



RESOLUTION No. 25-586

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY GARY MAPA FROM THE DECISION OF THE NEVADA COUNTY PLANNING DEPARTMENT FOR A CONDITIONAL USE PERMIT (PLN23-0023; CUP23-0002; MGT24-0018) FOR AN UNMANNED WIRELESS COMMUNICATION FACILITY LOCATED AT 22258 JUNIPER STREET, FLORISTON, CALIFORNIA 96111, (APN 048-130-026) AND TO SCHEDULE A PUBLIC HEARING ON JANUARY 13, 2026 AT 1:30 P.M.

WHEREAS, on November 12, 2025, the Nevada County Planning Department provided notice of a conditional approval for a Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for an unmanned wireless communication facility located at 22258 Juniper Street, Floriston, California 96111 (APN: 048-130-026); and

WHEREAS, on November 24, 2025, Gary Mapa filed an Appeal to the Board of Supervisors regarding the conditional approval for Conditional Use Permit (PLN23-0179; CUP23-0015; EIS23-0010) for an unmanned wireless communication facility located at 22258 Juniper Street, Floriston, California 96111 (APN: 048-130-026); and

WHEREAS, pursuant to Nevada County Code section 12.05.120.B, the Board of Supervisors may use the provisions of such article in conducting public hearings on land use matters; and

WHEREAS, pursuant to Nevada County Code section 12.05.120.D, any decision of the Planning Agency is appealable to the Board of Supervisors within 10 calendar days after the date of the decision, except amendments to the General Plan or zoning ordinance, which shall be filed within 5 calendar days; and

WHEREAS, Appellant filed a timely appeal on November 24, 2025, which included a statement on the appeal as required by Nevada County Code section 12.05.120.F; and

WHEREAS, pursuant to Nevada County Code section 12.05.120.G, the Board of Supervisors shall determine if the appeal was filed within the applicable time limits and may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellant is an interested party who has standing to appeal the Nevada County Planning Department's conditional approval for a Conditional Use Permit (PLN23-0023; CUP23-0002; MGT24-0018) for an unmanned wireless telecommunication facility located 22258 Juniper Street, Floriston, California 96111 (APN: 048-130-026).

2. Appellant's appeal of the Nevada County Planning Department's approval of Conditional Use Permit (PLN23-0023; CUP23-0002; MGT24-0018) for an unmanned wireless telecommunication facility located 22258 Juniper Street, Floriston, California 96111 (APN: 048-130-026) was filed within 10 days of the decision, the appeal is deemed to be timely pursuant to Nevada County Code section 12.05.120.D.
3. The contents of the appeal satisfies the minimum requirements set forth in Nevada County Code section 12.05.120.F which include identification of the project and decision being appealed, statement of the reason for the appeal, statement of the specific provisions being appealed, statement of the action being requested, summation of the arguments being raised and identification of the Appellant.
4. Appellant's appeal of the Nevada County Planning Department's approval of Conditional Use Permit (PLN23-0023; CUP23-0002; MGT24-0018) for an unmanned wireless communication facility located at 22258 Juniper Street, Floriston California 96111 (APN: 048-130-026) is hereby accepted by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal on January 13, 2026, at 1:30 p.m. at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 16th day of December 2025, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek, and Hardy Bullock.
Noes: None.
Absent: None.
Abstain: None.
Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair

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NOV 24 2025

COUNTY OF NEVADA

(Attach pages if needed)

NEVADA COUNTY BOARD OF SUPERVISORS

APPEAL TO BOARD OF SUPERVISORS (Per Nevada County Code section 12.05.120)

NEVADA COUNTY BOARD OF SUPERVISORS

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of the Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within five (5) calendar days. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

ZONING ADMINISTRATOR

Agency Name

SEE ATTACHMENT - APPEAL PLN27-0023, CUA23-0002; MET 24-0018, E1527-0001, Agency File No. Date of Decision

PLN 21-0273 / ADP 21-00114; PLN17-0006/LLD 17-0002, ADP 14-016 ADP 12-011, ADP 05-007, ADP 002; ACP04-011, ADP 04-001, U97-035, U98-019 PLANNING AGENCY DECISIONS:

- Environmental Impact Report
19.01.200 California Environmental Quality Act; County CEQA Guidelines and Procedures; Appeals of the Adequacy of the EIR
Floodplain Management Regulations (Floodplain Administrator)
18.01.040 Floodplain Management Regulations; Administration
Historic Preservation Combining District
12.02.072 Zoning Regulations; Zoning Districts; HP Combining District
Inoperable Vehicles
12.05.200 Zoning Regulations; Administration and Enforcement; Abatement and Removal of Inoperable Vehicles
Land Use Applications
12.05.000 Zoning Regulations; Administration and Enforcement
Negative Declaration
19.01.120 California Environmental Quality Act; County CEQA Guidelines and Procedures; Negative Declaration
Rules of Interpretation
12.01.040 Zoning Regulations; General Provisions; Rules of Interpretation

SSM 11/24/25

PUBLIC WORKS DECISIONS:

- Roadway Encroachment Permit
16.05.160 General Regulations; Regulating Roadway Encroachments; Appeals

CDA DECISIONS:

- Outdoor Events
10.16.080 Public Lands, Waterways, and Watercraft; Special and Outdoor Events; Processing Application; Bonds; Appeals.

FIRE AGENCY DECISIONS:

- Fee Assessments (Fire Protection District)
17.02.060 Mitigation and Development Fees; Fire Protection Development Fees; Appeal from Fee Assessment
- Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
4.02.070 Fire Safety Regulations; General Requirements; Appeals
- Hazardous Vegetation Abatement (Local Fire Official)
4.01.090 Fire Safety Regulations; Hazardous Vegetation and Combustible Materials Abatement; Appeals Process (No Fee to File Appeal)

ENVIRONMENTAL HEALTH DECISIONS:

- Sewage Disposal (Sewage Disposal Technical Advisory Group)
15.01.180 Sanitation; Sewage; Appeals
- Water Supply and Resources (Health Officer)
15.05.180 Sanitation; Water Supply and Resources, General provisions; Appeal Procedures

List All Agency Action(s) Taken That Are Being Appealed: _____

SEE ATTACHED MADE A PART OF THIS FORM

II. STATEMENT OF THE REASONS FOR THE APPEAL:

SEE ATTACHED MADE A PART OF THIS FORM

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

SEE ATTACHED MADE A PART OF THIS FORM

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

SEE ATTACHED MADE A PART OF THIS FORM

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

SEE ATTACHED MADE A PART OF THIS FORM

VI. IDENTIFICATION OF THE APPELLANT(S):

GARY G. MAPA (Name) [REDACTED] (Mailing Address) [REDACTED] (Telephone) [REDACTED]

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

GARY G. MAPA [Redacted] [Redacted]
(Name/Representative) (Mailing Address) (Telephone)
[Redacted] Appellant: [Redacted]

Gary G. Mapa
(Sign)

Dated: 11-24-2025

GARY G. MAPA
(Print)

FOR OFFICE USE ONLY

\$1,975.80
Filing Fee

11/24/25
Date Filed

[Signature]
Received By
Blaine Inglis

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

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NEVADA COUNTY
BOARD OF SUPERVISORS

ATTACHMENT TO APPEAL
COUNTY OF NEVADA (Attach pages if needed)

APPEAL TO BOARD OF SUPERVISORS
(Per Nevada County Code section 12.05.220)

Any applicant or interested party to whom a Notice of Violation, Abatement Order, and/or an Administrative Citation is issued may request and Administrative Hearing within five (5) calendar days of service of the Notice of Violation, Abatement Order, and/or Administrative Citation. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein. Further information regarding fees and fines available in Nevada County Code section 12.05.220.

I. APPEAL: I/We, the undersigned, hereby appeal the determination of the:

Zoning Administrator

Agency Name

PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001. PLN21-0273/ADP21-0114; PLN17-0006/LLA17-0002;
ADP14-016; ADP12-011; ADP05-007; ADP05-002; ADP04-011; ADP04-001; U 03-014; U 97-035; U 96-019

Nov 12, 2025

Agency File No./Case No.

Date of Notice

List All Agency Action(s) Taken That Are Being Appealed: See All Attachments

II. STATEMENT OF THE REASONS FOR THE APPEAL:

See All Attachments

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

See All Attachments

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE HEARING BODY:

REVERSE APPROVAL

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

SEE ALL DETAILED ATTACHMENTS

VI. IDENTIFICATION OF THE APPELLANT(S):

Gary G. Mapa [Redacted] (Name) (Mailing Address) (Telephone)

[Signature] November 24, 2025

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.)

All notices to appellant(s) should be mailed to: (Please Print)

Same as above: VI. IDENTIFICATION OF APPELLANT(S)

(Name/Representative) (Mailing Address) (Telephone)

[Redacted] Appellant: [Signature] (Sign)

Dated: November 24, 2025 Gary G. Mapa (Print)

FOR OFFICE USE ONLY

Filing Fee Date Filed Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood Administrative Center, 950 Maidu Avenue, Suite 200, Nevada City, CA 95959-8617. (530) 265-1480

SEE APPEAL TO BOS DATED 11-24-2025 BY GARY G. MAPA INCORRECT FORM OF APPEAL WAS COMPLETED. THIS INCORPORATES ALL DETAILS OF THAT FORM. 2 [Signature] 11/24/25

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NEVADA COUNTY
BOARD OF SUPERVISORS

APPEAL OF A FINAL ZONING OR LAND USE DECISION

Nevada County Board of Supervisors

1. Applicant / Appellant Information

Name: **Gary G. Mapa** **November 24, 2025**

Mailing Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Status: Applicant Neighbor Interested Party Representative of Organization

(Name): **Gary G. Mapa**

2. Project Information

Project Name / Description: FILE NOS: PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001

Project File Number (CUP, TPM, etc.): PLN21-0273/ADP21-0114; PLN17-0006/LLA17-0002; ADP14-016; ADP12-011; ADP05-007; ADP05-002; ADP04-011; ADP04-001; U 03-014; U 97-035; U 96-019

Project Address / APN: **LOCATION:** The project is located at **22258 Juniper Street** in **Floriston, CA 96111**, approximately 0.1 miles directly east of Interstate 80 and directly adjacent to the Floriston Subdivision in unincorporated Eastern Nevada County.

ASSESSOR PARCEL NUMBER: 048-130-026

Decision Body: Planning Commission Zoning Administrator

Decision Date: November 12, 2025

3. Basis for Appeal

(Select all that apply)

Procedural Errors

Findings not supported by evidence

CEQA issues (e.g., inadequate review)

Public health/safety impacts

Other: _____

4. Statement of Appeal

(See-Attachment)

5. Relief Requested

Reverse approval.

6. Signature

I hereby certify that the information provided is true and correct to the best of my knowledge.

Gary G. Mapa

Gary G. Mapa



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NEVADA COUNTY
BOARD OF SUPERVISORS

STATEMENT OF APPEAL

Submitted by: Gary G. Mapa

Regarding: Planning Department Approval of the CCI / T-Mobile Wireless Telecommunications Facility

Location: Above Floriston, Nevada County, CA

Project Type: New Telecommunications Tower Facility

I. INTRODUCTION AND APPELLANT BACKGROUND

My name is Gary G. Mapa, a long-time Nevadan/Californian resident, licensed California real estate broker [REDACTED] and a property owner with extensive experience in land-use, telecommunications siting, easements, access issues, and community infrastructure management. I submit this Statement of Appeal in my individual capacity.

II. GROUNDS FOR APPEAL

1. Failure of the County to Respond to My Public Records Act Request Prior to Approval

I personally submitted a California Public Records Act (PRA) request before the hearing requesting essential documentation. None was provided, violating Government Code sections.

2. Lack of Evidence of Lawful Access Rights

No recorded easements or legal access rights were demonstrated for Crown Castle, T-Mobile, or contractors.

3. Inadequate Geotechnical Review

No geotechnical reports addressing slope stability, water system proximity, or construction impacts were provided.

4. No Propagation Maps or Justification for Increased RAD Center

No RF engineering, coverage maps, or necessity analysis for antenna height were included.

5. Failure to Evaluate Impacts to Public Services

Impacts to water system access, emergency services, and state-funded infrastructure were not evaluated.

6. Setback, Zoning, and FR-160 Standards Not Applied

Required rural/forest setbacks and height standards were not demonstrated.

7. No Construction Impact Mitigation Plan

No traffic, noise, vibration, or road management plans were presented.

8. Cumulative Impacts Ignored

The presence of three existing towers was not addressed in a cumulative analysis.

9. Approval Without Evidence

The approval lacked essential evidence in the record.

III. REQUESTED ACTION

I request rescission of approval, submission of required studies, proper notice, and a new hearing.

IV. CONCLUSION

This appeal is based on missing technical evidence, procedural errors, lack of transparency, and unaddressed infrastructure risks.

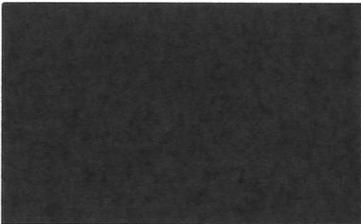
SIGNATURE & VERIFICATION

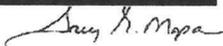
I, Gary G. Mapa, declare the statements in this Appeal are true to the best of my knowledge.

Submitted by:

Gary G. Mapa

California Real Estate Broker, 



Signature:  _____

Date: November 24, 2025

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NEVADA COUNTY
BOARD OF SUPERVISORS

EXPANDED STATEMENT OF APPEAL

November 24, 2025

Submitted by: Gary G. Mapa, Individual Appellant

Regarding: Planning Department Approval of the CCI / T-Mobile Wireless Telecommunications Facility

Location: Above Floriston, Nevada County, CA

Project Type: New Telecommunications Tower Facility

I. INTRODUCTION AND APPELLANT BACKGROUND

My name is **Gary G. Mapa**, a long-time Nevadan/Californian resident, licensed California real estate broker, and a property owner with extensive experience in land-use, telecommunications siting, easements, access issues, and community infrastructure management.

I have been actively involved in the analysis of land-use conditions in the Floriston area for more than a decade and am personally familiar with the topography, access limitations, and infrastructure conditions surrounding the proposed CCI/T-Mobile project site.

I submit this **Statement of Appeal in my individual capacity**, not acting on behalf of the Floriston Property Owners Association (FPOA) nor submitting this as a Board action.

II. GROUNDS FOR APPEAL

1. Failure of the County to Respond to My Public Records Act Request Prior to Approval

I personally submitted a **California Public Records Act (PRA) request** to Nevada County **before the Planning Department hearing**, seeking essential documents including:

- Access and easement rights
- Geotechnical evaluations
- Coverage analyses
- Propagation maps
- Rad-center justification

- Correspondence between the applicant and County
- Construction plans
- Infrastructure impact assessments

I never received any of the requested documents before the hearing.

The County did not provide:

- Responsive documents
- A written extension under Government Code §6253(c)
- A determination letter
- Any explanation of delay

Proceeding with a hearing without complying with my lawful PRA request **violated Government Code §§6253(b)-(c)** and materially impaired my ability to participate in the hearing or evaluate the record.

This alone is sufficient grounds to rescind the approval and schedule a new hearing with full documentation available.

2. Lack of Evidence of Lawful Access Rights for CCI/T-Mobile or Their Contractors

No evidence was presented showing:

- A recorded easement granting Crown Castle, T-Mobile, or contractors legal access;
- Any rights to bring cranes, heavy equipment, or multi-axle vehicles up the private access road;
- Any authorization to use, modify, or widen the narrow, privately maintained hillside road;
- Any agreement to repair road damage or indemnify property owners.

Without legal access, the project **cannot be constructed, cannot be operated, and cannot be maintained.**

Approving a project requiring trespass or unpermitted road use is improper and contrary to established California land-use principles.

3. Inadequate Geotechnical Review Near Critical Water and Slope Infrastructure

The project site sits adjacent to:

- A steep, erosion-prone hillside
- The Floriston water storage tank
- The spring-fed water collection system
- Underground lines connected to the Town's drinking water
- Existing telecommunications structures embedded into the slope

No geotechnical report provided to the public (or to me despite my PRA) evaluates:

- Slope stability
- Vibration impacts
- Crane staging impacts
- Subsurface conditions
- Foundation disturbance
- Road load-bearing limits
- Stormwater changes
- Risk to existing tank foundations or underground water lines

The project's proximity to essential public water infrastructure requires **enhanced scrutiny under CEQA Guidelines §§15064(e) and 15126.2(a)**, yet no such analysis was presented.

4. No Propagation Maps, Need Analysis, or Technical Justification for Increasing the RAD Center

At the hearing, it was explicitly acknowledged that:

- **No propagation maps** were included in the record
- **No coverage deficiency maps** were provided
- **No collocation analysis** was provided
- **No justification for increased antenna height (RAD Center)** was submitted

- Staff relied solely on the applicant's verbal statements, not technical evidence

This is a critical omission.

Why RAD Center Justification Matters

Industry-standard wireless siting requires carriers to **prove**:

- A coverage gap exists
- Height increase is the *minimum necessary*
- No alternatives (lower height, different mounting points, existing towers) can resolve the deficiency
- The proposed height correlates to an engineered propagation necessity

However:

- Wireless technology has evolved from **analog** → **digital** → **3G** → **4G** → **5G**
- Signal efficiency, modulation, and beam-forming have dramatically improved
- Coverage and capacity have increased with *lower* antennas, small cells, and distributed systems
- Height increases are **less necessary**, not more

The applicant submitted **zero technical evidence** demonstrating that:

- Existing tower heights are insufficient
- The proposed RAD Center increase is technically required
- The new tower would materially improve service requiring greater elevation

A project requiring a new or taller tower must be supported by:

- RF engineering reports
- Propagation maps (existing vs. proposed)
- Capacity modeling
- Interference and handoff mapping
- Alternative site and height analysis

None were in the record presented to me or the public.

This alone violates the requirement for **substantial evidence** supporting approval.

5. Failure to Evaluate Impacts to Public Services, Infrastructure, and Emergency Access

The project did not evaluate:

- Construction obstruction of the only service road
- Impacts on water system emergency maintenance access
- Conflicts during fire-season operations
- Potential interruption of water service
- Protection of a State-funded water treatment facility (a multi-million-dollar investment currently being upgraded)

If the sole access road is blocked or damaged:

- Water system repairs cannot occur
- Emergency response cannot reach the site
- Residents may lose water service
- County-funded improvements may be jeopardized

Under CEQA §15065(a) (“substantial adverse effects on human beings”), omission of these analyses is a fatal flaw.

6. Setback, Zoning, and FR-160 Rural/Forest Standards Not Applied or Demonstrated

The project lies adjacent to:

- Residential structures
- Legal nonconforming homes
- Sensitive rural/forest terrain
- A visually sensitive corridor
- Multiple existing towers

County requirements (including Table E.2 for Wireless Facilities) demand:

- Larger setbacks

- Height-weighted setbacks
- Visual mitigation
- “More restrictive standard applies” implementation
- Compatibility with surrounding uses

There is no evidence these standards were properly analyzed or applied.

7. No Construction Impact Mitigation Plan or Required Notifications

Missing entirely:

- Construction timing plan
- Road management and closures
- Vibration or noise monitoring
- Road damage mitigation
- Utility protection
- Resident notification protocols

On a narrow, mountainous, erosion-prone road, this is unacceptable.

8. Cumulative Impacts Ignored (3 Existing Towers + New Tower)

No cumulative analysis was provided regarding:

- Visual impact
- EMF aggregation
- Traffic and maintenance load
- Road integrity
- Infrastructure conflicts

CEQA §15130 requires cumulative impact analysis for telecommunications facilities.

9. Approval Was Issued Without Evidence in the Record

At the time of approval:

- No PRA documents were provided
- No technical justification for height was provided
- No access rights were provided
- No propagation maps were provided
- No geotechnical analysis was provided

An approval lacking evidence cannot stand.

III. REQUESTED ACTION

I respectfully request that the County:

1. **Accept this appeal as timely submitted by me, Gary G. Mapa, as an individual.**
 2. **Vacate and set aside the Planning Department's approval.**
 3. Require the applicant to produce all key studies, including propagation maps and rad-center justification.
 4. Require the applicant to provide lawful access rights.
 5. Require a full geotechnical + infrastructure impact study.
 6. Re-notice all affected property owners.
 7. Conduct a new hearing with complete evidence available to the public.
-

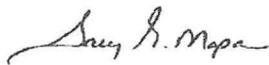
IV. CONCLUSION

This appeal is based on missing technical evidence, procedural errors, lack of transparency, absence of required studies, and significant unaddressed infrastructure risks.

I respectfully request that this approval be rescinded until the County and applicant provide:

- Technical necessity data (propagation maps, RF engineering)
- Legal access documentation
- Infrastructure protection plans
- Slope stability and geotechnical studies
- Complete compliance with PRA obligations

Only a complete record and lawful process can support a decision of this magnitude.



Gary G. Mapa



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NEVADA COUNTY

BOARD OF SUPERVISORS ~~COMMENTS SHEET~~ ADDENDUM TO THE STATEMENT OF APPEAL

State of California Water System Grant – Required Subordination, Approvals, and Project Interference Protections

Submitted by: Gary G. Mapa November 24, 2025

1. Background – State of California Water System Improvement Grant

The Town of Floriston is the beneficiary of a significant **State of California drinking water infrastructure improvement grant**. The grant funds:

- Expansion and upgrading of the existing water treatment facility
- Improvements to the water storage system
- Replacement/modernization of essential components serving the community
- Construction activities located in close proximity to the proposed CCI/T-Mobile tower site

These improvements represent a **multi-million-dollar State investment** and impose legally binding performance, reporting, and site-control obligations on the beneficiaries.

2. Grant Conditions Typically Restrict Interference and Require State Oversight

State infrastructure grants—particularly *drinking water and wastewater grants*—normally include:

- **Non-interference clauses** restricting third-party construction or activities that could impact State-funded facilities
- **Site control requirements**, including documentation that the funded facilities will not be impaired by unrelated development
- **Subordination provisions**, preventing any private easement, lease, construction activity, or encumbrance from taking precedence over the State's interest
- **Ongoing access, maintenance, and protection rights** retained by the State for the life of the grant

- **Obligation to notify and obtain approval** for adjacent or overlapping projects that may affect construction, operation, or maintenance of the funded facility

These conditions are often found in:

- State Water Resources Control Board grant agreements
- Division of Drinking Water (DDW) project approvals
- Department of Water Resources funding conditions
- CDPH, SRF, or Clean Water/Drinking Water program agreements

Given that the Floriston water system improvements are **not yet complete**, subordination and interference provisions are especially relevant.

3. Proposed CCI/T-Mobile Tower Project May Interfere with State-Funded Infrastructure

The proposed tower project is located:

- Adjacent to the water storage tank
- At or near the water collection and distribution infrastructure
- Along the sole access road required for construction, State inspections, and ongoing maintenance

Potential conflicts include:

- Heavy equipment damaging the access road essential for State-approved water construction
- Vibration or excavation impacting tank foundations or spring-fed collection systems
- Obstruction of access required by State inspectors or contractors
- Future maintenance of the tower interfering with routine water-system operations
- New easements (if any) overlapping or conflicting with the State's protected interest

Until documented otherwise, these risks are **non-compliant** with State grant conditions that require protection of funded improvements.

4. Required State Notification and Approvals Before County Action

Before approving any third-party project adjacent to a State-funded water project, the County should require:

A. Confirmation of the State Grant Terms

- Identification of the specific State agency administering the grant
- Copy of grant agreement sections governing site control, interference, access, and subordination

B. Written State Determination of Non-Interference

A letter from the State confirming that the proposed tower:

- Will not jeopardize grant performance requirements
- Will not interfere with State-funded construction or operations
- Does not require a subordination agreement or additional protection
- Has been reviewed under DDW or SWRCB standards

C. Subordination or Consent Documentation (If Required)

If the proposed cell tower requires any:

- New easement
- Construction staging area
- Grading or road use
- Encroachment
- Equipment installation affecting water infrastructure

...then the State must **approve or subordinate** that action in writing.

D. Evidence of Coordination with the Water System Operator

The County should require documentation that:

- The project applicant has coordinated with the water system engineers
- Risks to the water facility have been assessed
- Mitigation measures are included
- Construction schedules do not interfere with State-funded construction

5. Approval Cannot Be Finalized without State Review

Given:

- the location immediately adjacent to State-funded infrastructure,
- unknown subordination obligations,
- lack of interference evaluation,
- absence of any documents in the County record addressing State interests,

...the County **cannot** legally or prudently finalize approval until the State:

1. Confirms non-interference
2. Confirms no required subordination
3. Approves the placement, access, or easements associated with the project
4. Provides written concurrence that the tower will not compromise the State's investment

Failure to obtain these assurances may jeopardize:

- Future grant disbursements
- Current construction compliance
- Long-term water system reliability
- Liability exposure for the County

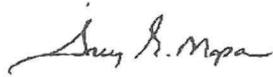
6. Request for Board Action

I request that the County require the applicant to obtain:

- **Written confirmation from the State agency administering the water system grant,**
- **Full identification of all grant restrictions related to site control, access, and interference,**
- **Any necessary subordination agreements, and**

- **State review of potential construction and operational conflicts**
before the County considers re-approving or conditioning this project.

November 24, 2025



Gary G. Mapa





COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
 950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
 (530) 265-1222 FAX (530) 265-9854 <http://www.mynevadacounty.com>

Agricultural Commissioner Building Department Environmental Health Planning Department Dept. of Public Works

AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This *Agreement To Pay* form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at <http://www.mynevadacounty.com>

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

APN: [REDACTED]	Name: <u>GARY G. MAPA</u>
Property Owner/Business Name (if applicable): <u>MAPA</u>	Address: [REDACTED]
Address: <u>N/A</u> <u>HACUATE</u>	Telephone: [REDACTED]
Email: <u>N/A</u>	Email: [REDACTED]

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project: ANY AND ALL ENTITIES ASSOCIATED WITH THE PROJECT

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Gary G. Mapa Dated: 11/24/2025 CDL# 24 20966 CA
 Signature Tel #: [REDACTED]
GARY G. MAPA Printed Name

THIS SECTION FOR OFFICE USE ONLY

Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____
Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____