



## **RESOLUTION NO. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**RESOLUTION TO DENY THE APPEAL AND TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR TO APPROVE A CONDITIONAL USE PERMIT (CUP23-0002) AND STEEP SLOPES MANAGEMENT PLAN (MGT24-0018) APPLICATION PROPOSING THE REMOVAL OF AN EXISTING 41 FOOT TALL MONOPOLE AND REPLACING IT WITH A NEW 90 FOOT TALL FAUX PINE (MONOPINE) AT AN EXISTING WIRELESS COMMUNICATION FACILITY WITHIN A 390 SQUARE FOOT FENCED LEASE AREA LOCATED AT 22258 JUNIPER STREET, FLOSION, CA. APN: 048-130-026**

WHEREAS, on March 28, 2023, Crown Castle on behalf of T-Mobile (“T-Mobile” or “Applicant”) submitted an application for a Conditional Use Permit and Steep Slopes Management Plan to remove an existing 41 foot tall monopole and replace it with a new 90 foot tall monopine at an existing unmanned wireless communication facility (“Project”) at 22258 Juniper Street, Floriston, CA; and

WHEREAS, on November 12, 2025, the Zoning Administrator approved a Conditional Use Permit for the removal of an existing 41 foot tall monopole and replacing it with a new 90 foot tall monopine at an existing unmanned wireless communication facility; and

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

WHEREAS, pursuant to Title 12, Chapter 5, Section 12.05.120.D of the Nevada County Code, any decision of the Zoning Administrator may be appealed within 10 days after the date of the decision; and

WHEREAS, on November 24, 2025, Gary Mapa (“Appellant”) filed a timely appeal of the Zoning Administrator’s November 12, 2025 conditional approval of the Conditional Use Permit and Steep Slopes Management Plan; and

WHEREAS, on December 16, 2025, the Board of Supervisors accepted the appeal filed by Gary Mapa and heard the appeal on January 13, 2026; and

WHEREAS, the project was found consistent for approval under the Steep Slopes Management Plan requirements for construction activities proposed within slopes in excess of 30% pursuant to Title 12, Chapter 4, Section 12.04.213 and Title 12, Chapter 5, Section 12.05.051 Administrative Development Permit; and

WHEREAS, the project was found consistent for approval under the Conditional Use Permit requirements for wireless communication towers pursuant to Title 12, Chapter 3, Section 12.03.080 and Title 12, Chapter 5, Section 12.05.060 Use Permits; and

WHEREAS, T-Mobile has shown by substantial evidence that a significant gap in wireless communication service exists; and

WHEREAS, T-Mobile has made a prima facie case that the manner in which T-Mobile proposes to fill the significant gap in service is the least intrusive option as shown by T-Mobile's site justification; and

WHEREAS, Appellant has failed to show that there exists some potentially available and technologically feasible alternative to the proposed Project; and

WHEREAS, on January 13, 2026, 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 and Steep Slopes Management Plan to remove an existing 41 foot tall monopole and replace it with a new 90 foot tall monopine at an existing unmanned wireless communication facility; 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 2, Chapter 2 of the Nevada County Code.
3. There is no substantial evidence in the record supporting a fair argument that the proposed project, as 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 November 12, 2025, are deemed necessary to protect the public health, safety, and general welfare.
6. Applicant has shown by substantial evidence that a significant gap in wireless communication service exists.
7. Applicant has made a prima facie case that the manner in which Applicant proposes to fill the significant gap in service is the least intrusive option as shown by Applicant's site justification.
8. Appellant has failed to show that there exists some potentially available and technologically feasible alternative to the proposed Project.
9. 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 Gary Mapa and upholds the decision of the Zoning Administrator to approve the Conditional Use Permit (CUP23-0002) and Steep Slopes Management Plan (MGT24-0018) to remove an existing 41 foot tall monopole and replace it with a new 90 foot tall monopine at an existing unmanned wireless communication 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 November 12, 2025.