



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY,
CA 95959-7902 (530) 265-1222 <http://nevadacountyca.gov>

Trisha Tillotson
Community Development Agency Director

Brian Foss
Planning Director

NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memorandum

MEETING DATE: July 9th, 2024

TO: Board of Supervisors

FROM: **Brian Foss, Director of Planning**

SUBJECT: Adopt the Resolution to deny the appeal and uphold the decision of the Zoning Administrator to approve the Conditional Use Permit (CUP23-0015) for the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, APN: 027-010-018.

RECOMMENDATION:

- I. Project Action: Adopt the Resolution to deny the appeal and uphold the decision of the Zoning Administrator to approve Conditional Use Permit application (CUP23-0015) proposing the construction and operation of a new 129-foot tall monopine wireless communication tower within a 900 square foot fenced lease area located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County.

FUNDING:

No budget amendments are required.

ATTACHMENTS:

1. Resolution to Deny the Appeal
 2. Appeal to the Board of Supervisors
 3. Zoning Administrator Staff Report with attachments
-

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 a Conditional Use Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine tree. The proposal includes the following components:

- (1) 400A meter bank with 200A Verizon Wireless Meter
- (3) Equipment Cabinets
- (1) Telecommunications Cabinet
- (1) Intelligent Lighting Control Panel
- (1) GPS antenna
- (6) service lights
- (1) 30 KW Diesel Generator with a 210 gallon tank
- (3) C-Band Panel Antennas
- (6) LTE Panel Antennas
- (6) LTE Remote Radio Units
- (2) 6-foot microwave antennas
- (4) surge suppressors

The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system. The lease area will contain three equipment cabinets, a diesel generator, and a PG&E transformer. The site will be accessed by an existing 12 foot wide dirt access road with a hammerhead turn-around at the end. Vegetation thinning to reduce fire hazard will occur along the access road and around the tower lease area. Approximately 550 feet of underground power and fiber cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of connection. Figure 1, below, shows the site plan showing the location of the proposed lease area on the subject parcel, the existing dirt access driveway, and the existing single-family residence on the parcel. (see attached staff report for more details)

Project Site and Surrounding Land Uses:

The proposed communication facility would be located in a 30-foot-by-30-foot lease area slightly east of the middle of an approximately 14.72-acre parcel. The parcel is located approximately 4.3 miles east of California State Highway 49 and approximately 7 miles south of California State Highway 174 in the unincorporated Western area of Nevada County at 20896

Dog Bar Road. The subject parcel (APN: 027-010-018) is zoned General Agricultural (AG-20) with a General Plan designation of Rural-20. The subject parcel is developed with a residence, garage, barn, solar array, and various other accessory structures. The parcel is surrounded by low-density development consisting of single-family residences and ranch/agricultural uses. The nearest residence would be located on the adjacent parcel to the north and would be located approximately 500 feet northwest from the proposed communication facility. The proposed communication facility will be situated in foothill oak and pine woodlands on a hillside.

The adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Adjacent parcels and several parcels in the area range in size from approximately 1.27 acres to approximately 9.9 acres.

THE APPEAL:

- 1. Granting the Conditional Use Permit would not only violate Sec L-II 3.8 of the Land Use and Development Code of the County of Nevada, it would inflict upon the appellant the precise types of adverse impacts which that section of the Code was specifically enacted to prevent.**

The proposed cell tower is consistent with the County's Land Use and Development Code and the requirements of Section L-II 3.8 that governs communication towers. See the attached staff report for a discussion of consistency with the Zoning Ordinance requirements.

- 2. Sequoia and Verizon have wholly failed to submit any probative evidence, whatsoever, to establish any actual need for the facility, in the absence of which Sec. L-II 3.8(D)(I) prohibits the granting of such application.**

Verizon Wireless identified a significant gap in its Long Term Evolution (LTE) wireless service in the south eastern area of Nevada County, California. Verizon Wireless evaluated four site alternatives within the identified significant coverage/capacity gap. Based on the analysis and evaluation, Verizon Wireless concludes that the proposed monopine at 20896 Dog Bar Road 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. 20896 Dog Bar Road is the only location that 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.

Nevada County Land Use and Development Code Section L-II 3.8.E prohibits new towers from being installed in a location that is not already developed with public or quasi-public uses or other 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. While the subject tower is not proposed on a location with public or quasi-public uses or on a location with existing communication facilities, it is proposed to be constructed to look like a pine tree, meeting the visual screening and setback criteria while providing service in the desired service area and is therefore in compliance with LUDC Section L-II 3.8.E.

3. The installation of the proposed thirteen-story cell tower will inflict substantial albeit wholly unnecessary adverse impacts upon the appellant's real property, in direct violation of the requirements of the Code.

The proposed cell tower is consistent with the County's Land Use and Development Code and the requirements of Section L-II 3.8 that governs communication towers. All impacts have been mitigated to a less than significant level. See the attached staff report for a discussion of consistency with the Zoning Ordinance and the attached Mitigated Negative Declaration for a discussion of the potential environmental impacts and the mitigation measures to reduce impacts to a less than significant level.

4. Sequoia and Verizon have wholly failed to establish that the granting of the application would comply with the requirements of Sec. L-11 3. 8(E)(1), in the absence of which the application cannot be granted.

The proposed cell tower is consistent with the County's Land Use and Development Code and the requirements of Section L-II 3.8 that governs communication towers. All impacts have been mitigated to a less than significant level. See the attached staff report for a discussion of consistency with the Zoning Ordinance and the attached Mitigated Negative Declaration for a discussion of the potential environmental impacts and the mitigation measures to reduce impacts to a less than significant level.

5. The applicant has failed to establish that its proposed siting of the proposed tower would minimize the number of towers needed to provide coverage within the County, or would minimize the adverse visual impact of the tower, both of which are required under SEC L-II 3.8(E)(1).

The proposed lease area would be located within southeastern Nevada County in an area which contains a foothill oak-pine woodland with areas of annual grasslands. The subject parcel adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Other than lighting, which is typical to that of a single-family residence, there are no other sources of lights or glare, which exist on the subject parcel.

The cellular tower as proposed would be a monopine with faux branches/foilage and faux bark materials which are designed to blend in with the surrounding pines to the greatest extent possible. The branches of the monopine would help to camouflage the antennas and

Remote Radio Units (RRU's) and as proposed would be located within the branches and covered with faux pine needle socks; painted to match the tree.

The proposed monopine would be 129-feet tall with the panel antennas and RRU's being placed at a height of 124 feet. Pursuant to the submitted site plan and the site visit, the surrounding trees on the subject parcel adjacent to the lease area are approximately 90 feet tall. The foothill oak-pine woodlands provide a varying skyline and screening, which limits public views. The top of the monopine may rise above the surrounding canopy, but the monopine will look like a pine tree and will be hard to distinguish from the other trees. The proposed lease area would be fenced with an eight (8) foot tall chain link fence. The project equipment cabinets are proposed to be painted a neutral grey color to make them as unobtrusive as possible. Condition A.13 is proposed to require earth-tone privacy slates in the chain link fence or solid fencing around the lease area to screen the equipment.

The applicant proposes to install six LED service lights that will be downcast and used during maintenance activities only. The lights will normally be off and will be controlled by a 4-hour twist-timer switch. The site is surrounded by trees which will provide screening of the tower and lighting. Proposed Condition of Approval A.7 would require the lighting be installed in compliance with Nevada County Land Use & Development Code (LUDC) Section L-II 4.2.8 which requires lights to be fully shielded and down-facing so as not to result in glare that could adversely affect day or nighttime views.

6. The submissions submitted by the applicant are inherently defective, as a matter of law, and cannot serve as a basis for the County to grant the Conditional Use Permit.

The proposed cell tower is consistent with the County's Land Use and Development Code and the requirements of Section L-II 3.8 that governs communication towers. All impacts have been mitigated to a less than significant level. See the attached staff report for a discussion of consistency with the Zoning Ordinance and the attached Mitigated Negative Declaration for a discussion of the potential environmental impacts and the mitigation measures.

7. The irresponsible placement of the proposed tower less than 500 feet from the appellant's property would not only inflict a severe adverse aesthetic impact upon the appellants home, but will inflict a substantial loss to the financial value of the appellants home, both of which are entirely unnecessary.

Please see the attached staff report and the above description of the visual analysis for complying with the County's requirements.

SUMMARY:

Staff finds that all of the issues raised in the appeal have been considered and were adequately addressed by project conditions of approval and mitigation measures. The proposed project as conditioned meets all the requirements to obtain a Conditional Use Permit and is consistent with the County's Zoning Ordinance governing communication towers. The project has been mitigated to ensure less than significant impacts to all environmental issues (see attached Mitigated Negative Declaration).

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following action:

- I. Project Action: Adopt the attached Resolution to deny the appeal and to uphold the decision of the Zoning Administrator to approve Conditional Use Permit application (CUP23-0015) proposing the construction and operation of a new 129-foot tall monopine wireless communication tower within a 900 square foot fenced lease area located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County.

Item Initiated and Approved by: Brian Foss, Planning Director



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION TO DENY THE APPEAL AND TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR TO APPROVE A CONDITIONAL USE PERMIT (CUP23-0015) FOR THE CONSTRUCTION AND OPERATION OF A NEW UNMANNED WIRELESS COMMUNICATION FACILITY LOCATED AT 20896 DOG BAR ROAD, GRASS VALLEY, APN 027-010-018

WHEREAS, on November 8, 2023, Sequoia Development on behalf of Verizon Wireless submitted an application for a Conditional Use Permit to construct a new unmanned wireless communication tower at 20896 Dog Bar Road, Grass Valley; and

WHEREAS, on June 12, 2024, the Zoning Administrator approved a Conditional Use Permit and Mitigated Negative Declaration for the construction of the wireless communication tower; and

WHEREAS, approval of the project was conditioned and mitigated to comply with the County's Zoning Ordinance and to ensure less than significant impacts to all environmental issues; and

WHEREAS, pursuant to Section 12.05.010 of the Nevada County Zoning Regulations, any decision of the Zoning Administrator may be appealed within 10 days after the date of the decision; and

WHEREAS, on June 24, 2024, Jeff and Kristin Phalen, "Appellant" filed a timely appeal of the Zoning Administrator's June 12, 2024 conditional approval of the Use Permit; and

WHEREAS, on July 9th, the Board of Supervisors accepted the appeal filed by Jeff and Kristin Phalen and heard the appeal; and

WHEREAS, the project was found consistent for approval under Conditional Use Permit for wireless communication towers pursuant to Zoning Regulations Section 12.03.090 Communication Towers and Facilities and Section 12.05.060 Use Permits; and

WHEREAS, on July 9, 2024, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal and denied the appeal, upholding that the decision of the Zoning Administrator to approve a Conditional Use Permit to construct and operate an unmanned wireless communication tower; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Nevada hereby finds and determines:

1. The facts set forth above are true and correct.
2. The proposed project is consistent with the intent of the goals, standards, and elements of Title 12 of the Zoning Regulations.

3. There is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment.
4. Adequate facilities and services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including utility service and fire protection.
5. The conditions provided in the project Conditions of Approval dated June 13, 2024, are deemed necessary to protect the public health, safety, and general welfare.
6. The location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal filed by Jeff and Kristin Phalen and upholds the decision to approve a Conditional Use Permit to construct a wireless communication tower and facility based on the findings as set forth herein and adoption of the Conditions of Approval set forth in the project Conditions of Approval dated June 13, 2024.

JUN 24 2024

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY BOARD OF SUPERVISORS

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5.12 of Chapter II of the Land Use and Development Code)

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of the Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within five (5) calendar days. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

The zoning administrator
Agency Name

CUP23-0015
Date of Decision 6/24/24
Agency File No.

PLANNING AGENCY DECISIONS:

- Environmental Impact Report
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.20 Appeals of the Adequacy of the EIR
Floodplain Management Regulations (Floodplain Administrator)
L-XII Floodplain Management Regulations; 1.4 Administration
Historic Preservation Combining District
L-II Zoning Regulations; Zoning Districts; 2.7.2 HP Combining District
Inoperable Vehicles
L-II Zoning Regulations; Administration and Enforcement, 5.20 Abatement and Removal of Inoperable Vehicles
X Land Use Applications
L-II Zoning Regulations; 5.12 Administration and Enforcement
Negative Declaration
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.12 Negative Declaration
X Rules of Interpretation
L-II Zoning Regulations; 1.4 Rules of Interpretation

PUBLIC WORKS DECISIONS:

_____ Roadway Encroachment Permit
G-IV General Regulations; 4.A Regulating Roadway Encroachments;
15.1 Appeals

CDA DECISIONS:

_____ Outdoor Events
G-V Revenue; 2 Outdoor Events; 2.14 Appeal Process

FIRE AGENCY DECISIONS:

_____ Fee Assessments (Fire Protection District)
L-IX Mitigation and Development Fees; Fire Protection Development
Fees; 2.6 Appeal from Fee Assessment

_____ Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
L-XVI Fire Safety Regulations; General Requirements; 2.7 Appeals

_____ Hazardous Vegetation Abatement (Lodal Fire Official)
G-IV General Regulations; 7.9 Appeals Process (No Fee to File Appeal)

ENVIRONMENTAL HEALTH DECISIONS:

_____ Sewage Disposal (Sewage Disposal Technical Advisory Group)
L-VI Sewage Disposal; 1.18 Appeals

_____ Water Supply and Resources (Health Officer)
L-X Water Supply and Resources; 5.1 Appeal Procedures

List All Agency Action(s) Taken That Are Being Appealed: We are appealing
the decision of the administrator to grant
the conditional use permit.

II. STATEMENT OF THE REASONS FOR THE APPEAL:

Please see attached

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

The Land Use and Development Code of the county of Nevada, CA. sections: L-II 3.8(D)(1), 3.8(E)(1) and L-II 3.8(A).

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

Overturn the administrators decision to grant the conditional use permit.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

Please see attached

VI. IDENTIFICATION OF THE APPELLANT(S):

Jeff + Kristin Phalen (Name) [Redacted]

Bruce Roush [Redacted]

Janet Brisson [Redacted]

McNaughton Household [Redacted]

Jerry + Ashley Permenter [Redacted]

Sandy Mallory [Redacted]

Max + Lisa Krewson's [Redacted]

+ 76 OTHER NEIGHBORS!!!

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

Kristin Phalen [Redacted] (Name/Representative) (Mailing Address) (Telephone)

Appellant: [Redacted]

Kristin Phalen
(Sign)

Dated: 6/24/24

Kristin Phalen
(Print)

FOR OFFICE USE ONLY

\$1,803.60
Filing Fee

06/24/2024
Date Filed

The ll, chief Deputy COB
Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood
Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

Appeal of The Granting of Sequoia Developments Services Inc's
Application for a Conditional Use Permit, CUP23-0015

It is respectfully submitted that this appeal of the granting of the above-referenced Conditional Use Permit should be granted, and the application for the Condition Use Permit should be denied in its entirety, upon the following grounds:

1. Granting the Conditional Use Permit would not only violate Sec L-II 3.8 of the Land Use and Development Code of the County of Nevada, it would inflict upon the appellant the precise types of adverse impacts which that section of the Code was specifically enacted to prevent.
2. Sequoia and Verizon have wholly failed to submit any probative evidence, whatsoever, to establish any actual need for the facility, in the absence of which Sec. L-II 3.8(D)(I) prohibits the granting of such application.
3. The installation of the proposed thirteen-story cell tower will inflict substantial albeit wholly unnecessary adverse impacts upon the appellant's real property, in direct violation of the requirements of the Code.
4. Sequoia and Verizon have wholly failed to establish that the granting of the application would comply with the requirements of Sec. L-II 3.8(E)(1), in the absence of which the application cannot be granted.
5. The applicant has failed to establish that its proposed siting of the proposed tower would minimize the number of towers needed to provide coverage within the County, or would minimize the adverse visual impact of the tower, both of which are required under SEC L-II 3.8(E)(1).
6. The submissions submitted by the applicant are inherently defective, as a matter of law, and cannot serve as a basis for the County to grant the Conditional Use Permit.
7. The irresponsible placement of the proposed tower less than 500 feet from the appellant's property would not only inflict a severe adverse aesthetic impact upon the appellants home, but will inflict a substantial loss to the financial value of the appellant's home, both of which are entirely unnecessary.

RECEIVED

JUN 24 2024



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY BOARD OF SUPERVISORS
950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9854 http://www.mynevadacounty.com

Agricultural Commissioner Building Department Environmental Health Planning Department Dept. of Public Works

AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This Agreement To Pay form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at http://www.mynevadacounty.com

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

APN: 027-010-018	Name: Kristin Phalen
Property Owner/Business Name (if applicable): Jennifer	Address: [REDACTED]
Address: 20896 Don Bar Rd	[REDACTED]
Grass Valley, CA 95949	Telephone: [REDACTED]
Email:	Email: [REDACTED]

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project: _____

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Kristin Phalen Dated: 6/24/24 CDL# _____
Signature
Kristin Phalen Tel #: [REDACTED]
Printed Name

THIS SECTION FOR OFFICE USE ONLY

Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____
Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____

Printed on Recycled Paper



ZONING ADMINISTRATOR STAFF REPORT

APPLICANT: Madison LaScalza -
Sequoia Deployment Services, Inc.

HEARING DATE: June 12, 2024

OWNER: Jennifer Goodwin

FILE NOS: PLN23-0179; CUP23-0015; EIS23-0010

PROJECT: The project is an application for a Conditional Use Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine tree. The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system.

LOCATION: The project is located at 20896 Dog Bar Road, Grass Valley, CA 95949, 4.3 miles east of California State Highway 49 and approximately 7 miles south of California State Highway 174.

ASSESSOR PARCEL NUMBER: 027-010-018

PROJECT PLANNER: David Nicholas, Associate Planner

General Plan:	Rural (RUR-20)	Water:	N/A
GP Region/Center:	Rural	Sewage:	N/A
Zoning:	Agricultural (AG-20)	Fire:	Higgins Fire District
FEMA Flood Map:	0775 Zone: X	Schools:	Pleasant Ridge Union
ZDM #:	70	Recreation:	Bear River
Lot Size:	14.72 acres	Farmland Designation:	Grazing Land/Other Land
Date Filed:	4/25/2022	Supervisory District:	Scotfield, District II

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Initial Study
3. Photo Simulations
4. Zoning, Vicinity and Public Notice Map
5. Project Plan Set
6. Public Comments

RECOMMENDATION:

- I. Environmental Action: Adoption of Mitigated Negative Declaration- EIS23-0010
 - II. Project Action: Approval of Conditional Use Permit CUP23-0015.
-

PROJECT DESCRIPTION:

The project is an application for a Conditional Use Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine tree. The proposal includes the following components:

- (1) 400A meter bank with 200A Verizon Wireless Meter
- (3) Equipment Cabinets
 - (1) Telecommunications Cabinet
 - (1) Intelligent Lighting Control Panel
 - (1) GPS antenna
 - (6) service lights
 - (1) 30 KW Diesel Generator with a 210 gallon tank
 - (3) C-Band Panel Antennas
 - (6) LTE Panel Antennas
 - (6) LTE Remote Radio Units
 - (2) 6-foot microwave antennas
 - (4) surge suppressors

The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system. The lease area will contain three equipment cabinets, a diesel generator, and a PG&E transformer. The site will be accessed by an existing 12 foot wide dirt access road with a hammerhead turn-around at the end. Vegetation thinning to reduce fire hazard will occur along the access road and around the tower lease area. Approximately 550 feet of underground power and fiber cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of connection. Figure 1, below, shows the site plan showing the location of the proposed lease area on the subject parcel, the existing dirt access driveway, and the existing single-family residence on the parcel.

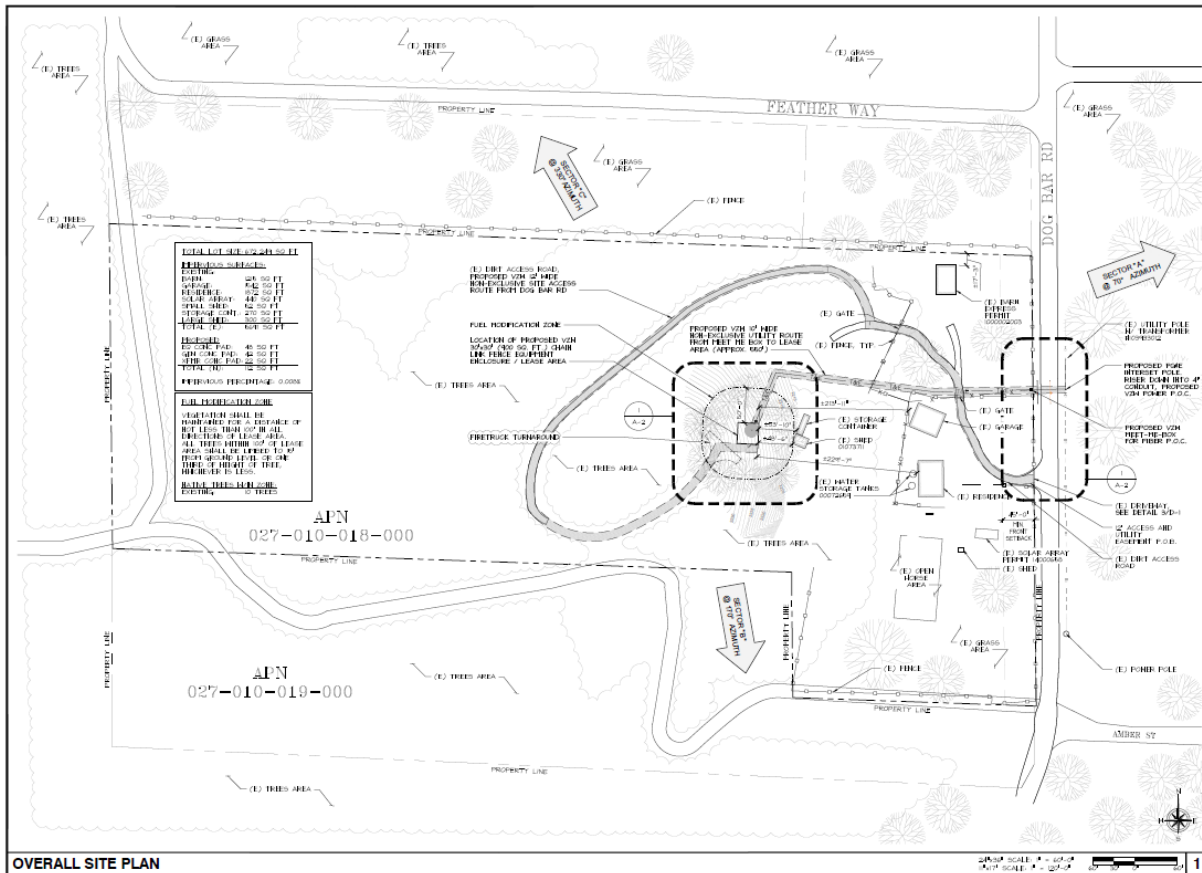


Figure 3 – Proposed Site Plan

Project Site and Surrounding Land Uses:

The proposed communication facility would be located in a 30-foot-by-30-foot lease area slightly east of the middle of an approximately 14.72-acre parcel. The parcel is located approximately 4.3 miles east of California State Highway 49 and approximately 7 miles south of California State Highway 174 in the unincorporated Western area of Nevada County at 20896 Dog Bar Road. The subject parcel (APN: 027-010-018) is zoned General Agricultural (AG-20) with a General Plan designation of Rural-20. The subject parcel is developed with a residence, garage, barn, solar array, and various other accessory structures. The parcel is surrounded by low-density development consisting of single-family residences and ranch/agricultural uses. The nearest residence would be located on the adjacent parcel to the north and would be located approximately 500 feet northwest from the proposed communication facility. The proposed communication facility will be situated in foothill oak and pine woodlands on a hillside.

The adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Adjacent parcels and several parcels in the area range in size from approximately 1.27 acres to approximately 9.9 acres. Figure 2 shows the project parcel, surrounding properties, and the zoning of the area. Figure 3 shows a photo simulation of the proposed communication tower.

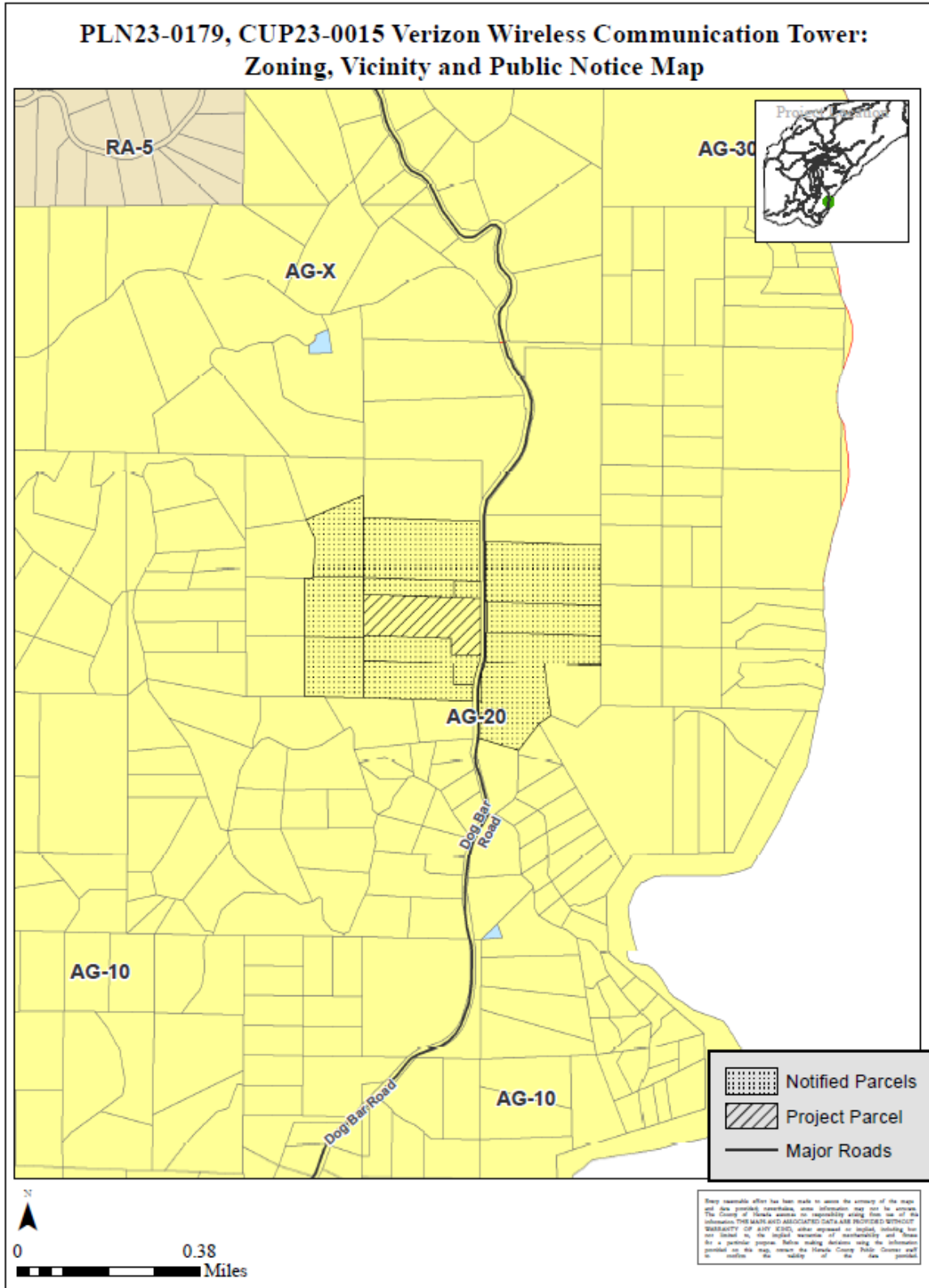


Figure 2 – Project Vicinity and Zoning



Figure 3 – Proposed Site with Photo Simulation

STAFF COMMENT:

Site Access:

The project parcel is located off of Dog Bar Road, which is maintained by the County of Nevada and is classified as a major collector. A collector is a street connecting arterials to local roads. The proposed communication tower would be accessed by an existing 12-foot wide 1400-foot long dirt driveway that is accessed from within the project parcel.

The project is not expected to contribute to a substantial increase in traffic. Construction related traffic would be temporary and minor because development of the site for a 900 square foot lease area and a single cell tower is not a major project. As an unstaffed facility, operational traffic would only consist of weekly or bi-monthly visits by a technician. The addition of future carriers would result in similarly minor construction traffic and technician visits.

Visual Analysis:

The proposed lease area would be located within southeastern Nevada County in an area which contains a foothill oak-pine woodland with areas of annual grasslands. The subject parcel adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Other than lighting, which is typical to that of a single-family residence, there are no other sources of lights or glare, which exist on the subject parcel.

The cellular tower as proposed would be a monopine with faux branches/foilage and faux bark materials which are designed to blend in with the surrounding pines to the greatest extent possible. The branches of the monopine would help to camouflage the antennas and Remote Radio Units (RRU's) and as proposed would be located within the branches and covered with faux pine needle socks; painted to match the tree.

The proposed monopine would be 129-feet tall with the panel antennas and RRU's being placed at a height of 124 feet. Pursuant to the submitted site plan and the site visit, the surrounding trees on the subject parcel adjacent to the lease area are approximately 90 feet tall. The foothill oak-pine woodlands provide a varying skyline and screening, which limits public views. The top of the monopine may rise above the surrounding canopy, but the monopine will look like a pine tree and will be hard to distinguish from the other trees. The proposed lease area would be fenced with an eight (8) foot tall chain link fence. The project equipment cabinets are proposed to be painted a neutral grey color to make them as unobtrusive as possible. Condition A.13 is proposed to require earth-tone privacy slates in the chain link fence or solid fencing around the lease area to screen the equipment.

Lighting:

The applicant proposes to install six LED service lights that will be downcast and used during maintenance activities only. The lights will normally be off and will be controlled by a 4-hour twist-timer switch. The site is surrounded by trees which will provide screening of the tower and lighting. Proposed Condition of Approval A.7 would require the lighting be installed in compliance with Nevada County Land Use & Development Code (LUDC) Section L-II 4.2.8 which requires lights to be fully shielded and down-facing so as not to result in glare that could adversely affect day or nighttime views.

Noise:

The project as proposed would incorporate a 30kW emergency back-up generator for use during extended power outages. The noise of the proposed generator was estimated at the nearest property line using the manufacturer noise specification sheet and an online noise calculator. The nearest property line from the generator is 187 feet away. At 23 feet away, the Generac sound data show the generator within a level 2 sound attenuated enclosure will emit 62 decibels at full-load towards that property line based on how the generator is oriented on the site plan. According to the Omni Distance Attenuation Calculator, this would result in 43.8 decibels at the southern property line. This would exceed the County nighttime (10 pm – 7 am) noise energy equivalent level, defined as the average sound level on the basis of sound energy, of 40 decibels. None of the other county noise standards would be exceeded.

Therefore, Condition A.20 is proposed to require that the generator be installed with a Level 2 sound enclosure due to the analysis of this section being based on sound data for a generator within a level 2 attenuated enclosure, which was provided by the applicant. Due to the noise of the generator exceeding the nighttime noise standards, Condition A.21 is proposed to require that testing and maintenance only occurs during daytime hours.

Telecommunication Tower Setback:

The Nevada County Land Use & Development Code, Section L-II 3.8 requires towers to be setback from property lines no less than 100% of their height if the subject property, or the adjacent property is within a Residential Zoning District. The subject parcel is zoned General Agriculture (AG-20), which is a Rural Zoning District. The surrounding parcels are also zoned General Agricultural. Given that the proposed project is within the Rural Zoning District, the 129-foot tall monopine is not required to be setback 100-percent of its height from the property line. The tower lease-area is proposed to be setback approximately 252 feet from the northern property line, approximately 390 feet from the eastern property line, approximately 187 feet from the southern property line and approximately 891 feet from the western property line. Thus, as proposed, the tower and its associated equipment would meet the setback requirements of the General Agriculture Zoning District and the Communication Tower Setback requirements.

Nevada County Airport:

The proposed project site would be located approximately 3.0 miles southeast of the Alta Sierra Airport and 9.3 miles south of the Nevada County Airport. The Nevada County Airport has an adopted Land Use Compatibility Plan and the proposed cellular tower is not within the sphere of the Land Use Compatibility Plan. Additionally, the project is not within 1,000 feet of a military installation, located within special use airspace, or located beneath a low-level flight path. However, due to the height of the tower, Condition of Approval A.18 is proposed to require the applicant submit a 7460-1 Notice of Proposed Construction or Alteration application to the Federal Aviation Administration (FAA) for evaluation. The FAA is responsible for administering Title 14 of the Code of Federal Regulations (14 CFR), Part 77 – Safe, Efficient Use, and Preservation of Navigable Airspace. FAA Advisory Circular 70/7460-1L sets forth standards for marking and lighting obstructions that have been deemed to be a hazard to air navigation. As part of their 7460-1 review, the FAA will evaluate the proposed tower for potential hazards to aircraft and Nevada County Airport operations. If the FAA determines that the proposed monopine tower would be considered an obstruction, they will require that additional markings be placed on the tower to ensure its operation does not pose a hazard for aircraft operations. The results of the evaluation shall be submitted to the Planning Department. Staff does not anticipate the FAA would find the tower to be an obstruction because the proposed tower is located approximately 9.3 miles from Nevada County Airport, outside of the Airport's Land Use Compatibility Plan. However, in the case that the FAA does find the tower to be an obstruction, FAA would prescribe standard markings and/or lighting as needed and therefore, the proposed project would not result in a safety hazard for people residing or working in the project area or for operating aircraft.

Co-Location:

Nevada County Land Use and Development Code Section L-II 3.8.G.1 requires owners of communication towers to allow future co-location by other carriers and to provide an efficient process for handling co-location requests.

The developers state that the site will be identifiable in online databases so it's existence will be known to other wireless carriers. It will also be included in online site search tools and identifiable by other wireless carriers and firms working in the wireless industry looking for collocation opportunities. Signage will be posted at the site identifying the party to contact regarding the project and will include site identification information. If another wireless carrier has interest in collocating, they can use the site identification information to confirm availability and details for the facility via e-mail or phone. If the facility meets the collocation wireless carrier's requirements, they will then file an application to the owner to formally start the collocation process. All notifications and required documentation is provided to the property owner, a lease is secured, and all necessary permits are obtained before the collocating wireless carrier installs their equipment. The owner of the communication tower would also have to apply to Nevada County for an Administrative Development Permit for the addition of the co-located carrier.

Site Justification:

Verizon Wireless identified a significant gap in its Long Term Evolution (LTE) wireless service in the south eastern area of Nevada County, California. Verizon Wireless evaluated four site alternatives within the identified significant coverage/capacity gap. Based on the analysis and evaluation, Verizon Wireless concludes that the proposed monopine at 20896 Dog Bar Road 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. 20896 Dog Bar Road is the only location that 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.

Nevada County Land Use and Development Code Section L-II 3.8.E prohibits new towers from being installed in a location that is not already developed with public or quasi-public uses or other 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. While the subject tower is not proposed on a location with public or quasi-public uses or on a location with existing communication facilities, it is proposed to be constructed to look like a pine tree, meeting the visual screening and setback criteria while providing service in the desired service area and is therefore in compliance with LUDC Section L-II 3.8.E.

Radio Frequency Signals:

The Federal Communications Commission (FCC) is the government agency responsible for the authorization and licensing of facilities such as cellular towers that generate RF radiation. Radiofrequency (RF) radiation emanates from antenna on cellular towers and is generated by the movement of electrical charges in the antenna. The energy levels it generates are not great enough to ionize, or break down, atoms and molecules, so it is known as "non-ionizing" radiation. The FCC has developed and adopted guidelines for human exposure to RF radiation using the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), with the support of the EPA, FDA, OSHA and NIOSH. According to the FCC, both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate wide

safety margins. Under the National Environmental Policy Act (NEPA) the FCC is required to evaluate transmitters and facilities for significant impacts on the environment, including human exposure to RF radiation. When an application is submitted to the FCC for construction or modification of a transmitting facility or renewal of a license, the FCC evaluates it for compliance with the RF exposure guidelines, which were previously evaluated under NEPA. Failure to show compliance with the FCC's RF exposure guidelines in the application process could lead to the additional environmental review and eventual rejection of an application. The Radio Frequency – Electromagnetic Fields Exposure Report prepared by Dtech communications, predicted that for a person standing in accessible areas on the ground, the proposed Verizon site has exposure levels below the FCC's most stringent General Population MPE limits. If additional carriers were to seek co-location on this tower, they would be subject to the FCC permitting and compliance.

GENERAL PLAN AND ZONING CONSISTENCY:

The proposed wireless telecommunication facility is proposed in Western Nevada County on a 14.72-acre parcel with a General Agriculture (AG-20) zoning designation and a Rural-20 (RUR-20) General Plan designation. The AG zoning district provides areas for a range of agricultural uses and support services and facilities. This district allows for more intensive uses, as long as they are not determined to be incompatible with agriculture. The 900 square foot lease area, trenching for conduit, and driveway improvements are not anticipated to create incompatibility with agriculture because there is still adequate space on the 14.72 acre parcel for agricultural uses. Pursuant to Nevada County LUDC Section L-II Section 2.3.D, communication towers are allowed in Agricultural zoning districts with a Use Permit. Nevada County LUDC Section L-II 3.8 establishes siting and design requirements for communication facilities to promote availability of public services while ensuring compatibility with adjacent land uses. Attachment 1 provides the Conditions of Approval that ensure that the construction and operation of the proposed communication tower would not conflict with or detract from the surrounding uses. With the approval of the proposed Use Permit, (CUP23-0015) and implementation of the proposed Conditions of Approval, the proposed project would comply with the Nevada County Rural Zoning District Development Standards (LUDC Section L-II 2.3.E), the Nevada County Communication Tower and Facility Standards (LUDC Section L-II 3.8), and the Nevada County Noise and Resource Standards (LUDC Sections L-II 4.1.7 and 4.3.1).

Additionally, the project furthers the following goals and policies of the County's General Plan:

Land Use Element Goals and Policies: Policy 1.7.18 which seeks to "encourage and support a sustainable and technologically current high-speed broadband transmission system that reliable connects Nevada County businesses and residences to national networks as a means to reduce transportation impact, improve air quality, enhance citizens' quality of life and promote economic development.". This Policy is being met because the construction of the telecommunication tower will provide broadband internet to the communities of south eastern Nevada County.

Noise Element Policies: Policy 9.1.2 which requires projects to adhere to the County exterior noise limits. This project has been conditioned to ensure the project meets these established noise limits.

Wildlife and Vegetation Element Policy 13.2A: Project review standards shall include a requirement to conduct a site-specific biological inventory to determine the presence of special status species or habitat for such species that may be affected by a proposed project. The results of the biological inventory shall be used as the basis for establishing land use siting and design tools required to achieve the objective of no net loss of habitat function or value for special status species. A report

was prepared by Nevada County biological consultant Edward Beedy that determined that the project activities will not significantly alter the habitat quality of the project area.

With the adherence to proposed conditions of approval and mitigation measures, the project has been found to be compliant with both the Zoning Regulations and the County General Plan.

ENVIRONMENTAL REVIEW:

The Planning Department prepared a draft Initial Study and a proposed Mitigated Negative Declaration (IS/MND) for the proposed project (Attachment 2). The Initial Study was available for a public review period of 31-days (spanning **May 7, 2024 to June 6, 2024 at 5:00 p.m.**). The Initial Study identified potential impacts associated with this project to aesthetics, air quality, biological resources, cultural resources, hazards, noise, tribal cultural resources, and possible impacts to utilities/services systems; mitigation measures were identified to reduce potential impacts to less than significant levels. The project was circulated for public comment and no outstanding issues have been identified. Based on the technical information submitted with this application, review of pertinent policy and regulatory documents, and consultation with appropriate local, state, and federal agencies, all of the potential impacts that were identified have been mitigated below levels of significance; therefore, a Mitigated Negative Declaration is the appropriate environmental document for this project.

PUBLIC COMMENT:

In early May of 2024 public comments were received expressing concerns about the perceived health risks of cellular towers, which are included as Attachment 6. However, the FCC has developed and adopted guidelines for human exposure to RF radiation using the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), with the support of the EPA, FDA, OSHA and NIOSH. The Radio Frequency – Electromagnetic Fields Exposure Report prepared by Dtech communications, predicted that for a person standing in accessible areas on the ground, the proposed Verizon site has exposure levels below the FCC's most stringent General Population MPE limits. The same concerned member of the public provided comments related to aesthetic impacts. The communication tower will be setback at least 150 feet from all property lines and will be disguised as a pine tree that will be surrounded by other pine trees. Based on the simulated site photos, the tower is designed to blend with the existing vegetation to assist in camouflaging the tower. There are concerns that the location is unnecessary, however, Verizon identified a gap in the LTE coverage and determined this site is the most feasible location to build a tower to fill the coverage gap. Finally, there are concerns about the noise from the standby generator. As conditioned, the generator will not exceed the County noise standards.

SUMMARY:

Sequoia Deployment applied for a Conditional Use Permit (CUP23-0015) on behalf of Verizon Wireless, proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. The project has been reviewed for potential environmental impacts through the project specific Mitigated Negative Declaration (EIS23-0010) and it has been determined that all potential project impacts are mitigated to less than significant levels with no significant and unavoidable impacts identified. As conditioned, the proposed

project complies with the applicable provisions of the Nevada County Land Use and Development Code and is consistent with the General Plan. Therefore, Staff recommends that the Zoning Administrator, after reviewing and considering the project and taking public testimony, adopt the Mitigated Negative Declaration (EIS23-0010), and approve the Conditional Use Permit (CUP23-0015) subject to the recommended Conditions of Approval shown in Attachment 1 of this Staff Report.

RECOMMENDATION: Staff recommends that the Zoning Administrator take the following actions:

Staff recommends the Zoning Administrator take the following actions:

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS23-00010) included as Attachment 2, adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to Section 15074 and 15097 of the California Environmental Quality Act, and make Findings A through C:
 - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment; and
 - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and
 - C. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California; and
- II. Approve the proposed Use Permit (CUP23-0015) subject to the attached Conditions of Approval shown in Attachment 1, making findings A-L pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use and Development Code:
 - A. That this project as conditioned is consistent with the General Plan goals, objectives and policies, and with the Rural General Plan land use map designation applicable to this project because the project supports an interconnected telecommunication network in the County pursuant to General Plan Policy 1.7.18 and is an allowable use with an approved Use Permit; and,
 - B. The proposed use is allowed within and is consistent with the purposes of the “AG-20” Zoning District within which the project is located, which allows communication towers with an approved Use Permit; and,
 - C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, because the project meets the setbacks and other standards of the Site Development Standards, mitigating the impact of the project on environmentally sensitive resources; and,

- D. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards; and,
- E. The design of proposed facilities is consistent with the intent of the design goals, standards, and elements of the Land Use and Development Code and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area; and,
- F. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding area, because the proposed use is effectively screened from nearby properties and is exceeds all required setbacks; and,
- G. There would be no impacts on water or sanitation supply and service because the project does not need or incorporate these uses; and,
- H. Roads providing access to the site are adequate in width and surfacing type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the Public Works Department to be an insignificant amount not requiring the payment of traffic mitigation fees; and,
- I. Adequate provisions exist for emergency access to the site; and,
- J. Adequate public facilities and public services exist or have been provided for within the project area which will be available to serve the project without decreasing services levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
- K. All feasible mitigation measures have been imposed on the proposed project as provided in Attachment 1; and,
- L. The conditions provided in Attachment 1 are deemed necessary to protect the public health, safety, and general welfare.

Respectfully Submitted,

David Nicholas, Associate Planner



June 13, 2024

Conditions of Approval

Conditional Use Permit

Madison LaScalza
Sequoia Deployment Services, Inc
1 Spectrum Pointe
Lake Forest, CA 92630

File No: PLN23-0179, CUP23-0015, EIS23-0010
APN: 027-010-018

At the regular meeting of June 12, 2024, the Nevada County Zoning Administrator approved the above referenced Condition Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for a communication facility located at 20896 Dog Bar Road, Grass Valley California 95949 subject to the following conditions of approval:

A. PLANNING DEPARTMENT

1. The project is an application for a Conditional Use Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine tree. The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system. The lease area will contain three equipment cabinets, a diesel generator, a PG&E transformer, and other communication-related equipment. The site will be accessed by an existing 12-foot wide dirt access road with a hammerhead turn-around at the end. Vegetation thinning to reduce fire hazard will occur along the access road and around the tower lease area. Approximately 550 feet of underground power and fiber cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of connection.
2. Pursuant to the requirements of the Nevada County Land Use and Development Code, the applicant is hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Zoning Administrator's final action on the project.
3. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Conditional Use Permit (June 24, 2027) (i.e. Final Project Action), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Zoning Administrator pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.
4. Within 15 days after project approval, the applicant shall sign and file with the Nevada County Planning Department a Defense and Indemnity Agreement provided herewith. No permits or approvals shall be issued for this parcel, including without limitation a Building Permit, Grading Permit, unless and until the applicant has fully complied with this condition.

5. Prior to Final of any Improvement Permits, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval, Mitigation Measures, and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project Building Permit.
6. The design, colors, configuration, and materials of the monopine and associated improvements including the 900 square foot lease area shall be in substantial conformance with the design authorized in this approval, as represented on the approved plans kept on file with the Planning Department.
7. There shall be no lighting on tower, unless required by the Federal Aviation Administration. All lights not required by the FAA, including the 6 service lights, shall be fully shielded and downward facing to prevent the light source or lens from being visible from adjacent properties and roadways. Fully shielded shall mean a light which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture and which precludes visibility of the light source.
8. The following Best Management Practices used to protect natural vegetation, and control/contain noxious and invasive weeds, and minimize impacts to wildlife habitat are required to be added to all future building plans and shall be followed:
 - a. Minimize disturbance areas, try not to remove natural litter, duff and/or topsoil and/or replace if litter/duff or topsoil is temporarily removed.
 - b. Minimize disturbance to native plants.
 - c. Clean all equipment and personal gear before accessing the Project area, and before leaving a site within the project area with known weed occurrences in order to remove any weed propagules.
 - d. Survey potential disturbance areas for noxious weeds and treat, remove or contain prior to commencing any ground disturbing activities.
 - e. Immediately reseed and mulch any ground disturbance.
 - f. Use mulch from onsite, i.e. pine needle mulch, chipped wood or brush, do not bring in non-native straw.
 - g. Use only certified weed free seed, use seed mixes composed of local native plant species.
 - h. Use silt fences and/or wattles around soil stockpiles to limit erosion.
 - i. Park all equipment and store all materials in previously disturbed areas such as gravel areas.
9. Prior to issuance of Improvement or Building Permits, pursuant to Nevada County Land Use and Development Code Section, L-II 3.8.G, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to maintain the facility as approved and notify the County of intent to vacate the site, agreeing that the applicant will remove all facilities within 12 months unless the site is occupied by a successor; or the applicant shall provide a cash bond equal in cost to removing the tower and associated facilities.
10. Pursuant to Land Use and Development Code Section L-II 3.8.F.5, the applicant shall include a note on all improvements plans as follows: "Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements, shall be protected from damage during construction. All areas disturbed during project construction shall be replanted with vegetation compatible with vegetation in the surrounding area except where the County Fire Marshal requires fuel modification. Native trees are the preferred vegetation."
11. The facility shall comply with all Federal Communications Commission regulations concerning radio frequency emissions.
12. A permanent, weatherproof, facility identification sign, no more than 12" x 24" in size, identifying the facility operator and a 24-hour phone number, shall be placed on the fence, the equipment building or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.

13. **Mitigation Measure 1A: Installation of Privacy Slats in Fencing:** Improvement plans shall reflect that earth-toned privacy slats or solid fencing will be installed around the lease-area perimeter. The solid fencing or privacy slates shall be installed at the project site prior to final inspection from the Planning Department.
Timing: Prior to issuance and final of building permit
Reporting: Agency approval of permits or plans and site inspection
Responsible Agency: Planning Department
14. **Mitigation Measure 4A. Avoid Impacts to Nesting Birds.** If construction occurs during the active bird nesting season (i.e., March 1 to July 31) a qualified biologist should perform a pre-construction nesting bird survey to ensure that no active bird nests are disturbed or destroyed. If, however, construction occurs before March 1 or after July 31 no mitigation would be required.
Timing: Prior to building/grading permit issuance and during construction
Reporting: Agency approval of permits or plans
Responsible Agency: Planning Department
15. **Mitigation Measure 4B. Avoid Spillage of Oils and Other Contaminants.** The contractor shall exercise every reasonable precaution to protect the project site from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil and washwater shall be prevented from discharging onto the ground at the construction site.
Timing: Prior to building permit/grading issuance and during construction
Reporting: Agency approval of permits or plans
Responsible Agency: Planning Department
16. **Mitigation Measure 4C. Provide Copies of Mitigation Measures to Contractors.** To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.
Timing: Prior to building/grading permit issuance and during construction
Reporting: Agency approval of permits or plans
Responsible Agency: Planning Department
17. **Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Cultural Resources are Discovered during Project Construction.** All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 200 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.
Timing: Prior to building permit/grading issuance and during construction
Reporting: Agency approval of permits or plans
Responsible Agency: Planning Department

18. Mitigation Measure 9A: Submission of a 7460-1 Notice of Proposed Construction or Alteration application.

Prior to issuance of the Building Permit or Grading Permit, the applicant shall submit a 7460-1 application for approval from the Federal Aviation Administration of the evaluation of the proposed wireless telecommunication facility, which is in compliance with Title 14 of the Code of Federal Regulations, Part 77. The applicant shall demonstrate that the proposed monopine has been evaluated by the Federal Aviation Administration through the submission of the results of the evaluation to the Planning Department.

Timing: Prior to building permit/grading issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

19. Mitigation Measure 13A: Limit construction activities to reduce noise impacts. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday. 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.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

20. Mitigation Measure 13B: Installation of Sound Enclosure. The generator shall be configured with a Level 2 sound attenuated enclosure. This requirement shall be noted on the site plan and documentation verifying the Level 2 sound attenuated enclosure shall be provided to the Planning Department prior to final of the building permit.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

21. Mitigation Measure 13C: Prohibition of Nighttime Generator Testing. The generator shall only be operated for non-emergency functions such and maintenance and testing between the hours of 9 AM and 2 PM. If the generator is programmed to run automatically, the start-up schedule shall be provided to the Planning Department. This requirement shall be noted on the site plan.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

22. Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measures shall be required and shall be included as notes on all future site plans: If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

Timing: *Prior to Issuance of grading/improvement/building permits and throughout construction*

Reporting: *Planning Department Approval of Grading and Construction Permits*

Responsible Agency: *Planning Department*

23. **Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: *Prior to building permit/grading issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

B. DEPARTMENT OF ENVIRONMENTAL HEALTH

1. The facility operator shall adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code. The fuel storage on site for the diesel generator requires an annual Environmental Health operating permit. This permit must be applied for prior to the final of the construction permit. Applicant can contact: Environmental.Health@nevadacountyca.gov for direction.
2. NCDEH shall have full access rights to the facility, including roads across private property, for the purposes of inspecting and or investigating complaints related to the storage and disposal of hazardous materials, 24 hours per day, 7 days per week. If private gates restrict access to the facility, NCDEH shall be provided with keys or combinations of said gates, or be allowed to apply a lock to a chain of locks, should one exist. NCDEH access shall be part of the lease agreement with the private property owner.

C. BUILDING DEPARTMENT

1. Complete erosion control, grading, drainage, construction and utility plans shall be submitted for review at time of building/grading permit submittal in conformance with Nevada County Land-Use Code Chapter V.
2. 2 sets of wet stamped/signed site drainage calculations shall be provided at time of building permit submittal.
3. 2 sets of wet stamped/signed geotechnical evaluation reports shall be submitted at time of building/grading permit submittal.
4. All project plans shall be designed and wet stamped/signed by a California Licensed Design Professional for each prospective field of the project.
5. Completion of the County of Nevada Special Inspection Agreement will be required at time of building permit submittal for all required special inspections.

6. An electrical fault current letter shall be submitted from PG&E at time of building permit submittal.
7. Prior to permit issuance please reinstate or void permits 01073711 and 02076375.
8. Update plot plan to show all structures with their associated permit number. If a permit is required but was not issued for a structure, a building permit shall be applied for prior to building permit issuance for the communication tower.

D. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Mitigation Measure 3A: Authority to Construct Permit from the Northern Sierra Air Quality Management District.** Building, altering, replacing, or operating any source of air contaminants, whether portable or stationary (but not mobile), may require an Authority to Construct permit from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with California Air Resources Board under the Portable Equipment Registration Program. The applicant shall contact Joe Fish of NSAQMD at (530) 274-9360 x103 (or email at joe@myairdistrict.com) in order to determine whether or not a future generator's engine requires permitting from the NSAQMD. The results of that contact shall be documented and provided to the Planning Department prior to issuance of any improvement permits, and an Authority to Construct permit obtained if applicable.

Timing: *Prior to building/grading permit issuance*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department and Northern Sierra Air Quality Management District*

2. **Mitigation Measure 3B: Mitigate any asbestos discovered during construction.** Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: *Prior to building/grading permit issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department and Northern Sierra Air Quality Management District*

3. A note shall be placed on associated building or grading plans stating that any future construction projects less than one acre must adhere with dust mitigation measures in Northern Sierra Air Quality Management District's Rule #226.

E. DEPARTMENT OF PUBLIC WORKS

1. Mobilization for this work and construction shall not inhibit traffic on Red Dog Road.
2. The project driveway shall conform to the County's Private Driveway encroachment standard as shown in the County's Standard Drawings (B-1). Compliance with the standards must be shown on future building plans. Any driveway improvements within the County right of way require an encroachment permit from the County prior to any work within the right of way.
3. Prior to any work within the County right of way, the applicant shall obtain an Encroachment Permit from the County Public Works Department, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work.

4. Per Nevada County Land Use and Development Code section L-XVII 3.4(M)(5), security gates shall not be installed without approval of the Fire Marshal's Office or the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

F. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL

1. Provide Defensible Space to all communication equipment /generator and the tower itself on site within a 50' radius, by removing all flammable vegetation.
2. Pertaining to the driveway accessing the lease area the following shall be identified on the site plan or included as Notes on the plan:
 - a. Located at Dog Bar Road the address will be displayed utilizing letters or numbers at least 4-inches in height, ½-inch stroke, reflectorized, with a contrasting background color on the sign.
 - b. The gate access will be a minimum 14-feet wide.
 - c. One hammerhead turnout will be provided at the first bifurcation on the driveway approximately 50Ft from the tech parking area.
 - d. The identified 10-foot Fuel Modification Zone will adhere to the following prescription. All brush shall be removed, trees will be thinned as needed to achieve an average 20' spacing. All trees within the Fuel Modification Zone will be limbed to a minimum height of 8-feet. All branches extending over the identified driveway will be limbed to maintain a minimum of 15-feet vertical clearance.
3. A Fuel Modification Zone surrounding the lease area shall be identified.
 - a. Vegetation shall be maintained for a distance of not less than 100-feet in all directions from the lease area. Ground vegetation shall be thinned as appropriate to minimize direct flame transmission to equipment within the lease area while providing for native habitat and erosion control. All trees within 100-feet of the lease area shall be limbed to a minimum of 15-feet from ground level or one third the height of the tree, whichever is less.
4. Pursuant to Land Use and Development Code L-II 4.3.18.C.2, prior to approval of the building permit, the applicant shall remove and reduce brush, flammable vegetation or combustible growth consistent with the provisions of Public Resources Code 4291 and the Nevada County Defensible Space Standard described under the policies of General Plan Goal FP-10.11. These policies require a firebreak free of flammable vegetation 30 to 100 feet around the structure and a fuel break with spatially separated vegetation 30 feet from the structure, as well as clearance around driveways of 10 feet on the sides and 15 feet overhead. Flammable vegetation is defined by General Plan Policy FP-10.11.2 as any live or dead vegetation that is combustible during normal summer weather. Vegetation which is pruned, limbed, cultivated, or considered ornamental shrubbery or plants, provided it is maintained and/or irrigated and does not form a means of rapidly transmitting a fire from the surrounding wildlands, is not considered flammable vegetation and is permissible to be retained.
5. Provide a 2-A:10-B:C portable Fire Extinguisher in an "All Weather" shelter, as required by California Fire Code Section 906. The extinguisher shall be mounted in an approved location within fenced area of the leased parcel.
6. The onsite generator and stored fuel will be complicit with all applicable standards the California Fire Code.

G. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee in the amount of \$2,916.75 must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife, and is subject to change.

You are hereby notified that the action of the Zoning Administrator is final; however, if you are dissatisfied with any action of the Zoning Administrator, you may appeal to the Board of Supervisors within a ten-day period from the date of the Zoning Administrators decision (deadline 5 p.m. on June 24, 2024).

Please find enclosed a Defense and Indemnification Agreement. Please sign this form and return within 15 days of project approval.

NEVADA COUNTY PLANNING DEPARTMENT
BRIAN FOSS, PLANNING DIRECTOR

By: David Nicholas, Associate Planner

enc: Defense and Indemnification Agreement
Facility Maintenance/Removal Agreement

DEFENSE AND INDEMNIFICATION AGREEMENT

This Defense and Indemnity Agreement ("Agreement") is made and entered into between the County of Nevada, a political subdivision of the State of California ("County"), and _____ for Verizon Wireless ("Applicant"), and is effective as of _____, 2024. This Agreement is made with regard to the following facts:

RECITALS

WHEREAS, Applicant is the lessee of the real property located in the unincorporated area of Nevada County at 20896 Dog Bar Road, Grass Valley California, APN 027-010-018, for which the Applicant has applied for a Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) ("PROJECT APPROVAL"); and,

WHEREAS, the Project is a land use development project or other land use decision for which a defense and indemnification agreement is required pursuant to the conditions of the Project Approval; and,

WHEREAS, it is in the public interest for County and Applicant to enter into this Defense and Indemnification Agreement as Applicant will benefit from the County's processing of the application and the Project Approvals that may result therefrom.

NOW THEREFORE, in consideration of the processing of the application and any resulting Project Approval and the mutual promises and agreements contained herein, and in satisfaction of an express condition of the Project Approval, the Applicant hereby agrees as follows:

1. The Applicant agrees to defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees (collectively "County Parties") to attack, set aside, void or annul the above-referenced project approval or any of the proceedings, acts or determinations taken done or made as a result of County's processing and/or approval of the Project or, or to impose personal liability against such agents, officers, or employees based upon or arising out of the project approval. Applicant's obligation to defend and indemnify under this Agreement shall apply to any lawsuit or challenge against the County Parties alleging failure to comply with the California Environmental Quality Act or with the requirements of any other federal, state, or local laws, including but not limited to general plan and zoning requirements. Applicant's obligations under this Agreement to defend and indemnify the County Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, all litigation-related costs, all costs of any judgments or awards against the County, all settlement costs and/or any claim for private attorney general fees claimed by or awarded to any party from the County. Applicant further agrees to cooperate in good faith with County in performance of obligations as set forth in this Agreement.

2. The County shall notify the Applicant promptly of any claim, action or proceeding and cooperate fully in the defense. Upon receipt of such notification, Applicant shall assume

the defense of the claim, action, or proceeding, including the employment of counsel reasonably satisfactory to the County Counsel's Office and Applicant, and the prompt payment of the attorneys' fees and costs of such counsel. In the event of a disagreement between the County and Applicant over litigation issues, County shall have the authority to control the litigation and make litigations decisions, including but not limited to, settlement or other disposition of the matter. If County reasonably determines that having common counsel would present such counsel with a conflict of interest, or if Applicant fails to promptly assume the defense of the claim, action, or proceeding or to promptly employ counsel reasonably satisfactory to County, then County may employ separate counsel to represent or defend the County, and Applicant shall pay the reasonably attorneys' fees and costs of such counsel within 30 days of receiving an itemized billing therefore. At its sole discretion, the County may participate in the defense of any such claim, action, or proceeding in good faith, either through County Counsel's Office at the Applicant's expense or through outside counsel at the County's expense; but such participation shall not relieve Applicant of his obligations under this Agreement.

3. Applicant's obligations to defend and indemnify under this Agreement shall apply whether or not there is concurrent, active, or passive negligence on the part of County Parties. Applicant's obligations under this Agreement shall be effective regardless of whether any or all Project approvals and/or actions by the County regarding the Project remain valid or are invalidated by the court.

4. Failure to promptly defend or indemnify the County is a material breach which shall entitle County to all remedies available under the law, including but not limited to specific performance and damages. Moreover, failure to defend or indemnify shall constitute grounds upon which the County decision-making body may rescind its approval(s) associated with the Project, and a waiver by Applicant of any right to proceed with the Project or any portion thereof.

5. Applicant shall be and remain personally obligated to all of the terms of this Agreement, notwithstanding any attempt to assign, delegate or otherwise transfer all of any of the rights or obligations of this Agreement, and notwithstanding a change in or transfer of ownership of the real property upon which the Project is located (or any interest therein). However, the Applicant may be released from such obligations if the Applicant obtains the County's prior written consent to such transfer, which consent shall not be unreasonably withheld.

6. All notices required under this Agreement shall be in writing and shall be deemed given as of the date of actual delivery if by personal delivery or sent by a nationally recognized overnight carrier, or three days after deposit in the United States mail, first class postage prepaid, to the addresses indicated below:

For Applicant:

For County: Planning Director

Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959
Attn: Brian Foss

With a copy to: County Counsel
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Either party may change the place for the giving of notice to it by thirty (30) days prior written notice to the other party, as provided herein.

7. This Agreement shall be binding upon Applicant and his heirs, executors, administrators, assigns and successors in interest.

8. Upon execution of this Agreement, it may be recorded with the County Recorder's Office and become a lien on any real property attached to the Project Approvals.

9. This Agreement shall constitute the complete understanding of the parties with respect to the matters set forth herein. Neither party is relying on any other representation, oral or written. This Agreement may not be changed except by a written amendment signed by all parties.

10. It is agreed and understood that this Agreement shall be interpreted fairly in accordance with its terms to effectuate the intent of the parties and not strictly for or against any party by reason of authorship that none of them is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.

11. Each party executing this Agreement represents and warrants that it has been duly authorized to enter into this Agreement, that it has full and complete authority to do so, that it has consulted with or had the opportunity to consult with an attorney prior to executing this Agreement, that it enters into this Agreement knowingly and voluntarily, and that it agrees to be bound by the terms of this Agreement.

IN WITNESS WHEREOF, the County and Applicant(s) have caused this Agreement to be duly executed, as of the date first set forth above.

COUNTY:

COUNTY OF NEVADA, a political
subdivision of the State of California

APPLICANT:

Verizon Wireless

Approved as to form:

By: _____
Katharine L. Elliott
County Counsel

Name: _____

Signature: _____

Title: _____

FACILITY MAINTENANCE/REMOVAL AGREEMENT

This FACILITY MAINTENANCE/REMOVAL AGREEMENT ("Agreement") is entered into by and between Verizon Wireless ("Applicant") and the County of Nevada ("County").

RECITALS

WHEREAS, County approved Use Permit CUP23-0015, authorizing an un-manned mobile communication facility to be developed at 20896 Dog Bar Road, Grass Valley CA, 95949, ("Facility").

WHEREAS, the conditions of approval of the permit require, among other things, that the Applicant and the County enter into a facility maintenance/removal agreement with regard to the Facility.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Maintenance and Removal.

- A. The Applicant shall properly maintain the Facility in accordance with the requirements of the Conditions of Approval for Use Permit No.: CUP23-0015.
- B. The Applicant shall provide written notice to the County upon any such time that the Applicant vacates the site of the Facility. The Applicant agrees to remove the Facility within 12 months of delivery of such notice to the County unless the site is re-occupied by the Applicant or is occupied by a successor before such 12-month period concludes.

Section 2. Miscellaneous.

- A. This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.
- B. Any notice or demand required herein shall be given personally, by certified or registered mail, postage prepaid, return receipt requested, by confirmed fax, or by reliable overnight courier to the address of the respective parties set forth on the signature page. Any notice served personally shall be deemed delivered upon receipt, and served by certified or registered mail or by reliable overnight courier shall be deemed delivered on the date of receipt as shown on the addressee's registry or certification of receipt or on the date receipt is refused as shown on the records or manifest of the U.S. Postal Service or such courier. The County or the Applicant may from time to time designate any other address for this purpose by written notice to the other party.
- D. This Agreement shall be governed, construed and interpreted under the laws of

the State of California. This Agreement shall be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against either party. This Agreement shall not be interpreted or construed against the party preparing it.

- E. In the event of any dispute or legal proceeding between the parties arising out of or relating to this Agreement or its breach, the prevailing party shall be entitled to recover from the non-prevailing party all fees, costs and expenses, including but not limited to attorneys' and expert witness fees, incurred in connection with such dispute or legal proceeding, or counterclaims or cross-complaints, any action to confirm, correct or vacate an arbitration award, any appeals and any proceeding to establish and recover such costs and expenses, in such amount as the court or arbitrator determines reasonable.
- F. Terms and conditions of this Agreement which by their sense and context survive the termination, cancellation, or expiration, of this Agreement will so survive.
- G. Each person executing this Agreement for either the Applicant or the County represents and warrants, for himself or herself and for the party for which the person purports to act, that such person is authorized to execute the Agreement on behalf of such party, that such person is acting within the scope of such person's authority, and that all necessary action has taken to give such party the authority, and the party has the authority, to enter into this Agreement and be bound by the terms of this Agreement.

Remainder of page left intentionally blank

IN WITNESS WHEREOF, the parties have executed this Agreement as of _____, 2024.

COUNTY:

Address, Phone

THE COUNTY OF NEVADA

950 Maidu Avenue
PO BOX 599002
Nevada City, CA 95959
ATTN: Community Development Agency
Tel.: (530) 265-1222

By: _____

Name: _____

Title: _____

APPLICANT:

Address

By: _____

Name: _____

Title: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Signature

Seal

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Signature

Seal

Initial Study

Verizon Wireless Dog Bar Road Communication Tower Use Permit

Nevada County, California

To:

CEO – Alison Lehman	Higgins Fire District
Assistant CEO – Caleb Dardick	Northern Sierra Air Quality Management Dist.
COB – Jeff Thorsby	Gold Country Broadband Consortium
Supervisor Scofield – District II	Nevada Irrigation District
Commissioner Duncan – District II	Native American Heritage Commission
Principal Planner	North Central Information Center
Assessor – Rolf Kleinhans	Nevada City Rancheria Nisenan Tribe
Building Department – Nick McBurney	Shingle Springs Band of Miwok Indians
Community Development Agency Director– Trisha Tillotson	T’si Akim Maidu Tribal Council
County Counsel’s Office	United Auburn Indian Community
Economic Development – Kimberly Parker	Pacific Gas & Electric
Economic Resource Council	Keep Nevada County Rural
Environmental Health- Catrie Levenson	Friends of Nevada City
Fire Marshal – Dan Collins	Forest Springs, LLC
Public Works Department – Engineering	Bear Yuba Land Trust
County Counsel – Doug Johnson/Sims Ely	General Plan Defense Fund
Federal Communication Commission - Wireless Communications	Kevin Johnston
Nevada County Ag Commissioner – Luci Wilson	Laborers Pacific Southwest Region
*receives full report, others receive NOA only with report available online.	

Date: May 1, 2024

Prepared by: David Nicholas, Associate Planner
 Nevada County Planning Department
 950 Maidu Avenue, Suite 170
 P.O. Box 599002
 Nevada City, CA 95959
 (530) 265-1257
 Email: david.nicholas@nevadacountyca.gov

File Number(s): PLN23-0179, CUP23-0015, EIS23-0010

Assessor's Parcel Number: 027-010-018

Applicant/Representative: Madison LaScalza, Sequoia Deployment Services Inc.
1 Spectrum Pointe
Lake Forest, CA 92630
Telephone: (949) 326-3232

Property Owner: Jennifer Goodwin
20896 Dog Bar Road
Grass Valley, California 95949

Zoning District(s): General Agricultural – 20 (AG-20)

General Plan: Rural – 20 (RUR-20)

Project Location: The project is located at 20896 Dog Bar Road, Grass Valley, CA 95949, 4.3 miles east of California State Highway 49 and approximately 7 miles south of California State Highway 174.

**PLN23-0179, CUP23-0015 Verizon Wireless Communication Tower:
Zoning, Vicinity and Public Notice Map**

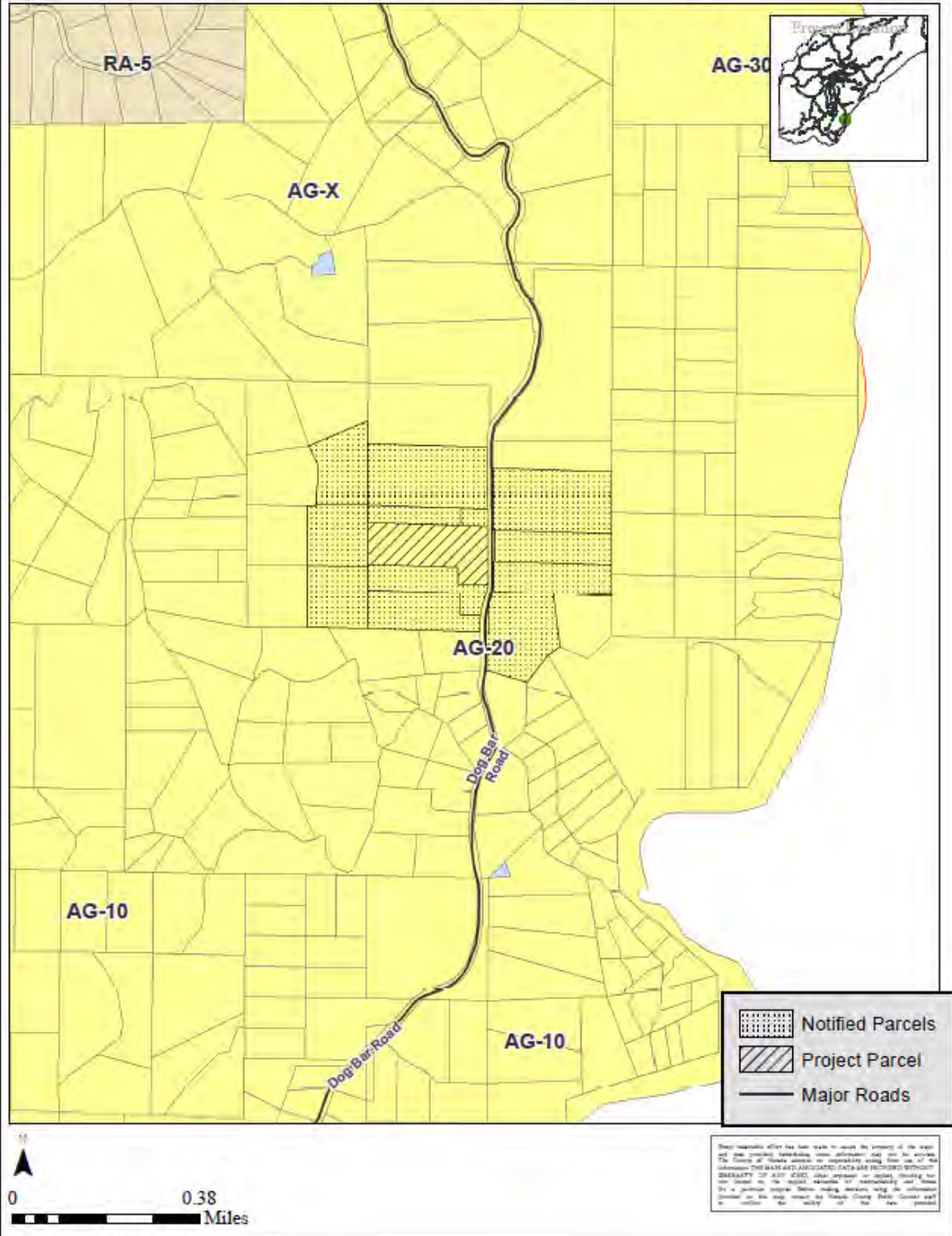


Figure 1 - Project Vicinity and Zoning

Project Site and Surrounding Land Uses:

The proposed communication facility would be located in a 30-foot-by-30-foot lease area slightly east of the middle of an approximately 14.72-acre parcel. The parcel is located approximately 4.3 miles east of California State Highway 49 and approximately 7 miles south of California State Highway 174 in the unincorporated Western area of Nevada County at 20896 Dog Bar Road. The subject parcel (APN: 027-010-018) is zoned General Agricultural (AG-20) with a General Plan designation of Rural-20. The subject parcel is developed with a residence, garage, barn, solar array, and various other accessory structures. The parcel is surrounded by very low-density development consisting of single-family residences and ranch/agricultural uses. The nearest residence would be located on the adjacent parcel to the north and would be located approximately 500 feet northwest from the proposed communication facility. The proposed communication facility will be situated in foothill oak and pine woodlands on a hillside.

The adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Adjacent parcels and several parcels in the area range in size from approximately 1.27 acres to approximately 9.9 acres. Figure 1 shows the project parcel, surrounding properties, and the zoning of the area. Figure 2, below shows an aerial photo of the project parcel.



Figure 2 - Project Aerial Photo

Project Description:

The project is an application for a Conditional Use Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The proposed facility will be designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine) with antennas at a tip height of one-hundred twenty-four (124) feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine tree. The proposal includes the following components:

- (1) 400A meter bank with 200A Verizon Wireless Meter
- (3) Equipment Cabinets
- (1) Telecommunications Cabinet

- (1) Intelligent Lighting Control Panel
- (1) GPS antenna
- (6) service lights
- (1) 30 KW Diesel Generator with a 210 gallon tank
- (3) C-Band Panel Antennas
- (6) LTE Panel Antennas
- (6) LTE Remote Radio Units
- (2) 6-foot microwave antennas
- (4) surge suppressors

The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system. The lease area will contain three equipment cabinets, a diesel generator, and a PG&E transformer. The site will be accessed by an existing 12 foot wide dirt access road with a hammerhead turn-around at the end. Vegetation thinning to reduce fire hazard will occur along the access road and around the tower lease area. Approximately 550 feet of underground power and fiber cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of connection. (See Figures 3, 4, and 5 below.)

Figure 3, below, shows the site plan showing the location of the proposed lease area on the subject parcel, the existing dirt access driveway, and the existing single-family residence on the parcel. The location for the proposed wireless communication facility project was selected as the most optimal from four (4) potential site locations for its ability to provide radio frequency propagation to address the capacity gap in Verizon's network. In addition, Verizon considered the ability to obtain a land lease from the property owner, the accessibility of the site, and the ease of installation based on topography. The site selected for the proposed coverage was determined to be the least intrusive means to service an identified significant gap in cellular coverage and is believed to have the least impacts to the community while meeting the networks coverage needs.

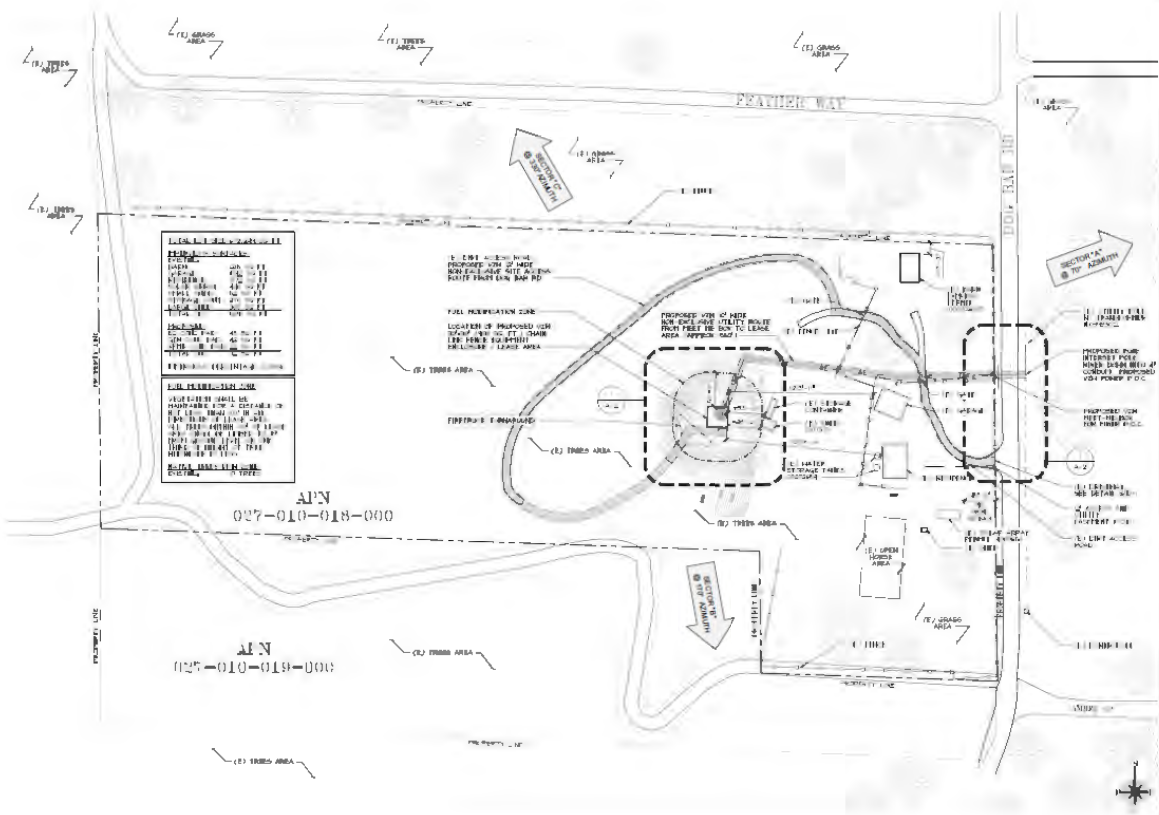


Figure 3 - Overall Site Plan

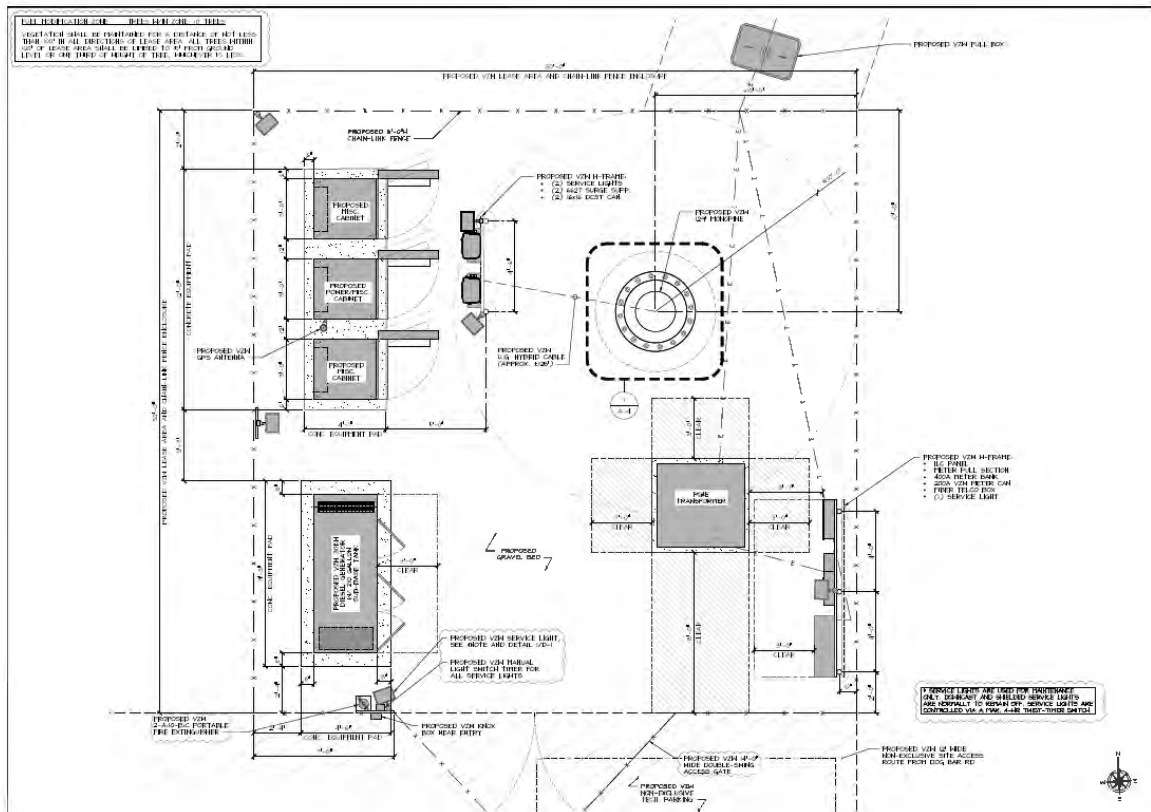


Figure 4 - Enlarged Site Plan

NOTE: SEE THE LOCAL TOWER REQUIREMENTS FOR TOWER AND LEASING

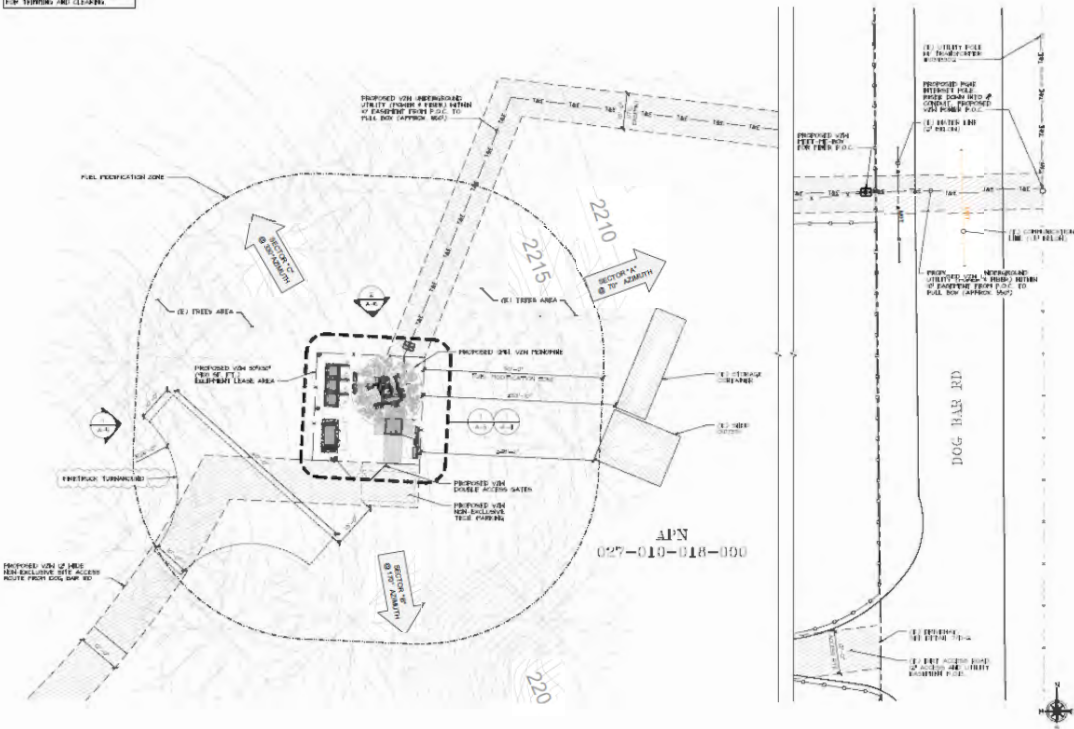


Figure 5 - Proposed Utility Easements and Locations

NOTE:
1. ONLY SPECIFIED ANTENNAS ARE ALL TOWER MOUNTED EQUIPMENT SHALL BE MOUNTED IN NON-REFLECTIVE POINT OR POSITION AS LONG AS PERMITTED.
2. PERFORME INDICATED BUT DEEMED FOR CLARITY.

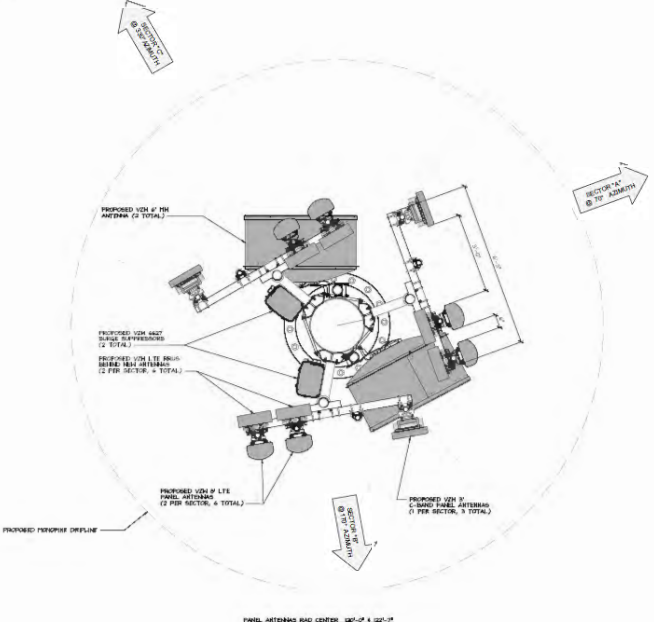


Figure 6 - Proposed Antenna Layout Plan

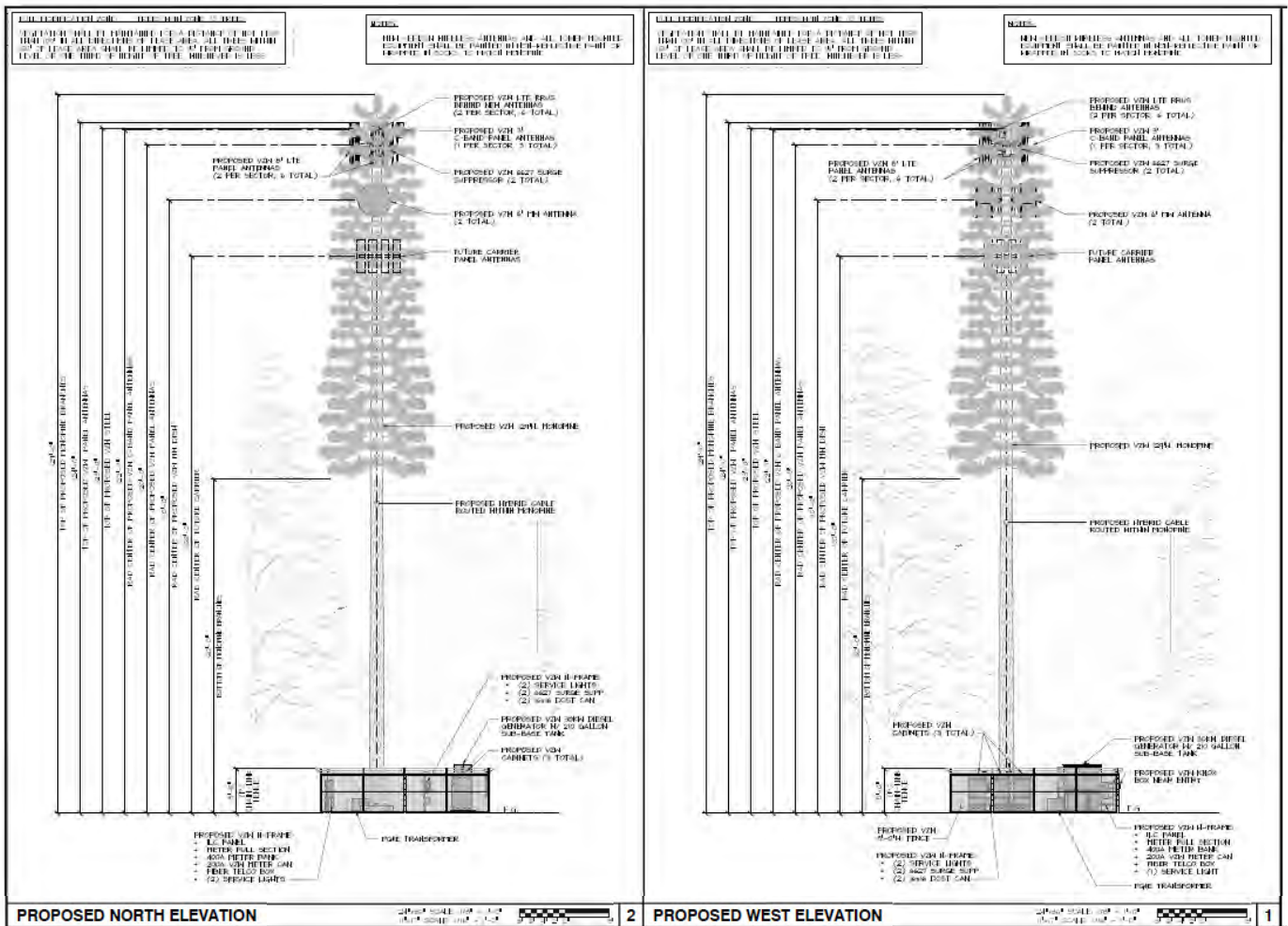


Figure 7 - Proposed Monopine Elevations

Other Permits, Which May Be Necessary:

Based on initial comments received, the following permits may be required from the designated agencies:

1. Building Permits – Nevada County Grading/Building Department
2. Hazardous Materials Storage Permit- Nevada County Environmental Health Department
3. Authority to Construct Permit- Northern Sierra Air Quality Management District

Relationship to Other Projects:

The subject project site is developed with an existing single-family residence built in 1963. Building Department Records (10002003), show that the residence on the parcel has benefitted from maintenance conducted and inspected through a Building Permit for a new roof. The project site also includes a barn which was issued a permit for a new roof (0700832), and a solar array (14000658).

Tribal Consultation:

Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The project was routed to several tribal organizations including the Native American Heritage Commission, United Auburn Indian Community, the Shingle Springs Band of Miwok Indians, and the Nevada City Rancheria Nisenan Tribe. None of the entities contacted requested consultation.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected:

All of the following environmental factors have been considered. Those environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation" as indicated by the checklist on the following pages.

✓	1. Aesthetics	—	2. Agriculture / Forestry Resources	✓	3. Air Quality
✓	4. Biological Resources	✓	5. Cultural Resources	—	6. Energy
—	7. Geology / Soils	—	8. Greenhouse Gas Emissions	✓	9. Hazards / Hazardous Materials
—	10. Hydrology / Water Quality	—	11. Land Use / Planning	—	12. Mineral Resources
✓	13. Noise	—	14. Population / Housing	—	15. Public Services
—	16. Recreation	—	17. Transportation	✓	18. Tribal Cultural Resources
✓	19. Utilities / Service Systems	—	20. Wildfire	✓	21. Mandatory Findings of Significance

Impacts and Recommended Mitigation Measures:

The following measures shall be implemented and included as notes on construction plans as outlined in each.

AESTHETICS:

Mitigation Measure 1A: Installation of Privacy Slats in Fencing: Improvement plans shall reflect that earth-toned privacy slats or solid fencing will be installed around the lease-area perimeter. The solid fencing or privacy slates shall be installed at the project site prior to final inspection from the Planning Department.

Timing: Prior to issuance and final of building permit

Reporting: Agency approval of permits or plans and site inspection

Responsible Agency: Planning Department

AIR QUALITY:

Mitigation Measure 3A: Authority to Construct Permit from the Northern Sierra Air Quality Management District. Building, altering, replacing, or operating any source of air contaminants, whether portable or stationary (but not mobile), may require an Authority to Construct permit from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with California Air Resources Board under the Portable Equipment Registration Program. The applicant shall contact Joe Fish of NSAQMD at (530) 274-9360 x103 (or email at joe@myairdistrict.com) in order to determine whether or not a future generator's engine requires permitting from the NSAQMD. The results of that contact shall be documented and provided to the Planning Department prior to issuance of any improvement permits, and an Authority to Construct permit obtained if applicable.

Timing: Prior to building/grading permit issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Northern Sierra Air Quality Management District

Mitigation Measure 3B: Mitigate any asbestos discovered during construction. Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: Prior to building/grading permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Northern Sierra Air Quality Management District

BIOLOGICAL RESOURCES:

Mitigation Measure 4A. Avoid Impacts to Nesting Birds. If construction occurs during the active bird nesting season (i.e., March 1 to July 31) a qualified biologist should perform a pre-construction nesting bird survey to ensure that no active bird nests are disturbed or destroyed. If, however, construction occurs before March 1 or after July 31 no mitigation would be required.

Timing: Prior to building/grading permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 4B. Avoid Spillage of Oils and Other Contaminants. The contractor shall exercise every reasonable precaution to protect the project site from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil and washwater shall be prevented from discharging onto the ground at the construction site.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 4C. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.

Timing: Prior to building/grading permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

CULTURAL RESOURCES:

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Cultural Resources are Discovered during Project Construction. All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 200 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

HAZARDS AND HAZARDOUS MATERIALS:

Mitigation Measure 9A: Submission of a 7460-1 Notice of Proposed Construction or Alteration application.

Prior to issuance of the Building Permit or Grading Permit, the applicant shall submit a 7460-1 application for approval from the Federal Aviation Administration of the evaluation of the proposed wireless telecommunication facility, which is in compliance with Title 14 of the Code of Federal Regulations, Part 77. The applicant shall demonstrate that the proposed monopine has been evaluated by the Federal Aviation Administration through the submission of the results of the evaluation to the Planning Department.

Timing: Prior to building permit/grading issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

NOISE:

Mitigation Measure 13A: Limit construction activities to reduce noise impacts. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday

through Friday. 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.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 13B: Installation of Sound Enclosure. The generator shall be configured with a Level 2 sound attenuated enclosure. This requirement shall be noted on the site plan and documentation verifying the Level 2 sound attenuated enclosure shall be provided to the Planning Department prior to final of the building permit.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 13C: Prohibition of Nighttime Generator Testing. The generator shall only be operated for non-emergency functions such and maintenance and testing between the hours of 7 AM and 10 PM. If the generator is programmed to run automatically, the start-up schedule shall be provided to the Planning Department. This requirement shall be noted on the site plan.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

TRIBAL CULTURAL RESOURCES:

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measures shall be required and shall be included as notes on all future site plans: If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

Timing: Prior to Issuance of grading/improvement/building permits and throughout construction
Reporting: Planning Department Approval of Grading and Construction Permits
Responsible Agency: Planning Department

UTILITIES AND SERVICE SYSTEMS:

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste. Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

MANDATORY FINDINGS OF SIGNIFIGANCE

See all Mitigation Measures listed above.

Mitigation Monitoring Matrix:

MITIGATION MEASURE	MONITORING AUTHORITY	IMPLEMENTATION TIMING
1A	Planning Department	Prior to issuance/final of building permit
3A	Planning Department / Northern Sierra Air Quality Management District	Prior to building/grading permit issuance.
3B	Planning Department / Northern Sierra Air Quality Management District	Prior to building/grading permit issuance and during construction
4A	Planning Department	Prior to building/grading permit issuance and during construction
4B	Planning Department	Prior to Building Permit or Grading Permit issuance and during construction
4C	Planning Department	Prior to building/grading permit issuance and during construction
5A	Planning Department	Prior to building permit issuance and during construction
9A	Planning Department	Prior to building/grading permit issuance
13A	Planning Department	Prior to building permit issuance and during construction
13B	Planning Department	Prior to building permit issuance/final
13C	Planning Department	Prior to building permit issuance/final
18A	Planning Department	Prior to Issuance of grading/improvement/building permits and throughout construction
19A	Planning Department	Prior to building permit issuance and during construction

INITIAL STUDY AND CHECKLIST

Introduction:

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). The information, analysis and conclusions contained in the checklist are the basis for deciding whether an Environmental Impact Report (EIR) or Negative Declaration (ND) is to be prepared. If an EIR is determined to be necessary based on the conclusions of the Initial Study, the checklist is used to focus the EIR on the effects determined to be potentially significant.

This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- **No Impact:** An impact that would result in no adverse changes to the environment.
- **Less than Significant Impact:** An impact that is potentially adverse but does not exceed the thresholds of significance as identified in the impact discussions. Less than significant impacts do not require mitigation.
- **Less than Significant with Mitigation:** An environmental effect that may cause a substantial adverse change in the environment without mitigation, but which is reduced to a level that is less than significant with mitigation identified in the Initial Study.
- **Potentially Significant Impact:** An environmental effect that may cause a substantial adverse change in the environment; either additional information is needed regarding the extent of the impact to make the significance determination, or the impact would or could cause a substantial adverse change in the environment. A finding of a potentially significant impact would result in the determination to prepare an EIR.

1. Aesthetics:

Existing Setting: The adjacent parcels are zoned General Agriculture with a minimum parcel size of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Figure 1 shows the project parcel, surrounding properties, and the zoning of the area. Figure 2, below shows an aerial photo of the project parcel. Many of the surrounding parcels range in size from approximately 1.27 acres to approximately 9.9 acres and contain single-family residences and/or agricultural components. Surrounding parcels have a similar mix of foothill oak-pine woodland with areas of annual grasslands. Other than lighting, which is typical to that of a single-family residence, there are no other sources of lights or glare, which exist on the subject parcel.

The elevation of the proposed lease area is approximately 2,200 feet above mean sea level in an area of rolling hills where the adjacent land ranges from 1,800 feet to approximately 2,400 feet above mean sea level.

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?		✓			A,L
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, 28
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		✓			A
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓	A

Impact Discussion:

1a.c. Pursuant to the submitted site plans and visual simulations, the proposed 129-foot tall monopine wireless telecommunication facility is designed to not result in a demonstrable, negative, effect on a scenic vista or public views. The monopine design is anticipated to prevent degradation to the existing visual character or quality of the site and its surroundings. The proposed lease area would be located within southeastern Nevada County in an area which contains a foothill oak-pine woodland with areas of annual grasslands. The cellular tower as proposed would be a monopine with faux branches/foilage and faux bark materials which are designed to blend in with the surrounding pines to the greatest extent possible. The branches of the monopine would help to camouflage the antennas and Remote Radio Units (RRU's) and as proposed would be located within the branches and covered with faux pine needle socks; painted to match the tree.

The proposed monopine would be 129-feet tall with the panel antennas and RRU's being placed at a height of 124 feet. Thus, the top of the proposed monopine would be at an elevation of approximately 2,343 feet above mean-sea level. Surrounding elevations range in height from approximately 1,800 feet to approximately 2,400 feet above mean sea level. Given the varying elevations of the surrounding area, the foothill oak-pine woodlands provide a varying skyline, which limits public views. Pursuant to the submitted site plan, the surrounding trees on the subject parcel adjacent to the lease area are approximately 90 feet tall. Figure 8 below is a visual simulation of the proposed monopine looking southwest from Dog Bar Road, which shows that the upper portion of the tower and the lower fenced area would be briefly visible in profile by the public. Figure 9 below is a visual simulation of the view of the monopine looking West from Dog Bar Road. The top portion of the monopine is visible, but it does not stick out higher than the adjacent trees and the fenced equipment area is difficult to see due to the density of the vegetation. Figure 10 below is a visual simulation of the view of the monopine looking northwest from Dog Bar Road, which shows that only the top portion would be visible. In the photo simulations, some of the surrounding trees do not have leaves due to the season. During non-winter months the monopine would be even less visually noticeable. The monopine is designed to

be visually unobtrusive, camouflaging the tower such that it is expected to blend in with surrounding vegetation. The height of the tower is planned to provide maximum service coverage while taking advantage of topographic screening and the camouflage design of the pole to blend in with existing conifer trees, which are present on the subject parcel. The proposed lease area would be fenced with an eight (8) foot tall chain link fence. The project equipment cabinets are proposed to be painted a neutral grey color to make them as unobtrusive as possible. Mitigation Measure 1A is proposed to require earth-tone privacy slates in the chain link fence or solid fencing around the lease area to screen the equipment.

The project as proposed would be partially visible to the public in profile from portions of Dog Bar, due to gaps between trees and the height of the monopine, but from a distance it would be difficult for a member of the public to differentiate the monopine from the cluster of trees it is proposed to be built within. Based on the photo simulations, the monopine is only visible to someone that is looking for a monopine and knows a monopine is there. Due to monopine's camouflaged design and height of the proposed tower, equipment and fencing in conjunction with the existing vegetation and varied topography of the area, the project is not anticipated to result in demonstrable negative aesthetic impacts on scenic vistas or public views, nor would it degrade the existing visual character or quality of the site and its surroundings; therefore, the project is anticipated to result in an impact to aesthetics that is ***less than significant with mitigation***.



Figure 8 - Photo Simulation of proposed monopine looking southwest from Dog Bar Road



Figure 9 - Photo Simulation of proposed monopine looking west from Dog Bar Road



Figure 10 - Photo Simulation of proposed monopine looking northwest from Dog Bar Road

- 1b. The proposed project is not located along a State Scenic Highway nor is it located within a Historic District. As designed, it is not anticipated that the proposed project would result in an impact to any trees, rock outcroppings or historic buildings. Although some vegetation thinning is required for fire safety, the thinning will primarily remove ladder fuels and lighter fuels and will not remove scenic trees. Thus, the project is anticipated to result in a **less than significant impact**.
- 1d. The applicant proposes to install six LED service lights that will be downcast and used during maintenance activities only. The lights will normally be off and will be controlled by a 4-hour twist-timer switch. The site is surrounded by trees which will provide screening of the tower and lighting. A standard condition of approval would require the lighting be installed in compliance with Nevada County Land Use & Development Code (LUDC) Section L-II 4.2.8 which requires lights to be fully shielded and down-facing so as not to result in glare that could adversely affect day or nighttime views. With the application of a standard condition of approval requiring compliance with County lighting standards, the project is not anticipated to result in substantial light or glare; therefore, **no impact** is anticipated to day or nighttime views due to lighting.

Mitigation Measures:

To mitigate potential aesthetic impacts associated with the project, the following mitigation measure shall be required:

Mitigation Measure 1A: Installation of Privacy Slats in Fencing: Improvement plans shall reflect that earth-toned privacy slats or solid fencing will be installed around the lease-area perimeter. The solid fencing or privacy slates shall be installed at the project site prior to final inspection from the Planning Department.

Timing: *Prior to issuance and final of building permit*

Reporting: *Agency approval of permits or plans and site inspection*

Responsible Agency: *Planning Department*

2. AGRICULTURAL/FORESTRY RESOURCES:

Existing Setting: The farmland designation of the project site is mapped as Grazing Land and Other Land by the California Department of Conservation (2020). The site nor any neighboring sites have been determined to contain any Important Farmlands. The parcel and the surrounding area is zoned for General Agriculture and many of the surrounding parcels are developed with single family dwellings and include ranch or agricultural uses.

The project site does not contain any land within a Williamson Act contract, nor is the parcel within a Timberland Production Zone.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
-----------------------------	--------------------------------	---------------------------------------	------------------------------	-----------	-------------------------------

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation's Division of Land Resource Protection, to non-agricultural use?				✓	A,L,7
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A,L,18
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production Zone (per Section L-II 2.3.C of the Nevada County Land Use and Development Code)?				✓	A,L,18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	A,L,18
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A,L,7

Impact Discussion:

2a-e. The subject parcel is located within an area designated by the California Department of Conservation as Grazing Land and Other Land and is not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The subject parcel is zoned General Agriculture (AG-20) which does allow for agriculture uses and the subject parcel is used for equestrian purposes, but the development of the telecommunication tower on the 900 square foot lease area would not substantially further constraints on agricultural operations. The subject parcel is not part of a Williamson Act Contract nor is part of a Timberland Production Zone. The proposed project would not directly or indirectly impact agricultural uses on or off-site. Therefore, the project is anticipated to have **no impact** to Farmland, Forest, or Williamson Act lands.

Mitigation Measures:

None required.

3. AIR QUALITY:

Existing Setting: Nevada County is located in the Mountain Counties Air Basin (MCAB). The MCAB includes the central and northern Sierra Nevada mountain range with elevations ranging from several hundred feet in the foothills to over 6,000 feet above mean sea level along the Sierra Crest. The MCAB generally experiences warm, dry summers and wet winters. Ambient air quality in the air basin is generally determined by climatological conditions, the topography of the air basin, and the type and amount of pollutants emitted. The Northern Sierra Air Quality Management District has responsibility for controlling air pollution emissions including "criteria air pollutants" and "toxic air pollutants" from direct sources (such as factories) and indirect sources (such as land-use projects) to improve air quality within Nevada County. To do so, the District adopts rules, regulations, policies, and programs to manage the air

pollutant emissions from various sources, and also must enforce certain statewide and federal rules, regulations and laws. The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed “criteria” pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. A nonattainment area is an area where a criteria air pollutant’s concentration is above either the federal and/or state ambient air quality standards. Depending on the level of severity, a classification will be designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM2.5, and ozone) and the fire station in downtown Truckee (PM2.5 only). For eight-hour average ozone concentrations, Nevada County is serious nonattainment for both the 2008 and 2015 state and federal ozone standards of 75 and 70 parts per billion, respectively (Table 1). Unlike other pollutants, ozone is not typically released directly into the atmosphere from any sources. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. The major sources of Nitrogen Oxides and Reactive Organic Gases, known as ozone precursors, are combustion sources such as factories, automobiles and evaporation of solvents and fuels. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, when the days are longest, especially in the late afternoon and evening hours. Ozone is considered by the California Air Resources Board to be overwhelmingly transported to Nevada County from the Sacramento Metropolitan area and, to a lesser extent, the San Francisco Bay Area. This recognition of overwhelming transport relieves Nevada County of CAAQS-related requirements, including the development of CAAQS attainment plan with a “no-net-increase” permitting program or an “all feasible measures” demonstration. For particulate matter, ambient air quality standards have been established for both PM10 and PM2.5. California has standards for average PM10 concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m³, respectively. (The notation “µg/m³” means micrograms of pollutant per cubic meter of ambient air.) For PM2.5, California only has a standard for average PM2.5 concentrations over a year, set at 12 µg/m³, with no 24-hour-average standard. Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM10 standards. Particulate-matter is identified by the maximum particle size in microns as either PM2.5 or PM10. PM2.5, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

Table 1: Attainment Status by Northern Sierra Air Quality Management District of State and Federal Air Quality Standards. In addition, the entire district is either Attainment or Unclassified for all State and Federal NO ₂ , SO ₂ , Pb, H ₂ S, visibility reducing particles, sulfates, and vinyl chloride standards.		
<u>Pollutant</u>	<u>State Designation</u>	<u>Federal Designation</u>

Ozone (O ₃)	Nevada County: Non-attainment (due to overwhelming transport)	<u>2008 O₃ Standard (75 ppb)</u> Western Nevada County: Serious Non-attainment;
		<u>2015 O₃ Standard (70 ppb)</u> Western Nevada County: Serious Non-attainment;
<i>PM₁₀</i>	Nevada County: Non-attainment	Unclassified
<i>PM_{2.5}</i>	Nevada County: Unclassified	<u>2012 Annual Standard (12µg/m³)</u> Nevada County: Unclassifiable/Attainment
		<u>2012 24-hour Standard (35µg/m³)</u> Unclassifiable/Attainment
<i>CO</i>	Nevada: Unclassified	Unclassifiable/Attainment

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several areas of western Nevada County. The area of the project site is not mapped as an area that is likely to contain ultramafic rock, but it is adjacent to an ultramafic rock unit (California Department of Conservation, 2000). Natural occurrences of asbestos are more likely to be encountered in, and immediately adjacent to areas of ultramafic rock.

An evaluation of project impacts related to greenhouse gas emissions is provided in Section 8 of this Initial Study.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A,G
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?			✓		A,G,21
c. Expose sensitive receptors to substantial pollutant concentrations?			✓		A,G,L
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		✓			A,G, 27

Impact Discussion:

- 3a. The proposed project would not conflict with or obstruct implementation of an applicable air quality plan; therefore, **no impact** is anticipated on the potential adoption or implementation of an air quality plan.
- 3b. Western Nevada County is in non-attainment for the Federal 8-hour ozone standard, and the entirety of Nevada County is in non-attainment for the State 1- and 8-hour ozone standards and PM10 standards. While most of the ozone in the County is transported from urban areas to the southwest, PM10 sources primarily come from within the County. PM10 violations in winter are largely due to wood smoke from the use of woodstoves and fireplaces, while summer and fall violations often occur during forest fires or periods of open burning. The proposed project would result in a temporary but incrementally small net increase in pollutants due to vehicle and equipment emissions. Therefore, this impact is **less than significant**.
- 3c. The project proposes a standby generator for the event of a power outage. The operation of the generator would be used for maintenance and testing, and for use during power outages at the site. A generator would not cause substantial air pollutant emissions or objectionable smoke, ash, or odors because it would be required to meet modern emission standards of the Federal EPA and California Air Resources Board. The facility would be unmanned, with minimal traffic generated by technicians that would service equipment at the site. No sensitive receptors are in the immediate area of the project and substantial pollutant concentrations are not expected. The closest school to the proposed project is approximately 2.7 miles from the project site. The closest residence not on the parcel is approximately 500 feet northwest from the subject project area. The existing residence on the subject parcel is approximately 300 feet from the project location. The infrequent use of a modern generator that is 300-500 feet away from the nearest residences is unlikely to expose these receptors to substantial pollutant concentrations. Therefore, impacts to exposing sensitive receptors to substantial pollutant concentrations are anticipated to be **less than significant**.
- 3d. The proposed wireless telecommunication facility project includes the installation of a 30-kilowatt emergency backup generator. 30 kilowatts is equivalent to about 40 horsepower. Pursuant to the NSAQMD, generators which are less than 50 horsepower, typically are recognized as producing emissions low enough that they do not require permitting through the District. However, if additional wireless telecommunication carriers co-locate at the project site and if they request to install emergency backup generators, the total combined emissions produced, could exceed the 50-horsepower threshold. Thus, given the potential for future co-location, a permit from the NSAQMD may be required. Therefore, Mitigation Measure 3A, requiring the applicant to contact NSAQMD to determine permitting requirements is included. With the addition of Mitigation Measure 3A, impacts to air quality standards would be **less than significant with mitigation**.

Additionally, the construction phase of this project will entail some ground disturbance. Serpentine soils or ultramafic rock are not mapped on the project site, although there is still potential for these materials to be encountered during construction. The NSAQMD requires notification in the event that ground disturbance yields serpentine, ultramafic rock or naturally occurring asbestos, as outlined in Mitigation Measure 3B. Therefore, with the addition of Mitigation Measure 3B, impacts from emissions would be **less than significant with mitigation**.

NSAQMD Rule 226 requires a Dust Control Plan when site disturbance will meet or exceed one acre. This project includes disturbance within the 900 square foot lease area and 550 feet of trenching. With a very conservative estimate that the disturbance for the trenching for utilities is

the entire width of the 12-foot easement, total site disturbance would be 7,500 square feet. Therefore, a dust control plan from the NSAMD is not required and the potential adverse impact on the generation of substantial dust would be **less than significant**.

Mitigation Measures:

To mitigate potential air quality impacts associated with the project construction activities, the following mitigation measure shall be required:

Mitigation Measure 3A: Authority to Construct Permit from the Northern Sierra Air Quality Management District. Building, altering, replacing, or operating any source of air contaminants, whether portable or stationary (but not mobile), may require an Authority to Construct permit from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with California Air Resources Board under the Portable Equipment Registration Program. The applicant shall contact Joe Fish of NSAQMD at (530) 274-9360 x103 (or email at joe@myairdistrict.com) in order to determine whether or not a future generator's engine requires permitting from the NSAQMD. The results of that contact shall be documented and provided to the Planning Department prior to issuance of any improvement permits, and an Authority to Construct permit obtained if applicable.

Timing: Prior to building/grading permit issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Northern Sierra Air Quality Management District

Mitigation Measure 3B: Mitigate any asbestos discovered during construction. Prior to issuance of grading permits or improvement plans, all plans shall incorporate, at a minimum, the following asbestos control measures, which shall be implemented in the field: If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: Prior to building/grading permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department and Northern Sierra Air Quality Management District

4. BIOLOGICAL RESOURCES:

Existing Setting: The subject property is currently used for residential purposes, with a driveway, house, garage, barn, well, and septic system. Most surrounding properties are similarly developed and some include agricultural components. The subject parcel and surrounding area are predominately foothill oak-pine woodland, areas of annual grasslands, and fenced pasture areas. The proposed 900-square-foot lease area would be located within an existing clearing within an oak-pine woodland on top of a hill east of the center of the property. The proposed project would also include a vegetation management component as required by the Nevada County Office of the Fire Marshal to reduce vegetation which provides fuel for wildfires. As required by the Nevada County Fire Marshal conditions of approval, 50 feet of defensible space shall be created around the tower site by removing all flammable vegetation. Additionally, a hammerhead is required to be developed near the lease area, the driveway will need 10 feet of fuel modification from each shoulder with 15 feet of vertical clearance, and fuel shall be thinned within 100 feet of the lease area. There are no stream or riparian areas within the lease site or adjacent to it. The Biological Inventory (Beedy, 2024) prepared for the proposed project found no state or

federally listed threatened or endangered plant or animal species or any other special status species. Beedy also determined there is an absence of suitable habitat for special status species.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓		A,K,19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A,K,10,19
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A,K,10,19
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			A,L,19
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓		A,16,19
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,18,19,33

Impact Discussion:

4a. In compliance with Nevada County Land Use and Development Code Sec. L-II 4.3.12 the project area was surveyed by a qualified biologist, Edward Beedy, PhD, on March 25, 2024 (Beedy, 2024). The Inventory evaluated the potential for Special Status plants and wildlife, landmark trees or oak groves and Waters of the U.S. to occur on or adjacent to the project site, as well as reviewed the property for locally protected resources per the requirements of Nevada County General Plan.

The project area is within the range of a number of special-status animal species that are of concern to USFWS and CDFW including the western pond turtle (*Clemmys marmorata*), foothill

yellow-legged frog (*Rana boylei*), and California red-legged frog (*Rana aurora draytonii*). None of these species have been recorded within or near the project area and there are no ponds, creeks, or other wetland habitats in or near the project area to support them. Similarly, there is no potential habitat in the project area for special-status birds such as black rail (*Lateralis jamaicensis*) since they require shallow, emergent wetlands, or for California spotted owl (*Strix occidentalis occidentalis*) since they require mature conifer forests.

No threatened or endangered plants were found during the field surveys, nor does the property offer suitable habitat for any special-status plants. Three state- or federally-listed plant species are found within the USGS quadrangles surrounding the project area: 1) Scadden Flat checkerbloom (*Sidalcea stipularis*); 2) Stebbins' morning-glory (*Calystegia stebbinsii*); and 3) Pine Hill flannelbush (*Fremontodendron decumbens*). Scadden Flat checkerbloom occurs at the edges of cattail marshes near the Nevada County Fairgrounds (CNDDDB 2023), approximately 11.5 miles from the Dog Bar project area. No suitable habitat for this very rare plant is found on the project area. The latter two species are endemic to gabbroic soils (occasionally serpentine), occurring on the "Secca" gabbro soil series in Nevada County. No gabbroic or ultramafic substrates are indicated for the project area in the Nevada County Soil Survey.

Therefore, project impacts on on any species identified as a candidate, sensitive, or special status species will be **less than significant**.

- 4b,c The project biologist, Edward Beedy, determined that there are no Waters of the U.S. or Wetlands present in the project area as defined by the U.S. Army Corps of Engineers. Additionally, a biological resources report from Trileaf, determined that the site is not located in a recognized wetland and no jurisdictional wetlands will be impacted by the installation of the proposed facility. Furthermore, the Trileaf biologist, Samantha Neary, determined that waters of the U.S. were absent from the site and no water bodies having a perceptible OHWM were identified on site or adjacent to the site. Therefore, there will be **no impact** on riparian habitat and wetlands.

The proposed 900 square foot communication tower lease area includes a vegetation management component as required by the Nevada County Office of the Fire Marshal to reduce vegetation which provides fuel for wildfires. The project area is within oak-pine woodland, and oak woodlands are considered a sensitive natural community by the Nevada County Land Use and Development Code. The project biologist, Ted Beedy, assessed the project including the fuel modification and determined it will not impact the oak woodlands. However, Beedy provided Mitigation Measure 4B to reduce spillage of oil and other contaminants. Based on the updated report, the impacts to sensitive natural habitats, including oak woodlands will be **less than significant with mitigation**.

- 4d The proposed communication tower will not impact migratory fish because there are no waterways on the project parcel. The Nevada County GIS portal shows the parcel has a resident herd deer area which is not one of the major deer habitats defined by 4.3.7 of the LUDC. Additionally, the 30 foot by 30 foot lease area is not anticipated to impact the migrations of deer and other wildlife because the surrounding parcel and area overall has very low density development which allows free movement of wildlife. The proposed Site is not located within a principal migratory bird flyway and no nests or nesting activity were observed during the biological assessment field survey. However, it is still possible that bird nests could be built within the area after the biological survey and prior to construction. Therefore, Mitigation Measure 4A is proposed to reduce impacts to nesting birds and Mitigation Measure 4C is proposed to inform workers of the Mitigation Measures. California Fish and Wildlife classifies the

area has having conservation planning linkages, but due to the size of the tower lease area being only 900 square feet and the project area not being defined as an irreplaceable and essential corridor, impacts on the movement of wildlife species is anticipated to be **less than significant with mitigation**.

- 4e. Nevada County has a number of local policies and ordinances that protect biological resources, including deer habitat; rare, threatened, and endangered species and their habitats; timber resources; and watercourses, wetlands, and riparian areas. According to the project biologist, a site visit from the Nevada County Planning Department, and the United States Geological Survey, there are no watercourses, wetlands, or riparian areas. The project is within the range of a number of special status species, but none of these species have been recorded within or near the project site and there is no potential habitat to support them. The Nevada County GIS portal shows the parcel has a resident herd deer area which is not one of the major deer habitats defined by 4.3.7 of the LUDC. Additionally, the 30 foot by 30 foot lease area is not anticipated to impact the migrations of deer and other wildlife because the surrounding parcel and area overall has very low density development. A portion of the proposed conduit route passes through oak-pine woodlands meet the definition of Landmark Groves, since they have 33 percent or greater canopy closure, but the route delineated on the ground would avoid the crowns and root structures of all trees and none would be affected by the proposed project. Therefore, impacts to local ordinances or policies protecting biological resources will be **less than significant**.
- 4f. The project site is not part of a Habitat Conservation Plan or any other adopted conservation plans; therefore, there project would have **no impacts** or conflicts with adopted conservation plans.

Mitigation Measures:

To reduce potential impacts to sensitive biological resources, the following mitigation is required to be outlined on project construction plans for implementation during project construction:

Mitigation Measure 4A. Avoid Impacts to Nesting Birds. If construction occurs during the active bird nesting season (i.e., March 1 to July 31) a qualified biologist should perform a pre-construction nesting bird survey to ensure that no active bird nests are disturbed or destroyed. If, however, construction occurs before March 1 or after July 31 no mitigation would be required.

Timing: *Prior to building/grading permit issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4B. Avoid Spillage of Oils and Other Contaminants. The contractor shall exercise every reasonable precaution to protect the project site from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil and washwater shall be prevented from discharging onto the ground at the construction site.

Timing: *Prior to building permit/grading issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

Mitigation Measure 4C. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of

these mitigation measures and any other permit requirements to the contractors prior to grading and construction.

Timing: Prior to building/grading permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

5. CULTURAL RESOURCES:

Existing Setting: The subject parcel is located in Western Nevada County, with the proposed lease area being located at an elevation of approximately 2,214 feet above mean sea level. This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations. The proposed project area is situated in the Sierra Nevada foothills about 0.2 miles south of an intermittent stream.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines?		✓			A,J,22
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?		✓			A,J,22
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A,J,22

Impact Discussion:

5a-c. A records search at the North Central Information Center (CSU-Sacramento) has been prepared for this project site. The results of that search indicated there are 0 recorded indigenous-period/ethnographic-period cultural resources and 0 recorded historic-period cultural resources. Outside of the proposed project area, but within the 1/4 -mile radius, the broader search area does not contain any evidence of indigenous-period/ethnographic-period cultural resources or historic-period cultural resources. Given the extent of known cultural resources and the environmental setting, there is low potential for locating indigenous-period/ethnographic-period cultural resources within the proposed project area. This conclusion is based on the extent of known cultural resources and patterns of local history for the area. This area is considered not to be sensitive for cultural and historic resources.

However, given that there is some amount of ground disturbance required for this project, there is a potential for unanticipated discovery of cultural resources, including historic, prehistoric, and paleontological resources, during project construction. Consistent with Nevada County Land Use Code Section L-II 4.3.6.C.5., the Conditional Use Permit is required to include the following:

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.

While cultural resource discovery has been determined to be unlikely, Mitigation Measure 5A is proposed that would require construction to be halted in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. With the inclusion of proposed Mitigation Measure 5A and 18A, impacts to these resources will be **less than significant with mitigation**.

Mitigation Measure:

To mitigate potentially adverse cultural or historical resources impacts associated with the proposed activities on site, the following mitigation measure shall be required:

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Cultural Resources are Discovered during Project Construction. All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 200 feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Timing: *Prior to building permit/grading issuance and during construction*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

6. ENERGY:

Existing Setting:

The project site is developed with a residence and other residential accessory uses such as a garage and a barn. There is a utility pole for electrical service east of the project parcel, located across Dog Bar Road.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation?			✓		A
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓	A,D

Impact Discussion:

- 6a. The proposed telecommunication tower and equipment facility would be unmanned. Technicians would only be on-site for testing and maintenance of equipment. A 30-kilowatt stand-by generator would be installed for emergency use during power outages. The development area is fairly small, at about 900 square feet plus the driveway and utility trenching. It is not anticipated that this will be an energy intensive construction project. The project does not require energy resources beyond what is required to operate the telecommunications tower and facility. The site would be powered by electric service that is already established in the area. Due to the scale of the project, the use of energy resources would not be excessive and therefore, the project would have a *less than significant impact*.
- 6b. The telecommunications tower and equipment facility would not conflict with any state or local plans for renewable energy or energy efficiency. Building permits would be required in order to construct the project. As part of the building permit review, all equipment and structures would be required to meet energy standards identified in the California Building Code. Likewise, the project would not obstruct or prevent plans for renewable energy or efficiency. Therefore, the project would have *no impact* to state or local plans for renewable energy or energy efficiency.

Mitigation:

None Required.

7. GEOLOGY / SOILS:

Existing Setting: The proposed lease area and subject monopine lie at a ground elevation of approximately 2,214 feet above mean sea level (AMSL). The lease area is in mountainous terrain and is located on a hill that is approximately 21% slope based on the USGS topographic maps.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone and is approximately 4.3 miles east of the nearest fault, which is the Wolf Creek Fault. The Wolf Creek Fault is a late- quaternary fault that occurred during the last 700,000 years. The project site is located within Seismic Zone I-II—the Low Intensity Zone of the Modified Mercalli scale—meaning the site has a low risk for strong ground motion (Nevada County, 1991). Very high landslide hazards are not identified on the project parcel by the California Geological Survey.

According to the United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey, the parcel is 30.8% Boomer loam, 5 to 15 percent slope; 54.7% Boomer, hard bedrock – Rock outcrop complex; and 14.5% Sites very stony loam. On Boomer loam (5 to 15%) and Boomer-Rock outcrop (5 – 30%), runoff is slow to medium and the hazard of erosion is slight to moderate. On Sites very stony loam (2-15%), runoff is medium and hazard of erosion is slight to moderate. The project site is within the Boomer hard bedrock portion of the parcel.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?			✓		A,L,12,16 ,31, 32
b. Result in substantial soil erosion or the loss of topsoil?			✓		A, D, 11, 26
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓		D,L,12,16 , 32
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓		A,D, 11, 26
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A,L

Impact Discussion:

7a-d. The topography of the lease area is generally flat, but the existing driveway is mildly sloped and contains areas of approximately 20% percent slope. Development of the lease area would not require extensive grading and the only improvements to the existing dirt access would be the

construction of a hammerhead turnaround near the lease area. Project disturbance would be less than one acre, not triggering the requirement for a Dust Control Plan from NSAQMD. Project development would require issuance of a County Building Permit, which would require all structures, including the tower and the equipment cabinets, to comply with all California Building Code (CBC) and Nevada County Land Use and Development Code requirements to ensure protection during seismic events and would require typical erosion and dust control measures.

As part of the project improvements and site inspections by the Building Department, soil compaction testing would be required for the grading at the site and where the telecommunications tower would be installed. Therefore, as required by the Nevada County Building Department and General Plan Policy GH – 10.2.2, the project would be conditioned to require the submission of 2 sets of wet stamped/signed final geotechnical evaluation reports at the time of the submission of the Building Permit. The purpose of the geotechnical report is to ensure that the proposed project complies with all soil stability requirements of the California Building Code. Drainage calculations to ensure offsite drainage is not impacted would also be required at the time of building permit submittal. The Boomer, hard bedrock – Rock outcrop has slight to moderate hazard of erosion depending on the slope. Due to the lease area being generally flat, the erosion hazard is anticipated to be slight and no expansive soils are noted in the soil descriptions of the 1993 Nevada County Area Soil Survey. As proposed, it is anticipated that the monopine and supporting structure would meet all structural design requirements of the California Building Code and the Nevada County Land Use and Development Code. Furthermore, the project area is not in an area that is mapped with high landslide activity (California Geological Survey Map, Sheet 58, 2011). Therefore, given the above condition of approval requirement it is anticipated that project impacts to geologic and seismic hazards would be **less than significant**.

No specific potential hazards have been identified for the project site. According to the California Department of Conservation (2010), Nevada County is not in an Alquist-Priolo Earthquake Fault Zone. There may be some minor ground vibrations caused by the construction activities at the project site, but ground shaking is not expected to be substantial. Due to the project site and standard building permit requirements, impacts associated with unstable earth conditions are expected to be **less than significant**.

- 7e. The proposed facility would be unstaffed with only infrequent short maintenance visits by technicians; it does not include a restroom or other facility requiring wastewater disposal; therefore, there would be **no impact** related to wastewater disposal.
- 7f. There are no known paleontological resources or unique geological features in or around the project site. Being that there will be ground disturbance for grading and the installation of the telecommunications tower and equipment facility, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be **less than significant with mitigation**.

Mitigation:

See Mitigation Measure 5A.

8. GREENHOUSE GAS EMISSIONS:

Existing Setting: Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related

concept, is the observed increase in the average temperature of the earth’s surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth’s temperature. Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from industrial, commercial, transportation, domestic, forestry, and agriculture activities. CO₂ emissions are largely from fossil fuel combustion and electricity generation. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. Global warming adversely impacts air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and causes an increase in health-related problems.

To reduce emissions of greenhouse gases, the California Legislature enacted AB 32 (Núñez and Pavley), which is referred to as the California Global Warming Solutions Act of 2006 (September 27, 2006). AB 32 provided initial direction on creating a comprehensive, multiyear program to limit California’s GHG emissions at 1990 levels by 2020, and initiate the transformations required to achieve the state’s long-range climate objectives. In April 2015, the California Air Resources Board issued Executive Order B-30-15 to set an interim target goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80 percent below 1990 levels by 2050 as set forth in EO S-3-05. SB 32, enacted in 2016, codified the 2030 the emissions reduction goal of CARB Executive Order B-30-15.

In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions when necessary. Continuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state, but especially for the state’s most disadvantaged communities, as those communities are affected first, and, most frequently, by the adverse impacts of climate change, including an increased frequency of extreme weather events, such as drought, heat, and flooding.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓		A,F,20
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			✓		A,F,20

Impact Discussion:

8a-b. California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. Nevada County and Placer County are both within the Mountain Counties Air Basin. Nevada County is within the jurisdiction of the Northern Sierra Air Quality Management District, but the NSAQMD has not adopted thresholds of significance for greenhouse gases. However, Placer County Air Pollution Control District has adopted thresholds of significance for greenhouse gases. Due to greenhouse gas emissions being not only a regional but also a global concern, and the similarities between the neighboring air districts, it was determined that the Placer APCD thresholds are relevant standard for the determination of significance.

The California Emissions Estimator Model (CalEEMod) does not provide adequate inputs for unstaffed communication tower facilities. Use of default inputs generally results in a gross overestimation of emissions. For this reason and because the project is relatively small and would result in a very short construction period with very few operational vehicle trips, CalEEMod was not used for this study.

Carbon dioxide (CO2) is the main component of greenhouse gases. Placer County AQMD’s bright-line CO² equivalent threshold is equivalent to a project size of approximately 646 single-family dwelling units, or a 323,955 square feet commercial building. The proposed project facility would be unstaffed and would not contribute substantially to more vehicle trips than existing conditions. The project proposes the installation of a 30 kW diesel backup generator to power the facility if electrical service is lost. The proposed generator is a 2.2 liter EPA certified stationary emergency generator that would only be used for testing, maintenance, and emergencies. As part of the project Conditions of Approval, any backup generators would be required to meet permit requirements by the Nevada County Building Department and the Northern Sierra Air Quality Management District, and would also be designated for limited use. Given the limited use of EPA certified generator and intermittent visits by service vehicles, greenhouse gas emissions associated with the 129-foot tall monopine would be **less than significant** because the project is substantially less intensive than the Placer County AQMD bright-line CO² equivalent threshold.

Mitigation Measures:

None required

9. HAZARDS / HAZARDOUS MATERIALS:

Existing Setting: The property is not within or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control 2010). The project area is in a High Fire Hazard Severity Zone as designated by Cal-Fire. The project is not located within ¼ mile of an existing or proposed school.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine			✓		C, 29

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
transport, use, or disposal of hazardous materials?					
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓		C, 29
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	C,L
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?				✓	C,25
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?		✓			A,L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H,M
g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓		A,M

Impact Discussion

9a-b. The standby generator would require the transport of diesel fuel to a 210-gallon storage tank. Hazardous material storage must comply with the California Health and Safety Code Chapter 6.95, and the applicant would have to file a chemical business plan and inventory with the Nevada County Environmental Health Department within 30 days of triggering threshold quantities. Consistent with Nevada County Department of Environmental Health requirements, the applicant would have to apply for and obtain a permit for the storage of hazardous materials from the Nevada County Department of Environmental Health, Certified Unified Program Agency (CUPA). The operator would be required to secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations. The applicant would be required to adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 – 25519 and 25100 – 25258.2 including the electronic reporting requirement to the California Environmental Reporting System.

Small quantities of hazardous materials would be stored, used, and handled during construction. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards.

The Federal Communications Commission (FCC) is the government agency responsible for the authorization and licensing of facilities such as cellular towers that generate RF radiation. Radiofrequency (RF) radiation emanates from antenna on cellular towers and is generated by the movement of electrical charges in the antenna. The energy levels it generates are not great enough to ionize, or break down, atoms and molecules, so it is known as “non-ionizing” radiation. For guidance in health and safety issues related to RF radiation, the FCC relies on other agencies and organizations for guidance, including the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and OSHA, which have all been involved in monitoring and investigating issues related to RF exposure. The FCC has developed and adopted guidelines for human exposure to RF radiation using the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), with the support of the EPA, FDA, OSHA and NIOSH. According to the FCC, both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate wide safety margins. Under the National Environmental Policy Act (NEPA) the FCC is required to evaluate transmitters and facilities for significant impacts on the environment, including human exposure to RF radiation. When an application is submitted to the FCC for construction or modification of a transmitting facility or renewal of a license, the FCC evaluates it for compliance with the RF exposure guidelines, which were previously evaluated under NEPA. Failure to show compliance with the FCC’s RF exposure guidelines in the application process could lead to the additional environmental review and eventual rejection of an application. The Radio Frequency – Electromagnetic Fields Exposure Report prepared by Dtech communications, predicted that for a person standing in accessible areas on the ground, the proposed Verizon site has exposure levels below the FCC’s most stringent General Population MPE limits. If additional carriers were to seek co-location on this tower, they would be subject to the FCC permitting and compliance.

Lastly, it should be noted that Section 704 of the Telecommunications Act of 1996 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”. Because the proposed facility would operate under federally mandated limits on RF radiation for cellular towers and is regulated by the FCC in this respect, the County may not regulate the placement or construction of this facility based on the RF emissions. Therefore, impacts related to hazardous materials released from or generated by this project are anticipated to be **less than significant**.

- 9c. The project site is not located adjacent to, or within a quarter mile of, any schools. Therefore, the project would have **no impact** relative to the handling or emitting of hazardous materials in close proximity to a school.

- 9d. The cellular telecommunication tower facility is not proposed on or near a property that is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; there would be **no impact** relative to creating a significant hazard to the public or the environment due to the project site.
- 9e. The project site is not located within an airport land use plan and is approximately 3.0 miles from the nearest airport – the Alta Sierra Airport, located northwest of the project site. In addition, the project site is located approximately 9.2 miles from the Nevada County Airport. While it is not anticipated that the FAA would consider the proposed monopine an obstruction, the requirement of the submission of the FAA’s findings will ensure that the proposed project would not result in a safety hazard for people residing or working in the project area or for operating aircraft and would result in the project impacts being **less than significant with mitigation** which is proposed herein as Mitigation Measure 9A.
- 9f. There is currently no adopted emergency response plan for the project area. However, Nevada County has a Wildfire Evacuation Plan, a Basic Emergency Plan, and a Local Hazard Mitigation Plan. It is not anticipated that these plans would be adversely impacted by the communication tower. It is likely that increased cellular coverage would help with the issuance of emergency alerts. Due to the project being an unstaffed cellular tower facility that would not have full-time occupants and the lack of an adopted emergency response plan in the area, the project would not impair implementation of, or physically interfere with, adopted emergency response plans, and **no impact** on any emergency response plan would occur as a result of the project.
- 9g. The Office of the Fire Marshal reviewed the project and did not express any concerns about the construction and operation of the telecommunication tower. The Office of the Fire Marshal is requiring as a Condition of Approval that the applicant provide a 50-foot radius of defensible space around all communication equipment and the tower itself. This defensible space will be required to be verified through an inspection. The fire marshal is also requiring that a hammerhead turnout be constructed approximately 50 feet from the technician parking area so that an emergency vehicle can turn around. The driveway is conditioned to have 10 feet of vegetation clearance on each side to reduce the fire risk. Due to the tower being unmanned and the vegetation clearance, the proposed project would not expose people or structures to wildland fires, and therefore would have a **less than significant impact**.

Mitigation Measures:

To mitigate potentially adverse impacts associated with hazards and hazardous materials, the following mitigation measures shall be required:

Mitigation Measure 9A: Submission of a 7460-1 Notice of Proposed Construction or Alteration application.

Prior to issuance of the Building Permit or Grading Permit, the applicant shall submit a 7460-1 application for approval from the Federal Aviation Administration of the evaluation of the proposed wireless telecommunication facility, which is in compliance with Title 14 of the Code of Federal Regulations, Part 77. The applicant shall demonstrate that the proposed monopine has been evaluated by the Federal Aviation Administration through the submission of the results of the evaluation to the Planning Department.

Timing: Prior to building permit/grading issuance

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

10. HYDROLOGY / WATER QUALITY:

Existing Setting: The United States Geological Survey Map does not identify any waterbodies or watercourses on the subject parcel. The Trileaf biological inventory determined that waters of the U.S. and waterbodies having a perceptible ordinary high-water mark are absent from the site. Trileaf also determined that the site is not located in a recognized wetland. The biological inventory from Nevada County pre-qualified biological consultant Ted Beedy determined that no Waters of the United States or Wetlands, as they are defined by the U.S. Army Corps of Engineers exist within the project area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✓		A,C,I,20
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓	C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv. impede or redirect flood flows? 			✓		A,D,9,19
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	A,9
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓	A,D,19

Impact Discussion:

10a,c. The project, as proposed is consistent with all water quality standards and waste discharge requirements. Grading for the project is minimal and will not significantly modify topography nor affect existing drainage patterns. The proposed project will include about 112 square feet of concrete pads for equipment and the rest of the surfacing within the 900 square foot lease area will be gravel. This addition of 112 square feet of impervious surface is not anticipated to alter the existing drainage pattern of the site area due to the relatively minor size. Access to the proposed site would come from an existing dirt road which is located off Dog Bar Road. The Nevada County Development of Public Works reviewed the project and determined that road improvements are not necessary.

Project improvements would not substantially increase the overall surface water runoff. The project Conditions of Approval from the Building Department require complete erosion, control, drainage, construction, and utility plans to be submitted for review at time of building/grading permit submittal. All additional drainage caused by the project will be required to be kept on site, without causing additional net stormwater runoff or concentrated flows that that would impact off-site properties. The drainage design is required to be designed and certified by a registered civil engineer, and it will be reviewed by the Building Department prior to improvement permits being issued. Additionally, as noted in Section 6 *Geology/Soils*, all projects must implement erosion control during construction under Land Use and Development Code Section V, Article 13. With implementation of the standard requirements, the project would not violate any water quality standards or substantially degrade water quality. Therefore, impacts related to drainage, erosion, and mudflow would be **less than significant**.

10b. The proposed communication tower facility is unstaffed and does not have any water need. The proposed project will therefore have **no impact** on the existing wells on this or any of the adjacent parcels.

10d,e. There is no flood hazard or designated flood zone on the project site. Furthermore, the project is not in a tsunami or seiche zone, and it does not include housing, or conflict with or obstruct the implementation of a water quality control plan. It does not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, there would be **no impact** associated with the placement of the telecommunications tower and equipment facility on flood zones or water quality control plans.

Mitigation Measures:

None required.

11. LAND USE / PLANNING:

Existing Setting: The proposed wireless telecommunication facility is proposed in Western Nevada County on a 14.72-acre parcel with a General Agriculture (AG-20) zoning designation. The property has a 20-acre minimum parcel size and a Rural-20 (RUR-20) General Plan designation.

The nearest residence would be located on the adjacent parcel to the south and would be located approximately 500 feet from the proposed communication facility lease area. The adjacent parcels are zoned General Agriculture with minimum parcel sizes of 20-acres (AG-20) and have General Plan designations of Rural with minimum parcel sizes of 20-acres (RUR-20). Adjacent

parcels and several parcels in the area range in size from approximately 1.27 acres to 9.9 acres and contain single-family residences and/or agricultural components.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				✓	A,17,18
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓		A,B,18,19

Impact Discussion:

- 11a. The project is located in a rural area and it would not physically divide an established community. The project takes place on a 14.72-acre parcel with a total lease area of 900 square feet for the telecommunications tower site and facility; therefore, there would be **no impact** to the physical divide of a community from this project.
- 11b. The AG zoning district provides areas for a range of agricultural uses and support services and facilities. This district allows for more intensive uses, as long as they are not determined to be incompatible with agriculture. Communications towers are an allowable use with an approved Use Permit in AG zoning districts. The development of the tower and facility would not interfere with future agricultural uses on the site or the surrounding area. As discussed in the Aesthetics section of this Initial Study, privacy slats or solid fencing would be required which could screen mechanical equipment, as required by Section L-II 4.2.11 of the Nevada County Land Use and Development Code.

The proposed facility would be approximately 201 feet from the nearest property line (southern) and it would be approximately 230 feet or more from all other property lines, which provides for a large buffer to other land uses. There are no adopted area plans for the project location. The project supports Nevada County General Plan Policy 1.7.18 which seeks to “encourage and support a sustainable and technologically current high-speed broadband transmission system...”. Potential conflicts with applicable land use plans, policies, or regulations that could result in physical impacts are identified within this Initial Study and are found to be less than significant. Therefore, impacts related to land use policy inconsistency and land use incompatibility are considered **less than significant**.

Mitigation Measures:

None required.

12. MINERAL RESOURCES:

Existing Setting: The project area is not mapped within a significant Mineral Resource Zone (MRZ) or area of known valuable mineral deposits (*Nevada County 2017*).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓	A,L,1
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓	A,L,1

Impact Discussion:

12a-b. The proposed project is not mapped within a known mineral resource area or MRZ and would not change existing or potential land uses on the project site, therefore there would be **no impact** to mineral resources.

Mitigation Measures:

None required.

13. NOISE:

Existing Setting: The project site is located within a Rural-20 General Plan land use designation and is zoned General Agriculture (AG-20). Adjacent land uses are primarily developed with single family homes and ranch/agricultural uses. The closest residence would be located northwest on the adjacent parcel at approximately 500 feet from the proposed lease area. Other than natural noises, ambient noise sources include the occasional vehicle traveling past. The Nevada County LUDC Section L-II 4.1.7 establishes noise standards for Rural land use categories at the following average levels:

- 7 a.m. to 7 p.m. – 55 dB Leq and maximum 75 dB Lmax
- 7 p.m. to 10 p.m. – 50 dB Leq and 65 dB Lmax
- 10 p.m. to 7 a.m. – 40 dB Leq and 55 dB Lmax

The Land Use and Development Code Sec. L-II 4.1.7.C.8., states that the above standards shall not apply to those activities associated with the actual construction of a project or to those projects with the provision of emergency services or functions.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓			A,17,18, 24, 34
b. Generation of excessive ground borne vibration or ground borne noise levels?		✓			A,18,24

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.				✓	A,18,24

Impact Discussion:

13a. The project as proposed would incorporate a 30kW emergency back-up generator for use during extended power outages. The noise of the proposed generator was estimated at the nearest property line using the manufacturer noise specification sheet and an online noise calculator. The nearest property line from the generator is 187 feet away. At 23 feet away, the Generac sound data show the generator within a level 2 sound attenuated enclosure will emit 62 decibels at full-load towards that property line based on how the generator is oriented on the site plan. According to the Omni Distance Attenuation Calculator, this would result in 43.8 decibels at the southern property line. This would exceed the County nighttime (10 pm – 7 am) noise energy equivalent level, defined as the average sound level on the basis of sound energy, of 40 decibels. None of the other county noise standards would be exceeded. It is likely that the noise level at the project site would actually be lower. The Generac sound data was recorded on a 100-foot diameter asphalt surface, while the project site is dirt and surrounded by trees and other vegetation. The trees and vegetation will provide some level of noise buffering.

Regardless, the generator would only be used in the case of an emergency power outage. Pursuant to Section L-II 4.1.7 of the Nevada County Land Use and Development Code, the noise standards do 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. Communication is important during an emergency and the use of a generator to maintain the operation of the communication tower during an emergency is considered to be part of an emergency function. However, Mitigation Measure 13B is proposed to require that the generator be installed with a Level 2 sound enclosure due to the analysis of this section being based on sound data for a generator within a level 2 attenuated enclosure, which was provided by the applicant.

It is assumed that the generator will be maintained and tested weekly or bi-weekly. Due to the noise of the generator exceeding the nighttime noise standards, Mitigation Measure 13C is proposed to require that testing and maintenance only occurs during daytime hours. Therefore, the noise impacts for this project, including potential additional carriers for co-location, would be **less than significant with mitigation**.

13b. Construction noise and any potential ground vibration during the construction activities could impact nearby residents. This impact would be less than significant with mitigation as recommended in Mitigation Measure 13A, below, which limits construction activity hours to between 7 a.m. and 7 p.m., Monday through Friday. After the completion of the tower construction project, the ongoing operation of the facility would be less than significant as noted above. With Mitigation Measure 13A, any construction noise impacts would be reduced to a level that is **less than significant with mitigation**.

13c. The proposed project is an unstaffed communication facility located 3.0-miles from the closest airport, the Alta Sierra Airport. The site is unmanned and not within the vicinity of an airport. Therefore, the project would not expose any future occupants to excessive airport noise levels. There would be **no impacts** related to airport noise.

Mitigation Measure:

To reduce potentially significant impacts associated with construction noise, the following mitigation measure shall be noted on project plans:

Mitigation Measure 13A: Limit construction activities to reduce noise impacts. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday. 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.

Timing: Prior to building permit/grading issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 13B: Installation of Sound Enclosure. The generator shall be configured with a Level 2 sound attenuated enclosure. This requirement shall be noted on the site plan and documentation verifying the Level 2 sound attenuated enclosure shall be provided to the Planning Department prior to final of the building permit.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

Mitigation Measure 13C: Prohibition of Nighttime Generator Testing. The generator shall only be operated for non-emergency functions such and maintenance and testing between the hours of 7 AM and 10 PM. If the generator is programmed to run automatically, the start-up schedule shall be provided to the Planning Department. This requirement shall be noted on the site plan.

Timing: Prior to building permit issuance/final

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

14. POPULATION / HOUSING:

Existing Setting: The subject property is currently developed with an existing single-family residence, garage, barn, solar array, and private driveway. The project site is zoned AG-20. Residential uses are allowed but only at one unit per 20 acres for new subdivisions.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓	A,17,18
b. Displace substantial numbers of existing				✓	A,17,18

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
people or housing, necessitating the construction of replacement housing elsewhere?					

Impact Discussion:

14a,b. The proposed project would continue the same general type of land use currently developed and designated for this site and would not result in population growth or displacement of housing or people. Therefore, the proposed project would have **no impact** related to these issues.

Mitigation Measures:

None required.

15. PUBLIC SERVICES:

Existing Setting: The following public services are provided to this site:

Fire: Higgins Fire District provides fire protection services to this site.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: Nevada Joint Union and Pleasant Ridge School District provides school services to this site.

Parks: Bear River Park District provides recreation facilities and opportunities.

Water & Sewer: There is no public water or sewer service available in this area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					
1) Fire protection?			✓		H,M
2) Police protection?				✓	A
3) Schools?				✓	A,L,P
4) Parks?				✓	A,L
5) Other public services or facilities?				✓	A,B,L

Impact Discussion:

15a.1 The project is not anticipated to have significant impacts on fire protection services. It would include the installation of electrical services to the project site, equipment, and batteries. As

discussed in Section 9 *Hazards/Hazardous Materials*, defensible space would be required to reduce fire fuels around the project site. There would not be any alterations required for fire protection facilities and no new facilities are proposed. It is likely that the additional cellular coverage provided by the tower would increase capacity to issue emergency alerts to citizens. Given that there would be a possible need for fire protection services, but there would be no alteration in fire facilities, the impact is considered to be **less than significant**.

15a.2-5 The project facility is unstaffed and not anticipated to impact law enforcement services, schools, public recreational facilities, or public services. As noted in Section 14 *Population/Housing* above, the project would not result in a permanent or substantial temporary increase in population that could impact these services. The project would not impact sewer services or water services because the project does not require these services. The shelter and tower would utilize PG&E electrical service. Utility lines would be trenched and connected to an existing utility pole on the eastern side of Dog Bar Road. No comments have been received from PG&E regarding this project. **No impacts** are anticipated for police protection, schools, parks, and public utility services.

Mitigation Measures:

None required.

16. RECREATION:

Existing Setting: There are no recreation facilities in the project vicinity. The project is located in the Bear River Recreation benefit zone.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓	A
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓	A

Impact Discussion:

16a,b. The project would not adversely affect recreation facilities because they are not on or near the project site. The facility would be unstaffed and would therefore not create demand for recreational services or increase the use of existing recreational facilities. Therefore, the proposed project would have **no impact** related to these issues.

Mitigation Measures:

None required.

17. TRANSPORTATION / CIRCULATION:

Existing Setting: The project parcel is located off of Dog Bar Road, which is maintained by the County of Nevada and classified as a major collector. A collector is a street connecting arterials to local roads. The proposed communication tower would be accessed by an existing 12-foot wide dirt road which is about 1,400 feet long.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?				✓	A,B
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			✓		A,B
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓		A,B
d. Result in inadequate emergency access?			✓		A,B,H,M

Impact Discussion:

- 17a. The site would not conflict with any policies regarding transit, roadway, bicycle, or pedestrian facilities. Existing transit service are not available in this area and would not be affected by the project. The project would have **no impact** regarding these policies or services.
- 17b. CEQA Section 15064.3 - Determining the Significance of Transportation Impacts describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project.

According to the Senate Bill 743 Vehicle Miles Traveled Implementation, adopted by the Nevada County Transportation Commission, a project's or plan's VMT impact may be considered less than significant if "the project or plan total weekday VMT per service population is equal to or less than "X" percent below the subarea mean under baseline conditions" and "the project or plan is consistent with the jurisdiction's general plan and the Nevada County Regional Transportation Plan."

A specific reduction "X" below subarea baseline VMT may be selected by each jurisdiction based on key factors such as the setting (as noted in CEQA Guidelines Section 15064(b)(1)), evidence related to VMT performance, and policies related to VMT reduction.)

However, analysis of smaller, less complex projects can be simplified by using screening criteria. The Office of Planning and Research suggest that screening thresholds may be used to identify when land use projects should be expected to cause a less than-significant impact without conducting a detailed study. Screening thresholds identified by the Nevada County

Transportation Commission (NCTC) Senate Bill 743 Vehicle Miles Traveled Implementation document include:

- Projects in western Nevada County consistent with a Regional Transportation Plan (RTP) or General Plan that generate less than 630 VMT per day. This value is based on the CEQA exemptions allowed for projects up to 10,000 square feet as described in CEQA Guidelines Sections 15303. The specific VMT estimate relies on the vehicle trip generation rate contained in the OPR Technical Advisory for small project screening and average vehicle trip lengths for western Nevada County using the travel forecasting model.

A technician for each carrier is expected to travel to the site once a month for service. If three more carriers are added to the site, the most vehicle miles traveled would be for four roundtrip traffic trips to the site per month, which is substantially below the screening criteria of 630 VMT per day. Additional vehicle trips during the construction phase of the tower are anticipated as well, but these impacts will be temporary and unlikely to exceed the screening criteria.

The Nevada County Department of Public Works reviewed the project and determined it is unlikely to create substantial draw and thus, would only have minimal impacts related to VMT's. Further, the project is consistent with the General Plan and Zoning intensities for the project site and surrounding area. Thus, given the above discussions, the proposed project is anticipated to have **less than a significant impact** on CEQA Guidelines Section 15064.3, subdivision (b).

- 17c,d The proposed project would take site access from a private dirt road off of Dog Bar Road. Dog Bar Road is county-maintained mileage and the Department of Public Works determined that the dirt access road does not require improvements. The project will not impact Dog Bar Road and any work within the Right of Way would require an encroachment permit from the Department of Public Works. The Office of the Fire Marshal has reviewed the proposed project and required fuel modification along the dirt driveway and the installation of a hammerhead turnaround. Due to the limited traffic generated by the project and the access that is deemed adequate with the fuel management and installation of a turnaround, impacts to traffic hazards and emergency access are anticipated to be **less than significant**.

Mitigation Measures:

None required.

18. TRIBAL CULTURAL RESOURCES:

Existing Setting: Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Tribal Cultural Resources include sites, features, and places with cultural or sacred value to California Native American Tribes. This region is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and foothills; they also periodically traveled to higher elevations. The proposed project area is situated in the Sierra Nevada foothills and is not near any intermittent streams or waterbodies.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 		✓			J,22
<ul style="list-style-type: none"> ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 		✓			J,22

Impact Discussion:

18a.i-ii Nevada County Staff sent an invitation to the United Auburn Indian Community (UAIC), the Shingle Springs Bank of Miwok Indians, T’si Akim Maidu, and the Nevada City Rancheria Nisenan Tribe to begin AB 52 consultation for the project because the monopine cellular telecommunication facility is located in the Western portion of Nevada County. No correspondence has been received from the tribes at this time.

As discussed in Section 5, a records search of the California Historic Resources Information System (CHRIS) was conducted by the North Central Information Center (NCIC) on July 28, 2023, for cultural resource site records and survey reports within a quarter of a mile radius of the proposed project area. The results of that search indicated there are 0 recorded indigenous-period/ethnographic-period cultural resources and 0 recorded historic-period cultural resources on the project site or within a quarter mile of the project site. This area is considered not to be sensitive for cultural and historic resources. While cultural resource discovery has been determined to be unlikely, Mitigation Measure 5A is proposed that would require construction to be halted and local tribes to be notified in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. Additionally, Mitigation Measure 18A is proposed which would require that a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with the geographic area be immediately notified if any suspected Tribal Cultural

Resources (TCRs) are discovered during ground disturbing construction activities. All work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. With these protections in place, impacts to Tribal Cultural Resources would be **less than significant with mitigation**.

Mitigation Measures:

To offset potentially adverse impacts related to Tribal Cultural Resources, the following mitigation measure shall be requires:

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measures shall be required and shall be included as notes on all future site plans: If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

Timing: *Prior to Issuance of grading/improvement/building permits and throughout construction*

Reporting: *Planning Department Approval of Grading and Construction Permits*

Responsible Agency: *Planning Department*

19. UTILITIES / SERVICE SYSTEMS:

Existing Setting: The lease area is currently undeveloped and not served by any utilities. The existing home on the parcel is served by a well and septic system. Power is provided by Pacific Gas and Electric.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Require or result in the relocation or construction of new or expanded water,			✓		A,D

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?					
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?				✓	A
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓	C
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		✓			A,C
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓	B

Impact Discussion:

- 19a. The proposed project would not create a need for new or expanded water, wastewater treatment, storm water drainage, or natural gas facilities. Any additional storm drainage runoff generated by the project would be required to be kept on site and would not affect any off-site drainage facilities. The project would require extensions of electrical power and communication systems to the equipment facility. Electrical and conduit would be brought to the project site from an existing utility pole on the eastern side of Dog Bar Road through a utility easement. This electrical and conduit expansion would involve about 550 feet of trenching so that the conduit can be installed underground. The project itself is an extension of communication systems and all impacts from that extension are evaluated within this Initial Study. Therefore, there would be a **less than significant impact** related to these issues.
- 19b,c. The project would not require water or wastewater treatment service and therefore, would have **no impact** on sufficient water supplies or adequate wastewater treatment capacity to serve the project.
- 19d. The operational phase of the proposed project would not result in an increase of solid waste. While not anticipated, construction activities, could potentially produce solid waste in the form of construction materials or industrial waste like glues, paint, and petroleum products, resulting in potentially adverse landfill and solid waste disposal impacts with the primary lease area construction and/or the development of the future lease area. Impacts would be **less than significant with mitigation** as identified in Mitigation Measure 19A below which requires proper disposal of waste not accepted by the regional landfill.

19e. The development and operation of the proposed cellular telecommunication facility is not anticipated to result in significant amounts of solid waste; however, any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste and therefore, project related impacts to these regulations are anticipated to have **no impact**.

Mitigation Measures:

To offset potentially adverse impacts related to construction waste, this mitigation measure shall be included as a note on all construction plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste. Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: Prior to building permit issuance and during construction

Reporting: Agency approval of permits or plans

Responsible Agency: Nevada County Planning Department

20. WILDFIRE:

Existing Setting: The project parcel is in the Higgins Fire District and is in a very high/high fire severity zone. The project site is located approximately 0.6 miles north of Higgins Fire District fire station 22, which is located on Dog Bar Road. The subject lease area for the project would be accessed from Dog Bar Road in the unincorporated area of Western Nevada County.

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓	A,H,M,23
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?			✓		A,B,H,M, 18
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			✓		A,H,M
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			✓		A,H,M,12 , 32

Impact Discussion

20a. The Safety Element of the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. The Safety Element discusses the importance of ingress and egress by roadways, and Policy FP-10.7.3 requires that a condition of development is to maintain private roads, including the roadside vegetation. Proposed conditions of approval require fuel modification and driveway improvements. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in August 2017. Objective 3.6 of the LHMP is to improve communities' capabilities to prevent/mitigate hazards by increasing the use of technologies. Goal 4 of the LHMP is to reduce fire severity and intensity, with Objective 4.4 to promote the implementation of fuel management on private and public lands.

The proposed telecommunications tower and facility would increase technology and provide more coverage for communication in the rural area. The proposed project complies with adopted plans for emergencies and does not pose conflicts; therefore, the project would have **no impact** on impairing emergency plans.

20b. The installation of the telecommunications tower and facility would not expose project occupants to pollutant concentrations or wildfire due to the project being unmanned during typical operation. Therefore, the project would have a **less than significant impact** on exposing project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire.

20c. The electric service and telecommunication lines that would be brought to the project site from the existing utility pole would be installed underground, instead of by overhead power lines. The project includes a 210-gallon diesel storage tank, which contains hazardous material which will be required to be stored in accordance with applicable State Codes as discussed in Section 9 of this Initial Study. The diesel within the tank is flammable and could exacerbate wildfire risk, but the project was reviewed by the County Fire Marshal and will be conditioned to include 100 feet of fuel modification. The fuel modification is anticipated to prevent the transmission of fire to the diesel storage tank. The biological impacts of the fuel modification are discussed in Section 4 of this Initial Study. All improvements would require building permits and conformance with Chapter V of the LUDC for building and grading standards. The dirt access road is already existing and the maintenance of the vegetation clearance along access road would not significantly impact the environment. The project has been reviewed and approved by the Office of the Fire Marshal and the Department of Public Works and emergency water sources were not required. Therefore, the project would have a **less than significant impact** on the spread of wildfire and fire risks.

20d. The project would require building permits for the grading and site improvements, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. The building permits would require grading and erosion control plans for the soil disturbance, and a drainage analysis to ensure no additional runoff leaves the project site. As part of the project improvements and site inspections by the Building Department, soil compaction testing would be required for the grading where the telecommunications tower would be installed. Furthermore, the project area is not in an area that is mapped with high landslide activity (U.S. Geological Service, 1970). With the soil compaction testing, erosion control measures, the area not having high landslide activity, and no waterways being in the project area, the project would have a **less than significant impact** on flooding, landslides, runoff, and slope instability.

Mitigation:

None required.

21. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓			A,19,33
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓		A
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			A

Impact Discussion:

21a.c. As discussed in Sections 1 through 20 above, development of the proposed project would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to aesthetics, air quality, biological, and cultural resources, geology/soils, hazards/hazardous materials, noise, tribal cultural resources, and possible impacts to utilities/services. Each of those impacts is mitigated to levels that are **less than significant with mitigation** as outlined in each section.

21b. A project's cumulative impacts are considered significant when the incremental effects of the project are "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Reasonably foreseeable projects that could have similar impacts to the proposed project include other anticipated projects within the project vicinity that could be constructed or operated within the same timeframe as the project. All the proposed project's impacts, including operational impacts, can be reduced to a less-than-significant level with implementation of the mitigation measures identified in this Initial Study and compliance with existing federal, state, and

local regulations. Therefore, the proposed project would have less than significant environmental effects that are individually limited but cumulatively considerable.

Mitigation Measures:

To offset potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, noise, tribal cultural resources, and utilities/services, see Mitigation Measures 1A, 3A-3B, 4A – 4C, 5A, 9A, 13A-C, 18A and 19A.

RECOMMENDATION OF THE PROJECT PLANNER:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or a "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



David Nicholas, Associate Planner



Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. North San Juan Fire District
 - I. Regional Water Quality Control Board (*Central Valley Region*)
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. Nevada County Transportation Commission
 - O. Nevada County Agricultural Advisor Commission
 - P. Grass Valley/ Nevada Joint Union School District
-
1. State Division of Mines and Geology. Mineral Classification Map, 1990.
 2. State Department of Fish and Game. Migratory Deer Ranges, 1988.
 3. State Department of Fish and Game. Natural Diversity Data Base Maps, as updated.
 4. Cal Fire. Fire Hazard Severity Zone Map for Nevada County, 2007. Adopted by CalFire on November 7, 2007. Available at: < <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/> >.
 5. State Division of Mines and Geology. Geologic Map of the Chico, California Quadrangle, 1992.
 6. State Division of Mines and Geology. Fault Map of California, 1990.
 7. California Department of Conservation, Division of Land Resource Protection. 2020. Nevada County Important Farmland Data. Available at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>.
 8. State Dept. of Forestry & Fire Protection. Nevada County Hardwood Rangelands, 1993.
 9. U.S.G.S, 7.5 Quadrangle Topographic Maps, as updated.
 10. U.S. Fish and Wildlife Service. National Wetlands Inventory, December 1995.
 11. United States Department of Agricultural, Natural Resources Conservation Service, Web Soil Survey, accessed 5/1/2024, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
 12. U.S. Geological Service. Nevada County Landslide Activity Map, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 13. Federal Emergency Management Agency. Flood Insurance Rate Maps, as updated.
 14. Northern Sierra Air Quality Management District. Guidelines for Assessing Air Quality Impacts of Land Use Projects, 2016.
 15. County of Nevada. Nevada County General Plan Noise Contour Maps, 1993.
 16. Nevada County. 1991. Nevada County Master Environmental Inventory. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 17. Nevada County. 1995. Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 18. Nevada County. Nevada County Zoning Regulations. Adopted July 2000, and as amended.
 19. Trileaf and Beedy, Edward C. (Ted), Beedy Environmental Consulting/Trileaf. Biological Resources Report, Revised March 25, 2024.
 20. California Attorney General's Office. "Addressing Climate Change at the Project Level." January 6, 2010.

21. US Environmental Protection Agency. Current Nonattainment Counties for All Criteria Pollutants. March 31, 2021. www.epa.gov/oaqps001/greenbk/ancl.html.
22. North Central Information Center, CHRIS search, July 28, 2023.
23. Nevada County. Local Hazard Mitigation Plan Update. August 2017. <https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
24. Generac Industrial Power Level 2 Sound Attenuated Enclosure SD030 2.2L Generac sound data sheet.
25. California Department of Toxic Substances Control. Accessed April 18, 2024: <http://www.envirostor.dtsc.ca.gov/public/>
26. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
27. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
28. California Department of Transportation. California Scenic Highway Mapping System. Accessed April 18, 2024, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
29. Dtech Communications-Radio Frequency Electromagnetic Fields Exposure Report. 10/30/2023.
30. Nevada County. Land Use and Development Code Section 5, Article 13, Grading. Amended December 2016.
31. California Department of Conservation, California Geological Survey. 2010. Accessed April 23, 2021. <https://maps.conservation.ca.gov/cgs/fam/app/>
32. Susceptibility to deep-seated landslides, California Geological Survey, Map Sheet 58, May 2011
33. California Department of Fish and Wildlife BIOS, accessed 4/17/2024, <https://apps.wildlife.ca.gov/bios6/?al=ds760>
34. Distance Attenuation Calculator, Bogna Szyk, Accessed 4/18/2024, <https://www.omnicalculator.com/physics/distance-attenuation>

Alternative Candidate Analysis

Verizon Wireless
Dog Bar
20896 Dog Bar Rd.
Grass Valley, CA 95949



October 24, 2023

Summary of Site Evaluations
Conducted by: Sequoia Deployment Services Inc.

I. Summary

Verizon Wireless has Identified a significant gap in its Long Term Evolution (LTE) wireless service in some areas of Grass Valley community of Nevada County, California. The objective of the proposed facility is to provide enhanced coverage in the forestry area populated with residential near Bear River Park west of Highway 80.

II. Methodology

Once a significant coverage/capacity gap is determined, Verizon Wireless seeks to identify a site that will provide a solution through the “least intrusive means” based upon Verizon Wireless’s experience with designing similar facilities and working within local regulations. In addition to seeking the “least intrusive” alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and other critical factors such as a willing landlord in completing its site analysis. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts.

The County of Nevada establishes the guidelines for wireless facility design and location, encouraging co-location to reduce the overall number of freestanding facilities throughout the County. The County prefers towers that blend in with the surrounding existing natural and man-made environment. Based upon these site location and design preferences established in the County’s code, priority has been given to the Dog Bar property for this proposed facility. A Use Permit review and approval process are required to place a new wireless facility at this location.

II. Analysis

For the past twenty four months, Verizon Wireless has sought to identify and lease a suitable location for its new wireless facility to serve the Grass Valley community. As collocation of facilities is generally required where available, Verizon Wireless sought collocation sites which could provide radio frequency propagation to address the Coverage/Capacity Gap. There were no viable candidates available within the search area already existing or feasible for collocation. No other non-residential buildings with substantial height exists within the search ring. As such, the Verizon Wireless search moved to candidates within the ring where a freestanding design might be feasible. Four other candidates were identified: Amber Dog, Dog Dip 2079, Dog Feather and Dog Hill. Each of these properties was closely evaluated and none of these properties were viable.

The following is a summary of the additional sites reviewed within the search area:

Site Name / Property Owner	Property Address	Landlord Interest	RF Acceptance	Additional Zoning Notes
Amber Dog	21055 Dog Bar Rd.	Yes	No	RF could not meet objective from this location and rejected site.
Dog Dip 2079	Dog Bar Rd	Yes	No	RF could not meet objective from this

				location and rejected site.
Dog Feather	20714 Dog Bar Rd	No	No	RF could not meet objective from this location and rejected site.
Dog Hill	20648 Dog Bar Rd	Maybe	No	RF could not meet objective from this location and rejected site.

A more detailed analysis of the specific candidates is below.

Summary of Candidates Reviewed

Primary Candidate

Dog Bar Rd.

20896 Dog Bar Rd.

Grass Valley, CA 95949

Required Height: 129 feet

Zoned: AG-20

Design: Monopine

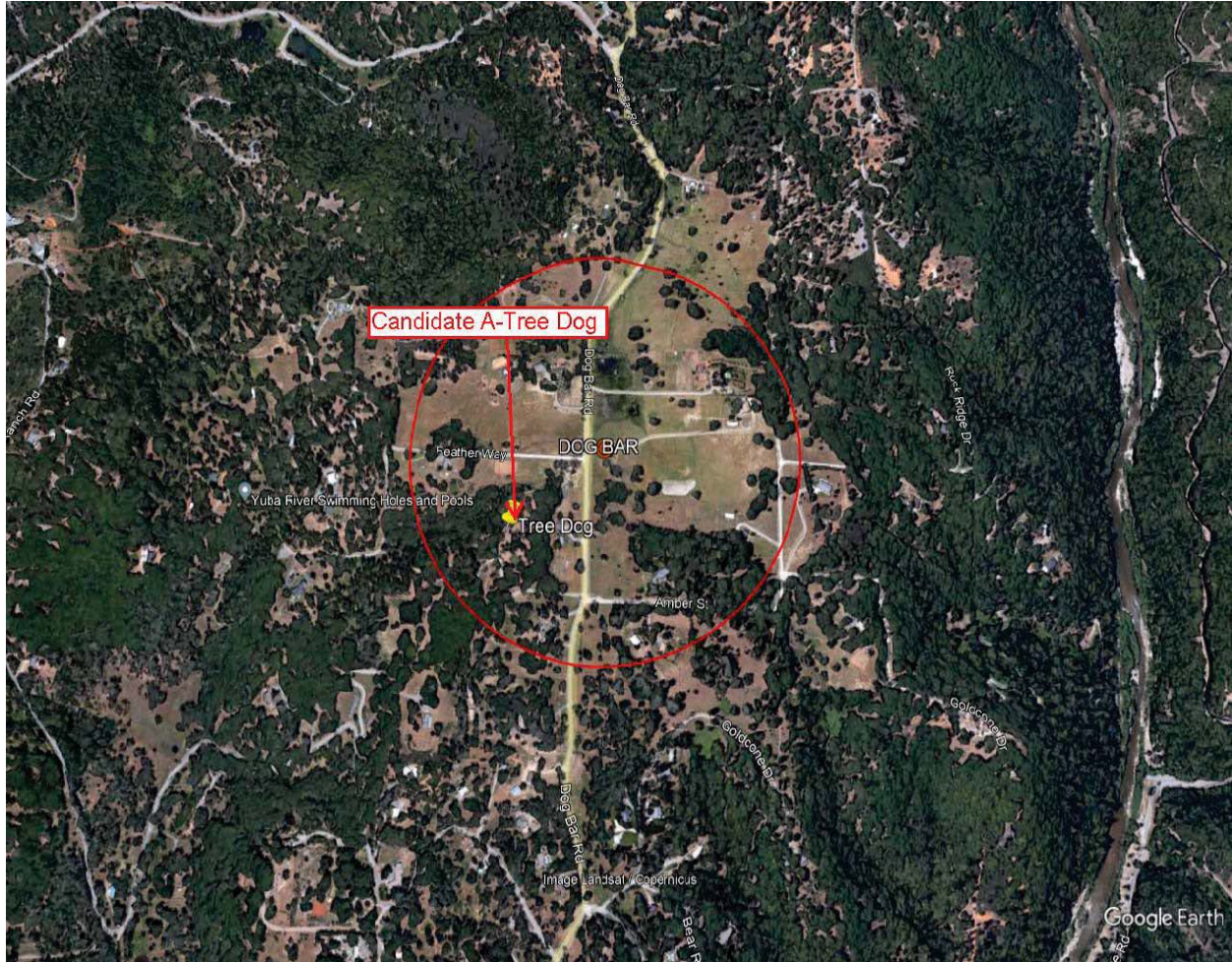
Dog Bar Rd.



The Dog Bar Rd. property has been chosen as the primary candidate for the Grass Valley telecommunications facility. This location is within the search ring issued by Verizon Wireless radio frequency engineers and was deemed a feasible location by the engineer. Designed as a pine tree, this location serves as the least visible and best to blend into the surrounding area. The height needed to address the gap in coverage/capacity was the lowest of all candidates at 129 feet. The property owner has agreed to lease space to Verizon for the facility because, as an emergency service provider, they see the need for improved coverage in the area. The primary use of this property is not sensitive to the addition of a telecommunication facility use on it.

- 1. Amber Dog**
21055 Dog Bar Rd, Grass Valey
Required Height: 150'
Site Type: New Facility – Freestanding Monopole Design
- 2. Dog Dip 2079**
Lats/Long: 39.09015803 -120.9999478
Required Height: Approximately 150'
Site Type: New Facility – Freestanding Monopine Design
- 3. Dog Feather**
20714 Dog Bar Rd
Required Height: Approximately 150'
Site Type: New Facility – Freestanding monopole/monopine design.
- 4. Dog Hill**
20648 Dog Bar Rd
Required Height: Approximately 150'
Site Type: New Facility – Freestanding monopole/monopine design

Aerial View
Locations of Possible Candidates
within the Search Ring



Conclusion

Verizon Wireless evaluated four site alternatives within the identified significant coverage/capacity gap over the last twenty four months, including a complete evaluation of these alternatives. Based on the analysis and evaluation, Verizon Wireless concludes that the proposed monopine site at a maximum height of 129 feet is the least intrusive means to address the significant gap in coverage/capacity, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility at 20896 Dog Bar Rd. is the only location where there is both a willing property owner to lease space, meets RF's objectives and a location on the property which allows the monopine to blend in with the natural surroundings and with little or no visual or noise impacts and is therefore preferred under the guidelines of the County of Nevada.

RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE REPORT

PRE-Activation

Prepared for Verizon

Site Name: Dog Bar
Site ID: 5000918136
Site Type: Monopine

Located at:

20896 Dog Bar Rd
Grass Valley, CA 95949
Latitude: 39.089128 / Longitude: -121.003269

Report Date: 10/30/2023
Report By: Christopher Stollar, P.E.

Based on FCC Rules and Regulations, Verizon is compliant.

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY.....	3
2.0	SITE DESCRIPTION.....	4
2.1	Site Map.....	4
2.2	Antenna Inventory.....	5
3.0	ANALYSIS.....	6
3.1	Emission Predictions.....	6
4.0	CONCLUSION.....	8
4.1	Results.....	8
4.2	Recommendation(s).....	8
4.3	Statement of Compliance.....	8
4.4	Engineer Certification.....	8
	Appendix A: Background.....	9
	Appendix B: Measurement and/or Computer Simulation Methods.....	10
	Appendix C: Limitations.....	10
	Appendix D: Sample Verizon RF Advisory Signs.....	11

1.0 EXECUTIVE SUMMARY

Dtech Communications, LLC (“Dtech”) has been retained by Sequoia Deployment Services, Inc., contractors to Verizon, to determine whether its wireless communications facility complies with the Federal Communications Commission (“FCC”) Radio Frequency (“RF”) Safety. This report contains a computer-simulated analysis of the Electromagnetic Fields (“EMF”) exposure resulting from the facility. The analysis also includes assessment of existing wireless carriers on site, where information is provided. The table below summarizes the results at a glance:

Table 1: EMF Summary

Verizon	Summary
Access Type	Gate
Access to antennas locked	Optional
RF Sign(s) @ access point(s)	NA
RF Sign(s) @ antennas	NA
Barrier(s) @ sectors	NA
Max EMF simulated level for Verizon on Ground	0.4% General Population
Clearance Distance from Face of Verizon’s Antennas	88 Feet

2.0 SITE DESCRIPTION

The wireless telecommunication facility is located on the ground. The facility consists of 1 wireless carrier(s) or operator(s): Verizon. The antennas are typically grouped into sectors pointing in different directions to achieve the desired areas of coverage. Verizon's antennas are mounted on a monopine tower.

2.1 Site Map



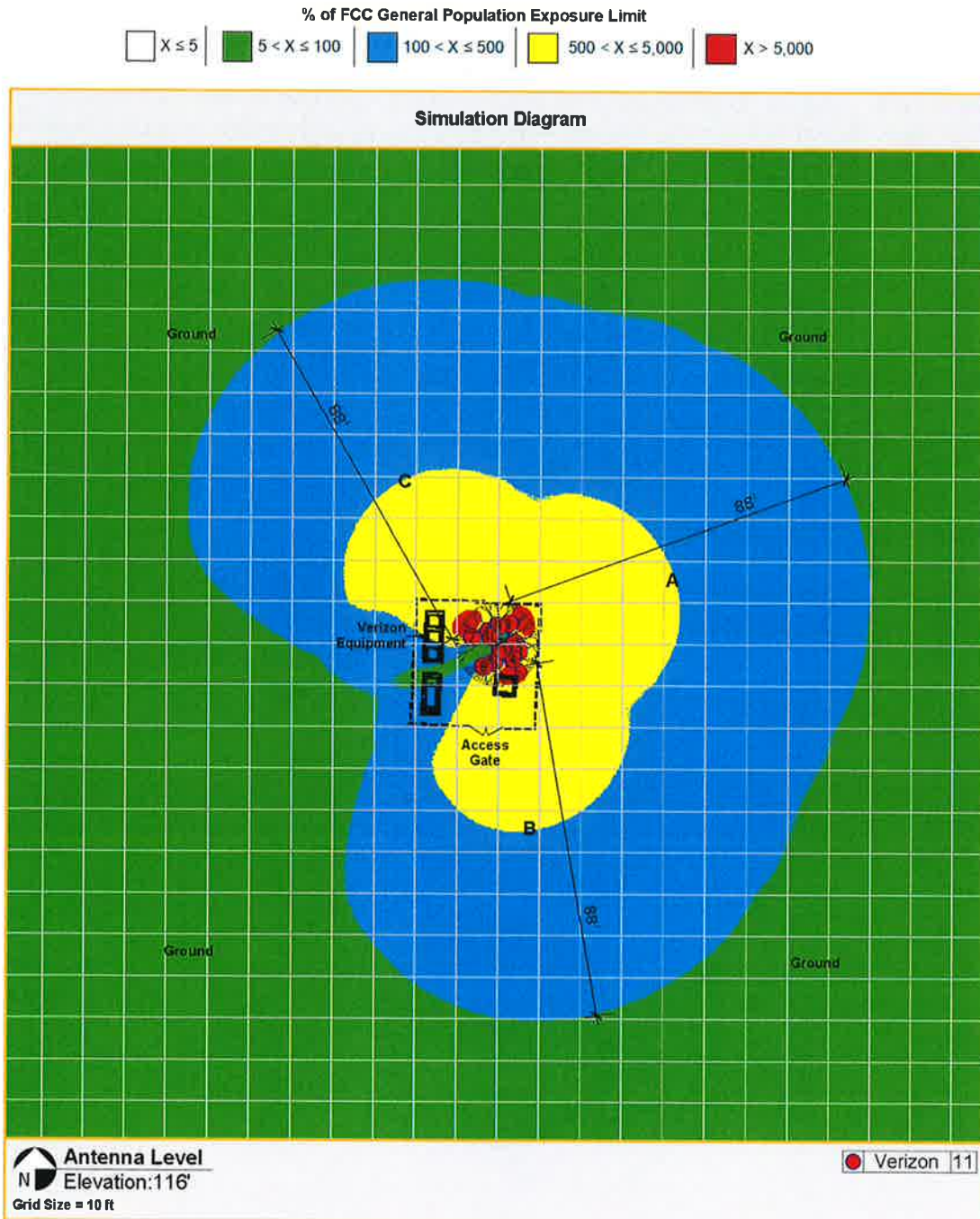
2.2 Antenna Inventory

The table below reflects the technical specifications provided by our clients and/or gathered from physical field surveys where applicable. This final configuration, including power settings and antenna orientations must be maintained to remain in compliance with FCC guidelines. For co-locators or nearby transmitters, conservative estimates are used for purposes of a cumulative study where information is not provided or available.

Table 2: Site Technical Specifications

Antenna ID	Antenna Num	Operator	Antenna Mfg	Antenna Model	Type	Frequency (MHz)	Orientation (°T)	Horizontal BWidth (°)	Antenna Aperture (ft)	Antenna Gain (dBi)	Total Input Power (Watts)	Total ERP (Watts)	Bottom Tip Height Above Ground (Z) (ft)	Bottom Tip Height Antenna Level (Z) (ft)
A1	1	Verizon	Ericsson	AIR6419	Panel	3700	70	11	2.4	23.5	320	70837	118.8	0.0
A2	2	Verizon	Commscope	NHH-65C-R2B	Panel	746	70	65	8.0	13.6	120	2737	116.0	0.0
A2	2	Verizon	Commscope	NHH-65C-R2B	Panel	880	70	62	8.0	13.7	120	2833	116.0	0.0
A2	2	Verizon	Commscope	NHH-65C-R2B	Panel	1965	70	66	8.0	15.7	240	8961	116.0	0.0
A3	3	Verizon	Commscope	NHH-65C-R2B	Panel	746	70	65	8.0	13.6	120	2737	116.0	0.0
A3	3	Verizon	Commscope	NHH-65C-R2B	Panel	880	70	62	8.0	13.7	120	2833	116.0	0.0
A3	3	Verizon	Commscope	NHH-65C-R2B	Panel	2120	70	62	8.0	16.3	240	10218	116.0	0.0
B1	4	Verizon	Ericsson	AIR6419	Panel	3700	170	11	2.4	23.5	320	70837	118.8	0.0
B2	5	Verizon	Commscope	NHH-65C-R2B	Panel	746	170	65	8.0	13.6	120	2737	116.0	0.0
B2	5	Verizon	Commscope	NHH-65C-R2B	Panel	880	170	62	8.0	13.7	120	2833	116.0	0.0
B2	5	Verizon	Commscope	NHH-65C-R2B	Panel	1965	170	66	8.0	15.7	240	8961	116.0	0.0
B3	6	Verizon	Commscope	NHH-65C-R2B	Panel	746	170	65	8.0	13.6	120	2737	116.0	0.0
B3	6	Verizon	Commscope	NHH-65C-R2B	Panel	880	170	62	8.0	13.7	120	2833	116.0	0.0
B3	6	Verizon	Commscope	NHH-65C-R2B	Panel	2120	170	62	8.0	16.3	240	10218	116.0	0.0
C1	7	Verizon	Ericsson	AIR6419	Panel	3700	330	11	2.4	23.5	320	70837	118.8	0.0
C2	8	Verizon	Commscope	NHH-65C-R2B	Panel	746	330	65	8.0	13.6	120	2737	116.0	0.0
C2	8	Verizon	Commscope	NHH-65C-R2B	Panel	880	330	62	8.0	13.7	120	2833	116.0	0.0
C2	8	Verizon	Commscope	NHH-65C-R2B	Panel	1965	330	66	8.0	15.7	240	8961	116.0	0.0
C3	9	Verizon	Commscope	NHH-65C-R2B	Panel	746	330	65	8.0	13.6	120	2737	116.0	0.0
C3	9	Verizon	Commscope	NHH-65C-R2B	Panel	880	330	62	8.0	13.7	120	2833	116.0	0.0
C3	9	Verizon	Commscope	NHH-65C-R2B	Panel	2120	330	62	8.0	16.3	240	10218	116.0	0.0
D1	10	Verizon	Unknown	Unknown	Dish	10000	0	2	6.0	38.0	-	2000	107.0	-9.0
D2	11	Verizon	Unknown	Unknown	Dish	10000	155	2	6.0	38.0	-	2000	107.0	-9.0

Figure 2: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.



4.0 CONCLUSION

4.1 Results

For a typical 6-foot person standing in accessible areas on the ground, calculations for Verizon's site resulted in exposure levels below the FCC's most stringent General Population MPE Limits.

At antenna elevation, the highest calculated exposure level is above the FCC's General Population MPE Limits near the Verizon antenna(s). The overexposed areas extend 88-feet from the front face of the Verizon antenna(s). There are no other buildings or surrounding structures at antenna elevation within the overexposed areas. Beyond these areas, exposure levels are predicted to be below the FCC's most stringent General Population MPE Limits.

The antennas are mounted on a tall tower and therefore not accessible by the general public. It is presumed that Verizon employees and contractors are aware of the transmitting antennas and will take appropriate precautions when working near them.

4.2 Recommendation(s)

Further actions are not required.

4.3 Statement of Compliance

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that Verizon's site is compliant with the FCC's RF Safety Guidelines.

4.4 Engineer Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000. I have reviewed this report and believe it to be both true and accurate to the best of my knowledge.



Appendix A: Background

Dtech uses the FCC's guidelines described in detail in Office of Engineering & Technology, Bulletin No. 65 ("OET-65") "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields". The table below summarizes the current Maximum Permissible Exposure ("MPE") safety limits classified into two groups: General population and Occupational.

Table 3: FCC MPE Limits (from OET-65)

Frequency (Mhz)	General Population/ Uncontrolled MPE (mW/cm ²)	Averaging Time (minutes)	Occupational/ Controlled MPE (mW/cm ²)	Averaging Time (minutes)
30 - 300	0.2	30	1.0	6
300 - 1500	Frequency (Mhz)/1500 (0.2 - 1.0)	30	Frequency (Mhz)/300 (1.0 - 5.0)	6
1500 - 100,000	1.0	30	5.0	6

General population/uncontrolled limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

It is important to understand that the FCC guidelines specify *exposure* limits not *emission* limits. For a transmitting facility to be out of compliance with the FCC's RF safety guidelines an area or areas where levels exceed the MPE limits must, first of all, be in some way *accessible* to the public or to workers. When accessibility to an area where excessive levels is appropriately restricted, the facility or operation can certify that it complies with the FCC requirements.

Appendix B: Measurement and/or Computer Simulation Methods

Spatial averaging measurement technique is used. An area between 2 and 6 feet, approximately the size of an average human, is scanned in single passes from top to bottom in multiple planes. When possible, measurements were made at very close proximity to the antennas and inside the main beam where most of the energy is emitted. The spatial averaged values were recorded. A result higher than 100% exceeds the FCC's General Population MPE Limits.

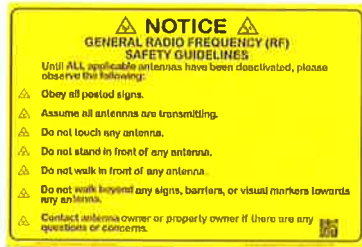
Dtech uses an industry standard power density prediction computer Model¹ to assess the worse-case, cumulative EMF impact of the surrounding areas of the subject site. In addition, the analysis is performed at 100% duty cycle-all transmitters are active at all times and transmitting at maximum power. In addition, lower interiors (if applicable), were analyzed 10-feet below roof level with a 10dB deck attenuation. For purposes of a cumulative study, nearby transmitters are included where possible. The result is a surrounding area map color-coded to percentages of the applicable FCC's MPE Limits.

Appendix C: Limitations

The conclusions in this document rendered by Dtech are based solely upon the information collected during the site survey and/or furnished by our Client which Dtech believes is accurate and correct. Dtech, however, has no responsibility should such Client provided information prove to be inaccurate or incorrect. Third party specification estimates used for cumulative computer simulation purposes, where applicable, are based on common industry practices and our best interpretation of available information. Data, results and conclusions in this document are valid as of its date. However, as mobile technologies continuously change, these data, results and conclusions may also be at variance with such future changes. Dtech has no responsibility to update its survey or report to account for such future technology changes. This document was prepared for the use of our Client only and cannot be utilized by any third party for any purpose without Dtech's written consent. Dtech shall have no liability for any unauthorized use of this document and any such unauthorized user shall defend, indemnify and hold Dtech and its owners, directors, officers and employees harmless from and against any liability, claim, demand, loss or expense (including reasonable attorney's fees) arising from such unauthorized use.

¹ Roofmaster(tm)

Appendix D: Sample Verizon² RF Advisory Signs



GUIDELINES Sign



NOC INFORMATION Sign



NOTICE Sign



CAUTION Sign



CAUTION Stay-Back Sign



WARNING Sign

² The above signage is for reference only. Actual signs may be updated in accordance to Verizon RF policy

