



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
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RECOMMENDATION:

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

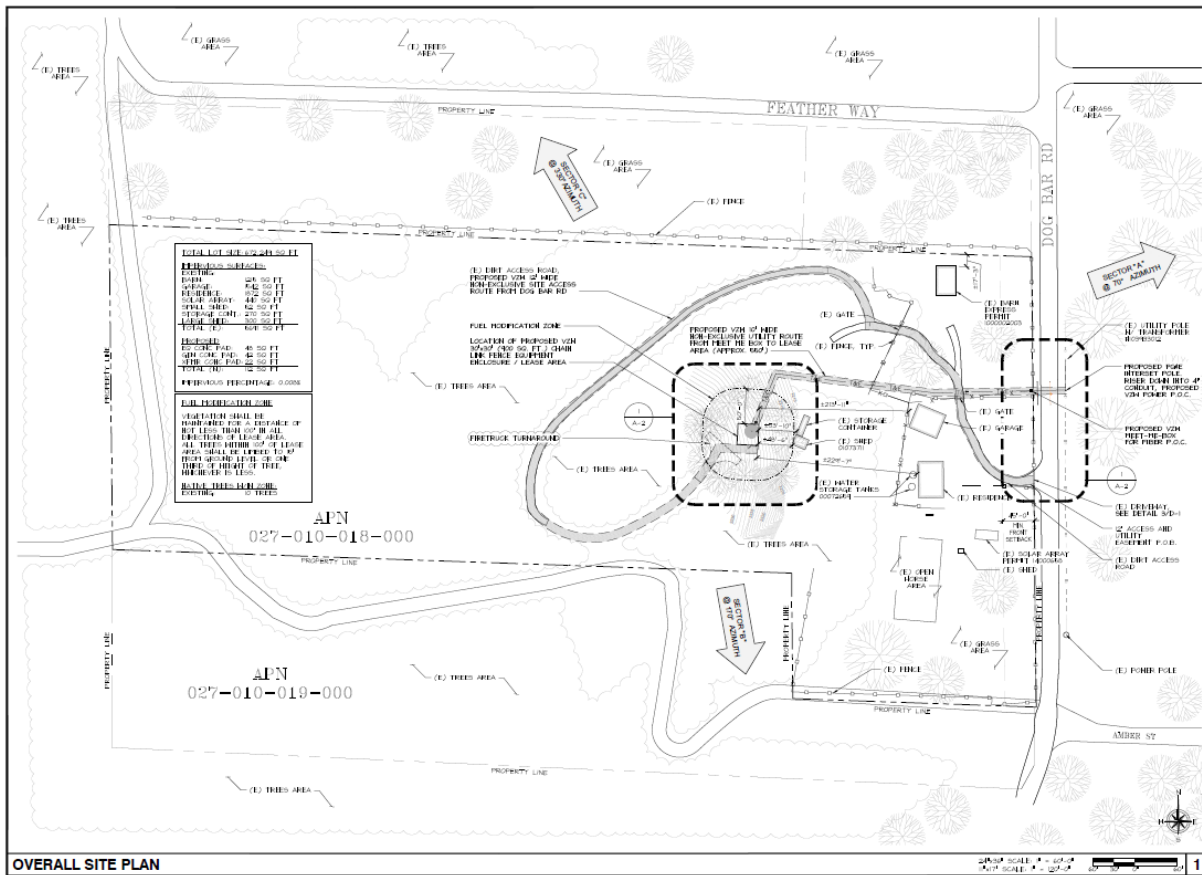


Figure 3 – Proposed Site Plan

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.

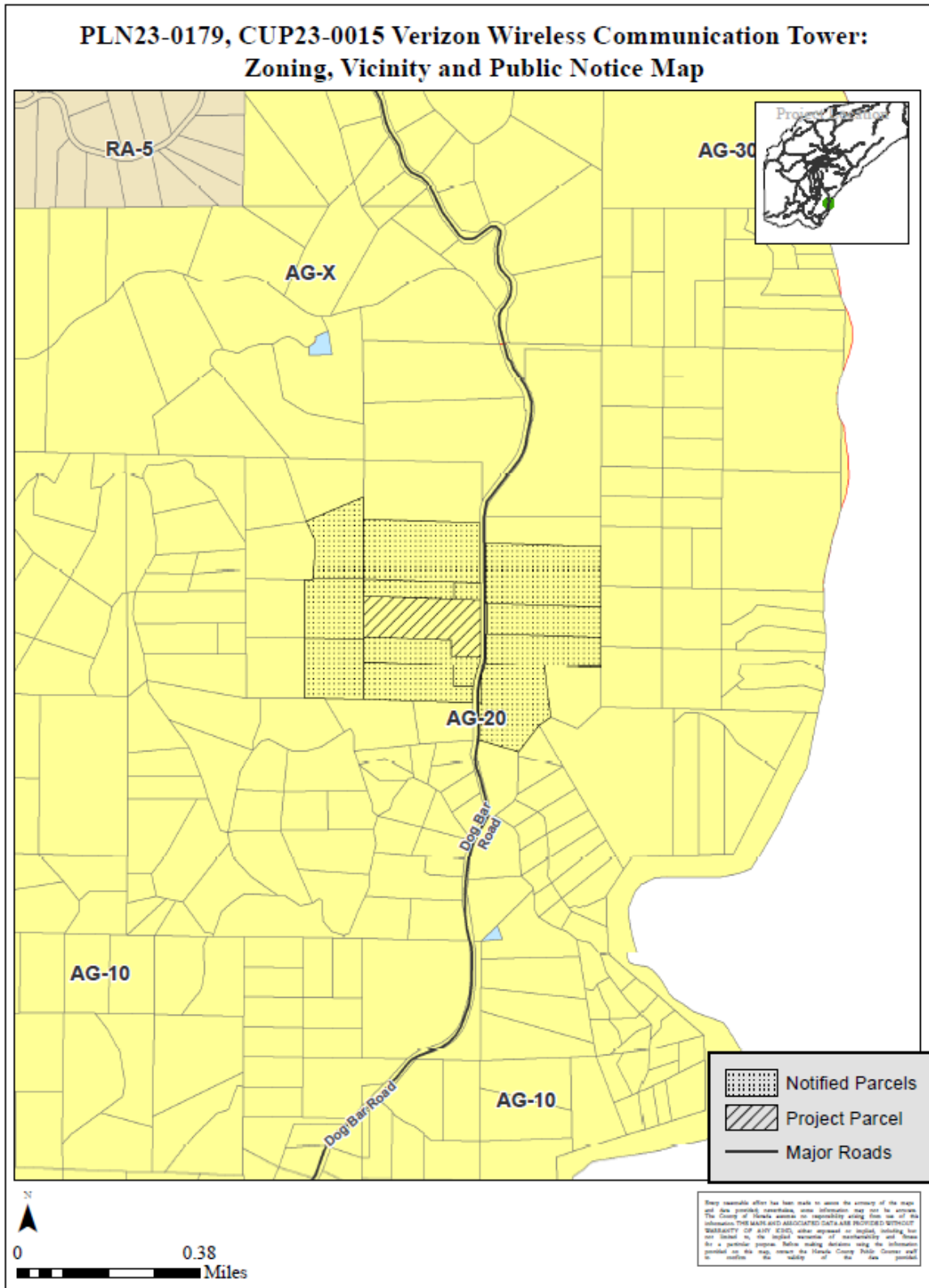


Figure 2 – Project Vicinity and Zoning



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 reliably 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