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**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.

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**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.

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**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]*

58  
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]*

63  
64 Seeing no further public comments coming forward, Zoning Administrator Foss closed public hearing at  
65 2:22 p.m.

66  
67 *[redacted for brevity]*

68  
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

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

161

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.

199  
200 Associate Planner Nicholas: Yes that's correct. There would be a hammerhead there.

201  
202 Zoning Administrator Foss: OK. And then that road's not going to require any type of improvements?

203  
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?

210  
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.

213  
214 Zoning Administrator Foss: OK. That's mitigation or Condition 21.

215

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

217

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

219

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

227

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

232

233 Mr. Shubin: We have accessed it before, even in the snow, and we were able to get up. What we found,  
234 as you could see, is that it has leaves in some places near the top. There are a lot of pine needles. What we  
235 found is that it would need clearing, just probably a cleaning scrape, at the most a blading to clean it up  
236 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  
237 some brush that needs to be cleared back from it to meet the Conditions of Approval. In the Conditions, it  
238 talks about clearing and width, and there'll be some some scrub brush clearance to maintain that.

239

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

243

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

248

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

252

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

260

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

262

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

270  
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.  
319

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.  
323

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

360  
361 Zoning Administrator Foss: Thank you, Ms. Phalen.

362  
363 Vicinity Resident Kristen [last name unintelligible]: Good afternoon. My name is Kristen [unintelligible].  
364 I actually own the house/parcel that is just to the south of theirs. We actually share a fence. My biggest  
365 concern is the location on the parcel map, with where it's showing the access road is going to go. It doesn't  
366 actually seem to be how the land actually is. It's showing it further down; my property line actually goes  
367 further off than that. In that picture, it actually shows my driveway on their side of the property, and I  
368 actually do own more than that. The other picture they had [showing] where it's actually going to go, with  
369 the sheds and container there. I used a rangefinder from my property line, and it is 92 feet, so the 187 feet  
370 that they're getting, I'm not understanding, because it's showing in the image that it's supposed to be about  
371 50 feet back from those sheds, pretty much on line with those sheds, just about 50 feet back from my  
372 property line, those sheds are 92 feet. And so, with the generator, to say, "oh, it's going to be dampened by  
373 the trees...." Like Kristen said, we do live in a kind of a valley. I can clearly hear kids playing and dogs  
374 barking, and to have a generator that close.... Because where it's going on that top of the hill, my house is  
375 right there. My house is right on the top of that hill. In that picture, you can actually see my fence posts  
376 from my property. That's my property line in that picture. And my house is about 200 feet from that fence  
377 line right there. So having it that close, the noise, the visual of it, seeing as it's going to be directly in my

378 backyard literally, or front yard technically, I just have concerns with it. Obviously all my other neighbors  
379 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  
380 ones profiting off of it, it's going to actually be closer to my house than it will be theirs, and visually right  
381 there. You actually see my driveway; it goes over on their side in this picture, but that's obviously not the  
382 case. Where it shows the little sheds, that they use [unintelligible] a guide; those actually are further up the  
383 hill than it's showing. It's right where that last bend is, is actually where the sheds are. This image makes  
384 it look like it's going to be further from my residence than it really is. I do agree that the simulated photos  
385 are a little warped, seeing as the estimates were that all the surrounding trees were 90 feet and it's supposed  
386 to be about 40 feet taller than those trees; in the simulated photos, it's showing them pretty much being at  
387 level with the trees, which obviously is not going to be the case. Also, that access road with the hammerhead  
388 would be seemingly right up to my property line. I walked it just this morning, and I'm not seeing how  
389 they're going to create that and it not be right against my property line. So, I just have a lot of questions  
390 about the validity of the report. It just seems to be not 100%. That's my take.

391

392 Zoning Administrator Foss: Thank you.

393

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

397

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

399

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

425

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

427

428 Vicinity Resident Lisa Cruson: Thank you for listening us to us today, I appreciate it. My name is Lisa  
429 Cruson and I live in one of the homes highlighted behind the proposed home. Let me put on my glasses so  
430 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  
431 prepare for it because I didn't see the notice that was sent to us, even though it was, even though



432 [unintelligible] and I didn't find out till three days ago, and I had my grandkids with me this whole time.  
433 I'm very ill-prepared. I have health concerns, just as my neighbors have, but I'm not going to talk about  
434 them because if there's no reason for me to repeat what they said. I will say that I don't trust big corporations  
435 like Verizon to be honest with health concerns. You'll find information on the Internet in both directions  
436 as to whether the cell towers are safe for the environment or safe for your health; it depends on what you're  
437 looking for. I have seen that they have no cause for worry; I've seen that they cause cancer. They cause all  
438 sorts of, you know, skin problems and everything else. So, it depends what you're looking for at that time.  
439 My concern is fire danger. You go on the Internet, and it says they do increase the risk for fire. I don't  
440 have to tell you that we're all having a problem with fire insurance at this time, and the rates have gone sky  
441 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]  
442 were to occur. Overloading the cell towers, poor maintenance, age of the towers are just some of the factors  
443 that increase the chance of a cellular tower fire. I will mention the 200 gallons of diesel fuel that they store  
444 right there when the generator is needing it; lightning is attracted to the highest point, which will be the  
445 tower by 40 feet. So we'll have to worry about lightning hitting the tower. Last year, I don't know if you  
446 were in the in the area when we had those lightning storms, that was the worst lightning storm I've ever  
447 been around except for when I'm in back east: lightning for five minutes, [then] you heard the thunder.  
448 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  
449 affect the way I care for my grandkids; my grandkids come and stay for days at a time. I will not allow  
450 them to stay when I feel that their life is at risk because the potential for a fire because of this piece of  
451 equipment out here. The closest fire department to our site is 15 minutes [away], because they've shut down  
452 the Higgins Fire Department. Now for the fire department to get to our area is 15 minutes on a good day.  
453 The proposed cell tower will be right on the corner of Feather Way and Dog Bar. Feather Way is the one  
454 and only entrance to our homes in this neighborhood. There is no other entrance. There's no other exit.  
455 So, when a cell tower fire occurs, we will have minutes to run and evacuate. We won't have a warning. It  
456 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  
457 neighbors. It does say it's an agricultural area, but we are families. We all have children or grandchildren.  
458 There are elderly there who are immobile. This is this is affecting everybody, and I can't believe I have to  
459 live with this or have the opportunity to fight for it. You're putting all of these residents at risk. This is a  
460 poor choice of placement. I'm not against cell towers, but in our area there's a lot of free land. There's a  
461 lot of land that people are not close to that has entrances and exits, and there are ways that this can be done  
462 without using this space. The Summary of Impact Report did not check fire hazards or population  
463 implications; that should have been checked, because it is an increase. If you look on the Internet, it doesn't  
464 say, "no, it does not increase risk for fire" in it. It says, "there is an increased risk when you have cell  
465 towers." I don't feel that this should be dismissed. I don't feel that this [project] should be approved. I think  
466 it should be looked into further, and a better site needs to be made. Thank you. I appreciate it. I'm sorry  
467 I'm angry, but this is my home. Thank you.

468  
469 Zoning Administrator Foss: Thank you.

470  
471 Vicinity Resident Jill Bowen: Hello, I'm Jill Bowen. I live in our area, next to Lisa. I have nothing prepared  
472 because I also just found out yesterday. I live within 100 yards of this proposed tower. I guess my question  
473 was, and my husband, he's working today, was what guarantee is Verizon going to give all of us? How can  
474 you guarantee that, if my house is worth over \$1,000,000, and you devalue it by 6 to 20%, who is going to  
475 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  
476 insurance at my home, and I'm paying \$20,000 a year for fire insurance, how is putting a tower with a 250  
477 gallon gas tank within 100 yards of my house, how does that help me in my fire insurance? We can barely  
478 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  
479 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  
480 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  
481 would you choose a tower to go in the middle of a neighborhood? It makes no sense to me. I really laughed  
482 at the 1st letter and thought surely they would never put a tower right there. I want Verizon to give us some  
483 assurances we're not going to get sick. We're not going to catch fire. Our property values aren't going to  
484 go down. Our children are going to be safe, and our animals are going to be OK. Is that something Verizon  
485 can do in writing? When I go to sell my house, that you didn't lower my property value? Is that going to

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

491  
492 Zoning Administrator Foss: Ma'am, you can direct your questions to me please.  
493

494 Ms. Bowen: Do we get to know when Verizon checks all those levels? We didn't even know it was going  
495 in. I don't trust Verizon to tell me what the levels are, or the fire hazards, or if my property value is going  
496 down. I didn't even know this was happening until a day ago. So I would hope that you would consider  
497 that. I would hope these are answers that we get before this gets approved, I would hope you would think  
498 about your neighbors and if you had a tower going in across the street from your house.  
499

500 Zoning Administrator Foss: Thank you.  
501

502 Vicinity Resident Jeff Vinson: My name is Jeff Vinson. I live at 20962 Dog Bar Road, just south of this  
503 tower, within 300 feet of the house. I'm retired. I babysit four grandchildren, ages one to 15. If there is a  
504 fire..., because I live back behind where the cell tower is, it's going to engulf me. I have four grandchildren  
505 I'm taking care of. Granted, during schooltime, they're in school, but I have a one-year-old, my  
506 granddaughter, and that would devastate us. There's a lot of brush, Manzanita and stuff around this area,  
507 and I'm afraid there's going to be a fire. I disapprove of this being put in. My front window faces right  
508 towards that tree, and that's all we're going to see. I strongly suggest they put it elsewhere. There are plenty  
509 of places up there that this cell tower can be put. Thank you.  
510

511 Zoning Administrator Foss: Thank you, Sir. Anyone else like to make comments?  
512

513 Vicinity Resident Sandy Mallory: Good afternoon. My name is Sandy Mallory. I live at 12950 Amber St.  
514 I agree with all my wonderful neighbors here who have come to express their opinions, and I join them in  
515 their opinions. I do have a question on the presentation. There was one paragraph I should've been able to  
516 read faster, but I didn't; it mentioned having a cable that was going either from the tower or from the unit  
517 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  
518 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  
519 of my property, and the reason we had a lot of fires in the state of California is because PG&E does not  
520 maintain their poles, nor did they maintain the grass and stuff that grows around it. The reason I know that  
521 is because my son and his girlfriend have been doing it for them. My question is, which PG&E pole are  
522 we hooking this big thing up to? And who's going to guarantee that PG&E is going to service it so that we  
523 don't have to worry about that? Or is Verizon going to do that? I don't know. And my other question and  
524 thought is, even though while we look at the property where the pole is going to go, and I believe one of  
525 my neighbors was pointing this out, one of the neighboring parcels come out of their front door, they're  
526 going to look at a fenced generator and 140-foot tree. That's their view now. And I think that's sort of  
527 inconsiderate because they're not getting any compensation for it, like the neighbors that have  
528 [unintelligible]. Yes, it's on their property, but they can't even see it from their house, whereas [for] the  
529 neighbors who have the adjoining parcel, it's right out their front door. There was one other thing I wanted  
530 to add about the view, but my main question is, which PG&E pole is that thing going to be hooked up to,  
531 and who's going to maintain it? Because we do have a fire problem here. That's all I have to say. Thank  
532 you.  
533

534 Zoning Administrator Foss: Thank you. Anyone else? Please feel free to just follow the next person. Go  
535 ahead, Sir.  
536

537 Vicinity Resident Axis Felty: I concur with my neighbors, especially on the impact of the environmental  
538 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  
539 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

648 around the tower. Plus, we talked about a little bit earlier in terms of limbing: can you just describe what  
649 Cal Fire would be looking for?  
650

651 Fire Planner, Captain Dan Collins: Yes. Throughout the county, we have several of these sites, and a lot  
652 of them, or some of them, do not have the generator backup; with sites like that, you have no fuel  
653 modification required. With this particular site, what we've done is, we've required a hard 20- to 50-foot  
654 free of all vegetation grass. Usually on the sites I go to, you see gravel or concrete which will help eliminate  
655 that. What I've done in that surrounding zone with the ladder fuels, and what I'd like to do, is see from four  
656 to six feet up on the trees to keep a fire (if a grass fire comes through there) from climbing the trees, to be  
657 a benefit to the community and to save the cell tower site. So that's the fuel modification, hazardous fuel  
658 modification I have as my comments for this project.  
659

660 Zoning Administrator Foss: OK. And you would be inspecting?  
661

662 Fire Planner Collins: Correct. It'll be upon completion of the final project.  
663

664 Zoning Administrator Foss: OK. Do you do any other type of inspections after installation? Is there an  
665 annual inspection?  
666

667 Fire Planner Collins: No on the structures in the area. Defensible space inspectors will be complying on  
668 random inspections of 4291 inspections throughout the county, and that can/will involve these structures  
669 that are proposed for the cell tower site.  
670

671 Zoning Administrator Foss: On the road as well, would there be some brush clearing on the access road,  
672 do you believe?  
673

674 Fire Planner Collins: Yes, at the current state, there's no required vegetation management because it's  
675 down to basically nothing. However, upon completion of the final, if it does come up, we will. The vendor  
676 has in the comments [that they] will take care of the vegetation management on 10 feet of each side of the  
677 driveway.  
678

679 Zoning Administrator Foss: OK. Do you have anything else you wanted to add regarding any type of fire  
680 issues or requirements?  
681

682 Fire Planner Collins: No, not that the vendor hasn't covered.  
683

684 Zoning Administrator Foss: OK. Thank you. Thank you, Captain. Planning Staff, do you have anything  
685 to add at this point regarding any responses to comments we've heard today?  
686

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

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

719  
720 Zoning Administrator Foss: Thank you, David. Thank you all for your comments and your participation.  
721 Thank you, Planning Staff and the Applicant for your input and responses. I appreciate everyone's  
722 comments and taking significant time out of your day to come down. So obviously, very important to  
723 everyone and we take it seriously as well from a county standpoint in terms of ensuring that we're enforcing  
724 the rules that are within our purview. I'm going to hit on a couple of the issues that I've heard. One, starting  
725 with the visibility and the aesthetics of the site: I'm not under a delusion that it's going to just magically  
726 disappear and no one's going to know that it's there because it's designed like a pine tree; we've all seen  
727 those, I understand it's visible. It helps soften it to some degree, but I understand that it is definitely  
728 noticeable. However, if something is visible, it doesn't necessarily mean it's significant. In fact, the world  
729 I'm operating in is under California Environmental Quality Act, CEQA, our zoning codes, and we have  
730 different levels of thresholds for what's a significant impact. So, while it may be visible, I don't know in  
731 terms of a CEQA threshold that it would be considered [to be] a significant impact. But I do appreciate the  
732 fact that the technology does its best to blend, but we haven't recreated the perfect tree yet. I understand  
733 that. The health issues: I have been Zoning Administrator for quite a while, I've heard about a number of  
734 cell towers over the years. The health concerns have come up a number of times. Again, I'm charged with  
735 operating in the legal world in terms of what is legally defensible. Given the 1996 Telecommunications  
736 Act, counties, cities, and jurisdictions are prohibited from taking that into consideration, or at least denying  
737 any type of project based on RFE or radio frequency emission, so I can appreciate the concerns. I can  
738 appreciate that the technology has changed, and it would be nice if there were more studies and more  
739 conclusions. There are a lot of different opinions out there, but at this point, that is not something that I am  
740 going to use to make a decision in this case. Regarding property values, that comes up a lot in land use.  
741 We do not have any policies or requirements that mandate that property values are maintained in any way  
742 in a more indirect way; all of our codes are setbacks for safety requirements. Building permit requirements,  
743 compatibility issues, screening, landscaping, adequate roadways, are all intended to ensure that projects are  
744 developed safely in accordance with adopted plans. That doesn't mean that there's not going to be some  
745 level of noticeability or even nuisance; they're simply guidelines and requirements for new development,  
746 and that in and of itself is a potential fair playing field that people know what the rules are. They're written  
747 down as to what to be expected. If you're proposing to build a garage, or in this case, a cell tower, property  
748 values is not something generally taken into consideration at a land use level. The noise issue: we do have  
749 noise analysis and sound studies done. I've asked that the mitigation measure be looked at and considered  
750 to make that cycling for the testing [to occur from] 9:00 to 2:00 – [is that something they can] live with in  
751 terms of the daylight hours. Obviously that doesn't take into account an emergency situation where the  
752 generator would be running 24 hours a day. I was here during some of those "snowmageddon" events and  
753 lost power for multiple weeks at a time. I also lost cell tower power after about three days, so they kind of  
754 run for about 72 hours, and then everybody's kind of on their own. I don't know if those get refilled up and  
755 started up again. I'm seeing a nod. So yes, I guess there is a potential that that sound could be emanating

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

772  
773 Principal Planner Barrington: Mr. Zoning Administrator, a point of clarification: as a result of the direction  
774 to revise the Mitigation Measure 13C, we would request that when taking Action One, that you also reflect  
775 the changes to that Mitigation Measure, including citing Section 15073.5-C1 of the Environmental Quality  
776 Act Guidelines, and adding an additional finding, and that finding would say that the modifications to  
777 Mitigation Measure 13C to further restrict the hours of operation for testing the generator are equal to or  
778 more effective than the original Mitigation Measure.

779  
780 Zoning Administrator Foss: Thank you. First Action: after reviewing and considering the proposed  
781 Mitigated Negative Declaration EIS23-00010, included as attachment to adopt the Mitigated Negative  
782 Declaration and Mitigation Monitoring and Reporting Plan, pursuant to Section 15074 and 15097 of the  
783 California Environmental Quality Act, including adding an additional finding D that the modification of  
784 the hours of the testing for Mitigation Measure 21 or less than or equal to the impacts identified in the  
785 Mitigated Negative Declaration, and make findings A through D. And secondly, approve the proposed Use  
786 Permit CUP23-0015, subject to the amended Conditions of Approval shown as an attachment to the June  
787 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  
788 Nevada County Land Use and Development Code.

789  
790 Principal Planner Barrington: Just to clarify that it also includes the amendments made at the hearing today,  
791 to 13C.

792  
793 Zoning Administrator Foss: Thank you. Yes, that includes the amendments made at the hearing today.  
794 With that, there is a 10-day appeal period on those decisions. That decision can be appealed to the Board  
795 of Supervisors, and that can be done upstairs through the Clerk of the Board office. I do thank you for your  
796 time. I appreciate your comments and thank you all for coming out. And with that, we will adjourn today's  
797 hearing.

798  
799 Zoning Administrator Foss adjourned the meeting at 3:43 p.m.

800  
801 There being no further business to come before the Zoning Administrator, the meeting was adjourned at  
802 3:43 p.m. to the next meeting, to be held on a date to be determined, in the Board of Supervisors Chambers,  
803 950 Maidu Avenue, Nevada City.

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809 Passed and accepted this                      day of                      , 2024.

DRAFT