

From: myvoice@oneclickpolitics.com
To: [David Nicholas](#)
Subject: Reject the Current Draft and Direct County Staff to Adopt Residents' Protective Wireless Ordinance at the Public Hearing on February 26
Date: Monday, March 23, 2026 7:09:33 AM

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Re: Reject the Current Draft and Direct County Staff to Adopt Residents' Protective Wireless Ordinance at the Public Hearing on February 26

Mr. David Nicholas,

Nevada County is on the verge of adopting a wireless ordinance that would allow powerful cell towers and other wireless facilities dangerously close to homes, schools, and environmentally sensitive areas — without adequate safety protections and the disregard of public comment from hundreds of submissions or adequate safety protections. NGO's and those who profit from their agendas should not be placed above the local residents. Those resident citizens are the people you were elected to represent; do your job and represent them rather than the business interests of those who will not be effected by longterm exposure. Your constituents oppose this ordinance and have already done the work to fix it. Nevada County for Safe Tech has drafted a comprehensive protective ordinance that complies with federal law and includes essential safeguards — like minimum setbacks of 500 feet and transparency about proposed projects — that protect residents and preserve rural character. I urge the Planning Commission and County staff to reject the current draft and revise according to the comprehensive protective ordinance resident submitted instead at the February 26 hearing. Doing so aligns perfectly with the County's stated goals to protect health, safety, and the environment. Please stand with residents and families to ensure Nevada County's wireless policies reflect science, safety, and common sense.

Sincerely,
Mr. Thomas Owens
to.owens2@yahoo.com

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March 24, 2026

To the Nevada County Planning Commission:

Nevada County is a special place, steeped in history and graced with abundant natural beauties. As residents and stewards of this land, it is important that we safeguard what we have and hold dear, and the challenge is to match that with changing demands and requirements brought by residents and technology.

One obvious area of concern is the potential for visible blight by ill-considered placement and construction of cellular infrastructure. No one wants to see hillsides covered by high-tension tower style antennas, or designs that stand out from their surroundings, even in commercial settings such as down-town Nevada City. To that end, the Commission has offered draft ordinances and amendments covering communication towers and facilities.

At the same time, it's vital to recognize that communications technology is changing, advancing, and improving at a dramatic rate. In the not-too-distant future, the phase-out of copper landlines will be complete across the USA, even in California (despite the current COLR discussions). Cellular is now the dominant method for voice communications, and will likely soon be the primary provider of internet service, and all the services that provides.

While I agree that a well-crafted ordinance is of great importance, and that considered drafts and amendments will be required to obtain that well-crafted ordinance, I strongly urge the commission to dismiss the bulk changes suggested by "Nevada County for Safe Tech," and instead fine tune the existing language with input from both residents and subject matter experts.

First, it is important to understand who is bringing these changes and what their motivations are. Nevada County for Safe Tech is not a local, grassroots organization primarily concerned with keeping Nevada County beautiful. They are, instead, a local outpost of the Children's Health Defense and associated with 704 No More, fringe organizations noted for promoting misinformation and pseudo-science involving vaccines, food additives, and RF radiation, amongst others.

The extensive list of changes was written by lawyers, not scientists, ecologist, or technologists. It was drafted by W. Scott McCollough, Esq. (on behalf of Children's Health Defense / Stop5G Consulting).

In their cover letter, they allude to "well documented health issues," but then focus on ostensibly trying to maintain the character of Nevada County. This pseudo-science has been presented to the FCC, and both the FCC and the FDA found the "science"

unconvincing. In a lawsuit filed in 2021, the courts also found the “science” unpersuasive and upheld the FCC’s results. (It is true that the courts did send the report back to the FCC, requiring them to better document how they decided to dismiss some evidence, but not questioning the dismissal itself.)

While it claims to comply with federal law, adopting it as written would almost certainly create the following serious problems:

1. High Risk of Immediate Federal Lawsuits and “Effective Prohibition” Rulings (Biggest Issue)

- The proposal imposes **150% of tower height setbacks from all residential property lines**, plus **fixed 500-foot buffers** from any residential dwelling or school (and up to 1,000 feet in some sensitive areas).
- It also adds strict location preferences, bans new macro towers in most residential zones, and requires applicants to prove their site is the “least intrusive means” with exhaustive evidence.
- Federal courts (and the FCC) have repeatedly struck down similar rules in California and elsewhere as an **effective prohibition** of wireless service under 47 U.S.C. § 332(c)(7). Carriers win the vast majority of these cases and routinely recover their attorney fees from the county.

2. Automatic Violations of FCC Shot Clocks

- New application requirements are extremely detailed and time-consuming:
 - Drive tests on **every frequency** the carrier uses
 - Full alternatives analysis for every possible site
 - Balloon/drone tests
 - 12-point “Electric Fire Safety Protocol” (thermal runaway prevention, battery details, depowering procedures, etc. — copied from Malibu’s model)
 - Independent engineer verification of everything
- These steps make it nearly impossible for the county to meet the FCC’s 90-day or 150-day decision deadlines. Carriers can then sue for **injunctive relief** (forcing approval) plus attorney fees.

3. Severe Limits on Wireless Coverage and Broadband Expansion

- New macro towers and most collocations would become practically impossible in the very areas where coverage is weakest (rural residential zones).
- Even small cells face heightened review and design restrictions.
- Result: persistent coverage gaps, dropped calls, slower 5G and fixed wireless broadband rollout, and problems for emergency services (911, CAL FIRE coordination).

4. Heavy Administrative and Financial Burden on the County

- Planning staff and the Commission would spend far more time and money on each application (outside consultants, legal reviews, balloon test coordination, etc.).
- Increased risk of litigation defense costs (which can reach hundreds of thousands of dollars per case).
- The county could face “deemed approved” outcomes when it can’t meet shot clocks.

5. Indirect Regulation of RF/Health Effects (Legally Risky)

- The proposal avoids saying “we deny for health reasons,” but the combination of massive setbacks, fire-safety protocols, and heightened scrutiny is widely recognized in court as a **proxy for regulating radiofrequency emissions** — which federal law explicitly prohibits once FCC limits are met.
- This gives carriers another strong argument for preemption.

Bottom Line

The NCST proposal is significantly stricter than the county’s original draft and mirrors ordinances that have triggered successful lawsuits in other California jurisdictions. If adopted, it would likely:

- trigger multiple carrier lawsuits within months,
- delay or block new wireless infrastructure,
- harm rural connectivity, and
- cost the county significant legal and staff resources.

Many of the added protections were written with the explicit goal of maximizing local control while still claiming compliance — but in practice, courts have ruled that this

balance tips too far. The county's original draft already gives substantial protection while staying within safer legal bounds; the NCST version pushes well beyond them.

Examples of lawsuits from similar legislation:

1. City of Los Altos (Santa Clara County) – 2019–2024

- Passed one of California's stricter small-cell ordinances with tight location restrictions, design standards, and procedural hurdles.
- **AT&T and Verizon** both sued, alleging the rules materially inhibited service.
- The city incurred **more than \$1.6 million** in legal defense costs.
- Verizon dropped its suit in 2023; the city ultimately had to amend and weaken several key restrictions to avoid further litigation and potential attorney-fee awards.

2. City of Malibu (Los Angeles County)

- Adopted the exact **Electric Fire Safety Protocol** (detailed thermal-runaway prevention, battery specifications, depowering procedures, 8–12 required tests) that NCST copied verbatim into its proposal.
- Verizon filed multiple lawsuits over denied or conditioned facilities.
- Malibu won one early round (2021), but the repeated litigation, high defense costs, and ongoing risk of "effective prohibition" claims forced settlements and pressured approvals.

3. Verizon Wireless v. Nevada County (2025 – ongoing, U.S. District Court, Sacramento)

- Verizon sued the county after denial of a disguised pine-tree tower in Grass Valley.
- The complaint explicitly alleges **effective prohibition** and improper consideration of RF/health concerns (precisely what the NCST proposal amplifies through massive setbacks and new requirements).
- This is the **same county** — a direct preview of what the full NCST version would trigger.

Problematic examples from the text, Part B:

Section 4, Adequate Coverage:

“ “Significant gap” and “sufficient capacity” will be assessed on a case by case basis.” Without an objective definition, there is no way to reach a final determination if a project qualifies, allowing lawsuits and other delays to proceed forever.

“... users are consistently experiencing dropped voice calls (in contrast to dropped sessions involving non-voice communications)... ” ONLY so-called “voice calls” may be used to demonstrate “significant gap.” There are two primary issues with this requirement. First, with 4G/LTE and 5G (unlike previous technologies like 2G/3G/GSM/EDGE), there is no such thing as a dedicated voice call from the perspective of the cellular network. All voice calls are handled as VoIP (Voice over Internet Protocol) and thus are indistinguishable from other data connections. Second, the cellular infrastructure is a significant and ever increasing means of providing communications to end-user, including voice, internet access, life/health/safety monitoring, e911 access, wildfire monitoring, etc. By disallowing these uses as a means to determine “significant gap” significantly hinders our ability to provides these services in Nevada County.

Section 44, Necessary or Necessity or Need:

“Necessary or Necessity or Need: What is technologically required for the equipment to function as designed by the manufacturer, and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the application.

“Necessary” or “need” does not mean what may be desired, preferred, or the most cost-efficient approach and is not related to an applicant’s specific chosen design standards. Any situation involving a workable choice between or among alternatives or options is not a need or a necessity.”

This section redefines “necessary” as ONLY what is required to prevent catastrophic failure of the equipment to operate. There is no ability to consider any other parameters, concerns, desires, constraints, etc. Even the result being usable isn’t considered. No justification for this harsh redefinition is provided.

Section 84, Wireless Telecommunications Facility.

This definition would expand the class of services covered to fix-point wireless, even using WiFi (2.4GHz or 5GHz). In theory, the WiFi repeater on the outside of my house would qualify.

It’s worth nothing that this document expands the original 14 definitions to 85 definitions, without ever once giving a justification, problem statement, or example of a real-world problem case.

Examples from the text, Part C:

Section 3 appears to require a permit for even the most minor changes to an existing site, which requires a new permit AND independent review and verification, which will needlessly increase the cost and time required.

Section 4 greatly increases the scope of the ordinance and the devices and use cases covered.

Section 5 requires an explicit declaration of emergency before a temporary wireless site can be deployed. This would prohibit having one at the county fairgrounds, for example, or Victorian Christmas.

Examples from the text, Part D:

Section 1 VASTLY increases the amount of paperwork required, without any justification for the increased effort and cost.

In particular, section 1f requires data that is difficult to obtain even in a lab environment, much less in a moving vehicle.

Section 1g requires a finalized plan of all future projects for two years, which isn't feasible in a changing economic and technological environment.

Sections 1h-o require significantly more construction documentation and analysis than for any other built structure or building permit, without any justification.

Sections 1v and 1y requires the creation of a separate set of documentation that duplicates the existing requirements from the FCC, providing no new value.

Section 1cc creates arbitrary rules that limit the number of similar or identical installation requests that can be considered at one time. It also encourages the dismissal of all requests if even a single one is delayed, incomplete, or in error.

Examples from the text, Part E:

Section 1a – no effective changes to existing locations that are silhouetted against the sky, which means more new sites will need to be developed.

Section 1b – no facilities on anything other than existing industrial or commercial locations. This will significantly limit the available locations for facilities.

Section 1c – no facilities can be placed where they are visible from a public trail, park, or recreational area, irrespective of concealment. This will invalidate a significant portion of the county.

Section 1d – No new facilities within two miles of an existing facility. There is no provision for facilities from a different entity or using a different technology. For example, a Verizon LTE facility would prevent AT&T from installing a 5G facility, or a microwave repeater, or fixed wireless access, with-in two miles. The current trajectory for cellular communications is every smaller, lower power cells, grouped closer together. This allows increased bandwidth of the system, providing quicker, richer, more reliable performance for more people with less RF radiation. This provision will hamstring the system evolution and lock us into the current capabilities.

Section 8d – No barbed wire or razor wire on chain link fencing. This can only be seen as making it easier for people vandalize or destroy facilities.

Examples from the text, Part G:

Sections 3-11 add punishing new insurance and reporting requirements, without justification.

Section 13 requires an overly specific decommissioning plan, including the specific handling of each and every component and a description of the plant seed that will be used.

Examples from the text, part H:

This entire section takes existing statutes and rewords them, doing nothing to provide value but providing additional duplicate verbiage that can be contested and litigated.

Examples from the text, part I:

Section 1:

“No facility shall ... [pose] ... a potential threat to public health.”

This is an incredibly vague statement and opens the County up to litigation over what constitutes a “potential threat.” Given the long history of misleading information and pseudo-science promulgated by the entities behind this submission, this section seems to exist solely to enable them to prevent any new facilities.

Section 2e: Random testing

This section requires the operator, at their own expense, to submit to unlimited random testing.

Section 2f: Any resident may request testing of the facilities, at the owner's expense. There is no requirement for proof or data supporting that request. It can be for RF level or "other good cause," without defining what that means. The sole purpose of this is to enable baseless harassment of operators.

In summary, I strongly believe this proposal to be a trojan horse with the sole purpose of effectively preventing any new infrastructure development, and which will result in significant, needless, futile, and costly litigation that will take county time and money, resources that could be put to much better use.

Respectfully,

Todd Krein

From: [Jodeana Patterson](#)
To: [David Nicholas](#)
Subject: FW: Caltrans District 3 LDR Response: Notice of Public Hearing: 4/14/26 Cell Tower Ordinance
Date: Thursday, March 26, 2026 9:36:38 AM
Attachments: [image002.png](#)
[image003.png](#)

From: Lauriana Cecchi <Lauriana.Cecchi@nevadacountyca.gov>
Sent: Thursday, March 26, 2026 9:33 AM
To: Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>
Subject: FW: Caltrans District 3 LDR Response: Notice of Public Hearing: 4/14/26 Cell Tower Ordinance

FYI

From: Healy, Angelina R@DOT <angelina.healy@dot.ca.gov> **On Behalf Of** D3 Local Development@DOT
Sent: Thursday, March 26, 2026 6:05 AM
To: Lauriana Cecchi <Lauriana.Cecchi@nevadacountyca.gov>
Subject: Caltrans District 3 LDR Response: Notice of Public Hearing: 4/14/26 Cell Tower Ordinance

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Hello,

Thank you for including the California Department of Transportation (Caltrans) in the review process of the proposed Cell Tower Ordinance for Nevada County. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this project as we would appreciate the opportunity to review and comment on any changes related to this project.

Should you have questions regarding these comments or require additional information, please contact me, Local Development Review, Equity and System Planning Coordinator, by phone (530) 790-8138 or via email at D3.local.development@dot.ca.gov.

Thank you,

Angelina Healy (she/her/hers)

Native American Liaison, Equity & Local Development Review
Associate Transportation Planner
DPLAS | Caltrans – District 3
703 B Street | Marysville, CA 95901

Work Cell: (530) 790-8138

Email: angelina.healy@dot.ca.gov

Schedule: 6am - 3:30pm, M-F (Monday as rotating day off)



From: Lauriana Cecchi <Lauriana.Cecchi@nevadacountyca.gov>

Sent: Friday, March 20, 2026 8:01 AM

Subject: Notice of Public Hearing: 4/14/26 Cell Tower Ordinance

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NOTICE OF PUBLIC HEARING

Notice is hereby given that on Tuesday, April 14, 2026, at 1:30 p.m. or as soon thereafter as the matter may be heard, in the Board Chambers of the Eric Rood Administrative Center, at 950 Maidu Avenue, Nevada City, California, 95959, the Nevada County Board of Supervisors will hold a public hearing to consider the following project:

PLN25-0097; ORD25-2: A public hearing to consider the Planning Commission’s February 26, 2026, 5-0 vote recommending the Board of Supervisors approve an amendment to Section 12.03.080 – Communication Towers and Facilities and Section 12.05.060 – Use Permits of the Nevada County Code. The amendments are to clarify definitions in the Ordinance to align with standard definitions used by the Federal Communications Commission; clarify “shot clock” permit processing timeline requirements; add projects that are exempt from County Planning review; add potential for emergency deployments of Cells on Wheels and emergency generators; require additional supporting information with project applications; increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial; add radio frequency emission monitoring requirements; add communication facility maintenance requirements; change the hearing body for communication facilities requiring a Use Permit from the Zoning Administrator to the Planning Commission; increase the required range of public notice for new communication facilities; and other minor changes. **LOCATION:** Countywide. **APN:** Various. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Find the project

statutorily exempt pursuant to Section 15269.C, categorically exempt pursuant to Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) guidelines.

RECOMMENDED PROJECT ACTION: Adopt the Ordinance amending Sections 12.03.080 and 12.05.060 of the Nevada County Code (ORD25-2). **PLANNER:** David Nicholas, Associate Planner.

Documents pertaining to the property affected by the proposed action are available for public review and consideration at the following locations: at the Clerk of the Board's Office, 950 Maidu Avenue, Suite 200, Nevada City, CA 95959; and upon request at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, CA 95959.

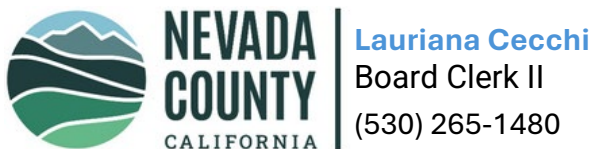
You have a right to attend the public meeting to discuss the project, provide oral testimony, and/or submit written materials regarding these matters. Written materials and comments (an original and 9 copies) may be submitted to the Clerk of the Board at 950 Maidu Avenue, Nevada City, CA 95959; by emailing BOS.PublicComment@nevadacountyca.gov; or by submitting an e-comment online at www.nevadacountyca.gov/boardmeetings and must be received no later than 4:00 p.m. on April 13, 2026. As the date grows closer to the public hearing, please see the April 14, 2026, agenda for information on how to provide comments during the public hearing. Written or emailed public comments received by 4:00 p.m. the day prior to the meeting will be provided to the Board members electronically or in written format and will become part of the public record. The Board Chair may place reasonable restrictions on the time allowed to any person to speak on these matters.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

NEVADA COUNTY BOARD OF SUPERVISORS

By: Tine Mathiasen, Chief Deputy Clerk of the Board

PUBLISH: March 19, 2026 - THE UNION
March 20, 2026 - SIERRA SUN



Nevada County Board of Supervisors
950 Maidu Ave, Ste. 200
Nevada City, CA 95959