

**NEVADA COUNTY ZONING ADMINISTRATOR
NEVADA COUNTY, CALIFORNIA**

MINUTES of the meeting of June 12, 2024, 1:30 p.m., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

STAFF PRESENT: Zoning Administrator/Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Assistant Planner, Zachary Ruybal; Rob Wood with Millennium Planning and Engineering (representing Applicant, Gary Smith); Robert Lawless with Dennis Schematics; Pete Shubin with Sequoia Deployment Services (representing Verizon Wireless); Fire Planner, Captain Dan Collins; Administrative Assistant, Jodeana Patterson; vicinity residents.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 p.m.

PUBLIC HEARING:

PUBLIC COMMENT: Members of the public shall be allowed to address the Zoning Administrator's meeting on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Zoning Administrator, provided that no action shall be taken unless otherwise authorized by subdivision (6) of State Government Code Section 54954.2. The following procedures shall be in effect with regard to the public's exercise of this right:

1. The total amount of time allotted for receiving such public comment may be limited to not less than 15 minutes during any regular Zoning Administrator's meeting.
2. The Zoning Administrator may limit any individual to not less than three (3) minutes. Time to address the Zoning Administrator's meeting will be allocated on the basis of the order of requests received. Not all members may be allowed to speak if the total time allocated expires.

CONSENT ITEMS: None

1:30 p.m. PLN23-0151; TPM23-0002; LLA23-0013; EIS23-0008: The project is an application to the Zoning Administrator for a proposed Tentative Parcel Map and Boundary Line Adjustment (PLN23-0151) requesting to reconfigure the northern property line for 13719 Dog Bar Road (APN: 023-130-056) and the southern property line for 13577 Dog Bar Road (APN: 023-130-057) to increase the size of APN: 023-130-056 from 6.00-acres to 9.00-acres, decrease the size of APN: 023-130-057 from 58.93-acres to 55.92-acres, and then subdivide the newly configured 55.92-acre parcel (APN: 023-130-057) into 4 legal parcels ranging from 6.09-acres to 31.83-acres. *[redacted for brevity]*

Zoning Administrator Foss called the meeting to order.

TRANSCRIPT:

This is the June 12, 2024, Nevada County Zoning Administrator hearing. My name is Brian Foss. I will be the Zoning Administrator for today's meeting. 1st on the agenda, we do have an open public comment period. If anyone is here to speak on a matter that is not on the agenda, please come forward. This is not one of the public hearings that we have scheduled for today. Seeing none, I will close public comment for general public comment. We do not have any consent items. This will bring us to our first public hearing item scheduled for 1:30, and this is a Parcel Map lot Line Adjustment and Negative Declaration consideration.

[redacted for brevity]

54 Seeing no further public comments coming forward, Zoning Administrator Foss closed public hearing at
55 1:59 p.m.

56
57 *[redacted for brevity]*

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59 **1:40 p.m. PLN22-0033, TPM22-0001, VAR23-0001, PFX23-0012, EIS22-0005:** A Tentative Parcel
60 Map application (TPM22-0001) proposing to divide an 11.92-acre parcel (APN 002-580-008) into two,
61 resulting in a 6.92-acre parcel and a 5.0-acre parcel.

62 *[redacted for brevity]*

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64 Seeing no further public comments coming forward, Zoning Administrator Foss closed public hearing at
65 2:22 p.m.

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67 *[redacted for brevity]*

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69 **1:50 p.m. PLN23-0179, CUP23-0015, EIS23-0010:** The project is an application for a Conditional Use
70 Permit (CUP23-0015) proposing the construction and operation of a new unmanned wireless
71 communication facility located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County. The
72 proposed facility will be designed as a 129-foot-tall faux pine tree (monopine) with antennas at a tip height
73 of 124 feet. All brackets, antennas, and remote radio units will be painted green to match the faux pine
74 tree. The facility will be contained within a 30' x 30' (900 square feet) Verizon lease area that will be
75 surrounded with eight (8) feet tall chain-link fencing with a gate and a Knox Box entry system. The lease
76 area will contain three equipment cabinets, a diesel generator, a PG&E transformer, and other
77 communication-related equipment. The site will be accessed by an existing 12-foot-wide dirt access road
78 with a hammerhead turnaround at the end. Vegetation thinning to reduce fire hazard will occur along the
79 access road and around the tower lease area. Approximately 550 feet of underground power and fiber
80 cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of
81 connection. **APN:** 027-010-018. **LOCATION:** 20896 Dog Bar Road, Grass Valley, CA 95949, 4.3 miles
82 east of California State Highway 49 and approximately 7 miles south of California State Highway 174.
83 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Adopt the Mitigated Negative
84 Declaration and Mitigation Monitoring and Reporting Plan pursuant to Section 15074 and 15097 of the
85 California Environmental Quality Act. **RECOMMENDED PROJECT ACTION:** Approval of
86 Conditional Use Permit (CUP23-0015). **PLANNER:** David Nicholas, Associate Planner.

87
88 Associate Planner Nicholas: This presentation is for a proposed communication tower on 20896 Dog Bar
89 Road in Grass Valley, CA. This project is PLN23-0179. This project is proposing a 129-foot-tall
90 telecommunication tower proposed to be camouflaged to look like a pine tree. This project is going to
91 include a 30' by 30' lease area which will contain the monopine, three equipment cabinets, a diesel
92 generator for emergency standby power, and a PG&E transformer in addition to other communication
93 related equipment. This lease area is going to be surrounded by an 8-foot-tall fence with privacy slats in
94 there. The site will be accessed by a 12-foot-wide dirt road. At the end of the dirt road, there will be a
95 hammerhead turn-around that meets county standards for a turn-around. This project also includes 550 feet
96 of utility trenching to connect the tower to power and internet at a point of connection on the eastern side
97 of Dog Bar Road. We can see where that trenching is proposed just a little bit below the road running from
98 east to west. This project is on a parcel in an agricultural zoning district with a general plan designation of
99 Rural 20. The subject parcel is developed with a residence, a barn, a solar array, and other various accessory
100 structures. A lot of the surrounding area is developed in a similar way, where we've got the low-density
101 residential developments such as single-family dwelling units and other ranch and agricultural uses. The
102 habitat of this is a mix of foothill oak and pine woodlands, and this project is proposed on a hillside that's
103 less than 30% slope.

104
105 Currently, we're going to look at the visual analysis of this parcel of this telecommunication tower. As
106 previously mentioned, this tower would be disguised to look like a pine tree. It's going to be nestled among
107 a grove of other pine trees. The tower itself is over 200 feet away from all property lines, based on the site

plan. This project also includes six LED service lights. These lights will not be on the tower, they're going to be in the 900 square foot lease area at ground level to provide workers with lighting during normal maintenance shifts. These lights will be connected to a four-hour twist timer that would automatically turn off. Based on review of the project, it's not anticipated that the Federal Aviation Administration would require lighting on the tower. Typically, the FAA requires tower lights if the tower is over 200 square feet, or if there's some sort of extraordinary situation where the tower creates hazards to plans. This tower would be six feet away from the Nevada County Airport and 10 miles away from the Auburn Airport, and it's not within any airport compatibility zones. Additionally, since the tower is 129 feet tall, it would be below the FAA standard for the installation of lights. I do have an exhibit that was prepared by the Applicant to give us a better idea of what this tower would actually look like. The trunk of the tower would be kind of bark foliage here to look a little bit more like a tree and all the branches would have this foliage on there to have the appearance of a tree. Additionally, all of the antennas and all of the other communication equipment that would be on the tower would be painted green to further the camouflage that this tower is seeking to achieve. Another potential impact with this tower would be noise. This tower is associated with a 30-kilowatt emergency backup generator. This generator, based off of manufacturer specifications and noise studies, would generate 43.8 decibels at the southern property line. This generator would exceed the nighttime noise standards of 40 decibels. Therefore, two Conditions of Approval are proposed to align this with the Nevada County standards. Condition A-20 is proposed to require the generator be installed within a Level 2 sound enclosure. Condition A-21 is proposed to require that testing and maintenance occur only during daytime hours. If the testing only occurs during daytime, the generator would not exceed the daytime noise standards. This slide has some discussion about why this specific parcel was chosen. It's some of the site justification here of Verizon Wireless identified a gap in their LTE coverage and they were seeking to resolve that coverage gap they had. They identified four site alternatives and determined that this site was the most feasible. This is for a variety of reasons. When Verizon Wireless looks for a site, they look for something that has good topography that allows the cell signal to propagate throughout their desired range of area, available electricity and telephone utilities, and also a willing landlord. This project met all of these because the project is proposed on the hillside and the landlord was willing to work with Verizon Wireless. And it also has that point of connection on the eastern side of Dog Bar Road. Another thing that we looked into during the review of this project was radio frequency emissions. It's important to note that radio frequency standards are developed by the Federal Communications Commission, and these standards are developed with the support of expert scientists and engineers. A report prepared by Dtech Communications determined that this project will not exceed those exposure limits developed by the FCC for the public as long as they're outside of that 8-foot fencing along the 300 along the 30' by 30' lease. Another thing to note with the FCC requirements is that Section 704 of the Telecommunications Act of 1996 says that no state or local government shall deny approval or placement of a tower solely on radio frequency emissions, as long as those radio frequency emissions are in alignment with those FCC standards, which the report by DTech Communications has demonstrated. So we're looking at some of the traffic and access now; this photo on the screen shows the dirt access road to access the tower. Since this is an unmanned telecommunication tower, this road was not required to be brought up to commercial standards. However, a hammerhead turnaround is required by the front gate by the Fire Marshall. Additionally, the Department of Public Works required a standard encroachment from the driveway onto Dog Bar Road. Due to this being an unmanned telecommunication tower and staff visiting for regular maintenance only weekly or biweekly, it's not anticipated that this project would have a substantial impact on traffic and is also below many of the screening standards for vehicle miles traveled. This project is proposed within Agricultural Zoning District Section 2.3 D of the Nevada County Land Use and Development Code which states that telecommunication towers are allowed with a use permit. Additionally, Section 3.8 of the Nevada County Land Use and Development Code has standards specific to cell phone towers. These are things like camouflage requirements or co-location capabilities. This project is also in alignment with 3.8 because the Applicant has a procedure to allow co-location on. It's set back over 100 feet or 100% of the distance of the height of the tower from the property, and it is also camouflaged to appear to be a pine tree. I should note that if there was any co-location in the future, that would have to be evaluated through an administrative development permit, and it would also be required to adhere to FCC permitting to assure that this location does not exceed radio frequency emission standards either.

162 This project has an initial study and a mitigated negative declaration that was associated with it. This draft
163 industrial study was available to the public for a review of 31 days spanning from May 7th, 2024, to June
164 6th, 2024. During the review of the project, staff determined that the project is not going to create a
165 substantial environmental impact to any of the CEQA Appendix G items, such as air quality or biological
166 resources, and therefore this project was determined to have a less than significant impact and mitigated
167 negative declaration is the appropriate environmental document for this project. During the public review
168 period of that initial study, a member of the public reached out and they expressed some concerns about the
169 perceived health risks of the cell phone tower, aesthetic impacts, and also noise from the standby generator
170 associated with the tower. As previously mentioned in this presentation, the radio emissions are not
171 anticipated to exceed FCC standards. The monopine is not expected to create aesthetic impacts because it's
172 proposed to look like a pine tree nestled within other pine trees in the area, and the noise is not anticipated
173 to exceed the county noise standard based off of modeling and the manufacturer specification sheet. We
174 also received comments from the Northern Sierra Air Quality Management District. This was asking for
175 clarification that any disturbance has to still adhere to the Northern Sierra Air Quality Management District
176 dust mitigation, so that is proposed as Condition D3. Additionally, Northern Sierra was asking for
177 clarification in a comment they provided initially, updating the contact information. It's not recommended
178 that we update the contact information due to the information in that Condition of Approval still referring
179 to the correct phone number and also to Northern Sierra Air AQMD; it's only changing the specific staff
180 person that it's referring to. The final comment letter we received was from the Central Valley Regional
181 Water Quality Control Board. Again it's just a generic letter that provided comments that were reviewed
182 and determined to not be directly applicable to this project.

183
184 Therefore, staff recommendations are as follows: after reviewing and considering the proposed mitigated
185 negative declaration, adopt the mitigated negative declaration pursuant to CEQA and the recommended
186 project action is to propose is to approve the proposed use permit, subject to the amended Conditions of
187 Approval. Thank you for your time. That concludes my presentation.

188
189 Zoning Administrator Foss: Thanks, David. Regarding the access road getting to the cell tower site. I
190 heard you say that it was existing, but there was a hammerhead needed to be installed. Do you have a map
191 showing the location or can you point on the map the location of that hammerhead?

192
193 Associate Planner Nicholas: Yes, Mr. Zoning administrator, it's a little difficult to see specifically where
194 where it is on this photo on the screen, but if we look at Sheet A1 of the site plans, that hammerhead is
195 shown on the southwesterly corner of the 300-square-foot lease area. I'm also indicating it on the cursor
196 generally where it would be on the screen.

197
198 Zoning Administrator Foss: Well, it looks like there's a hammerhead up to the right, a little bit.

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200 Associate Planner Nicholas: Yes that's correct. There would be a hammerhead there.

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202 Zoning Administrator Foss: OK. And then that road's not going to require any type of improvements?

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204 Associate Planner Nicholas: No, the 1400-foot-long access road was reviewed by the Department of Public
205 Works and the Fire Marshall, and it was determined that that road does not require any improvements other
206 than the standard encroachment from the driveway of the property to Dog Bar Road.

207
208 Zoning Administrator Foss: The noise requirements for the general backup generator: was that a mitigation
209 measure?

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211 Associate Planner Nicholas: Yes, that's correct. The noise requirements for the backup generator were
212 both done as mitigation measures and were incorporated into the mitigated negative declaration.

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214 Zoning Administrator Foss: OK. That's mitigation or Condition 21.

Associate Planner Nicholas: Yes, Mr. Zoning Administrator. That's correct.

Zoning Administrator Foss: All right. Is there a representative for the tower here?

Mr. Shubin: Good afternoon, Mr. Zoning Administrator. My name is Pete Shubin. I'm with Sequoia Deployment Services representing Verizon Wireless here today. We've reviewed the amended Conditions of Approval that staff provided and accept them as presented by staff, and they include the ones that were just discussed regarding noise mitigation for the generator. One comment regarding the hammerhead: there was a there was a picture that was shown of the side area earlier on. It was looking at the top of the access road, and the hammerhead is in the foreground of that area. When you get up to the top, it's the flat part of the hill, so no grading or clearing is required for it.

Zoning Administrator Foss: OK. Thank you for that clarification. Regarding the road itself, I know that staff has not recommended any improvements to that road. Do you think that road is adequate to handle the construction of the site and the equipment going up there, or do you think any improvements are needed to actually access the site?

Mr. Shubin: We have accessed it before, even in the snow, and we were able to get up. What we found, as you could see, is that it has leaves in some places near the top. There are a lot of pine needles. What we found is that it would need clearing, just probably a cleaning scrape, at the most a blading to clean it up because it's an older road and it hasn't been in regular use for some time. There's a section of it that has some brush that needs to be cleared back from it to meet the Conditions of Approval. In the Conditions, it talks about clearing and width, and there'll be some some scrub brush clearance to maintain that.

Zoning Administrator Foss: Are you looking for any other or looking to do any other type of vegetation removal up around the tower location? I know we have some fuel modification requirements, but I'm wondering if you're looking at taking down any trees?

Mr. Shubin: If you look at the site, it doesn't sit square true north-south. I would typically draw things in; it's designed to be placed in between the existing trees. We looked at those Conditions of Approval which required debranching on the lower sections; there will be some of that, but no tree removal for part of this project. We worked to fit it in in between the existing trees.

Zoning Administrator Foss: Thank you for that clarification. Regarding the FCC compliance with radio frequency emissions, I understand that the cell company needs to demonstrate compliance with those limitations. Is there annual or ongoing monitoring of those emissions, or is it a one-time?

Mr. Shubin: There's annual reporting to the FCC, so it's not something that's a one and done. It's done annually back to the FCC to demonstrate continual compliance. Every time the site is modified, since staff had mentioned co-location, there's additional equipment modernizing. We have the generations of technology that come forward every time anything is done to it; that's an additional level of reporting that needs to be done to ensure compliance. It's compliance with the standards, it's not compliance with one carrier. It's a total cumulative standard for all equipment radios. A site like this would comply at a fraction of what is allowed.

Zoning Administrator Foss: Where the nearest tower that that Verizon is using?

Mr. Shubin: Staff, could you bring up Slide 6? You can see that this side is labeled Dog Bar, and it's in the general/upper middle of the slide. You can see the other sites. Around it you can see how this fits generally in between those other sites, and those other sites are not serving this area well due to terrain, due to trees, due to demand for services. This site is designed to be in this area to serve the surrounding area, which is all the agricultural zone, with the agricultural uses and residential uses in that terrain. It serves that area, and you can see that rather than giving you exact distances; I don't have that information. You could see the nearby sites graphically.

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271 Zoning Administrator Foss: OK. Regarding the backup generator and the testing cycle, I think I generally
272 understand that those are like once a week, 15 minutes or so, 1520-minute cycles.

273
274 Mr. Shubin: When we write, it out, we say once a week, 15 minutes. It typically depends on the sub
275 region, on a Tuesday, Wednesday, or Thursday, sometime around 10:00 (not always at 10:00: that time
276 varies based on the network operations center remotely triggering the testing). It is a “turn on, warm up,
277 test sensors, shut off,” so in summer months it would warm up fairly fast. It would be just a few minutes,
278 and in the winter it would run longer, but very rarely longer than 10 minutes.

279
280 Zoning Administrator Foss: That's 10:00 a.m.?

281
282 Mr. Shubin: Generally, and I believe there is a condition that would say we would provide the timeline
283 for that, and we could provide that for staff specific to this site.

284
285 Zoning Administrator Foss: The timeline in the mitigation measure is pretty long. It's 7:00 a.m. to 10:00
286 p.m. I'd be looking to potentially limit that if we're moving forward. Something to think about modifying
287 that mitigation measure or adding something that restricts it to more daytime hours or even that's why I
288 asked for a specific time. If you would potentially consider a condition that would be like between 9:00
289 and noon or something like that. Just a little bit smaller of a window.

290
291 Mr. Shubin: If we could make that 9:00 to 2:00, and the reason why I'm asking for that is it depends on
292 the sub region. We'll get that information from the Network Operations Center and provide that to staff.
293 But it is during normal business hours and it's typically mid-morning, so after people have gone to work;
294 it's not at night. And then also if there is a problem, a tech could go out and service it that same day.

295
296 Zoning Administrator Foss: OK, something to consider. Back to the trees again: I understand the fuel
297 modification in the lemming, something like that. Anything at the tops of the trees, is there anything that
298 you intend to cut off the top for a signal?

299
300 Mr. Shubin: No, that's the difference. It's mentioned in the staff report that the average tree canopy height
301 is 90 feet, and the tower is proposed at 129. That is to get the antennas out over the top of the trees, so the
302 signal is not knocked down by the trees, but we do not need to trim any of the trees; there's nothing planned,
303 nothing proposed to do anything like that.

304
305 Zoning Administrator Foss: OK. Sorry, I'm jumping around a little bit, but talk about the lighting real
306 quick; it says six lights are proposed. Is that two per cabinet? I think there's three cabinets or something.
307 I'm just wondering why six is required or needed.

308
309 Mr. Shubin: It's to light all the equipment, aimed down at the equipment during maintenance; a gate timer,
310 so when you show up at the site, you turn it on and if you need it and if you forget to turn it off, it turns off
311 automatically. However, they're only on when a tech is there; you have to manually turn the lights on and
312 they're all aimed down at the equipment.

313
314 Zoning Administrator Foss: OK. Do you have any additional questions at this time. Do you have anything
315 else you'd like to add or?

316
317 Mr. Shubin: No, Sir. I'm here for any other questions, if you or anything you'd like that the staff or the
318 public raises that you'd like us to address, we'll do that as well.

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320 Zoning Administrator Foss: Great, thank you, Mr. Shubin. At this point, we will open up the public
321 hearing. So now would be the time to come down if you would like to provide comments or ask any
322 questions regarding this proposed cell tower application. Please state your name for the record.

Vicinity Resident Ellen Phalen: Good afternoon, my name is Ellen, I'm here today with a bunch of us; the majority of us here are her direct neighbors. Our homes are around this location. I'm here today because my property is directly across [from the project]. I'm up on a hill. As he had mentioned, the majority of those trees are 90 feet tall, but this tower would be 40 feet above those trees. I feel like the photos that were created are deceptive and not showing exactly how that's going [to] look. Therefore, I strongly believe this is going to aesthetically impact our entire neighborhood and decrease all of our property values, because we're going to be staring at a 140-foot cell tower. While we appreciate the attempt to make this look like a tree, if we're being honest, how many cell towers do we see that look like trees actually look like trees? It's clearly a disguised cell tower. Again, we appreciate the effort, but from 95% of my property, I will be staring at this for the rest of my life out my kitchen window, out my front yard, [and] out my driveway. Studies show that [cell towers] can decrease my property value by up to 20%. I believe everyone here (and again, we are her direct neighbors), and 67 other neighbors, who have signed a petition saying that this will negatively impact their general welfare, the peace of the neighborhood, and their property values, so as far as I can understand. We feel that she's the only one who's for this because she's profiting from it. The rest of us do not want this in our neighborhood. We have cell reception. We don't feel like it's a need. When I look online, there are twelve other towers within two miles of this location, and we're not having any issues making phone calls or receiving phone calls. Another point I'd like to make is [about] the noise. This isn't a valley, and noise carries tremendously. The power also goes out regularly. They admit that this would exceed the county nighttime noise energy equivalent level defined as average sound level on the basis of sound energy of 40 decibels. They then go on to explain that [the generator] would only be [on] in an emergency situation. This generator would go on, but like you'd mentioned, it would be weekly or biweekly testing, and we lose power regularly at this location because of accidents on Dog Bar Road where people hit telephone poles or PG&E just cuts the power. Storms: we've probably all endured, two years ago, the storms that came through, and I was out of power for eight weeks. The thought of having a massive generator even contained in that, just radiating 24/7 for eight weeks is unthinkable. Additionally, while the FCC is saying that this would be within the requirements of law, there's also, I'm assuming [that] this is 5G technology [that] would be going up, this is new technology. There's no long-term studies saying that this is safe. I've got three little kids who will be the Guinea pigs and test for this tower so that Verizon and my neighbor can profit, *[gesturing to neighbors]* and his little kids and her grandkids. That's hard for me to swallow. I'm not sure if you have children, Sir, but being 500 feet away from 140-foot tower that could potentially be slowly killing my children is unacceptable! I understand that legally that's not a foot to stand on, but I would appreciate it if you just take into consideration [that] this is new technology and there are no long-term studies; they can't prove this is safe. I thank you for your time. And again, I would just appreciate it if you consider the noise impact this has on our community. The fact that it's destroying the peace, and there are 74 of us who don't want this, [and believe] that it does potentially pose a serious health hazard, because there's not enough research or long-term studies based on these towers. Thank you.

Zoning Administrator Foss: Thank you, Ms. Phalen.

Vicinity Resident Kristen [last name unintelligible]: Good afternoon. My name is Kristen [unintelligible]. I actually own the house/parcel that is just to the south of theirs. We actually share a fence. My biggest concern is the location on the parcel map, with where it's showing the access road is going to go. It doesn't actually seem to be how the land actually is. It's showing it further down; my property line actually goes further off than that. In that picture, it actually shows my driveway on their side of the property, and I actually do own more than that. The other picture they had [showing] where it's actually going to go, with the sheds and container there. I used a rangefinder from my property line, and it is 92 feet, so the 187 feet that they're getting, I'm not understanding, because it's showing in the image that it's supposed to be about 50 feet back from those sheds, pretty much on line with those sheds, just about 50 feet back from my property line, those sheds are 92 feet. And so, with the generator, to say, "oh, it's going to be dampened by the trees...." Like Kristen said, we do live in a kind of a valley. I can clearly hear kids playing and dogs barking, and to have a generator that close.... Because where it's going on that top of the hill, my house is right there. My house is right on the top of that hill. In that picture, you can actually see my fence posts from my property. That's my property line in that picture. And my house is about 200 feet from that fence line right there. So having it that close, the noise, the visual of it, seeing as it's going to be directly in my

backyard literally, or front yard technically, I just have concerns with it. Obviously all my other neighbors do. I do think it's a little unfair that it's going to be closer to my house than theirs, when they're the only ones profiting off of it, it's going to actually be closer to my house than it will be theirs, and visually right there. You actually see my driveway; it goes over on their side in this picture, but that's obviously not the case. Where it shows the little sheds, that they use [unintelligible] a guide; those actually are further up the hill than it's showing. It's right where that last bend is, is actually where the sheds are. This image makes it look like it's going to be further from my residence than it really is. I do agree that the simulated photos are a little warped, seeing as the estimates were that all the surrounding trees were 90 feet and it's supposed to be about 40 feet taller than those trees; in the simulated photos, it's showing them pretty much being at level with the trees, which obviously is not going to be the case. Also, that access road with the hammerhead would be seemingly right up to my property line. I walked it just this morning, and I'm not seeing how they're going to create that and it not be right against my property line. So, I just have a lot of questions about the validity of the report. It just seems to be not 100%. That's my take.

Zoning Administrator Foss: Thank you.

Vicinity Resident Keenan Parr: Hi, my name is Keenan Parr, and I live at 21055 Dog Bar Road. I have the pleasure of being the direct neighbor to Kristen, whom I live across Amber St. from. Could I ask that gentleman with the Planning (*[gestures to Mr. Shubin]*), could I ask him a question?

Zoning Administrator Foss: Ask it to me, then I can relay it to him.

Mr. Parr: I was just curious what method was used to estimate the height of the trees. I don't need that answered right now, but if you'd be able to state that, that would be appreciated. I think what needs to be delved into a little bit more is the property devaluation for the surrounding properties. In 2019, the National Association of Realtors determined that homes near cell phone towers on average sell for 7.6% less than homes further away of comparable type. Obviously, that's what I found out on my own. I know that there is a great wealth of knowledge in the Nevada County Assessor's Office, and so I reached out to them and sought their opinion on the map. While they were not able to take a definitive position, I was given reference to a National Business Post article which references, and this is from 2022, a study by the Journal of Real Estate, Finance and Economics that [states] homes within 2,500 feet of cell phone towers suffer up to a 10% decline in value, and then even more so painfully to our immediate position here, is that homes within new cell phone towers can see their values drop up to 20%, which I believe is what Kristen was referring to earlier. The question is, why is this? I think it's pretty obvious: because nobody wants to live within the proximity of a perpetual high-energy electromagnetic field. Nothing in this report has stated what this project is going for, but given current technology, it's safe to assume that it's going to be 5G, because that's what Verizon, according to their website, is working very hard to roll. Like Kristen said, there's no long-term studies on this. I know what the FCC says, but I don't feel like the FCC has their families sitting within the immediate proximity of these towers. Furthermore, the American Cancer Society has said that they don't have enough information to determine the long-term health effects on human health. I think I'd just like to say that I understand this is how you guys do things, but given that this permit was applied for and approved back in November, and then you notify just the surrounding 12 parcels in May, peak graduation and peak end-of-school season, that's just kind of a bad look. I feel like Nevada County... I think you guys do a good job running this place, but there's definitely room for improvement here. Needless to say, I stand in firm opposition to this project, and I urge you as a constituent, and most importantly, a father who has a young kid who's going to be existing within this thing, to not move forward with this project. I appreciate your time today. Thank you very much.

Zoning Administrator Foss: Great. Thank you. Anyone else like to make a comment?

Vicinity Resident Lisa Cruson: Thank you for listening us to us today, I appreciate it. My name is Lisa Cruson and I live in one of the homes highlighted behind the proposed home. Let me put on my glasses so I can see my notes. I normally don't talk in front of people, so this is hard for me. I haven't been able to prepare for it because I didn't see the notice that was sent to us, even though it was, even though

[unintelligible] and I didn't find out till three days ago, and I had my grandkids with me this whole time. I'm very ill-prepared. I have health concerns, just as my neighbors have, but I'm not going to talk about them because if there's no reason for me to repeat what they said. I will say that I don't trust big corporations like Verizon to be honest with health concerns. You'll find information on the Internet in both directions as to whether the cell towers are safe for the environment or safe for your health; it depends on what you're looking for. I have seen that they have no cause for worry; I've seen that they cause cancer. They cause all sorts of, you know, skin problems and everything else. So, it depends what you're looking for at that time. My concern is fire danger. You go on the Internet, and it says they do increase the risk for fire. I don't have to tell you that we're all having a problem with fire insurance at this time, and the rates have gone sky high and we're just lucky to have any kind of fire insurance. We do; I don't know if we will if this [project] were to occur. Overloading the cell towers, poor maintenance, age of the towers are just some of the factors that increase the chance of a cellular tower fire. I will mention the 200 gallons of diesel fuel that they store right there when the generator is needing it; lightning is attracted to the highest point, which will be the tower by 40 feet. So we'll have to worry about lightning hitting the tower. Last year, I don't know if you were in the in the area when we had those lightning storms, that was the worst lightning storm I've ever been around except for when I'm in back east: lightning for five minutes, [then] you heard the thunder. The closest strike was less than 1/4 of a mile from us. That will be a concern to me, and that's going to affect the way I care for my grandkids; my grandkids come and stay for days at a time. I will not allow them to stay when I feel that their life is at risk because the potential for a fire because of this piece of equipment out here. The closest fire department to our site is 15 minutes [away], because they've shut down the Higgins Fire Department. Now for the fire department to get to our area is 15 minutes on a good day. The proposed cell tower will be right on the corner of Feather Way and Dog Bar. Feather Way is the one and only entrance to our homes in this neighborhood. There is no other entrance. There's no other exit. So, when a cell tower fire occurs, we will have minutes to run and evacuate. We won't have a warning. It will be fire and run, and hopefully the road won't be blocked. I'm at great risk for this and so are all of my neighbors. It does say it's an agricultural area, but we are families. We all have children or grandchildren. There are elderly there who are immobile. This is this is affecting everybody, and I can't believe I have to live with this or have the opportunity to fight for it. You're putting all of these residents at risk. This is a poor choice of placement. I'm not against cell towers, but in our area there's a lot of free land. There's a lot of land that people are not close to that has entrances and exits, and there are ways that this can be done without using this space. The Summary of Impact Report did not check fire hazards or population implications; that should have been checked, because it is an increase. If you look on the Internet, it doesn't say, "no, it does not increase risk for fire" in it. It says, "there is an increased risk when you have cell towers." I don't feel that this should be dismissed. I don't feel that this [project] should be approved. I think it should be looked into further, and a better site needs to be made. Thank you. I appreciate it. I'm sorry I'm angry, but this is my home. Thank you.

Zoning Administrator Foss: Thank you.

Vicinity Resident Jill Bowen: Hello, I'm Jill Bowen. I live in our area, next to Lisa. I have nothing prepared because I also just found out yesterday. I live within 100 yards of this proposed tree. I guess my question was, and my husband, he's working today, was what guarantee is Verizon going to give all of us? How can you guarantee that, if my house is worth over \$1,000,000, and you devalue it by 6 to 20%, who is going to pay for that when I go to sell my house because I don't want to live next to a cell tower? If I can't get fire insurance at my home, and I'm paying \$20,000 a year for fire insurance, how is putting a tower with a 250 gallon gas tank within 100 yards of my house, how does that help me in my fire insurance? We can barely afford to live here as it is. How does this help us? I really take offense to you saying it's in a rural area. I get that we all have 5 or 10 acres, but we're all there. I mean, we have 10 houses on our road, there are families here. It's not like it's in the middle of a field; it's within 100 yards of at least fifty homes. Why would you choose a tower to go in the middle of a neighborhood? It makes no sense to me. I really laughed at the 1st letter and thought surely they would never put a tower right there. I want Verizon to give us some assurances we're not going to get sick. We're not going to catch fire. Our property values aren't going to go down. Our children are going to be safe, and our animals are going to be OK. Is that something Verizon can do in writing? When I go to sell my house, that you didn't lower my property value? Is that going to

happen? Do we get assurances from Verizon? Do you know that's what I want to know? That's why I'm here. I could give a hoot about an ugly tree. I appreciate the effort, but you're in our homes, you're in our backyards. How can you assure me that my house is going to be OK and my family is going to be OK, whether it's health, fire, and then can I even afford to live here anymore? Do we have any answers today? Is that anything we get and when you do monitor, do we get to know?

Zoning Administrator Foss: Ma'am, you can direct your questions to me please.

Ms. Bowen: Do we get to know when Verizon checks all those levels? We didn't even know it was going in. I don't trust Verizon to tell me what the levels are, or the fire hazards, or if my property value is going down. I didn't even know this was happening until a day ago. So I would hope that you would consider that. I would hope these are answers that we get before this gets approved, I would hope you would think about your neighbors and if you had a tower going in across the street from your house.

Zoning Administrator Foss: Thank you.

Vicinity Resident Jeff Vinson: My name is Jeff Vinson. I live at 20962 Dog Bar Road, just south of this tower, within 300 feet of the house. I'm retired. I babysit four grandchildren, ages one to 15. If there is a fire..., because I live back behind where the cell tower is, it's going to engulf me. I have four grandchildren I'm taking care of. Granted, during schooltime, they're in school, but I have a one-year-old, my granddaughter, and that would devastate us. There's a lot of brush, Manzanita and stuff around this area, and I'm afraid there's going to be a fire. I disapprove of this being put in. My front window faces right towards that tree, and that's all we're going to see. I strongly suggest they put it elsewhere. There are plenty of places up there that this cell tower can be put. Thank you.

Zoning Administrator Foss: Thank you, Sir. Anyone else like to make comments?

Vicinity Resident Sandy Mallory: Good afternoon. My name is Sandy Mallory. I live at 12950 Amber St. I agree with all my wonderful neighbors here who have come to express their opinions, and I join them in their opinions. I do have a question on the presentation. There was one paragraph I should've been able to read faster, but I didn't; it mentioned having a cable that was going either from the tower or from the unit that powers it, and it's going to go all the way down to Dog Bar and then cross a street, I think to a PG&E pole. Now, if it's not going to that pole, it's going to go to another one. That particular pole is at the front of my property, and the reason we had a lot of fires in the state of California is because PG&E does not maintain their poles, nor did they maintain the grass and stuff that grows around it. The reason I know that is because my son and his girlfriend have been doing it for them. My question is, which PG&E pole are we hooking this big thing up to? And who's going to guarantee that PG&E is going to service it so that we don't have to worry about that? Or is Verizon going to do that? I don't know. And my other question and thought is, even though while we look at the property where the pole is going to go, and I believe one of my neighbors was pointing this out, one of the neighboring parcels come out of their front door, they're going to look at a fenced generator and 140-foot tree. That's their view now. And I think that's sort of inconsiderate because they're not getting any compensation for it, like the neighbors that have [unintelligible]. Yes, it's on their property, but they can't even see it from their house, whereas [for] the neighbors who have the adjoining parcel, it's right out their front door. There was one other thing I wanted to add about the view, but my main question is, which PG&E pole is that thing going to be hooked up to, and who's going to maintain it? Because we do have a fire problem here. That's all I have to say. Thank you.

Zoning Administrator Foss: Thank you. Anyone else? Please feel free to just follow the next person. Go ahead, Sir.

Vicinity Resident Axis Felty: I concur with my neighbors, especially on the impact of the environmental health of the tower and what it's going to do in its long-term effects. My name is Axis Felty; I just want to state for the record that I opposed this project. That's all I have to say. Thank you.

540 Zoning Administrator Foss: Thank you. Anyone else like to speak? Ma'am, before you do, is there anyone
541 else that hasn't spoken that would like to speak at? This isn't intended to have multiple rounds, but I'll let
542 you go quickly. Thank you.

543
544 Vicinity Resident [name not provided]: I'll be really quick, because my issue is the fire, and we're talking
545 about the property that these people own that want to house this. They have had manzanita. All over their
546 property, they have not cleaned it up until just recently, probably once this came, but they haven't cleaned
547 it all up. It's the messiest property we have in our area as far as fire safety [is concerned], so if they're not
548 keeping it up now, how are they going to keep it up? At any point, they don't care.

549
550 Zoning Administrator Foss: Thank you. All right. With that, I'm going to close public hearing and I have
551 a couple questions I'm hoping maybe the Applicant can address; one was the methodology for the tree
552 height measuring, and I'd also like to just talk about the accuracy of the plan in terms of the locations of
553 different features being shown in proximity to off-site such features, and maybe just start with those two
554 and we'll add as we go. Mr. Shubin.

555
556 Mr. Shubin: Mr. Zoning Administrator, the answer for the accuracy of plans and the tree heights is the
557 same for both. We had the property surveyed, and we had the property line surveyed based on survey data
558 from the County. We found monuments to locate the property lines. We also had the heights of the trees
559 surveyed, so the information on the general tree canopy height and the property line locations and setbacks
560 is all based off of a survey from a licensed land surveyor.

561
562 Zoning Administrator Foss: The power pole issue: obviously the site requires power and it's coming from
563 a power pole on Dog Bar, is that accurate?

564
565 Mr. Shubin: Yes, Sir. If you look at the site plan that's up on the screen right now, you can see the pole.
566 It's in the right of way of Dog Bar Road on the east side of the road. There will be... I believe that note
567 says an intercept pole to "riser down," and that is a pole that supports the conductors above, and the
568 transition from, overhead conductors to underground conductors, and then from that point it runs
569 underground in a conduit all the way up to the site to a pad mount transformer. That is the way items are
570 done today. The easement shown in the plans is sufficient for PG&E's needs. There was a question
571 regarding who maintains it: it is PG&E infrastructure, so the permit will be pulled by Verizon Wireless for
572 the infrastructure in the public right-of-way, and the encroachment permit on the property for the private
573 property side of the conduit will be inspected by the county and also by PG&E. PG&E inspects it for depth;
574 they do what they call "proof it." It is also referred to as rotting it to make sure there are no problems with
575 the conduit - what's built, there are no burs - before it's buried, and then the conductors are pulled. Other
576 than that transition of that pole from overhead to underground, all electrical infrastructure serving the sites
577 are underground. The fire risk from electrical conductors, generally from the overhead, which we all know
578 from downed wires, trees falling on lines - PG&E's been working to improve systems and that have nothing
579 as part of this project.

580
581 Zoning Administrator Foss: So everything basically is undergrounded from that pole, right?

582
583 Mr. Shubin: Yes.

584
585 Zoning Administrator Foss: And then does it go up through the center basically or to the equipment once
586 you get to the monopole itself?

587
588 Mr. Shubin: The power itself feeds to a pad-mount transformer, and then to meters that are on the ground.
589 To serve a cell site, it's a 200-amp service, so the typical size of a residential service you might have in a
590 standard sized home built today, the power for that same voltage (120/ 240 volts, same as a residence),
591 serves the equipment that's on the ground, which transforms it to a -40 DC system, and the only power that
592 goes up the pole itself is that 48 volts, considered low voltage. It doesn't even require inspections for those
593 connections on it. That's what's in the tower itself. Fiber optic cable and jacketed conductors with 48 volts.

594 Zoning Administrator Foss: Did you have anything else you wanted to add at this point based on the
595 testimony we've heard?
596

597 Mr. Shubin: There were several comments regarding the generator. I'll try to summarize them regarding
598 how it operates. Some comments regarding the integrity of the PG&E power system and outages: the
599 generator is a state of California Public Utilities Commission requirement to have 72 hours of backup power
600 due to the number of outages that happened throughout the state. The legislature passed the law requiring
601 backup power. It's done with generators. There are also batteries on site that are in sealed cabinets that are
602 on a concrete pad for short outages. That's the purpose of the generator. What it does is provide for the
603 integrity of the communication system in the event of an outage. So let's say there is a planned outage by
604 PG&E or a non-planned outage. The site can stay operational so people could use devices to find out what's
605 going on and communicate with the outside world. With regard to the lightning information that was
606 mentioned: we do a lot of grounding for radio towers and cell sites, and that's for a couple of reasons due
607 to static noise that comes over the system, but also due to lightning protection and just general grounding.
608 The NEC National Electrical Code requires a grounding for the electrical service to be at a 25 ohms.
609 Assistance. The wireless carriers ground to A five ohms resistant standard, and that's because of the radio
610 noise. So when we look at a tower and how we ground everything on the tower, it's above and beyond the
611 National Electrical Code standards for grounding for lightning protection, for grounding of electrical
612 systems to take that energy and disperse it into the ground. Risk of lightning strikes causing a fire: very
613 low. It's not non-existent. There's always some risk, but it's very low due to the way the system is built to
614 protect against that. If you look at how the county's rules and how the site is proposed itself - a gravel yard
615 around the tower fire mitigation for fuel modification to limit the fire hazard from a cell site. Cell sites like
616 this one have all underground electrical systems, or they're low voltage for what is above ground. There
617 was discussion regarding property values: we're familiar with those reports. They are some reports that
618 have not undergone peer review. They're a topic of discussion. What is very clear is, property values
619 impacts do not exist in the real world. So when you have a cell tower going as in Slide 6 (that was up
620 before), where they were showing facilities throughout the built environment, throughout the rural
621 environment, and throughout very barren open environments, what you find is that there's no measurable
622 property value loss. The reason that exists is if somebody is, you're not selling to... If I sold my house, I
623 would not be selling it to you, I would be putting it on the open market. What is a very real effect is that
624 people now "cut the cord," they do not have landlines, the landline systems not being maintained. So what
625 happens is people go in, they look at house and they go, "does my phone work?" That's a communication
626 system. They use that for interconnect Internet connectivity. They use that for telephone service, all kinds
627 of uses. That's value. So what the data shows is that there is no effect, that there is a diverse population of
628 buyers who want cell service. There are people who are concerned about it, but when you look at it, there
629 is no effect. If there was, there would be people out there marketing those homes to people who want good
630 cell service. There is a question regarding why would we put this in a residential neighborhood: because
631 it's designed to serve that neighborhood. If you look at the scale of the area around this, what you have is
632 the same land use zoning, the same general land use pattern for a couple of miles. The service needs to be
633 in the neighborhood to serve the neighborhood with a quality and reliable service.
634

635 Zoning Administrator Foss *[to vicinity residents]*: Please, can you... we let you talk, so let's let him talk.
636

637 Mr. Shubin: And so that's why it is proposed at this location. There is no other land use where we could
638 put it to provide the necessary service to fill the gap in service from Verizon Wireless. Was there anything
639 else you specifically would like me to address here?
640

641 Zoning Administrator Foss: No, I don't think so. I would like to talk to our fire planner, Captain Collins.
642 Thank you, Mr. Shubin.
643

644 Fire Planner, Captain Dan Collins: Good afternoon, Mr. Shuman, Mr. Zoning Administrator.
645

646 Zoning Administrator Foss: Good afternoon, Sir. First, I wanted to go back to just the fuel modification
647 requirements and what that would look like as indicated on the plan; looks like a 50-foot circumference

around the tower. Plus, we talked about a little bit earlier in terms of limbing: can you just describe what Cal Fire would be looking for?

Fire Planner, Captain Dan Collins: Yes. Throughout the county, we have several of these sites, and a lot of them, or some of them, do not have the generator backup; with sites like that, you have no fuel modification required. With this particular site, what we've done is, we've required a hard 20- to 50-foot free of all vegetation grass. Usually on the sites I go to, you see gravel or concrete which will help eliminate that. What I've done in that surrounding zone with the ladder fuels, and what I'd like to do, is see from four to six feet up on the trees to keep a fire (if a grass fire comes through there) from climbing the trees, to be a benefit to the community and to save the cell tower site. So that's the fuel modification, hazardous fuel modification I have as my comments for this project.

Zoning Administrator Foss: OK. And you would be inspecting?

Fire Planner Collins: Correct. It'll be upon completion of the final project.

Zoning Administrator Foss: OK. Do you do any other type of inspections after installation? Is there an annual inspection?

Fire Planner Collins: No on the structures in the area. Defensible space inspectors will be complying on random inspections of 4291 inspections throughout the county, and that can/will involve these structures that are proposed for the cell tower site.

Zoning Administrator Foss: On the road as well, would there be some brush clearing on the access road, do you believe?

Fire Planner Collins: Yes, at the current state, there's no required vegetation management because it's down to basically nothing. However, upon completion of the final, if it does come up, we will. The vendor has in the comments [that they] will take care of the vegetation management on 10 feet of each side of the driveway.

Zoning Administrator Foss: OK. Do you have anything else you wanted to add regarding any type of fire issues or requirements?

Fire Planner Collins: No, not that the vendor hasn't covered.

Zoning Administrator Foss: OK. Thank you. Thank you, Captain. Planning Staff, do you have anything to add at this point regarding any responses to comments we've heard today?

Associate Planner Nicholas: Yes, I can address a few points that were brought up. One of them was some concern over how the fuel was going to be stored: a Condition of Approval will require that the diesel fuel storage tank is registered through the Department of Environmental Health through their CUPA ("Certified Unified Program Agencies") program and also to be in alignment with California Department of Fire and Forestry standards for that storage of fuel, which are both Conditions of Approval for this project. We had some concerns about how the public notice was done for this, but all the public noticing was done pursuant to the Nevada County Land Use and Development Code within 500 feet of this project site and also adhering to the standard timelines that we have. There's some concern about how this tower is going to look like when it's actually constructed, but based off of the photos that are provided in this exhibit map prepared by the Applicant, when they're actually constructed, they do appear to look very close to an actual pine tree, and that is consistent with Section 3.8 of the Nevada County Land Use and Development Code that requires some form of camouflage. That section of code doesn't specifically require it to look like a pine tree or a monopine, but it does look like a form of camouflage tower. Also, I wanted to try to address some concerns about the validity of the report and some distrust in Verizon: the person who prepared that report on the radio emissions was a third-party consultant and was also a licensed engineer in the state of California. For

the concerns about incompatibility with that Agricultural Land Use designation, the Nevada County Land Use and Development Code does allow for communication towers with the Use Permit in an agricultural zone, just because it's Ag'ed and specifically means you can't have other low intensity uses. Additionally, this tower doesn't detract from agricultural uses of this property in the future, because there's still adequate space available, and the 900 feet doesn't substantially detract from that ability. I just wanted to reiterate that some of the fire hazard is reduced due to additional vegetation clearance that would be above and beyond what is existing out there now, and the initial study does specifically address wildfire hazard; it was determined that this tower could help mitigate some of those issues related to wildfire hazard because evacuation is an important component of that. This tower could help prevent existing infrastructure from being overloaded and help with the issuance of any specific alerts. There's also a concern that was mentioned about the aesthetics of the project from a more ground level: this project is conditioned to have privacy slats around that 900-square-foot lease area. In addition to the privacy slots that are required as a Condition of Approval, there's also some natural vegetation that should offer some level of screening as well. Additionally, the lease area itself is 150 feet away from property lines, and the communication tower is 200 feet away from the nearest property lines, based off of the surveyed site plan and also the alignment with the Nevada County GIS map that we have. So that concludes my response to the main comments. Thank you.

Zoning Administrator Foss: Thank you, David. Thank you all for your comments and your participation. Thank you, Planning Staff and the Applicant for your input and responses. I appreciate everyone's comments and taking significant time out of your day to come down. So obviously, very important to everyone and we take it seriously as well from a county standpoint in terms of ensuring that we're enforcing the rules that are within our purview. I'm going to hit on a couple of the issues that I've heard. One, starting with the visibility and the aesthetics of the site: I'm not under a delusion that it's going to just magically disappear and no one's going to know that it's there because it's designed like a pine tree; we've all seen those, I understand it's visible. It helps soften it to some degree, but I understand that it is definitely noticeable. However, if something is visible, it doesn't necessarily mean it's significant. In fact, the world I'm operating in is under California Environmental Quality Act, CEQA, our zoning codes, and we have different levels of thresholds for what's a significant impact. So, while it may be visible, I don't know in terms of a CEQA threshold that it would be considered [to be] a significant impact. But I do appreciate the fact that the technology does its best to blend, but we haven't recreated the perfect tree yet. I understand that. The health issues: I have been Zoning Administrator for quite a while, I've heard about a number of cell towers over the years. The health concerns have come up a number of times. Again, I'm charged with operating in the legal world in terms of what is legally defensible. Given the 1996 Telecommunications Act, counties, cities, and jurisdictions are prohibited from taking that into consideration, or at least denying any type of project based on RFE or radio frequency emission, so I can appreciate the concerns. I can appreciate that the technology has changed, and it would be nice if there were more studies and more conclusions. There are a lot of different opinions out there, but at this point, that is not something that I am going to use to make a decision in this case. Regarding property values, that comes up a lot in land use. We do not have any policies or requirements that mandate that property values are maintained in any way in a more indirect way; all of our codes are setbacks for safety requirements. Building permit requirements, compatibility issues, screening, landscaping, adequate roadways, are all intended to ensure that projects are developed safely in accordance with adopted plans. That doesn't mean that there's not going to be some level of noticeability or even nuisance; they're simply guidelines and requirements for new development, and that in and of itself is a potential fair playing field that people know what the rules are. They're written down as to what to be expected. If you're proposing to build a garage, or in this case, a cell tower, property values is not something generally taken into consideration at a land use level. The noise issue: we do have noise analysis and sound studies done. I've asked that the mitigation measure be looked at and considered to make that cycling for the testing [to occur from] 9:00 to 2:00 – [is that something they can] live with in terms of the daylight hours. Obviously that doesn't take into account an emergency situation where the generator would be running 24 hours a day. I was here during some of those "snowmageddon" events and lost power for multiple weeks at a time. I also lost cell tower power after about three days, so they kind of run for about 72 hours, and then everybody's kind of on their own. I don't know if those get refilled up and started up again. I'm seeing a nod. So yes, I guess there is a potential that that sound could be emanating

for a significant [amount] of time, but I think we're all familiar with the sound of generators. Not pleasant, not an excuse, but there's a lot of other generators that fire up around those emergency times, at least in my neighborhood. So, [regarding] the accuracy of the plans: our plans are required to be stamped and signed by engineers and surveyors for accuracy, Building Staff will be doing field inspections to ensure the accuracy of the plans, and if something is being installed in the location that is correctly depicted on the approved plan. If there is a discrepancy, then potential revisions would be required, and if the revisions are significant enough, that could necessitate a new public hearing and new use permits if it's so far off and potentially creates new, unanticipated impacts that were not identified or at least acknowledged through this process. The oversight: there are risks with any type of new structures; households have gasoline and propane and hot water tanks and other things that are also potentially dangerous, but we do try to ensure the oversight through building codes, fire codes, and environmental health codes for hazardous materials etc. That is the standard that everything is held to, whether it's a cell tower or a house, a subdivision, or a commercial development. All that being said, I do appreciate everyone's comments. However, in my role as Zoning Administrator is to ensure that the project has been designed in accordance with the codes and the policies and adequate environmental review has been completed. In this case I would agree with those recommendations for approval. I will be taking the recommendations.

Principal Planner Barrington: Mr. Zoning Administrator, a point of clarification: as a result of the direction to revise the Mitigation Measure 13C, we would request that when taking Action One, that you also reflect the changes to that Mitigation Measure, including citing Section 15073.5-C1 of the Environmental Quality Act Guidelines, and adding an additional finding, and that finding would say that the modifications to Mitigation Measure 13C to further restrict the hours of operation for testing the generator are equal to or more effective than the original Mitigation Measure.

Zoning Administrator Foss: Thank you. First Action: after reviewing and considering the proposed Mitigated Negative Declaration EIS23-00010, included as attachment to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, pursuant to Section 15074 and 15097 of the California Environmental Quality Act, including adding an additional finding D that the modification of the hours of the testing for Mitigation Measure 21 or less than or equal to the impacts identified in the Mitigated Negative Declaration, and make findings A through D. And secondly, approve the proposed Use Permit CUP23-0015, subject to the amended Conditions of Approval shown as an attachment to the June 12, 2024, memo making findings A through 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.

Principal Planner Barrington: Just to clarify that it also includes the amendments made at the hearing today, to 13C.

Zoning Administrator Foss: Thank you. Yes, that includes the amendments made at the hearing today. With that, there is a 10-day appeal period on those decisions. That decision can be appealed to the Board of Supervisors, and that can be done upstairs through the Clerk of the Board office. I do thank you for your time. I appreciate your comments and thank you all for coming out. And with that, we will adjourn today's hearing.

Zoning Administrator Foss adjourned the meeting at 3:43 p.m.

There being no further business to come before the Zoning Administrator, the meeting was adjourned at 3:43 p.m. to the next meeting, to be held on a date to be determined, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

Passed and accepted this day of , 2024.

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Brian Foss, Zoning Administrator

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