

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

MINUTES of the regular meeting of November 12, 2025, at 1:30p.m., Board of Supervisors
Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

ZONING ADMINISTRATOR: Brian Foss, Director of Planning Department

CALL TO ORDER: Meeting called to order at 1:30 p.m.

CONSENT ITEMS: None

PUBLIC HEARING:

1:30 p.m. PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001: An application request to the Zoning Administrator for a Conditional Use Permit and Steep Slopes Management Plan to remove and replace an existing 41-foot monopole with a new 90-foot monopine, remove and replace an existing RBS 6201 cabinet with a new T-Mobile enclosure 6160 cabinet, and relocate two (2) existing antennas from the existing monopole to the new proposed monopine. **LOCATION:** 22258 Juniper Street, Floriston, CA 96111, in unincorporated eastern Nevada County, approximately 0.2 mile east of Interstate 80 and 9.7 miles northeast of historic downtown Truckee. **APN:** 048-130-026. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Find project exempt from California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303. **RECOMMENDED PROJECT ACTION:** Approval of the Conditional Use Permit and Steep Slopes Management Plan. **PLANNER:** Zachary Ruybal, Associate Planner.

Director Foss called the meeting to order at 1:30 PM.

[Minutes follow as direct transcript]

Zoning Administrator Foss: It's 1:30, so we will call this meeting to order. This is the November 12th, 2025, Nevada County Zoning Administrator hearing. My name is Brian Foss; I'll be the Zoning Administrator for today's meeting. We do have an opportunity on the agenda for public comment for any items that are not on today's agenda, so not the cell tower, but if anyone wants to comment on something under the purview of the Zoning Administrator that's not on today's agenda, now is your opportunity to come to the podium. Seeing none, we have no consent item, so we'll go to our first public hearing item scheduled for 1:30, a Use Permit and Management Plan for a replacement of a cell tower. Zachary Ruybal is our planner. Go ahead with the staff report, please, Zach.

Planner Ruybal: Thank you, Mister Zoning Administrator. Good afternoon, everyone, and thank you for being here today. My name is Zachary Ruybal, and as Zoning Administrator mentioned, I'm an associate planner here at the Nevada County Planning Department and the project planner for the Floriston Wireless Telecommunications Facility project in front of the ZA today. The project is located in unincorporated eastern Nevada County at 22258 Juniper Street, which is APN 048-130-026 over in Floriston, California. In 1997, the Nevada County Planning Department approved a use permit to allow for the construction and operation of a 41-foot tall monopole for a wireless telecommunications facility, which is the facility that will be replaced as a part of this

50 project. Numerous administrative development permits have been approved on the parcel for
51 colocation, equipment change-outs, and adding equipment, and therefore there are numerous
52 building permits that were also approved and finalized in accordance with those administrative
53 development permits. The part of the project is the conditional use permit, and the use permit
54 portion is for the proposed facility to include the removal of an existing 41-foot-tall monopole and
55 replace it with a new 90-foot tall monopole. There's a 130-square-foot extension to the existing
56 200-square-foot ground lease area to accommodate this new monopole, so the total new lease area
57 will be 390 square feet. All brackets, antennas, and RRUs are to be painted green to match the
58 faux pine tree and will be fully within the monopole branch radius, so to limit the visual impacts
59 and best blend in with the existing environment. The facility will be surrounded with a new 10-
60 foot-tall CMU retaining wall around the north, east, and south portion of the enclosure and the six-
61 foot-tall chain link sliding gate is located on the west side for access to the site. The other
62 component of the project is a Steep Slopes Management Plan. A Steep Slopes Management Plan
63 is required for any proposed grading in areas where slopes are greater than 30%, and the new
64 proposed monopole will require a new graded pad, a concrete slab, and that CMU retaining wall,
65 which will all encroach into that 30% slope area. A Steep Slopes Management Plan was completed
66 by Susan Dahl with TNS Engineering, which provided best management practices for any and all
67 construction or grading activities within slopes in excess of 30%, which are included in the draft
68 Conditions of Approval as Condition A.7. All work is going to be required to be compliant with
69 the Nevada County Grading Standards and/or the California Building Code requiring erosion
70 control measures as needed to ensure that activities do not result in substantial erosion. The
71 existing and surrounding land uses: the parcel is zoned Forest, with the minimum parcel size of
72 160 acres, with the General Plan designation of Forest with the minimum parcel size of 160 acres
73 as well. The project parcel is surrounded by residential development to the southwest consisting
74 mainly of legal non-conforming single-family residences and accessory structures. The parcels to
75 the north, east, and northwest are all zoned either Open Space or Forest with the minimum parcel
76 size of 160 and they're all mostly undeveloped. The nearest residence is located approximately 400
77 feet southwest from the proposed wireless communication facility lease area. The cellular tower
78 as proposed would be a monopole design with the tower facility, brackets, antennas, and RRUs
79 painted dark green to meet the requirements of blending in with the surrounding environment. The
80 proposed facility consists of an 85-foot metal monopole structure with that five-foot faux foliage
81 extension, making the total height of the proposed tower 90 feet tall. The chain link fencing does
82 provide additional screening from the project equipment from the lease area from public view, and
83 the proposed replacement tower does not propose any lighting and therefore would have no visual
84 impact in lighting the garden. The figure to the right, as you can see [*referring to overhead slide*],
85 this is actually taken from Floriston Way. The top picture shows the existing 41-foot monopole
86 that's to be replaced, and the bottom one shows a photo simulation of what that new 90-foot
87 monopole would look like. You can see it blends in with the surrounding environment pretty well.
88 The only noise that would be associated with the project is temporary noise and vibration increased
89 during the construction phase, because the project proposed project does not include any
90 generators, and therefore the noise would be minimal and would be only relevant to the
91 construction phase of the project. Pursuant to the Nevada County Code, towers located a distance
92 less than 100% of their height from a property line require a Fall Certification letter. The proposed
93 tower lease area will be set back approximately 235 feet from the closest property line, which is
94 well over 100% of the height of the tower, and therefore no Fall Certification was required. T-
95 Mobile did identify a significant gap in its in-building commercial, in-building, in-vehicle, and
96 outdoor wireless services in the Floriston area of Eastern Nevada County. The project site covers
97 a substantial stretch of I-80 heading from Sacramento all the way to Reno, and there are large
98 elevation changes along that interstate where the rad center increase could help improve coverage

99 and capacity. Based on the analysis and evaluation, the proposed monopine at 22258 Juniper Street
100 is the most feasible site to address the gap in coverage when topography radio frequency
101 propagation, elevation, height, available electrical and telephone utilities, access, and a willing
102 landlord are considered. Not to mention as well that this is a replacement tower, so it's not a brand-
103 new tower; it would be replacing existing ones to allow for future colocation. The FCC has
104 developed and adopted standards for human exposure to radiofrequency radiation (RF), with the
105 support of expert scientists and engineers. The FCC evaluates proposed projects for compliance
106 with the RF exposure guidelines, which were previously reviewed under NEPA. Federal law does
107 prohibit the County from denying a new wireless telecommunication facility due to radio
108 frequency signals if the Federal Communications Commission, or the FCC, has made the
109 determination that the proposed wireless telecommunications facility is within the limits of
110 required radio frequency signals. Again, local government cannot deny permits for reasons related
111 to health or environmental concerns about radio frequency emissions if the wireless
112 telecommunications facility is FCC-compliant. A Radio Frequency Site Compliance Report was
113 provided as a part of the proposed project which identified that the proposed project is compliant
114 with FCC rules and regulations. The proposed communication tower will be accessed via an
115 existing private dirt access road within a 12-foot access and utility easement that connects directly
116 to Juniper Street. As an unstaffed facility, operational traffic would only consist of weekly or
117 biweekly visits by a technician, and the addition of future carriers would result in similarly minor
118 construction traffic and technician visits as well. As mentioned, the project parcel is zoned Forest
119 with the minimum parcel size of 160 with that General Plan designation of Forest with the
120 minimum parcel size of 160. Pursuant to Table 12.02.030 found in Title 12, Chapter 2, Section
121 12.02.030 of the Nevada County Code, communication towers are allowed in rural zoning districts
122 with the approval of a use permit. Additionally, the project is consistent with the Public Facilities
123 and Services Element Policy 3.4, the goal of which is to enable public services to be provided with
124 the greatest degree of efficiency and cost effectiveness. The environmental impacts associated
125 with the previously completed conditional use permits applications for the 41-foot and the 40-foot
126 monopole wireless telecommunications facility were originally reviewed under the Mitigated
127 Negative Declarations EIS 96-052 and EIS97-042. The project parcel has already been mostly
128 developed in the proposed project area pursuant to previously approved wireless
129 telecommunications facility projects, and therefore the proposed wireless telecommunications
130 facility would not have the potential for causing any significant effect on the environment, making
131 the project exempt from the environmental review under the California Environmental Quality Act
132 guidelines Section 15303. During the review period, we did receive five comment letters from
133 public members, and all five were letters of opposition. The main areas of concern were potential
134 impacts to the Floriston Water Treatment Facility project, the access road, construction on slopes
135 exceeding 30%, and noise. On November 12th, after receiving all the comments, a memo was
136 completed and provided to the Zoning Administrator which did address the comments and
137 concerns brought forth. As a part of the review, though, there was some language and there was
138 some discussion about that water treatment facility project that's going on up in Floriston, and
139 brought to our attention were issues potentially with the vaults and the water vaults being impacted.
140 Therefore, in order to try to alleviate and mitigate those potential issues, two Conditions of
141 Approval have been added since the time of the initial staff report and draft conditions were sent
142 out. They're included in the updated Conditions of Approval as Conditions A17 and A18. I also
143 have them here on the screen as well for view as well. *[Inaudible, to Zoning Administrator]* Yes,
144 of course.

145
146 Zoning Administrator Foss: Can you just complete your presentation and then we can put the slide
147 back up? Thank you.

148
149 Planner Ruybal: Therefore, Staff recommends that the Zoning Administrator find that the
150 Conditional Use Permit application is categorically exempt from environmental review pursuant
151 to Section 15303 - New Construction or Conversion of Small Structures, approve the proposed
152 Steep Slopes Management plan prepared by Susan Dahl with T&S Engineering subject to the
153 attached Conditions of Approval as shown in Attachment One as amended, and making findings
154 A through F as shown in the staff report; and to approve the proposed Conditional Use Permit
155 subject to the attached Conditions of Approval shown in Attachment One as amended, making
156 findings A through K as shown in the staff report as well.

157
158 Zoning Administrator Foss: All right, thank you, Zach. If you would go back and put up the
159 proposed additional conditions. Can you kind of explain what they're intended to do and what
160 they contain?

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162 Planner Ruybal: Yes, Zoning Administrator. The first one is requesting that prior to issuance of
163 any of improvement plans or grading plans or Building permits, that the applicant shall reach out
164 to the Lahontan Regional Water Quality Control Board - that's the State lead water agency in that
165 area - to get some sort of verification, either through like an official letter or an e-mail, that states
166 and verifies that the proposed cell tower project is not going to interfere with the operation or
167 purpose of that Floriston community water system. We are also requesting that, as a part of that
168 condition as well, that the vaults be placed on the site plans and used for future improvement plans
169 and permits. The second one was, due to the proposed wireless communication facility being
170 within 100% of the tower height from the above-ground water tanks, to ensure that the water tanks
171 and the, basically the associated infrastructure won't be impacted, we were requesting that a Fall
172 Certification Letter be prepared by a certified structural engineer licensed with the state of
173 California.

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175 Zoning Administrator Foss: OK, can you put up a site plan, please? Can you kind of show where
176 the new water project is and just kind of walk me through the site plan?

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178 Planner Ruybal: Yes, Zoning Administrator. I'm going to put up a different slide, then. So right
179 here, on the screen, we do see this is that same site plan that I've shown you earlier. Up here, to
180 the left, you see in this little red marker, this was provided by the Floriston Property Owners
181 Association; it was sent over as a part of their comment letter that was received on Tuesday. You
182 can see where the vaults are going to go, to the left, and they are outside of that new lease area.
183 The lease area, you can see to the right of it, is demonstrated with a square box and their dotted
184 line. You can see that the FPOA meter vaults are outside of the lease area, and therefore it shouldn't
185 have any impact on the water filtration project.

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187 Zoning Administrator Foss: OK, and the rest of the things that are on the site: those are the above-
188 ground water tanks, those are all existing? Then, do we know if that vault has been installed
189 completely yet?

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191 Planner Ruybal: I'm not sure if the vault has been installed completely yet, but I do know that
192 those two water tanks, yes, they are existing; they are both there, and they've been there for quite
193 some time.

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195 Zoning Administrator Foss: Do you have the cursor that you can show the lease area?
196

197 Planner Ruybal: Yes, so the lease area, it comes along here.
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199 Zoning Administrator Foss: OK, so the lease area is going to contain all the ground equipment,
200 but obviously with the circle pattern that's shown, that is the branches that are radiating out from
201 the monopole, which extend over the lease area, but in the air, correct?

202 Planner Ruybal: That's correct.
203

204 Zoning Administrator Foss: OK. And then what... let's see, this existing facility receives
205 underground electric through that red line, I'm assuming, through an easement on the property,
206 which is different than the access road, which I assume is to the West?
207

208 Planner Ruybal: Yep, that's correct, Zoning Administrator. The one to the east is just a 10-foot-
209 wide utility easement for utilities only; and then the one to the West, as you referenced, is for the
210 access.
211

212 Zoning Administrator Foss: OK, and the cell tower company has rights for, has been granted
213 access, to use both easements?
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215 Planner Ruybal: Yes, Zoning Administrator, and actually that was one of the items that we are
216 pushing back on quite a bit, and going back and forth with the applicants, and our County surveyor
217 after going through it quite a bit was able to establish through deeds and through documentation
218 that they do have access and utility rights through both of those easements.
219

220 Zoning Administrator Foss: Thank you. I don't think I have any additional questions for staff at
221 this time. Is the applicant or representative here? Would you mind coming to the podium and... ?
222

223 Representative Elliott: Good afternoon.
224

225 Zoning Administrator Foss: Thank you, and what's your name?
226

227 Representative Elliott: Lisa Elliot with Crown Castle and Streamline Engineering.
228 Representative Gentry: Tyler Gentry with Crown Castle.
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230 Zoning Administrator Foss: Great, thank you both for coming. So, what can you tell me just about
231 the overall facility itself, and then its relation to the water line project?
232

233 Representative Elliott: Basically, I concur with Zach, our planner, and we don't know too much
234 yet about the water project. We intend on finding out, but we just...that came to our attention
235 Friday.
236

237 Representative Gentry: And I would say that we don't have a problem with the condition as added.
238

239 Zoning Administrator Foss: All right, I'm going to open up for public comment at this time.
240 Anyone like to speak, please state your name, come up to the podium.
241

242 Public speaker, Ms. Quaintance: My name is Jessica Quaintance. I am a Floriston property owner,
243 and I am here representing a group of 14 additional property owners. I have a presentation that
244 would take me about 15 minutes to present in its entirety. May I please hand you a copy?
245

246
247 Zoning Administrator Foss: Three minutes.
248
249 Ms. Quaintance: Even though I'm speaking on behalf of an entire group?
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251 Zoning Administrator Foss: Yes.
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253 Ms. Quaintance: Excuse me?
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255 *[Inaudible]*
256
257 *[Unknown speaker]* Just not enough time...
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259 Ms. Quaintance: I have a signed authorization with everyone's signature giving me permission to speak on their behalf. Because of the short notice, we are very far away, no one else could make it, does it..?
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262 Zoning Administrator Foss: Yeah, I can't grant you 15 minutes. You can have three to four minutes.
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265 Ms. Quaintance: OK, can I please have more than three. Can I have five, please?
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268 Zoning Administrator Foss: Yeah, we can give you five.
269
270 Ms. Quaintance: Can I please approach you with my presentation?
271
272 Zoning Administrator Foss: Sure.
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274 Zoning Administrator Foss: Excuse me, we're running a hearing. Please sit down. Yes, you can handle it.
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276
277 Ms. Quaintance: Is there a County Counsel present as well?
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279 Zoning Administrator Foss: Tell me when it's been five minutes, please.
280
281 Ms. Quaintance: OK. Our biggest issues as town members are public safety and access to our sole water supply. This site is absolutely not categorically exempt from the California Environmental Quality Act. There are four exemptions that exist that apply, two of which are very relevant. Cumulative impact: you can flip through... there's a bunch of photos there. As you can see, their existing structure, which you said was permitted in 2007 is completely buried on the west-hand side. That is after the addition of a six-foot wall. Excuse me. The original wall was four feet tall. There's a pretty good picture on the cumulative impact page. It later (and you can see a bunch of evidence of landslide damage) had a six-foot extension; it is now completely buried. This site sits on a high-plasticity clay mountain side that is deteriorating. There are 200- to 250-pound PSI water lines sitting five feet from the proposed area, with a total amount of space from the face of their area to the mountainside which is greater than 30% grade. It's much greater. On the map that was included with the County documents, this shows that there's a property line to the west side that is within 62 feet, seven inches of the proposed tower. And so, now I'm curious how that makes it so Section 12.03.080 doesn't apply, which would mean that the failure... or, that
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295 the tower would need to withstand, without failure, maximum forces expected from wind,
296 earthquake, and the ice. Given the nature of high-plasticity clay, it is known to amplify seismic
297 waves. We are within 20 miles of huge fault zones capable of unleashing very powerful
298 earthquakes. If this mountainside were to fall down as a result of the cumulative impact or the
299 excavation, the development, the leverage forces from having a 90-foot tower on top of high-
300 plasticity clay with essentially 12 feet of space before it falls off, are huge. Floriston has pre-1914
301 water rights. We access our water source from the only access road that goes directly in front of
302 the site. If there were a catastrophic failure, it would block access to our water site, the ability to
303 turn it off. It would block the road in and out of Floriston, as well as the railroad tracks that are
304 326 feet below. Other issues: the noise concern and unauthorized encroachment issues.
305 Previously, there was a power drop put on Floriston property. It is owned by the town of Floriston;
306 they never gained consent or the proper permit to use our private property. So, that is an issue.
307 They need to reach out to Floriston. It is ill-placed and causes many problems. Noise is a huge
308 issue. At the site, they don't use generators. They put them in the middle of town on a town road,
309 within 10 and 30 feet of the closest residence. When the power goes out, the generator gets filled
310 up, they leave it running for 5 days, whether or not the power has come back on. This is a huge
311 concern for residents. Nevada County Planning Department should not grant any more permits or
312 variances that would further implicitly sanction Crown Castle's unpermitted use of Floriston
313 property or other privately owned property. OK. Can I summarize with we request the denial of
314 this permit without the environmental review required to get the exempt categorical exemption
315 that they're requesting?

316
317 Zoning Administrator Foss: OK, thank you. Would anybody else like to speak? Please come
318 down to the microphone.

319
320 Public Speaker: Are we allowed a certain amount of time?

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322 Zoning Administrator Foss: Three minutes.

323
324 Public Speaker: Can I allocate my time to this lady?

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326 Zoning Administrator Foss: No.

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328 Public Speaker: We own 76 acres above it, and in the boundaries of this permit, it's blocking our
329 only access.

330
331 Mr. Mapa: My name is Gary, last name Mapa. I'm a lot owner in Floriston. Coincidentally, I'm
332 also the vice president on the Floriston Board of Directors. A couple of things, procedurally, I'm
333 not seeing in the original package information that I think is essential. One of them is, there's no
334 copy of the management plan so we can look at it and see what's contained within the management
335 plan - that's one. Another one is, I'm not seeing any propagation maps that justify that height. I'm
336 not against that height, but I want to know what would cause T-Mobile to go from 30, 40 feet, to
337 all of a sudden to 90 feet. So, what's the justification? Where's the propagation map that justifies
338 that need. If there's that need, then let's talk about it. But what is the future plan? You don't do a
339 90-foot tower without expectation of colocation of the maybe the other two carriers. Is that
340 something that should be discussed at this meeting, so when they do a colocation, if they do, what
341 kind of impact is that going to have on Floriston for future construction, future invasion of privacy,
342 and anything that has to do with going from two more towers to one tower. So, that's an issue.
343 When you look at the plan drawings and everything that was provided to the public, survey's dated

344 to 2000-whatever, so it isn't really, in my mind, a current survey; in fact, if there was the current
345 survey, it would show the red area adding that other section. I take offense with the word "non-
346 conforming use" when you're making reference to somebody's home. Is there justification for why
347 they're non-conforming? I mean, a home is a home; it was built 50 years ago, so all of a sudden,
348 it's non-conforming? To me, that's offensive, but maybe not an issue with regards to the tower.
349 There was another big deal: State of California just last year approved a \$6,000,000.00 grant.
350 \$6,000,000.00. To me, that's like an encumbrance on any equipment that Floriston has. Do we
351 have any kind of subordination from the State of California that they're not concerned about what
352 could happen if there were catastrophic event that could affect the \$6,000,000.00 that the State of
353 California granted to this town? There's nothing in there that even questions the State of California
354 having some type of right to approve that type of thing that could affect their grant. And I'm not
355 seeing anything in there about the State of California. Should they subordinate their use to T-
356 Mobile and Crown Castle. Where is it? If the tower comes down, the State of California grant
357 money was just jeopardized. Oh, I'm out of time; thanks for being so generous with three minutes.
358

359 Zoning Administrator Foss: Thank you. Anyone else? All right, if the applicant could come back
360 up, and as I asked before, if you could kind of describe the project that you're intending, what the
361 need for the additional height of the tower is, and how you plan to do the construction for the
362 additional pad for the tower within your lease area, access-wise, providing power, etc.

363
364 *[unknown speaker]* ...The access and that information...

365
366 *[unknown speaker]* Well, I feel like we already went....

367
368 Representative Gentry: Yeah, so, I'll hit the propagation in the height addition quickly, and you
369 know, I can't speak on behalf of T-Mobile; I'm here as representative of Crown Castle, but T-
370 Mobile did provide some propagation maps that were part of the presentation there. One thing I
371 would say is, there seems to be significant additional coverage along the highway there and for
372 most barriers, highway coverage is key. You know, it's prime safety concern anytime that you
373 might not be able to have access to connectivity along the highway. The other piece of it that I'll
374 add: carriers don't like to spend a ton of money, and this is quite a bit of money to add additional
375 height to this tower here, so it's not that they're just doing it for no reason. For Crown Castle, T-
376 Mobile has asked us to raise the RAD center here. Yes, there is a possible opportunity maybe for
377 colocation in the future; we haven't been approached by another carrier for that eventuality. I
378 think, hearing you guys' concerns, a tower able to withstand, or to have colocation, actually, might
379 be favorable to you guys, so that you don't have to have more towers throughout the community.
380 There is federal law that states you can't prohibit provision of service, so if it's not on a co-locatable
381 tower here, it still would need to be somewhere else, if a carrier had a need in that certain area.
382 You want to speak to some of the access requirements? Or can you, maybe, restate your question
383 on the access portion of it?

384
385 Zoning Administrator Foss: Yes. How do you plan to access the site and complete the
386 construction?

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388 Representative Elliott: We plan to access the site on our access road that Zach pointed out on the
389 site plan, and we actually sent a construction staging area plan to Zach as well.

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391 Zoning Administrator Foss: Can you walk me through it? Do you want to walk through staging
392 plan?

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Representative Elliott: Well, I can't speak to construction; my construction manager would have to talk about the staging plan, but he did send over the sketch.

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Planner Ruybal: If you look over there, the yellow box to the right, that identifies where that staging area is proposed to be for the construction. And then the red lines right there, as you can see, those are where the erosion control measures are supposed to be, like the waddles and stuff like that. That yellow box really is just what identifies where they're proposing that construction staging area-type deal. Then that other side is just identifying the roadway, and then they have just the temporary construction area identified in that blue-type area.

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Representative Gentry: You know, making some inferences from this, it's so that you're not flying anything over the water tanks; you're staging the crane to the north of them.

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Zoning Administrator Foss: The red circle? That's where the tower is going to go?

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Zoning Administrator Foss: Yeah, just looking for a little help to walk through the site plan so I know what we're looking at here. OK, and Zach, can you summarize what the Management Plan conditions are?

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Planner Ruybal: Absolutely. The Management Plan conditions are: there was a group of best management practices that were put together by Susan Dahl from T&S Engineering. The following best management practices which are used to protect the natural vegetation, impacts to steep slopes, and minimize impacts to wildlife habitat are required to implement the following:
a) proper design and construction of retaining wall and tower foundation;
b) erosion and sediment control plan to include site-specific BMPs: fiber rolls and concrete washout; good housekeeping notes; notes to preserve existing vegetation; and notes to haul off any excavated material that has potential for shrinking and swelling; and
c) to follow the recommendations in the Subsurface Exploration Report by Tower Engineering professionals that will be included as well.

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Zoning Administrator Foss: Can you show me on this map where the 30% slopes are that's going to be disturbed as part of the project?

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[unknown speaker] Do you have a program? For the things...

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Planner Ruybal: As you can see right here, the area that's shaded represents slopes and 30% or greater, and so that's all that kind of area to the right. You can see where the tower is going to be and kind of where that CMU retaining wall: all of that area is located within that in excess of 30% slope.

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Zoning Administrator Foss: OK. And so, that's the area that the lease area is expanding to, to accommodate the future pad?

Planner Ruybal: Yes, Zoning Administrator.

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443 Zoning Administrator Foss: OK, I understand. And then we have Conditions of Approval from
444 the Building [Department]...I mean, we're going to potentially require building permits, grading
445 permits, to make sure that everything is constructed according to code, including the foundation,
446 the pad, and any structures themselves?

447
448 Planner Ruybal: Yes, Zoning Administrator, that's correct; those are the Conditions of Approval.
449

450 Zoning Administrator Foss: OK. And with the proposal to add the letter for...what's it called?
451 The Fall Zone, or the...?

452
453 Planner Ruybal: The Fall Certification letter.
454

455 Zoning Administrator Foss: The Fall Certification letter. We have that as a requirement, which
456 isn't typically required for something that's not within 100% of the tower from a property line.

457 Planner Ruybal: Yes, that's correct, Zoning Administrator, but as a part of the amended conditions,
458 in order to try to ensure protection of that water filtration project, that was one of the added
459 conditions was to require the Fall Certification letter.

460
461 Zoning Administrator Foss: OK, and I know you mentioned that you had agreed to those
462 conditions, but do you have any other comments regarding those additional Conditions of
463 Approval, including some verification from Lahontan about the interference, and lack thereof, of
464 interfering with their project with this project?

465
466 Representative Gentry: Yeah, no problem with the conditions. I think, you know, best practices
467 too, to include that in there, so that future modifications, any future additions, or changes to the
468 site that can't be accounted for.

469
470 Zoning Administrator Foss: Do you have anything else to add at this time?

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472 Representative Gentry: No, I think we'd just like to thank Zach and staff for their attention to this
473 and the amount of detail they provided in collaboration with our team.

474
475 Zoning Administrator Foss: OK, thank you, appreciate it. Right. Zach, did you have anything else
476 to add? There was a concern about blocking access. You have anything to add about that?

477
478 Planner Ruybal: I'm not familiar with anything about blocking access. As I mentioned a little bit
479 earlier, part of the applicants did provide significant documentation and deeds that did show that
480 they have easement area to access the project site, and so I'm not aware of any type of road
481 blockage whatsoever.

482
483 Zoning Administrator Foss: I mean, I'm looking at this as a replacement tower on a developed
484 site. There's a number of utilities and infrastructure-type related equipment including two towers,
485 the water tanks, underground water lines, electrical lines. I think when staff was on site, you saw
486 the vault construction occurring about a month ago?

487
488 Planner Ruybal: Yes, Zoning Administrator, that's correct. I did see all the excavation, everything
489 that was being done for those water vaults.

490

491 Zoning Administrator Foss: And do we know if that's been completed? Is the applicant team
492 aware of that? No? OK, so again, looking at it from: we're not looking at disturbing a new site
493 that is undisturbed; we are expanding it. There is going to be additional grading within the steep
494 slopes. But, the replacement of a tower, although it's a larger tower in the developed area, I think
495 has been addressed with the Conditions of Approval. I do believe that it can qualify for the
496 exemption. We're not looking at the off-site potential impacts with an off-site generator. They
497 have a legal easement and a right to access the site. It's proposed to be an unmanned tower, which
498 requires infrequent maintenance, maybe once or twice a month is usually pretty standard on cell
499 towers. There's no lighting, there's no on-site generators, so usually those are the main issues in
500 terms of cell tower concerns as lighting, noise, and visibility. Visibility-wise, from the nearest
501 public area, it seems to blend. It's not meant to be completely invisible, but it is meant to be
502 camouflaged to some degree, so it is not obviously sticking out, but, you know, no one's fooled
503 completely by a fake tree; that's not the intent, to be completely invisible. So, given the additional
504 Conditions of Approval regarding the verification and follow up that the projects are not going to
505 adversely impact the state water project - it is contained within its lease area, it does have its legal
506 access requirements. So, what I've seen, I don't see that there is an inherent or imminent conflict
507 between the two uses, as long as everyone stays in the area that they're supposed to stay within.
508 Again, any type of structure is going to have to meet Building Code requirements, will have
509 structural engineering built to code, including the foundation, the grading, stabilizing the slope
510 after construction, which are all standard requirements and are included in the Conditions of
511 Approval that would apply to the project. So, given all of that and the added protections that staff
512 added and worked with the applicant to ensure, as much as the County can, that one project would
513 not impact the other, I would find that the proposed project does meet the County's Use Permit
514 requirements and development standards. I'm going to take the recommendations as outlined by
515 the staff report and:

- 516 1) find the Conditional Use Permit application CUP23-0002 is categorically exempt from
517 environmental review pursuant to Section 15303 - New Construction or Conversion of
518 Small Structures;
- 519 2) approve the proposed Steep Slopes Management plan prepared by Susan Dahl with T&S
520 Engineering subject to the attached Conditions of Approval shown in Attachment One as
521 amended to add those additional conditions that we talked about today to allow ground
522 disturbance within areas that exceed 30% slope, making Findings A through F as shown in
523 the staff report; and
- 524 3) approve the proposed Conditional Use Permit CUP23-0002 subject to the attached
525 Conditions of Approval shown in Attachment One as amended, making Findings A through
526 K, pursuant to Title 12, Chapter 5, Sections 12.05.060 and 12.05.052 of the Nevada County
527 Code.

528

529 ***Approved at Public Hearing***

530

531 Zoning Administrator Foss: With that, there is a 10-day appeal period. That brings us to the end
532 of the hearing, so thank you all for attending. And that brings us to the end of that item, and we
533 do not have any additional items on the agenda, so we will adjourn until the next regularly
534 scheduled and noticed Zoning Administrator hearing.

535

536 **ADJOURNMENT:** Zoning Administrator Brian Foss adjourned the meeting at 2:12 p.m.

538 There being no further business to come before the Zoning Administrator, the meeting was
539 adjourned at 2:12 p.m. to the next meeting to be held on December 17, 2025, in the Board
540 Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.
541

542
543 **Note:** A recording of this hearing is permanently on file with the Planning Department, Eric Rood
544 Administrative Center, First Floor. Please contact the Clerk of the Zoning Administrator to obtain
545 a copy.
546
547
548

549
550 Passed and accepted this day of , 2025.
551

552 _____ Brian Foss, Ex-Officio Secretary