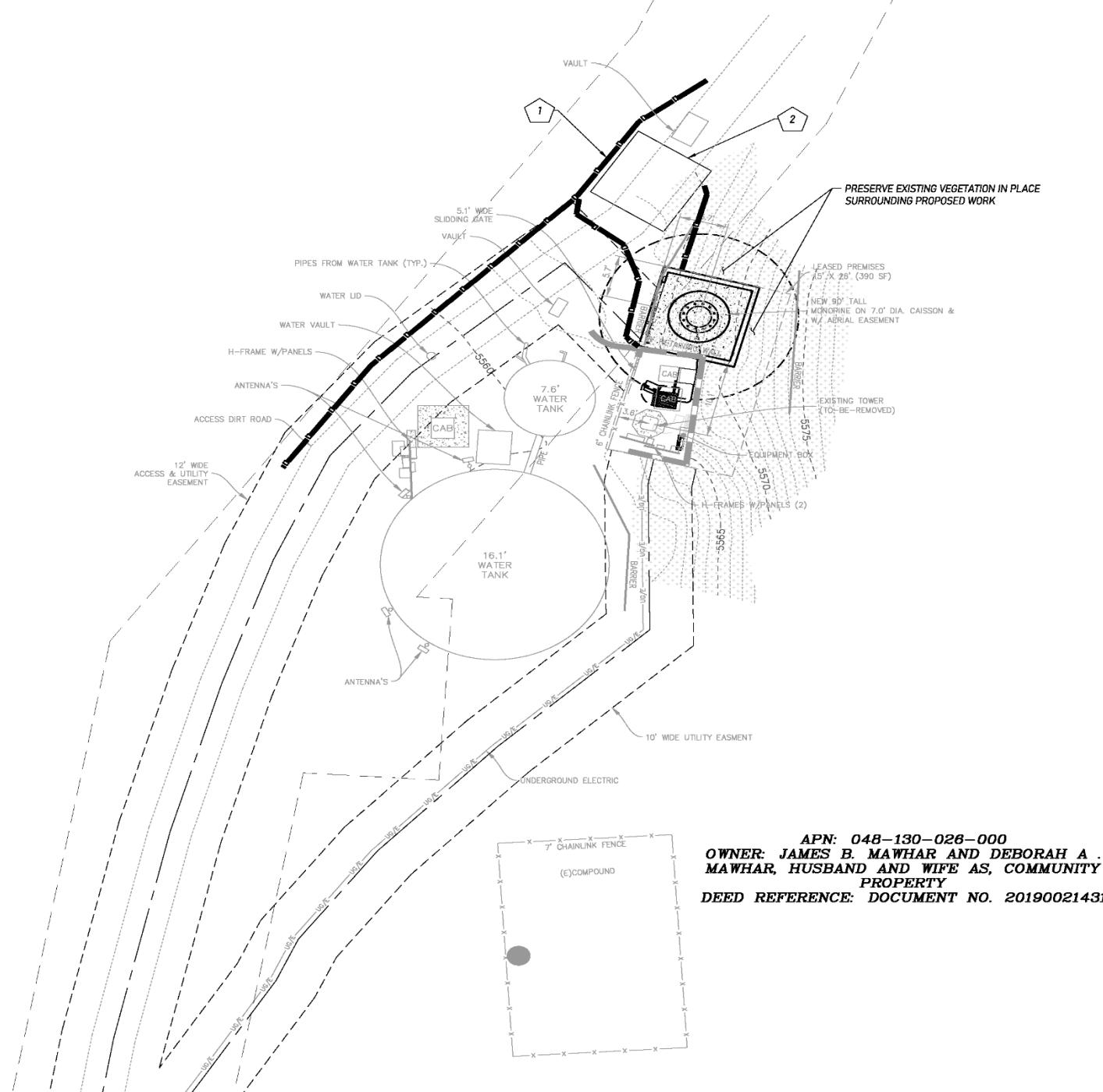


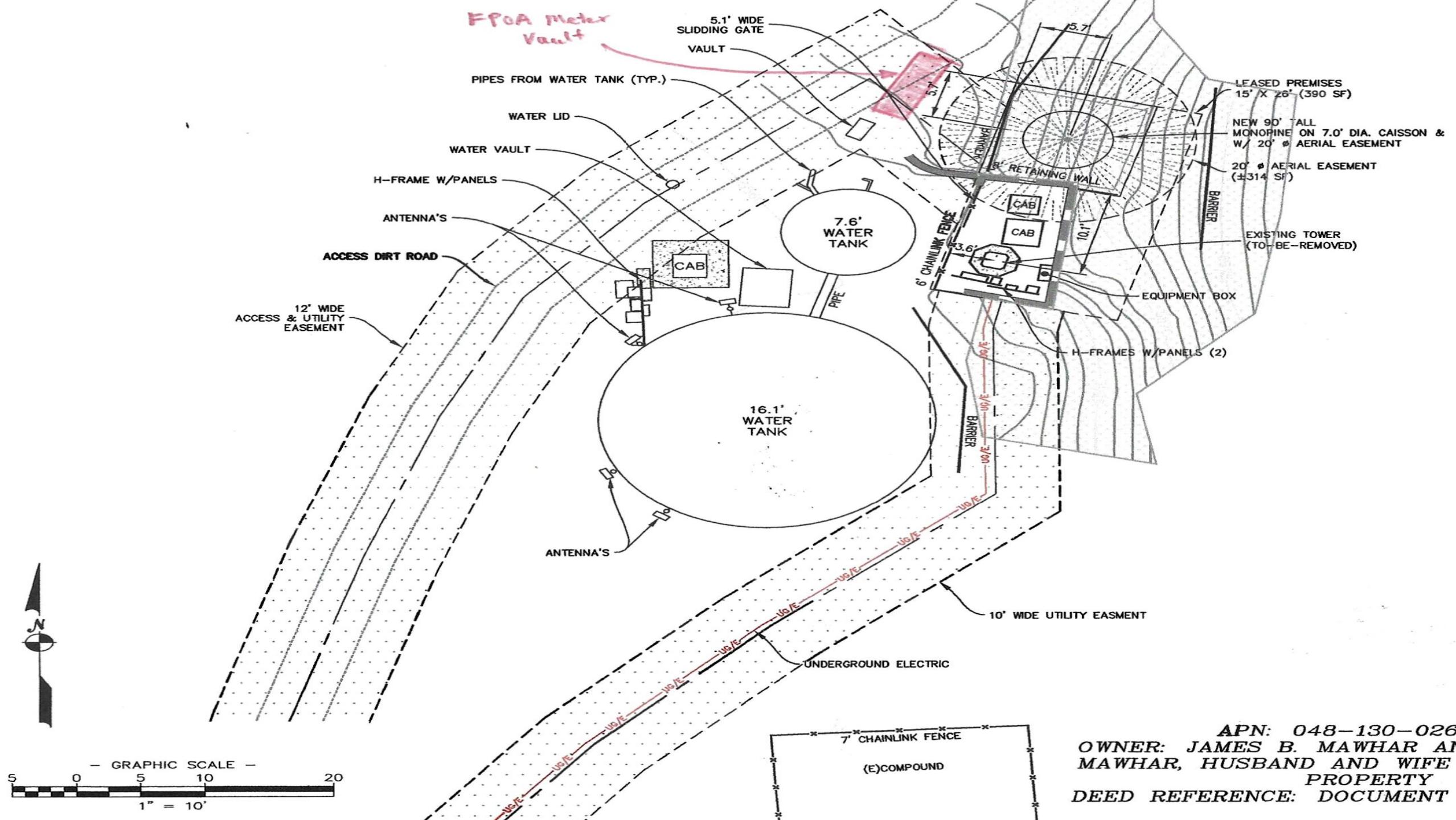
FIBER ROLLS

EROSION AND SEDIMENT CONTROL NOTES:

- 1 CONSTRUCT PERIMETER EROSION CONTROL PROTECTION FIBER ROLLS PER CASQA STD DWG SE-5.
- 2 CONSTRUCT SITE CONCRETE WASHOUT PER CASQA STD DWG WM-8.

NOTES: CONTRACTOR SHALL BE RESPONSIBLE TO MAKE NECESSARY MODIFICATIONS OR INSTALL ADDITIONAL BMPs TO ENSURE PROPER EROSION AND SEDIMENT CONTROL OF DISTURBED AREAS THROUGHOUT CONSTRUCTION PHASES. DO NOT SCHEDULE EARTHWORK DURING RAIN EVENTS. PRESERVE EXISTING HILLSIDE AND VEGETATION AS MUCH AS POSSIBLE DURING CONSTRUCTION AS FIRST PRACTICE OF PREVENTING EROSION; IF SIGNIFICANT DISTURBANCE OCCURS (GREATER THAN 5' FROM PROPOSED WALL), STABILIZE WITH SEEDING AND BIODEGRADABLE ROLLED EROSION CONTROL PRODUCTS PER RECOMMENDATIONS IN THE REPORT TITLED 'VEGETATION ESTABLISHMENT GUIDELINES FOR THE SIERRA NEVADA FOOTHILLS AND MOUNTAINS' BY THE HIGH SIERRA RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL.





827190 SA379 Floriston/Floriston

Temporary Construction and Staging Area (Preliminary)

Legend

39° 23' 48.88" -120° 1' 12.18"

Temporary Construction Area

Continuous ingress/egress through main access road

Stage Drill Rig and Cranes away from water tanks.

Caution off/Barricade water tanks
- Dedicated spotter during all construction activities.

39° 23' 48.88" -120° 1' 12.18"