

1 **NEVADA COUNTY PLANNING COMMISSION**
2 **NEVADA COUNTY, CALIFORNIA**

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4 **MINUTES** of the regular meeting of February 26, 2026, 1:30 p.m., Board Chambers, Eric Rood
5 Administration Center, 950 Maidu Avenue, Nevada City, California.
6

7
8 **MEMBERS PRESENT:** Chair Milman and Commissioners French, McAteer, Foley, and Garst
9

10 **MEMBERS ABSENT:** None
11

12 **STAFF PRESENT:** Planning Director, Brian Foss; Associate Planner, David Nicholas; County
13 Counsel, Sims Ely; Clerk to the Planning Commission, Jodeana Patterson
14

15 **PUBLIC HEARING:**

16
17
18 Communication Towers and Facilities Ordinance 2025 Update to Section 12.03.080 –
19 Communication Towers and Facilities and Section 12.05.060 – Use Permits of the Nevada County
20 Code.

21 **PLN25-0097; ORD25-2**

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22
23 **STANDING ORDERS:** Salute to the Flag. Roll Call. Corrections to Agenda - none.
24

25 **CALL MEETING TO ORDER:** The meeting was called to order at 1:31 p.m. Roll call was
26 taken.
27

28 **CHANGES TO AGENDA:** None
29

30 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on
31 items not appearing on the agenda which were of interest to the public and were within the subject
32 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless
33 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code.
34

35 Chair Milman opened public comment at 1:31 p.m.

36
37 Seeing and hearing no public comments coming forward, Chair Milman closed public comment at
38 1:31 p.m.
39

40 **COMMISSION BUSINESS:** None
41

42 **CONSENT ITEMS:**

- 43
44 1. Acceptance of 2025-11-13 Planning Commission Draft Hearing Minutes
45 *Approved at hearing*
46
47 2. Acceptance of 2025-12-02 Planning Commission Draft Hearing Minutes
48 *Approved at hearing*
49

50 **PUBLIC HEARING:**

51
52 **1:30 p.m. PLN25-0097; ORD25-2:** Public hearing to consider a recommendation to the Board of
53 Supervisors to amend Section 12.03.080 – Communication Towers and Facilities and Section
54 12.05.060 – Use Permits of the Nevada County Code. The amendments are to clarify definitions
55 in the Ordinance to align with standard definitions used by the Federal Communications
56 Commission; clarify “shot clock” permit processing timeline requirements; add projects that are
57 exempt from County Planning review; add potential for emergency deployments of Cells on
58 Wheels and emergency generators; require additional supporting information with project
59 applications; increase setbacks for towers from 100% of tower height to 150% of tower height
60 from property lines in all zoning districts except industrial; add radio frequency emission
61 monitoring requirements; add communication facility maintenance requirements; change the
62 hearing body for communication facilities requiring a Use Permit from the Zoning Administrator
63 to the Planning Commission; increase the required range of public notice for new communication
64 facilities; and other minor changes.

65 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommend that the Board of
66 Supervisors find the project statutorily exempt pursuant to Section 15269.C, categorically exempt
67 pursuant to Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt
68 pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA)
69 Guidelines.

70 **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors adopt the
71 Ordinance amending Sections 12.03.080 and 12.05.060 of the Nevada County Code (ORD25-2)

72 **PLANNER:** David Nicholas, Associate Planner.

73
74 *[minutes follow as direct transcript]*

75
76 Chair Milman: Which brings us to our public hearing that everybody's been waiting for today.
77 Let's... at this point, we'll go ahead and turn this over to planning staff. Thank you.

78
79 Director Foss: Thank you, Chair. Good afternoon, commissioners. With me is David Nicholas,
80 Associate Planner in our office, and he'll be giving you a staff report to go over the proposed
81 amendments to the ordinance. I'll turn it over to David.

82
83 Planner Nicholas: Hello, planning commissioners And members of the public. This presentation
84 before you today is about proposed amendments to the Nevada County Communication Towers
85 and Facilities Ordinance. So, we're just going to go through an outline real quick here. In this
86 presentation, I'm going to talk a bit about the background of the proposed Communication Tower
87 Ordinance Amendment and how it came to be, a list of some of the proposed amendments to the
88 ordinance and some information about some of the reasoning for some of those proposed
89 amendments. I'll also discuss some information about community engagement, notification, and
90 coordination. I'll discuss a memo regarding comments that we received after the release of the staff
91 report, and also some minor ordinance revisions that we're proposing after the ordinance was
92 released. I'm going to talk about the project's alignment with the procedures of the California
93 Environmental Quality Act. And finally, I'll provide a staff recommendation for the Planning
94 Commission. So, this process began when the Planning Department was directed by the Nevada
95 County Board of Supervisors to update our Communication Facility and Tower Ordinance to align
96 it with modern standards, to reduce impact of communication facilities while also promoting the
97 Board objectives to expand broadband services. What we've developed is really meant to be a
98 balance between the feasible development of cell phone towers and developing a network and

99 having the regulations to allow a modern network while also addressing the concerns of members
100 of the community. These amendments strengthen the existing regulation we have, which was last
101 adopted 20 years ago in May of 2026. It enhances the compatibility with the adjacent land uses
102 while also keeping in mind compliance with FCC [Federal Communications Commission]
103 requirements. The CTFO (Communication Towers and Facility Ordinance) is also integrated into
104 the rest of the County code, which will continue to apply when the County is reviewing
105 communication towers. So, things in the rest of our development code and our site development
106 standards like our noise ordinance, natural resource protection, and things like that will continue
107 to apply, while also other regulations like the Building Department building code, Environmental
108 Health's requirements for the storage of hazardous materials, and the fire marshal's requirements
109 for the defensible space and access to these towers. So, these are all outside of this Communication
110 Tower Ordinance and it's going to maintain that we're going to keep enforcing these standards, but
111 we're just not trying to duplicate that existing framework. This ordinance is more specific to these
112 communication towers. Now I'll start going through some of the proposed ordinance amendments.
113 We've updated the stated purposes of the ordinance. We also updated the County definitions and
114 added some new definitions to align with FCC standards. Those FCC standards are federal law,
115 which has supremacy over our laws anyways. So, just aligning it. It's more for clarification, just
116 so there's no confusion when we're trying to follow up a specific procedure for one of these
117 different types of facilities. We're also proposing a few exemptions. One of those would be small
118 cell wireless facilities. These are anticipated to be a low-impact way to have a reliable modern
119 network while also minimizing impacts and still being cognizant of the community's concerns.
120 Under the federal law, the antenna of a small cell has to be less than three cubic feet, which is
121 about the size of a transformer on a power pole. So, we're not anticipating much more aesthetic
122 impact than the equipment on power poles already have. It's also required by federal law that the
123 small cells have to be less than 28 cubic feet, which is about half the size of a telephone booth or
124 pretty similar to the existing utility cabinets we see in those utility roadways. Some other
125 exemptions we're proposing is the replacement of existing equipment with similar equipment. This
126 is something that's already been exempt, but we're just clarifying it in the code. Something else
127 that's already exempt, but just a simple clarification, is that facilities that are exempted by the state
128 and federal government would also be exempted by the local government. We're clarifying that
129 over-the-air reception devices (OTR), which are basically like residential satellite dishes,
130 something less than a meter in diameter, would be exempted as well, and even if we wanted to, we
131 cannot regulate those because the FCC does have a rule that prohibits HOAs and local governments
132 and different entities from regulating consumer and residential electronics like that. We're also
133 looking at some provisions for emergency deployments. These would be things like cells on
134 wheels. These are like a truck or a trailer that is wheeled in during an emergency. During the
135 Pacific Palisades Fire, there's a lot of photos of cells on wheels from AT&T and Verizon, just to
136 provide that increased capacity if any cells were damaged or if there needs to be more people
137 calling to coordinate or work with first responders or something like that. We would require that
138 the cells on wheels be approved by the planning director before they could be implemented. We're
139 also looking into removing the land use entitlement for emergency standby generators. We would
140 still review them during the building permit process so we would make sure that they would be
141 meeting setbacks and noise standards and things like that. But the reason we're looking into this is
142 because the state has a ten-day shot clock for the initial review of an emergency generator, and so,
143 just doing all the review during the building permit process makes it a lot easier to meet those shot
144 clocks, and it's still essentially the same review. Based off of public comments that we've received
145 during other communication tower hearings and also during the initial workshop in March of 2025,
146 and also just things that staff has found to be useful information while reviewing these projects,
147 has been reflected by us updating some of our application requirements. These things are: a more

148 robust justification for what the facilities are going to do to improve the network; more specified
149 criteria for the visual impact analysis of a proposed tower; alternative site analysis; and another
150 thing we're looking into doing is, we've heard concerns from the public that they weren't notified
151 earlier of a communication tower, so what we're proposing is that before a cell company even
152 applies to the County, they have to notify all the neighbors within 1,000 ft. and with their
153 application provide some sort of demonstration that they've done that. So that way, the neighbors
154 are actually noticed before we are. We're looking into codifying a requirement for radio frequency
155 exposure reports. Currently, we require that with an application checklist, but we'd like to move
156 that into the code. For some of the criteria of that RF exposure report, we've actually used some of
157 the language from the members of the community. Another application requirement is defensible
158 space shown on site plans; this was a recommendation from the fire marshal of the Truckee Fire
159 Protection District. We're going to move on to some more ordinance amendments. The
160 concealment standard of "effectively unnoticeable" is proposed to be updated to "effectively
161 concealed," and that's just to clarify we're not trying to make these towers completely invisible,
162 but we're looking to have them blend in with the natural and built environment, to kind of mitigate
163 those esthetic impacts, but not completely hide them where they're all the way invisible. Another
164 thing we've looked into is enhancing the setbacks, and there's a few reasons why we would enhance
165 the setbacks. Some of it's to help with neighborhood compatibility; some of the towers can be
166 pretty tall, like you know, 150-foot-tower or 180-foot tower, and currently there's a 100% setback.
167 It really helps with aesthetics, but to minimize the impact further so it's not dominating the view
168 shed and modifying the neighborhood characteristics or anything like that, we're proposing to
169 enhance that setback to 150% of the tower height. This is a real fine balance where we're trying to
170 help with the neighborhood characteristics, but we also don't want to effectively prohibit cell
171 towers. We still want to have enough parcels where they can be developed on. Staff did some
172 analysis in GIS, some Esri ArcMap, where we looked at how many parcels would still have space
173 for a cell phone tower with different setbacks. And so, if we do 250-foot setbacks, about 12% of
174 the parcels could have a tower built on them feasibly; with 500-foot setbacks, it would be about
175 4%; and with 1,000-foot setbacks, only about 1% of the parcels in Nevada County would be able
176 to have a tower on them. These numbers probably overestimate the number of parcels rather than
177 underestimate, and the reason for that is, the analysis didn't include any filtering for topography,
178 zoning, or the avoidance of natural resources, or even whether there's any need for a cell tower. It
179 was more of a screening tool. So, we felt that the 150% is a good way to strike that balance between
180 enough towers but enough protection. We can see this visualized on the screen right here
181 [referencing presentation]. This is the southern part of the County, and that orange highlighting is
182 the Lake of The Pines Homeowners Association, the planned development there, and basically
183 anything colored is where a tower could fit in that area if we had 1,000-foot setbacks. So, we can
184 see it would create - if we did 1,000-foot setbacks - it would create a pretty big area where there
185 just isn't any space for them. I mean, over to the west, there would be those yellow portions on
186 those larger parcels, but everywhere on the [Highway] 49 corridor wouldn't really have much space
187 at all. On this next slide, this is with 250-foot setbacks, and all these colors just correspond to
188 different setbacks, but anywhere where there's color, pretty much - the yellow, red, or orange - are
189 spaces where the towers could go. And so, with that, we don't create that effective prohibition
190 where... because we can still see plenty of parcels for towers, but it does help with the benefits of
191 setbacks. Some other things we were looking for is that we were looking to require that after a
192 tower be installed, we get a letter certifying that the on-the-field radiofrequency emissions align
193 with what was modeled in the requirement within 60 days. We'd also require this for any
194 modifications, so any post-installation or post-modification, we'd like some RF reports. During
195 some of the workshops, people expressed concern about how the monopines were shedding the
196 foliage, so we integrated that thought and concern into the code by requiring that the cell phone

197 towers maintain the sites and make sure they're clear of litter, debris, and monopine foliage. If
198 there's any debris, a concerned member of the community could reach out to Nevada County Code
199 Compliance and they could look into getting that resolved. In addition to the notice with the initial
200 application, we're also looking into, with the proposed ordinance, having the public notice for a
201 hearing increased. Currently it's 300 to 500 feet based off of the zoning. With this proposed
202 ordinance amendment, it would be 1,000 foot noticing before a public hearing. Furthermore, as a
203 way to respond to some of those concerns we heard during the workshop in March of 2025, the
204 proposed ordinance changes the hearing authority for a new communication facility from the
205 Zoning Administrator to the Planning Commission. It clarifies that administrative development
206 permits are required for eligible facility requests. This is how they're already processed under the
207 current code; it's just a clarification using that term. It wasn't previously used on our 20-year-old
208 ordinance. We added a requirement for the applicant to provide a defense and indemnification
209 agreement to the County. This is a standard Condition of Approval we require for all land use
210 projects whether it's a shopping center or a housing subdivision or something like that, but we just
211 wanted that clarified in our Cell Tower Ordinance as well. We created a procedure for temporary
212 communication facilities that can be approved with an administrative development permit for a
213 special event. So, say there's like a fair or a concert or something where there's going to be
214 increased demand and more capacity needed. There's a procedure where they could wheel on a
215 tower temporarily to provide that. We also provided some minor code cleanups and some clarity,
216 just so we can integrate all these changes into the code in a smooth and cohesive way. This part
217 of the presentation moves on to a community engagement, coordination, and notification. This
218 process began on March 31st, when we did the kickoff workshop where we got some input from
219 the members of the community. The main themes are those concerns were the request for larger
220 setbacks, the Planning Commission being the hearing body, the increased public notice, RF
221 monitoring, and cell site maintenance. Staff looked at implementing those when drafting the
222 ordinance. We also looked at the FCC model ordinance, some of the neighboring ordinances from
223 Placer County, Yuba County, Sacramento County, Los Angeles, just to see if there's any good
224 ideas that were in there that we could implement. We also looked at some of the federal law itself
225 and made sure we were all consistent with that and integrated things as needed. Once we had that
226 put together, we released it on July 9th for a 30-day comment period that ended on August 8th,
227 2025. The public outreach for this process included notification in the Union, we posted on the
228 County website, we put it on the County Facebook page, and we also put it on the radio station
229 KNCO. In addition to that, we mailed public notices to everyone that attended the workshop,
230 anyone that requested to be notified, anyone in our list of project notifications, which is about 300
231 people: people who want to be noticed, community groups, and other stakeholders. As a result of
232 that public notice, we received 51 unique comments: 10 comments asked for easier permitting;
233 three were from communication companies providing their input; five comments were from
234 government agencies asking for clarifications regarding things that they're stakeholders of; we had
235 two people that provided support for the ordinance; two people that were opposed to
236 communication facilities entirely; and 29 requested modifications to the amended ordinance and
237 mostly referred to the Nevada County Safe Tech Ordinance, which we looked at and implemented
238 a few things from there as a result of those comments, in addition to about 15 other changes as a
239 result. We received 399 bulk emails that all had the same message from OneClickPolitics that was
240 coordinated by Stop 5g. We received a second batch of 140 bulk emails, and as I mentioned, staff
241 reviewed that Safe Tech Ordinance and added solutions where feasible to address public concerns
242 as much as possible. Since the release of the staff report, two memos have been released. We
243 released the first memo on February 17th, which was after the staff report came out on February
244 13th. That included seven comments, including the Nevada Safe Tech Ordinance which was
245 unfortunately not included as a comment with the initial staff report, but we sent it out soon

246 afterwards. We received more comments after that first memo, and so a second memo was
247 provided on February 26th, 2026, so this morning. This included 38 unique comments and a single
248 example of the 1,402 bulk emails that were received from 201 unique senders. The comments in
249 the memos discussed radio frequency exposure testing, a process for communication facility
250 exemptions, the addition of definitions, enhanced justification of communication facilities, facility
251 maintenance and removal, the National Historic Preservation Act, continuous RF monitoring and
252 verification, setbacks being too restrictive, setbacks not being restrictive enough, tower design
253 criteria, and other concerns that were previously discussed in the staff report. As a result of some
254 of those comments we received, staff also suggest a few modifications to the ordinance. This was
255 discussed in that second memo that was provided earlier today. One of those proposed
256 modifications to the ordinance already provided was that in Section C and Permitting
257 Requirements 3, it's proposed that the phrase "the following are exempt from the permitting
258 requirements of this chapter" be changed to "the following are exempt from the permanent
259 requirements of this chapter, but minor antenna and small wireless facilities are still subject to the
260 operational requirements in Section I." Another change that we're proposing with the memo is in
261 Section C under Permitting Requirements, we add Subsection 7 that clarifies that this ordinance
262 shall not apply to applications filed before the effective date. In Subsection D, it's proposed that
263 the phrase - and this is in regard to the preparation of a radio frequency compliance report - instead
264 of those reports being signed and submitted under penalty of perjury by the engineer, that is
265 proposed to be removed and replaced with the engineer stamping and signing that radio frequency
266 compliance report. Another change that's being proposed is that in Section D, while we were
267 requiring defensible space, the word "space" was omitted, so it's suggested that "space" be added
268 back in behind "defensible." The final correction in Section E is that there was a typo with the
269 word "contagious" which should have been "contiguous." So, just like any other project that the
270 County's processing, we have to make sure we're doing it within the alignments of the procedures
271 and the guidelines of the California Environmental Quality Act. This is not to say that all the
272 future cell towers would be exempt. We would still have to follow CEQA for any future use permit.
273 It would probably result in an initial study where we'd look into it. But just for this ordinance
274 itself, due to the nature of it and because it's really just strengthening an existing ordinance, it isn't
275 creating new land uses that weren't previously approved, it's there's various sections of CEQA that
276 exempt it. All these administrative updates like the clarification of definitions, permit processing
277 timeline requirements, public notice, application requirements, hearing body - there's no physical
278 environmental impact. These are just covered by the general rule exemption. Things we're doing
279 for the protection of the environment like the increased tower setbacks, RF monitoring, and the
280 facility maintenance requirements: those are also covered by the general rule exemption and also
281 actions for the protection of the environment. The clarification about how eligible facility requests
282 are processed: that's just an administrative process being clarified, so it's another general rule
283 exemption, and the act of the EFR itself, the eligible facility request, would just be covered in the
284 CEQA exemption of additions to the existing structure or existing facility. Things like emergency
285 deployments like the cells on wheels that could be deployed during a declared disaster or the
286 emergency generators. There's specific exemptions for actions to mitigate an emergency which
287 those are covered under, and other exemptions such as a facility meter reading over their reception
288 device: those are already exempt. Those are just general rule exemptions again. Then the
289 temporary event facilities portion of it would be covered by an exemption for the minor or
290 temporary use of land. When we did the broadband EIR a couple of years ago, there was a section
291 in there that was a programmatic EIR that discussed provisions for being able to do something like
292 small cells on utility poles. And so, that's covered by our existing programmatic EIR. So, as a
293 result, the staff recommendations are as follows: The recommended environmental action is that
294 the Planning Commission recommend that the Board of Supervisors find the project exempt from

295 the California Environmental Quality Act based off of those exemptions; and the recommended
296 project action is that the Planning Commission recommend that the Board of Supervisors adopt
297 the ordinance as amended by the February 26th, 2026, memorandum amending the Nevada County
298 Code Title 12 Zoning Regulations Chapter 3 - Specific Land Uses, Section 12.03.080; and Chapter
299 5 - Administration and Enforcement, Section 12.05.060. That concludes my presentation. Thank
300 you for your time and available to answer all questions.

301
302 Chair Milman: Excellent. *[To Commissioner French]* Commissioner, would you like to start the
303 questions?

304
305 Commissioner French: I don't think so.

306
307 Chair Milman: *[To Commissioner Foley]* You have something?

308
309 Commissioner Foley: I guess I just have just a couple quick ones in the ordinance. Can you
310 explain the difference of what triggers a conditional use permit versus an administrative
311 development permit? Like the threshold for what those towers are?

312
313 Planner Nicholas: Yeah. So, basically any new facility is pretty broad. Anything that doesn't have
314 a specific exemption for it or is not an eligible facilities request requires a use permit. The eligible
315 facility requests are done with an ADP. There's specific federal language for what qualifies as an
316 eligible facilities request. If you have a tower outside of the right-of-way, you can increase the
317 height by 10% or not more than a 20% separation from the existing antenna to the next antenna.
318 Or you can increase the width of it by 20 feet. Or you can increase the base station lease area by
319 not more than 30 feet in any direction. So, with that alignment with the FCC definition of an
320 eligible facilities request, any project that meets that would be done with an APD. But even if
321 someone was trying to do a modification to a tower where it's large enough to not qualify for an
322 EFR anymore, then it would just have to be done through a discretionary process like a use permit.

323
324 Commissioner Foley: Great. Thank you for that. I guess there was a lot of public comment about
325 the radiofrequency emission monitoring, and it sounds like that is something that's kind of outside
326 the purview of the County and that's more of a federal regulation, that they handle that kind of
327 stuff?

328
329 Planner Nicholas: Yes, Commissioner, that's correct. We can still require documentation that
330 these towers are projected to meet those federally determined exposure limits for the general
331 population. And so, we're requiring that projection with application and also after installation. But
332 in terms of defining the methodology or creating our own standard or trying to regulate based off
333 of RF, that's really outside of our authority.

334
335 Commissioner Foley: Okay. I guess my last question would be the RF exposure reports: what kind
336 of information is included in that document?

337
338 Planner Nicholas: The RF exposure reports are usually modeling the worst case scenario, so it's
339 done by some sort of electrical engineer. They usually have to do some sort of process that
340 demonstrates how this tower is, you know, reliably meeting those FCC standards. It's usually
341 some sort of ...there's like a diagram, it has a list of all the different antennas, the list of the
342 frequency that they're going to be emitting, and it will show, usually graphically, where it's
343 exceeding the FCC limits and where it's not.

344
345 Commissioner Foley: Okay. I think that's all I have for now.
346
347 Chair Milman: Commissioner McAteer?
348
349 Commissioner McAteer: Thank you. So, before we get to public comment, I'd like to talk about
350 this shot clock. I have a vague view of understanding it, and I need a little bit more. Let's begin
351 when a Verizon sends you a request for a new tower in some location. When does this start? When
352 does this clock start running? How long is the run? And more importantly, what are the steps
353 within that run that might be existing, and then, the steps that are new that you're placing in there?
354 Do you understand my question?
355
356 Planner Nicholas: Yes, Commissioner, I understand your question. So, we're not placing any new
357 steps in the shot clock requirement. The shot clock actually puts a lot of pressure on us as a County
358 to make sure we're complying with it, so that we don't miss the deadlines and risk it being deemed
359 complete by a failure to act on it. It begins when the applicant makes the first procedural step in
360 the application process. So, when they first submit the application, that's when the shot clock
361 begins ticking. In your example, you asked what the shot clock would be for a new tower. So, that
362 would be 150 days.
363
364 Commissioner McAteer: So, from the time that you get something, it may not be complete. Then
365 you have 150 days? Is that the case, or do you wait for the application to be complete before the
366 date starts?
367
368 Planner Nicholas: The shot clock begins immediately as soon as they make that first step in our
369 process by submitting it. But it's pretty common that the applicant doesn't turn in an application
370 that's 100% complete. So, within 30 days, we have to send our first determination letter, and it's
371 often we send an incomplete determination letter asking for more requirements or corrections to
372 align the project with the County code. And when we send that letter, then we toll the shot clock,
373 so the shot clock stops ticking until they resubmit. And as soon as they resubmit, then it's... we
374 have ten days to review their resubmittal. That kind of goes on, with them resubmitting and us
375 having ten days on the shot clock, until we deem it complete. Once we deem it complete, the shot
376 clock is ticking until we go to public hearing. And what we often have to do is, because if a tower
377 becomes contentious, we often have to work with the applicant to try to toll the application to
378 create some additional time, so that way if the tower is appealed, we have additional time to process
379 an appeal.
380
381 Commissioner McAteer: I thought you've added this requirement about a balloon test. Is that
382 something that's new to this, or not a new? And, I thought we were... I was pleased to see that
383 property owners adjacent were being notified early on in the process that Verizon's wanting to put
384 in a tower. Is that new, or has that already been there?
385
386 Planner Nicholas: The notice is new. It is a direct response to the public concerns expressed in
387 the March workshop. The balloon or drone test is also a new thing. When we were drafting the
388 ordinance amendments, we were really trying to bolster their criteria of what the cell companies
389 have to do with their photo simulations, you know, kind of create a computerized model of what
390 the tower would look like there. So, no one really uses balloon tests much anymore. They will
391 often just use a drone, and the drone, they'll mark it up with, like, orange pool floaties on it so it's
392 easier to see in the photos, and they'll fly it at 100 feet or whatever the height of the tower is. In

393 there, we can see photos of the drone hovering there, and we can cross-reference it with the
394 different displays shown on the screen of the drone.

395
396 Commissioner McAteer: As I understand it, the community is notified, the surrounding property
397 owners are notified. Does that mean that they're notified that, "come on out and see the drone
398 flying," or is this an after-the-fact?

399
400 Planner Nicholas: There's no notice for them to ...there's no public notice to the community when
401 the consultant goes out with the drone. It's usually done by a specialized consulting company that's
402 like a subcontractor of the communication facility.

403
404 Commissioner McAteer: So, what is new is that the public knows early on that Verizon - I'm just
405 using them as example - wants to put a tower up near their property?

406
407 Planner Nicholas: Exactly, Commissioner, there would be no... the public would be noticed even
408 before the County would be noticed.

409
410 Commissioner McAteer: Really?

411
412 Planner Nicholas: M-hmm.

413
414 Commissioner McAteer: Well, that's good. Okay, so continue down that process. So, we've done
415 the drone test and all, and they're going along through this process. Now, as I read it, the public is
416 only given ten days of when the public hearing is going to take place. That seems a bit short to
417 me.

418
419 Planner Nicholas: The ten-day notice of public hearing is just a standard part of our code. That's
420 the notice under the California state law, and the same notice we would do for any hearing for a
421 discretionary project that goes before the Zoning Administrator, the Planning Commission, or the
422 Board of Supervisors. But the notice of public hearing isn't the public's only notice about the
423 project. There's multiple times where the public is noticed...

424
425 Commissioner McAteer: Good, tell me about those multiple times.

426
427 Planner Nicholas: Yeah, absolutely. So, we... with the new ones, there's a proposed prior to the
428 application...

429
430 Commissioner McAteer: Right.

431
432 Planner Nicholas: If there's a new tower, say like a wireless communication facility that's like
433 stand-alone, we'd have to do a CEQA initial study for it. And so, there's ...usually, we do a 30-day
434 public comment period where we would put in the newspaper, put it online, post it in the recorder's
435 office, on the County website, notify all the stakeholders. That process, it gives them 30 days to
436 comment; that's usually much before the hearing is. I did slightly go out of order: even before the
437 CEQA initial study Notice of Availability, we would also notify any member of the public during
438 the initial distribution of the project. So, when we first get that application, anyone that's requested
439 to be notified, we would also notify them as well.

440

441 Commissioner McAteer: And are these notices to 1,000 feet? Is that what it is? A thousand feet
442 from the property's boundary? What is that number?
443

444 Planner Nicholas: So, there's two notices with the 1,000 foot boundary: that application notice
445 that comes in before the application is submitted, and also the notice of public hearing. The CEQA
446 notice isn't set up like that, and the initial distribution notice isn't set up like that either.
447

448 Commissioner McAteer: Okay, and so, let's just ...I just want to carry this whole shot clock thing
449 out. So, now we've gone through the process and the application is complete, everyone's been
450 noticed, there's a public hearing in front of us, I guess, at that point. Is that what the public hearing
451 is, it's for this commission?
452

453 Planner Nicholas: Yes, that is correct, Commissioner.
454

455 Commissioner McAteer: Okay, And then the question is, does this case automatically go to the
456 Board of Supervisors? Is there an appeal process at all built in relative to community members
457 that aren't satisfied with the result?
458

459 Planner Nicholas: Yes, Commissioner. For any project that the Planning Department is
460 processing, there's a built-in appeal period. There's a ten-day appeal period. And so, someone who's
461 dissatisfied with the action of the hearing authority, the hearing body, can go and file their appeal
462 with the Board of Supervisors, and then the project would...the appeal, if the Board of Supervisors
463 decides to take the appeal, they would then hear the appeal.
464

465 Commissioner McAteer: So, the cases automatically don't go to the Board of Supervisors after
466 our decision?
467

468 Planner Nicholas: Not for an individual cell phone tower like that.
469

470 Commissioner McAteer: Okay. And is there a cost to be able to appeal from here to there, or here
471 to here?
472

473 Planner Nicholas: It's approximately \$2,000.
474

475 Commissioner McAteer: Really?
476

477 Planner Nicholas: But if the Board upholds the appeal and overturns the decision of the ZA
478 [Zoning Administrator] or the Planning Commission, then the applicant is refunded the money.
479

480 Commissioner McAteer: And that \$2,000 is determined because it's going to take so much staff
481 time? Is that how this comes about?
482

483 Planner Nicholas: Yes, it does take a lot of staff time. We probably, based off of the Board of
484 Supervisors' schedules, it probably costs more than \$2,000 in staff time to create these staff reports
485 and presentations.
486

487 Commissioner McAteer: Okay. And finally, my last question is... thank you for clarifying all that.
488 you have seven or eight, in my conversation with you, seven or eight applications that are sitting
489 on your desk currently. In this amendment that you're proposing, does that grandfather them into

490 the old game plan if they haven't completed their application? So, they're in the process, but they
491 haven't completed. Are they grandfathered into the old ordinance, or do they revert to this
492 ordinance?

493
494 Planner Nicholas: With the proposed amendments in the second memo, it would clarify that they'd
495 be grandfathered into the old ordinance.

496
497 Commissioner McAteer: Those seven or eight towers?

498
499 Planner Nicholas: Yes.

500
501 Commissioner McAteer: Okay. Thank you very much. And if we didn't approve that amendment,
502 then those seven towers would be coming in this direction.

503
504 Planner Nicholas: So, if that modification in the memo wasn't supported or approved by the
505 Planning Commission, it would likely be that the towers that are complete would still be
506 grandfathered. But the ones kind of in limbo, where they've been submitted but haven't been
507 deemed complete, those are the ones where potentially they would be subject to the new ordinance.

508
509 Commissioner McAteer: Thank you very much.

510
511 Chair Milma: Commissioner Garst?

512
513 Commissioner Garst: Thank you. A couple of questions. In a CEQA study, how does CEQA
514 analyze radio frequency exposure, or does it consider that a negative impact in any way?

515
516 Planner Nicholas: That is something we look at when we're doing the CEQA initial studies. One
517 of the documents we rely on is that radio frequency exposure report prepared by the electrical
518 engineer, as required by the application. We usually include that discussion within the hazard
519 section of the initial study and have some sort of discussion about how, based off of this RF report,
520 the tower would comply with FCC standards.

521
522 Commissioner Garst: Okay. Thank you. Can you explain to me in practical terms how this would
523 work? The small cell wireless facilities definition says, in Part 8, Section 3: "Do not extend
524 existing structures on which they are located to a height of more than 50 feet or more than 10%,
525 whichever is greater." In a practical description, how might that work

526
527 Planner Nicholas: So, you've got like a telephone pole, like a power pole, on a main road or
528 something like that, maybe 30 or 40 feet tall or something like that. So, a cell company would just
529 put a three-cubic-foot antenna on an existing utility pole.

530
531 Commissioner Garst: So, they wouldn't be allowed to then increase the height of that power pole
532 by up to 50 feet on top of what's existing?

533
534 Planner Nicholas: Under that definition, they would be able to increase the height of that power
535 pole, or if they want to put the antenna on top of the pole a little bit, as long as it doesn't exceed
536 that 50 feet.

537

538 Commissioner Garst: And so, we're saying under this ordinance that no permit would be required
539 for that?
540
541 Planner Nicholas: That's correct.
542
543 Commissioner Garst: Okay. So, a company could theoretically increase the height of a 30-foot
544 pole to 80 feet without a permit?
545
546 Planner Nicholas: No, because the pole couldn't be more than 50 feet in total. So, if it's a 35-foot
547 pole, they can maybe add, like, a ten-foot...
548
549 Commissioner Garst: Okay. All right. Thank you for that clarification. There was also a section
550 in here that's under the application requirements, Part 1F. It says, "Towers that are located at a
551 distance that is less than 100 feet of their height from a property line..." have to show that they...
552 there's some additional engineering. Can you explain that to me?
553
554 Planner Nicholas: Yeah, it really relates to something like an industrial zoning district, because in
555 all the other zoning districts, we have the 150% setback.
556
557 Commissioner Garst: Anyway?
558
559 Planner Nicholas: Yeah, all the way, and even if it's adjacent to another... so, say it's an industrial
560 zoning district, and it's adjacent to a residential zoning district. We also have a line that says that
561 even if you're adjacent, you still have to have 150% setback. So, that would be only if there was
562 maybe some sort of variance that was granted, or if.... There really wouldn't be a lot of reasons
563 other than the variance why that would even become applicable, just because of the new setbacks,
564 and that's really just an artifact of the old code.
565
566 Commissioner Garst: Okay. And then these additional engineering certifications, that it is
567 designed to withstand failure in wind forces, earthquakes, and ice. Is that not required for every
568 application?
569
570 Planner Nicholas: Yeah, it is a duplicative requirement, because any tower that is built ends up
571 having to meet the building codes anyway.
572
573 Commissioner Garst: Okay. That's all I have for now. Thank you.
574
575 Chair Milman: [*To Commissioner French*] Commissioner French, did you have anything at this
576 point?
577
578 Commissioner French: No. All good information.
579
580 Chair Milman: Okay. All right, a couple of questions. If we didn't pass this today, then it's not that
581 we wouldn't have regulations; it's that we would be staying with the ordinance from 2006, correct?
582
583 Planner Nicholas: Yes, Chair, that's correct.
584
585 Chair Milman: And so, in that, the changes... so what's not on the table is to say, we're not going
586 to have any towers of any sort at all, so that what we're doing here, or what you're proposing, is

587 that we're going to add some additional protections by increasing the setback, by increasing the
588 notifications, etc., correct?

589
590 Planner Nicholas: Yes, Chair, that's correct. We're trying to...we couldn't create an ordinance that
591 just bans towers; it would be a violation of the federal law to do that.

592
593 Chair Milman: Is there any part of the modifications that are under proposal that the
594 telecommunications folks are excited about?

595
596 Planner Nicholas: We haven't had a lot of discussion with The telecommunication folks directly.
597 I don't know what they're excited about. They haven't given us any kudos, unfortunately. They
598 did send us a couple letters about things that are illegal about our ordinance that we changed
599 through the various steps: that penalty of perjury suggestion to remove, that came as a result of a
600 letter from a Verizon lawyer. They had some softer language about why we can't allow the 150-
601 foot setbacks, but I think it might still be okay. They had some requirements. It's just... they had
602 a few requirements that we've adjusted, but they didn't congratulate us or anything like that.

603
604 Chair Milman: We've been talking about this as if it's all telecommunications, but this actually
605 governs radio or tv or other antennas, correct?

606
607 Planner Nicholas: Yeah. The communication facility definition is pretty broad, and it's probably
608 the way that a lot of these uses would fit into our land use tables.

609
610 Chair Milman: Okay. I saw in some of the letters that some of the comments were of other
611 jurisdictions that had created ordinances. Do you know...I don't remember offhand what they
612 were, but do you know if those other jurisdictions are in trouble in any sort of way with the FCC?

613
614 Planner Nicholas: I haven't looked into any court cases specifically to other jurisdictions like that.

615
616 Chair Milman: Okay. Thanks. How many towers do we currently have in Nevada County?

617
618 Planner Nicholas: Based on the FCC tower registration website, there are 30 towers in all of
619 Nevada County, and that includes the incorporated areas like Nevada City, Grass Valley, Truckee,
620 and unincorporated Nevada County.

621
622 Chair Milman: And then you said seven or nine that were in process?

623
624 Planner Nicholas: Yes, Chair, we currently have seven towers currently in process.

625
626 Chair Milman: Do you have a sense of what the anticipated density would be if the telecom was,
627 like, "Okay, this is our optimal density?"

628
629 Planner Nicholas: No, unfortunately, I don't. A lot of that is internal things kept with the Verizon
630 engineers, and they just don't keep us in the loop with those kinds of discussions.

631
632 Chair Milman: With the expansion and the mapping that you showed with the add to the setbacks,
633 is there worry about not being able to provide future coverage for wireless?

634

635 Planner Nicholas: I think we're right at the edge of it. There's still plenty of parcels, based off of
636 the mapping, that could fit the cell phone towers. So, I don't think it's quite an effective prohibition,
637 but we are responding to those concerns from the community about neighborhood compatibility
638 and things like that.

639
640 Chair Milman: Can they go on any zoning of a parcel, as long as it's large enough, or is there a
641 zoning base that you have to start with before you even talk about setbacks?

642
643 Planner Nicholas: You do have to have a compatible zoning district so, we don't allow towers in
644 open space or R1 zoning district.

645
646 Chair Milman: So, then the RF, that's... I mean, we talk about that as radiation, but it's different
647 than like an x-ray, correct?

648
649 Planner Nicholas: I'm not too familiar with the scientific principles behind the different
650 electromagnetic wavelengths.

651
652 Chair Milman: So, once you get an RF report - you said that it was created by an electrical
653 engineer, but who reviews those?

654
655 Planner Nicholas: We're relying on their professionalism and their stamp that this report is
656 appropriate. In addition to that, that same report goes to the FCC where the FCC is the primary
657 reviewer, where they look at it in more detail and assure that it meets all of their methodologies
658 and is reliable. It's mostly an informational report to us.

659
660 Chair Milman: Are there existing towers that have repeated complaints?

661
662 Planner Nicholas: Not that I'm aware of. Most of the RF reports show that the towers would only
663 be 1 or 2% of the general population maximum exposure.

664
665 Chair Milman: And in terms of debris at the bases or anything, are there offenders, regular
666 offenders?

667
668 Planner Nicholas: I don't know specifically, but we have received a lot of public comments in
669 regard to monopine foliage being scattered on the ground. So, that is something where with the
670 adoption of this ordinance amendment, people could reach out to Code Compliance about these
671 towers not being maintained in the line with the ordinance.

672
673 Chair Milman: We talked earlier about the appeals process for citizens if something were to be
674 passed that they didn't. Is there also, then, an appeals process for the applicant if it was denied?

675
676 Planner Nicholas: Yes, that is correct. The applicant could appeal as well, and then if they're not
677 satisfied with the Board decision in the appeal, they could eventually take it to court.

678
679 Chair Milman: So, under the current code, is there any public notification?

680
681 Planner Nicholas: Yes, Chair, we do have public notification under the current code. We don't
682 have a pre-application requirement for notification. We still do our initial distribution notification,
683 we do our CEQA notifications, and we do a notice of public hearing that we post in the newspaper,

684 on the County website, and we notify all adjacent parcels within 300 to 500 feet based off the
685 zoning under the current ordinance.

686

687 Chair Milman: And so, then the additional, the 1,000-foot radius, that's the primary change, the
688 increase to the public notification?

689

690 Planner Nicholas: yes, it's two things. It's the addition of the extra 500 feet for the notice of public
691 hearing, but it's also the addition of the pre-application notice.

692

693 Chair Milman: Okay. Thanks so much. I appreciate the answers.

694

695 Commissioner McAteer: Can I get one clarification? Because I spoke with you a couple of days
696 ago, and you said there was about 50-something towers in the County. So, since then what
697 information have you gained that now we're in the 30 range?

698

699 Planner Nicholas: When you and I spoke, I spit balled 20 to 30. Then as I got off the phone with
700 you, I went on to the tower registration website.

701

702 Commissioner McAteer: And that told you that there were those many towers, 30-ish?

703

704 Planner Nicholas: Yeah.

705

706 Commissioner McAteer: And are any of those ...does it denote any small cell towers or small cell
707 boxes?

708

709 Planner Nicholas: Everything, that would be everything registered with the FCC. So, I didn't
710 specifically click on everyone to see what kind of facility it was, but the small cells...

711

712 Commissioner McAteer: ...are registered.

713

714 Planner Nicholas: They have to be registered, so everything registered is that number.

715

716 Commissioner McAteer: Okay. Thank you.

717

718 Chair Milman: Okay. I think then the next step is to open this to public comment, is that correct?
719 All right. If you guys want to go ahead and get, call it five people, lined up, you'll have three
720 minutes apiece. If you could start out by giving us your name and address and we'll go from there.
721 Thank you so much.

722

723 Chair Milman opened public comment on hearing item at 2:21 p.m.

724

725 Public speaker Mr. Taylor: Hello. Thank you, Chair and Commissioners. This is a very
726 complicated matter. When I looked into it I was blown away with how complicated it is.

727

728 Chair Milman: Could you start with your name and address please?

729

730 Mr. Taylor: Michael Taylor in District 1. I also want to thank the Planning Department. The job
731 they did, it's an amazing job that they put together all this. One of my problems with this, how this
732 happened is, I started researching online what is the proposed ordinance. And I learned that that

733 was not the current proposed ordinance. They have since updated it, is my understanding, and I
734 was provided the most recent draft ordinance of this. I just wanted...if I could approach
735 you...[inaudible] recommendations. There's ten small amendments to the draft that I would highly
736 recommend, as well as a few other items that might be added. The other thing I'd like to suggest
737 is that you guys do take this, and take it.... I don't know what the word is for it. Take it on
738 submission, or take it... don't make a final decision today because of the complexity of this. Each
739 of these amendments that are going to be suggested today are very complicated, and there's a lot
740 of them. So, making verbal recommendations to staff at this point, I think, would be mute per se
741 because there's so many small changes that probably should be done. I highly also recommend that
742 there is not - what do you call it? - exemptions. I think that we got to be really careful in our
743 community that if we have exemptions under a certain height, then telecommunications are going
744 to start designing towers that work under those requirements, and then we'll have many towers all
745 over the place. I don't think there should be exempt. Other than what's on this, because it's really
746 hard for me to read this, it's pretty clear on what my recommendations are. Thank you.

747
748 Public speaker: Hi, my name is Violet. I live in Penn Valley. Thank you everyone for being here
749 today and taking all of our thoughts into account. There's a few points I want to make. The first
750 being about radio frequency. I know there's a lot of debate about that, but the fact of the matter is,
751 it's new technology that is advancing all the time, and there have not been any long-term studies
752 because the technology has not been around that long, so we are putting these towers up
753 everywhere around our children, our parents, our grandparents, and around our animals, and it's
754 just... we don't know if they're safe, we don't know the long-term, 10-, 20-, 30-year effects. And
755 so, I don't think it's fair for all of us who move out of the city into the country for reasons like this
756 to then be essentially in an experiment. We just don't know the safety. So, I think I understand
757 you can't block all the towers, but there should not be exemptions. As far as the notifications, it
758 seems like a thousand feet is definitely not enough. If I was 1,500 and I didn't get notified, I would
759 be pretty upset. As well as just the notifications in general, I was told about all this through a
760 friend of mine, and I had no idea any of this was going on. So, I think this is something that matters
761 a lot to people in this community, and we are just... most people don't know any of these... big
762 changes are being made or protections taken away or not enough added so, just please consider
763 what everyone who chooses to live out in the country like this wants. So, thank you very much.

764
765 Public speaker Mr. McKenzie: Good afternoon. Right. My name is George McKenzie. I'm at
766 11385 Caroline Lane here in Nevada City. I come to you today as a cell tower owner, a property
767 owner, with the cell tower on it. I come to you as a citizen that is trained in physics and
768 electromagnetic waves. Can you hear me? Oh, I'm sorry. Yeah.

769
770 Chair Milman: You can pull that mike towards you.

771
772 Mr. McKenzie: Oh, boy. Can I get my three minutes back? No? Listen, the Planning Commission
773 allowed my cell tower company, American Tower, to bring another generator to my site under
774 emergency situations. Verizon didn't want to give T-Mobile power on the same tower. The
775 Planning Commission approved a permit that allowed them to bring an emergency generator,
776 another one, this is a cat diesel generator. No consideration to me. No one came and asked me
777 about noise levels. No one asked me anything about it. They came, they put it in, and it is so loud.
778 That's what they will do here with the existing rules. If we are not enforcing the existing rules, why
779 do we need to increase them or release them to be even more [unintelligible] so that you can abuse
780 us citizens. Under emergency [unintelligible], they came up my road and smushed all the snow
781 because they needed to bring gasoline, diesel to these generators. This happened during

782 Snowmageddon when it was emitted, even through our cell phones, that, “Hey, a big storm is
783 coming; get ready.” They didn't, and under emergency [*unintelligible*], came up my road and
784 made it so that my neighbors and I couldn't get out for two and a half weeks under eight inches of
785 ice. These cell tower companies don't care about us. I measured the EMF wave levels before I
786 arrived. Under the pretense of upgrading, those EMF levels doubled. It is roughly equivalent to
787 having a high-powered wi-fi router directly underneath your pillow. I am within 200 feet of that
788 cell tower. What notification did I get? None. None. Do not increase these rules, please. I implore
789 you. Thank you.

790
791 Chair Milman: Thank you.

792
793 Public speaker Ms. Finney: Good afternoon, Commissioners. My name's Johanna Finney. I live
794 in Nevada City District 5, and I represent Nevada County For Safe Tech, the community coalition
795 that built the model ordinance template provided to staff. Unfortunately, our suggestions were
796 largely dismissed. Before others speak, here's the context. The public comment you've received
797 and what you hear today centers on that template. It's built specifically for our county terrain, fire
798 risk, waterways, and rural character. Here's what's at stake and what's possible. This commission
799 has the legal authority to act under Federal 47 USC and California's General Law powers. The
800 FCC's Build America rulemaking is under review right now, and action is expected in 2026. Every
801 national local government organization, including the National Association of Counties, League
802 of Cities, Conference of Mayors told the FCC that local communities have the right to decide
803 what's built in their neighborhoods. What you adopt before federal action occurs is what you get
804 to defend. The County's current draft omits independent design review for administrative permits.
805 That's the pathway that's going to see the highest volume of applications. Those are the small cell
806 facilities, and it should be stated in the ordinance, those design reviews, or just make it a CUP.
807 You still can. Then it comes before you. So, as it stands, it means no independent check on the
808 building, electric, and fire code that's written into this ordinance, and without meaningful
809 decommissioning requirements and financial assurances tied to the real removal costs, you get a
810 banded infrastructure: a rusted pole covered in metal boxes outside a home, an ugly tower you
811 drive by every day. Our template requires real cost estimates, actual bonds, in-site restoration. Our
812 neighborhoods and rural communities deserve a buffer; 500 feet is not radical. The city of Petaluma
813 and other cities across the state require it. I ask that you really consider that 500-foot setback. It's
814 defensible in court. That's what I want you to know. It's what excellent land planning looks like.
815 So, we're asking you to adopt an ordinance that protects people, holds carriers accountable, and
816 preserves your local authority before federal landscape shifts beneath us. Not out of fear of
817 technology, obviously; it's out of respect for this community landscape and the residents who trust
818 you to get it right. This template we offer: it's not a burden, it's a roadmap. Thank you.

819
820 Chair Milman: Thank you.

821
822 Public speaker Ms. Jones: I'm Louise Jones. I'm a resident of the Lightning Tree neighborhood,
823 District 1. I serve on our Firewise Council, which means my neighbors and I spend a lot of time
824 thinking about exactly what it takes to keep our communities safe from wildfire. This includes
825 defensible space fuel reduction, evacuation planning, and working closely with our fire
826 department. That's the lens I'm bringing. I'm here to ask the commission to add a comprehensive
827 fire safety plan requirement to the draft ordinance, because right now, that requirement is absent.
828 And in Nevada County, that's a problem. Modern wireless facilities are not passive structures.
829 They contain large battery banks, often lithium ion, rectifiers, inverters, generators, and high-
830 voltage power systems. Lithium ion battery fires at telecom facilities are a documented national

831 problem. They burn intensely. They're extremely difficult to extinguish with conventional
832 methods, and they release toxic gases. Now, picture one of these facilities burning in our
833 community, in or near a very high fire hazard severity zone. Our fire department response, and
834 they have no document on file telling them what's inside, where the batteries are, how to de-
835 energize the system, or what type of hazardous materials they're dealing with? That's what the
836 current draft leaves us with. The ordinance template provided by Nevada County Safe Tech that
837 was provided to the County, included a detailed fire safety plan requirement. It covers emergency
838 contacts, battery types, and locations, thermal runaway protection, lighting protection compliance
839 under NFPA 780 which matters enormously in our foothill terrain, and, critically, step-by-step de-
840 powering procedures so that first responders know exactly how to safely shut down a burning
841 facility. As someone who works on fire preparedness planning, I can tell you this is exactly the
842 kind of pre-incident information that saves lives and prevents a structure fire from becoming a
843 wildland fire. We require this level of planning for other types of hazardous facilities; there is no
844 good reason why wireless facilities should be exempt. I also want to flag that the draft dismissing
845 an engineer's report requirement for structure *[inaudible]*...

846
847 Chair Milman: Thank you very much.

848
849 Public speaker Ms. Molina: Good afternoon, Commissioners. I wanted to first thank you for all
850 your questions. They were very... I'm very grateful for them. My name is Brooke Molina, and I
851 live off Polaris Drive in Grass Valley. I live directly across from the newly installed 150-foot
852 Verizon tower that they put up at Landmark Baptist Church property on the eve of Christmas Eve,
853 and to the best of my knowledge, they did it overnight, because I am outside all the time and I
854 noticed the first thing in the morning on Christmas Eve. I'm here because the day the tower was
855 activated, I developed a persistent ringing in my ears, something I've never experienced in my life.
856 I have no other health conditions. It disappears as soon as I leave the property...well, when I leave
857 the property. Starting that same night, my son and I slept for 13 hours. This is not normal. We
858 still woke up exhausted, and this sleep discrepancy exists to this day. This is not usual and was not
859 gradual. The onset was immediate, and it coincided exactly with the tower activation, which I
860 confirmed with the technicians on site. National Institute of Health has reports of Microwave
861 Syndrome from 5g technology with documented cases, and our symptoms coincide with what...
862 the symptoms listed on that cite coincide with what we're experiencing. As a scientist, I understand
863 that correlation doesn't automatically equal causation, and that's precisely why measurement,
864 transparency, and independent verification matter. I am requesting three specific protections.
865 First, include good cause testing provision for residents who believe a facility might be affecting
866 them. They should be able to request independent RF testing at the operator's expense. Second,
867 require full technical disclosure at the time of application. That means antenna type, maximum
868 effective radiated power, cumulative emissions modeling, and calculated exposure levels at
869 different distances and altitudes from the tower. Third, require annual third-party certification.
870 These towers are not static. Technology evolves and additional carriers can co-locate, which
871 increases power levels. A one-time compliance snapshot does not protect residents for the next 25
872 years. I've been in a Nevada County resident for over 20 years. This tower was erected within
873 days of Christmas without my getting any prior notification. I am within 800 feet of the tower. I
874 cannot change that this tower went up, but you can ensure that other families have stronger
875 safeguards and measurable standards and meaningful recourse. Thank you so much.

876
877 Chair Milman: Thank you.

878

879 Public speaker Ms. Graber: Hi. Maureen Graber, District 1, Banner Mountain. What is the purpose
880 of a County ordinance? A County ordinance is a law enacted by County government, and the
881 purpose of the ordinance is to regulate various aspects of life within the County's jurisdiction,
882 addressing local needs and concerns that may not be covered by state or federal law. This includes
883 public health and safety, zoning and land use, environmental protection, among others. In essence,
884 County ordinances are designed to create a framework for orderly living and to protect the welfare
885 of its residents and preserve the character of the community within the specific context of that
886 county. This draft ordinance is an opportunity for the Planning Commission to both meet FCC
887 requirements and protect our citizens from the proliferation of unsightly and dangerous cell towers.
888 One neighborhood should not be unfairly impacted by multiple cell towers just because a large
889 for-profit organization wishes to generate even more revenue. To that end, please return the
890 language in Section E1, Item D, to protect individual neighborhoods from being subjected to
891 multiple cell towers. The stricken language includes the words "no towers shall be installed closer
892 than two miles from another readily visible, uncamouflaged, large, or unscreened facility." In other
893 words, no single neighborhood should bear an unfair burden presented by the addition of more cell
894 towers. Burdens for middle class Nevada County homeowners include reduced property values as
895 high as 9.78%; a reluctance of buyers to purchase a home near a cell tower; damage to the rural
896 nature, neighborhood character, and forest aesthetic promoted as the reason to move to Nevada
897 County; undocumented long-term health impacts as cellular technology continues to grow in
898 frequency capacity; increased and proven wildfire risk related to associated generators; and both
899 human and equipment failures. The County Planning Department has received and included input
900 from experts in the telecommunications industry for the revised draft and yet refused to add
901 consumer protections offered by the Nevada County For Safe Tech Organization. Why? As our
902 Planning Commission, I request you review the information offered by the Nevada County For
903 Safe Tech and protect Nevada County homeowners over for-profit telecommunication industry
904 giants. Thank you.

905
906 Public speaker Ms. Borad: Hello, Commissioners. My name is Cheryl Borad, and I'm in District
907 5. I live on Highway 20 right next to a parcel where a proposed tower is to be built. I am asking
908 the commission to adopt a strong ordinance, one that protects people like me, and to make sure
909 any tower applicant has to meet those new standards before getting the permit. The ordinance
910 template from Nevada County For Safe Tech says a cell tower must be at least 500 feet away from
911 any home. That distance is measured from the closest part of the tower, even the tip of a fake tree
912 branch, to the property line. The County's own maps show exactly where towers can and cannot
913 go under different setback rules. I'm asking the commission to adopt that 500-foot standard and
914 require it to be applied to any application near my neighborhood. The proposed ordinance template
915 we offered says the company must prove there is a real gap in service here, not just the company
916 computer map. They must actually drive through the area, record the signal strength at real
917 locations, and hand those numbers to the County. They must also show records of dropped calls
918 and times people could not get a signal at all, and a real engineer must sign the coverage maps and
919 explain exactly how they were made. Without all of that, no tower application should be approved.
920 Even if there is a coverage gap, the rules say the company must look for a less intrusive location
921 first. Locations next to homes are supposed to be the last resort. The application process requires
922 the company to identify every possible alternative site and prove in writing why each one will not
923 work. What carriers typically do instead is send out a form letter to property owners and only
924 consider the ones who write back. That is not a real site analysis; that is marketing. I am asking
925 the commission to require the applicant to show that a genuine independent site search was
926 conducted, not just the list of whoever responded to a mailer. If they cannot show that work, the
927 application should not move forward. The ordinance requires the company to fly a balloon at the

928 height of the proposed tower so neighbors can see what it will actually look like. This is my
929 neighborhood. I should be able to see that before any decision is made. I would need the ordinance
930 to require notification to neighbors within 1000 feet of the time and the date that is happening.
931 And we live in fire country. The ordinance requires a detailed fire safety plan covering batteries,
932 fuel, electrical shut off, and how firefighters can safely work around this structure. The roads in
933 my neighborhood have only one ingress and egress.

934

935 Chair Milman: Thank you.

936

937 Public speaker: Hello. My name is Nick. I am an honorably discharged veteran and a resident of
938 a neighboring county who has seen firsthand how these so-called portable telecommunication
939 towers can bypass regulations and ultimately become permanent facilities with little regard to the
940 law. To explain the situation briefly as possible, years ago a portable tower was placed on a
941 neighbor's property. At the time it was small and minimally intrusive. The tower company
942 intentionally used the terms "portable" to avoid oversight, public review, and a full public hearing,
943 allowing the installation to move forward quickly under a simple administrative use permit. Over
944 time, however, the company employed what can only be described as bait and switch tactics. Today
945 that small portable tower has transformed into a large permanent telecommunication facility
946 located 4.6 feet from my property line. The company labeled this entirely new installation as
947 merely a modification in order to avoid additional hearings or public scrutiny. Over the span of
948 ten years this site has evolved from a small temporary and movable structure with six antennas on
949 a 10 by 10 base into a full telecommunication complex with more than 25 antennas, hazardous
950 materials, and loud generators. This expansion simply occurred on the assumption that no one
951 would notice. Remarkably, it still operates under the same AUP originally issued for a portable
952 tower with no RF report and no vegetation clearance. Adding this concern, residents from a local
953 Native American community warned that the site may be potentially sacred land. Rather than
954 pause for proper evaluation, construction again proceeded under the label of a modification,
955 avoiding broader notification and oversight. At some point the question becomes unavoidable: if
956 a portable tower can legally become a permanent industrial facility without renewed review, then
957 what protections exist for residents? What happened in my county is exactly what Nevada County's
958 ordinance has a chance to prevent. It closes the loopholes that allow temporary and modification
959 labels to substitute for a full public review. Secondly, I'd like to address a common argument made
960 by supporters and telecommunication companies in nearly every proposal. They claim these towers
961 are necessary for public safety, and the hypocrisy of this argument is clear as day. We are told
962 these towers must be placed in residential neighborhoods so residents can call emergency services
963 and that lives are at risk without the nearby. However, what was never mentioned to them is the
964 position taken by the very people who respond to those emergencies: our firefighters. The IAF,
965 the largest firefighter organization in northern California, has formally opposed cell tower
966 placement on their fire stations due to RF health concerns. This information is easily found on
967 their website. The same firefighters we respond to emergencies do not allow these towers on their
968 own property because they are worried for the same reasons we are, and they have the data to back
969 it up. Yet telecommunication companies argue that placing a tower just 4.6 feet from our property
970 line is for our safety. So, residents are left asking if they're unsuitable for fire stations, why are
971 they appropriate in our neighborhood? Thank you. Here's some pictures if you want to see.

972

973 Chair Milman: Thank you.

974

975 Public speaker Ms. Shinmoto: My name is Vanessa Shinmoto. I submitted a written statement on
976 behalf of Children's Health Defense. I would like to request an additional three minutes for a total
977 of six minutes to speak.

978
979 Chair Milman: If you're representing an organization, then you can have five minutes.

980
981 Ms. Shinmoto: Five minutes? Okay. Good afternoon, Chair Milman and Commissioners. I am a
982 paralegal and program coordinator for the Electromagnetic and Wireless Program at Children's
983 Health Defense. I worked with attorney Scott McCullough to draft Nevada County For Safe Tech's
984 proposed ordinance template, and he has over 40 years of telecommunications industry experience.
985 So, the first thing I would like to emphasize is that the template ordinance is litigation-proof and
986 completely compliant with federal law. And furthermore, it will preserve your authority to exercise
987 decisions completely compliant. And so, what I'm going to do is take you through how that works.
988 The first problem with the County's ordinance is the lack of clear standards for wireless permitting.
989 And what that means is that it does not allow for any substantial evidence, and that is something
990 that is required under federal law for any denials or really any decisions that the County makes on
991 the permitting. And so, the Nevada County Safe Tech, the template ordinance, what it does is, it
992 is 45 pages long, 45, and it adds a lot more. But all of these requirements are necessary. And the
993 first part of it is the application requirements. So, number one, there is the basics, which is the
994 application form with the contact information and site authorization and proof of occupancy and
995 that kind of thing. And then it goes into the actual proof of need. And this is very important.
996 Several commentators have touched on this, but the drive test is critical. It's not just what industry
997 says. It is what and is, in actuality, is needed. Because under the effective prohibition federal law,
998 there is... they have to prove... they can still prove... there is still room to deny it. But they have
999 to prove that they actually need it. And then, even within that, there are restrictions where they still
1000 don't have to... you still don't have to grant the tower. So, there is a detailed list in the Nevada
1001 County For Safe Tech template ordinance, in the application requirements. Now, it looks very
1002 onerous, and it may seem that there may be first more work at the outset, but all of that information
1003 is substantial evidence. So, when the applicant has to provide, for instance, a radio frequency
1004 report with all the technical data, right now the County's ordinance does not have that. So, what it
1005 does is, it leaves industry to self-certify, and that is not helpful, because there's very specific
1006 requirements such as antenna specifications, the cumulative exposures, estimated exposures of
1007 radio frequencies, power density outputs, and run tables. Things that an independent third-party
1008 engineer can actually look at. So, number one, all of this information will preserve your authority,
1009 because you will all have it in front of you. And I do want to emphasize that, you know, our team
1010 has drafted over a dozen of these ordinances. At least five of them have passed and none of them
1011 have been litigated on. So, right off the bat, this is... I guess... hold on. And the other thing I
1012 wanted to point out in the last 46 seconds I have is we would like to offer you help and advice, and
1013 our legal team is available to answer any questions you have. We are happy to meet with David
1014 and Brian, Planning staff, and go over specific provisions. So, I would like to say thank you for
1015 the extra time and thank you for your consideration. And last but not least, reject the County's
1016 draft. Go back to the table and urge them to adopt Nevada County For Safe Tech's template
1017 ordinance. Thank you.

1018
1019 Chair Milman: Thank you.

1020
1021 Public speaker Ms. Senum: Hi everyone. My name is Reinette Senum, former city council member
1022 and mayor in Nevada City and I am a member of the Nevada County For Safe Tech. A year and
1023 a half ago, with Johanna's leadership, we organized Nevada County Save Tech. We have put

1024 thousands of dollars into this; we have put hundreds of hours into this. We have hired the best
1025 attorneys, and to let you know, Scott McCullough has court cases in the supreme court, so he
1026 knows his business. I can get into the weeds of the grass, but I don't want to do that, because it's
1027 quite clear. You have 15 pages or you have 45 pages. If you take the 15 page draft, you have 30
1028 pages of loopholes: 30 pages of loopholes and 30 pages of back doors that lead to the experience
1029 Nick is experiencing right now with this the cell tower, the same experience this gentleman over
1030 here is experiencing. What we have done is, we've built the best draft possible based upon other
1031 cities in California who have done the same thing four, five, six years ago, and to this day, no
1032 litigation. That is Encinitas. That is Malibu. That's Mill Valley if you need to I suggest you table
1033 your decision today, and you go and you call the managers of those cities and ask them themselves,
1034 "Have you been litigated for your, you know, your ordinances?" The answer is going to be no.
1035 But if you need that, please do. So, what we're doing is, we're making sure that at the highest
1036 federal levels, we abide by the laws while protecting the county residents as much as humanly
1037 possible according to the federal laws. This makes their job easier because all the work has been
1038 done up front, and it makes your job easier because you're not going to be in the crosshairs when
1039 you have your constituents calling you because there's a cell tower popping up or one that's all of
1040 a sudden, you know, no longer on wheels and becoming a monopole. So, we have been working
1041 on this again for a year and a half to ensure that you are making the best decisions for the county,
1042 Planning, Board of Supervisors, and for the residences. This is tried and true and this has been a
1043 year and a half worth of efforts, I just want to say. What we're doing at this point in time is, we
1044 don't need to get in the weeds of the grass. We don't need to say, "Well yes, add that, take that
1045 away," and so on. There's so many ways that this ordinance can go sideways and so many ways
1046 you can't see unexpected consequences. I have to tell you, the telecoms, this is what they have.
1047 They've got the lobbyists. They've got the billions of dollars. They've got the captured agencies,
1048 and they've got the government representatives, and all we have, all we have is you, each one of
1049 you, and this ordinance as our firewall of protection, and that is it. And what we are presenting to
1050 you today is an extraordinary piece of work, and we're giving it to you because we love this county
1051 so, much we want to protect it to the highest extent of the law, to make sure you're never litigated
1052 against, and we're literally giving it to you on a silver platter. So, please just say yes, and let's move
1053 on. Thank you.

1054
1055 Chair Milman: Thank you.

1056
1057 Public speaker: Hi, I'm Summer, and I live off of Sages near Ananda. I'm a little nervous. This is
1058 dear to my heart. It just about killed me. There was a cell tower that went up outside my living
1059 room window and, bird's flight, I'm guessing a fourth of a mile. It was at the fire station in Sedona,
1060 not here. The reason I came here is because we had to sell that house. No matter what I did for
1061 diet, exercise, water, everything you can think of, my health just kept going down the toilet and I
1062 couldn't figure out why. Nobody talks about it. Doctors don't talk about it. The only people that
1063 really know this topic are the people that came to my house to provide service to hook up things
1064 and so on. So, long story, I had 15 different ailments, diseases, problems, and I thought..., I was
1065 trying to wrap my mind around the thought, the idea I'm going to die young, I should just get used
1066 to it. This is what it felt like, no matter what I did, it was just bad. I knew the tower wasn't going
1067 away so we sold the house and we moved here, to the forest - healthy, beautiful, no towers, and
1068 like I said, it's dear to my heart, and that's the way I would like to keep it. So, I urge you please to
1069 work with Nevada County Safe Tech. Look at their draft. The current draft right now is not good
1070 enough. It's too close to homes, schools, sensitive areas, environmentally sensitive areas. And I
1071 can tell you, you want to be at least a mile or two away. It just found personally - and I was not
1072 sensitive before this, I was a perfectly normal person working full time, but I told my husband, if

1073 I have vertigo, I can't drive, if I don't go to work, it was one less paycheck, it can really disrupt the
1074 whole thing, and it does. It does for many people. There are many stories out there. So, I just want
1075 to say I'm glad this conversation is taking place today. There's a lot of wonderful information
1076 shared, and I think there's some, you know, clarity and hopefully changes that the commission will
1077 look at doing. I would really encourage that, and please reject the current draft that you have, the
1078 ordinance that you have right now, and look at the safe, protected version that now Nevada County
1079 Safe Tech has in place right now. Look at that, at least look at that. It's worth it, because it affects
1080 all of our life. It's not just people who are sensitive like me. We become sensitive because the
1081 radiation destroys biological systems in your body. Thank you so much for listening.

1082
1083 Chair Milman: Thank you.

1084
1085 Mr. Stroup: Good afternoon. My name's Jeremy Stroup. I'm with Verizon Wireless. We appreciate
1086 the collaborative effort that staff has taken to draft this ordinance. However, there's just two critical
1087 issues that we thought we'd like to bring to your attention today. The first one is what we're here
1088 talking about - I think the majority of us are talking about - it's the 150% setback. Verizon believes
1089 that that proposed setback from property lines would render the vast majority of the County parcels
1090 ineligible for new towers. The staff report, I think, outlined that at about 12.21% of the parcels in
1091 the entire county would have enough space to host a wireless facility. Because of that, simple math
1092 says that a 150-foot tower with 150% setback would require about 225 feet which is pretty close
1093 to that 250. That would severely impact the ability for Verizon to deploy here in the county. It also
1094 would have a real world impact. A recently approved site that's located... that serves the
1095 fairgrounds over on McCourtney Road that would have been prohibited under this new ordinance.
1096 So, we urge you guys to just keep the 100-foot setback. The second is the current applications. We
1097 have several applications currently in process. They were designed and engineered based on the
1098 current rules as it exists today. Changing those mid-stream we think would penalize the projects
1099 that are already in the pipeline and it ignores the significant time in engineering that we've already
1100 spent on those. We're just asking the commission to support staff's recommendation to apply the
1101 ordinance prospectively. In conclusion, by eliminating, we believe that it's about 88% of the
1102 potential sites, this ordinance risks a federal effective prohibition of service. So, I think we should
1103 try to find language that incentivizes coverage rather than prevents it. Thank you.

1104
1105 Chair Milman: Thank you.

1106
1107 Public speaker: Hi, my name is Tess. I live in Nevada City. There have been several studies that
1108 show the harmful effects of 5g. You can look this up; you can research it. It harms animals and
1109 children the most because they're very sensitive. Friends of mine that have had little babies born
1110 near cell towers, 15 times in the night these babies are screaming because of the effects of these
1111 5g towers. The moment that they leave, move to the forest where these towers don't exist, the baby
1112 sleeps okay. So, I believe personally that when we die we only take with us the lessons that we've
1113 learned and the impact that we've made on others. We don't take financial rewards or money or
1114 status or power. So, anyone complicit in allowing something that is going to harm innocent
1115 children will have karmic repercussions that will way affect them beyond this lifetime. So, I want
1116 you guys to really consider that. It is very important that you check in with your heart when you
1117 make this decision. Now the FCC are proposing to take away our local authority and allowing
1118 corporations to just do whatever they want. We know that corporations have ruined this planet and
1119 do not care about how the well-being of people are affected by their greed and power. Now this
1120 country is founded by people that fought for freedom. Ancestors and forefathers fought for the
1121 freedoms that people now are lucky to have. So, when you guys make this decision, decide which

1122 side you want to be on: the side of the people, or the side of the corporations who don't care. So, I
1123 implore each and every one of you to really make that decision and know that this is going to be
1124 watched by God. So, thank you very much.

1125
1126 Public speaker Ms. St. Clair: Thank you all. And I would like to thank you, Supervisors. I notice
1127 you're paying really good attention. I appreciate that. I'm Penny St. Clair. I live in North San Juan.
1128 I live approximately half a mile closer as the crow flies to a proposed tower. I just found out last
1129 week that one of my neighbors has got an application in and did not have any further or earlier
1130 notification about the planning process for cell phone towers in and revising the ordinance. I
1131 suggest you include KVMR as well as KNCO in your notifications when you're notifying the
1132 public, please. I want to thank Nevada County For Safe Tech for all the work you've done. Really
1133 appreciate that. I'm not prepared to address the subject. I am very, very concerned, and our
1134 ordinance is 20 years old, right? And it doesn't need revision; it needs rewriting. The technology
1135 is newer and increasing all the time. We need to be prepared for that. I would never trust industry
1136 to monitor my usage of anything like cell towers. I think that's about it, I wish I was more prepared
1137 to discuss. I didn't know this meeting was happening until last night, but thank you.

1138
1139 Chair Milman: Thank you.

1140
1141 Public speaker Ms. Rose: Good afternoon. My name is Holly Rose, and I live in Nevada City. I'm
1142 here because I love this county. The forests, the rivers, the wildlife. And I'm worried that as we
1143 rush to put up more cell towers, we might stop asking the most basic question: what is this going
1144 to do to our environment? California has a law called CEQA: the California Environmental
1145 Quality Act. It's been protecting communities like ours for over 50 years. What it says simply is
1146 this: before the government approves a project that could harm the environment, it has to look
1147 carefully at what that harm might be and require the developer to fix it. The good news is that the
1148 ordinance you're considering today does include that requirement. It says the County must conduct
1149 environmental review for each wireless facility permit. That's the right thing to do, and I want to
1150 acknowledge that. But here's my concern: the staff report that goes along with this ordinance
1151 declares it broadly exempt from environmental review using multiple legal exemptions and
1152 pointing to an environmental study done back in 2023, and I understand why staff did that. But
1153 here's the problem: once you put exempt from CEQA in writing in an official document, that
1154 language gets used. The telecom company lawyers are very good at their jobs. They will pick up
1155 that language and use it, project by project, to argue that their specific tower doesn't need an
1156 environmental review either. Building a cell tower isn't paperwork. It means digging up the ground,
1157 clearing trees, putting roads into hillsides. In Nevada County with our fire danger zones, our
1158 mountain streams, our wildlife, each site is different. You can't decide in advance for every
1159 possible location that none of this matters. You have to look. That's what CEQA is for. And I want
1160 to mention one more thing, because I think it's important: the federal government is currently
1161 pushing hard to take this kind of local environmental review away from counties like ours. The
1162 FCC has an active proceeding right now - comment period just closed in January - trying to limit
1163 what local governments can require of wireless companies. They're calling local environmental
1164 review an unlawful burden. Think about that. If that fight comes to Nevada County, I want us to
1165 be on ...

1166
1167 Chair Milman: Thank you.

1168
1169 Public speaker Ms. Adams: Hi. My name is Abra Adams and I'm a resident of the North San Juan
1170 Ridge area. Thank you for giving us all the time to speak to this. As you can tell, there's a lot of

1171 concern. I have bullet pointed a few points and questions that I feel should be included in this new
1172 proposed ordinance. One question is, how currently does the public get notified of tower proposals
1173 if it is surrounded...? All right. Sorry. Oh... Who is responsible for these notifications if the
1174 County is not, which it sounded like is the current situation from the proposal given in the
1175 beginning? Also, I want to say that I believe KVMR should be included, since it is our community
1176 radio station, as an avenue for informing the public of proposed towers and applications. As other
1177 stories just shared here today, and these are just a fraction of stories that exist, real life examples,
1178 we need third-party independent monitoring of towers, EMFs and RF frequency effects and reach.
1179 It's invisible but the impact is not, especially when it happens to you. Given that our current laws
1180 are 20 years outdated and how greatly technology has changed in that time and continues to change
1181 at a rapid rate, I propose that all existing applications be paused until a new ordinance is in place,
1182 and I don't think we're there, and that none of these applications be allowed grandfather status. I
1183 believe today's proposal is a template that is a really good start, and I appreciate all of the hard
1184 work that went into it, but I see many holes, as others have pointed out. I think it's a major decision
1185 and much more consideration is required. I would also like clarification on what it means for a
1186 complete application or development that would give it a grandfathered-in status. But ultimately,
1187 I guess, that's an older note. I think I clarified earlier that with such outdated rules, we need to
1188 pause any further development until a new proposal is in place. Thank you.

1189

1190 Chair Milman: Thank you.

1191

1192 Public speaker Mr. Rhatigan: Hello. My name is Ryan Rhatigan. I'm a resident of Nevada City. I
1193 have a business in Grass Valley. I've been here for almost two years. I've lived in many parts of
1194 the country. I've lived in other parts of the world, and it is a pleasure to be here with all of you
1195 today and to hear all this impassioned speech and to see and to look into the eyes of people who
1196 take on positions such as yourself. This is a huge decision. It affects so many things, not just
1197 people's livelihoods and health but in ways that we can't even maybe even comprehend at this point
1198 in terms of how we understand this technology. What we do know is that we are beings of energy
1199 and frequency. Quantum physics shows us that. EMF has a real effect on the physiological
1200 quantum makeup of our beings, not just ourselves, but all life. So, your decision here today is not
1201 about setbacks. It's not about appeasing Verizon. It's not about even appeasing the federal
1202 government. It's about life. It's about what's important not just for ourselves in these 70, 80, maybe
1203 90, 100 years that we have on this earth, but what we are leaving behind for all those who come
1204 after us . And so, what I wish to convey is that we think about all of these things. We don't just
1205 think about setbacks. We don't think about the 1996 Telecommunications Act, which took away...
1206 pretends to take away local jurisdictions authority to regulate for the peace, the health, and the
1207 safety of the people of Nevada County. The U.S. constitution and the 10th Amendment gives you
1208 plenty of power to regulate in a way that you see fit. The corporations pretend to have corporate
1209 personhood but that's just a fabrication. Life is what matters. And so, I implore you to take into
1210 account everything that has been shared with you today, all the impassioned speech, all the
1211 concerns about health and safety. Combine it with the understanding that you as the local
1212 representatives of life in this area of the world, of the universe, has the power, the right, and the
1213 authority to make decisions that serve the best interests of life. Thank you.

1214

1215 Chair Milman: Thank you.

1216

1217 Public speaker Ms. Mazan: Thank you. Thank you for listening to us. I'm Jacqueline Mazan and
1218 I live up on Banner Mountain at the top of Red Dog. Been there since '77. A tower is planned near
1219 me. I just want to reiterate the concerns already addressed. In your decision, I want you to consider

1220 the environmental protection, the fire risk, tower proximity to our homes, the effect to our property
1221 values, and potential health risks, accountability, and maintenance and upkeep. We need to
1222 eliminate the possible loopholes present in the ordinance, and I pray for your thoughtful, wise
1223 decision in the matter. Thank you for listening.

1224

1225 Chair Milman: Thank you.

1226

1227 Public speaker Mr. Krauss: Afternoon. My name is Richard Krauss. I have no idea what district
1228 I'm in. I don't know that. First off, somebody mentioned KVMR to be notified; I'd also like to
1229 add Yubanet to that. Union's getting too restrictive; it's paid for on website and also by paper,
1230 whereas Yubanet is free. I found the fire comments by others quite interesting. I've never looked
1231 at a cell site as a fire hazard before. I was once not notified because I was a tenant of a property. I
1232 would like to see if you can encourage owners to notify their tenants of anything going on. And I
1233 don't mean just for antennas; I mean for everything to do a planning. I don't know how that would
1234 be done, to require a property owner to notify a tenant, but encourage it. Let's see. And the applicant
1235 notifying the property owners: I find to be doubtful. It'd be much better if the County did their own
1236 administration of that as far as I'm concerned. The other thing I want to see: I like the mono trees.
1237 They look much better than just the basic antenna farm. But I see a lot more variety in southern
1238 California with, let's say, water towers camouflaged as cell sites. Just to encourage something
1239 different. And thank you. That's it.

1240

1241 Chair Milman: Thank you.

1242

1243 Public speaker Mr. Graham: Good afternoon, Madam Chair, Commissioners, and staff. My name
1244 is Mark Graham, and I live in Elk Grove. I came up here today just to talk to you. What I want...
1245 here's my recommendation: table this proposal today or vote no. Direct the staff to investigate and
1246 study, including phone conversations and emails, what other jurisdictions have done on this same
1247 question. And then bring this back at a future planning commission meeting where you'll be fully
1248 informed. That's what I think you should do. I'm going to give you two questions that you should
1249 consider. The first is what do the telecommunication companies really need? That's not the same
1250 as what they really want. What do they really need? And the second question is, what do your
1251 residents want and need? And I believe that the correct answers to those two questions can guide
1252 you to the correct law, the best law to do for the County. What they need is enough cell antennas
1253 to provide coverage. They do not need them up and down the residential streets. They do not need
1254 them in front of your front yards. What the residents want and need, I mean you know this, they
1255 do not want cell antennas close to their homes, in front of their homes. They want to be able to do
1256 everything you can do on your phone. I have way more here that I wanted to say than I have time
1257 to say. Madam chair, you asked the staff, do you know if these any of these other jurisdictions -
1258 and you might have been referring to what we do in Elk Grove with the front yard rule for
1259 residential, for cell antenna placements - are any of these in trouble with the FCC? The answer is
1260 no. Now unfortunately, staff had my written recommendations as of June 3rd and August 8th and
1261 failed to provide it to the commissioners until this month. I think that was a big oversight. Staff
1262 also failed to pick up the phone, as I recommended on page 161 in your packet - that was August
1263 8th - call the city attorney in the city of Elk Grove and ask him, "How is it working? Have you been
1264 sued by telecom for implementing your law in 2019, which prohibits a cell antenna immediately
1265 adjacent to the front yard of a residential dwelling?" Mr. Hobbs would have told you no. I actually
1266 recommend you can adjourn..., not adjourn, you can postpone this meeting for 30 minutes, go
1267 back to the chambers, have a big old conference call, call the Elk Grove city attorney John Hobbs
1268 and ask him these questions: Have the carriers accepted this City of Elk Grove cell antenna law?

1269 He will tell you. Have they sued in federal court? He will tell you. Do we have multiple carriers
1270 in Elk Grove ? Do each of the carriers, have they asked for and received hundreds of permits since
1271 2019 and installed that many antennas? He will tell you. Do we do the people in Elk Grove have
1272 adequate cell coverage? He will tell you. Find out. I think it would be just really bad if you vote
1273 on this to approve it today without knowing this can work and it does work and it has worked. I
1274 also think you should have a limit on the term of the permit - no longer than ten years, and there
1275 were other recommendations I don't even have time for. But the thing about substantial evidence
1276 contained in the written record ...

1277
1278 Chair Milman: Thank you.

1279
1280 Commissioner McAteer: Excuse me, just for your edification, I talked to the attorneys, and I'll be
1281 sharing that later on.

1282
1283 Mr. Graham: That's great. Thank you.

1284
1285 Chair Milman: Anyone else? I see someone else approaching. Greetings.

1286
1287 Public speaker Ms. Phalen: Can hear me okay? Okay. Good afternoon, Commissioners. My name
1288 is Kristen Phalen, and I live on Dog Bar Road in Grass Valley, District 2. Cell towers do not belong
1289 on our doorsteps. There are other places for them, and yet time and time again that's exactly where
1290 they're built. This is my biggest concern today: the placement of this equipment. I'm now fighting
1291 in federal court for the safe and responsible placement of cell towers in our county, but without
1292 sufficient updates to our ordinances, these corporations will continue to place their equipment in
1293 harmful locations. I have personal experience of what happens when a carrier decides they want
1294 to build a tower 100 feet from people's homes. I know what happens when neighbors in county
1295 push back to protect people from this. They sue. I'll leave that here, but I would like to discuss my
1296 concern regarding the distance between these towers and our homes. The current draft proposes
1297 150% setback for the tower height in residential and rural zones. That's a start, but more is needed.
1298 Sufficient setbacks matter for many reasons including fire safety and protecting our property
1299 values. Fire safety: California fires have been started by electrical faults in fuel fed backup systems.
1300 On many roads in our county, a larger setback is a safety requirement because of the inherent fire
1301 risk this equipment poses. In regard to property values, studies consistently show the proximity to
1302 cell towers significantly decreases property values and can even render some homes unsaleable.
1303 Greater setbacks protect homeowners and preserve the rural character that defines our beautiful
1304 county. The County has both the federal and state authority to require greater distances and we
1305 urge the Planning Commission to adopt the stronger absolute footage minimums recommended by
1306 Nevada County For Safe Tech. Specifically, the setback table should be updated to require 500
1307 feet from property lines and residential and standard rural zones. These absolute minimums ensure
1308 meaningful separation regardless of tower height and provide the kind of clear measurable criteria
1309 that reduce discretionary disputes and protect our property values. The county's own GIS mapping
1310 data supports the feasibility of these standards. An independent analysis of the County's ArcMap
1311 model which staff have used to defend against 500- to 1,000-foot setbacks, confirms that more
1312 than 50 parcels in South County alone can accommodate 1,000-foot setbacks in certain areas with
1313 minimal impact on neighboring residents. Commissioners, you have the authority today to write
1314 an ordinance that puts people first. I'm asking you to use your existing authority under state and
1315 federal law to make this happen. Thank you.

1316

1317 Chair Milman: Thank you. Anyone else who'd like to approach? Okay. Seeing no one, we're going
1318 to close the public comment and take a ten-minute break. So, see you guys back at 3:30.
1319
1320 Chair Milman closed the public comment at 3:20 p.m.
1321
1322 Public hearing resumed at 3:30 p.m.
1323
1324 *[minutes continue as direct transcript]*
1325
1326 Chair Milman: ...this without, before we ask more questions?
1327
1328 Director Foss: Yeah, we can take a shot at some responses to some of the common themes and
1329 comments that we've heard today. And then of course, if there's anything else you want to ask or
1330 drill down on, we certainly can do that. I wanted to touch on a couple of issues. One was the fire
1331 review and fire safety as part of the application process for new cell towers and administrative
1332 development permits. Everything's routed to our fire planner, as well as the fire district in which
1333 the property is located. Defensible space requirements are required for new cell towers. They
1334 review the generator location, any batteries, any fuel storage that needs to be located on site, and
1335 in an acceptable way – something that's on concrete pads. There's different types of protections
1336 that are required for those flammable, volatile fuels and batteries. So those, our fire planner and
1337 the fire jurisdictions review all of the cell towers and all of the administrative development permits,
1338 apply conditions of approval to meet fire safety requirements. There was a comment regarding the
1339 removal of a two-mile separation: that existing language only requires a cell tower, within two
1340 miles, that it has to be camouflaged. It's not a prohibition that towers cannot be less than two miles
1341 apart. It's simply if a new tower is going in within two miles of an uncamouflaged tower, the new
1342 tower needs to be camouflaged and typically that's achieved through a monopine. So, that is not
1343 an elimination of an existing requirement. A number of comments regarding the RF - radio
1344 frequency reports - as David mentioned in the initial presentation. Currently we require RF reports
1345 to demonstrate compliance with FCC limitations. That's usually done at the time of application.
1346 We've added a requirement where we have post-construction, post-insulation, FCC-compliance
1347 requirements within 60 days, which is in the ordinance, so we will have the requirement to
1348 demonstrate compliance upfront with the application, and then once the tower or any new
1349 equipment is installed, that report will have to be produced demonstrating RF compliance with
1350 FCC limitations.
1351
1352 Commissioner Foley: Brian, in regards to that, is that something that just happens prior and then
1353 post completion? Or is there, like, an annual process as those reports are presented to the County?
1354
1355 Director Foss: There is not an annual or any other time requirements for that. We do have language
1356 in the code that says that records shall be maintained, which demonstrates ongoing compliance
1357 with FCC exposure regulations and guidelines. Records shall be made available to County staff
1358 within three business days of the request. So, we have language in there if there is a complaint or
1359 a concern that a tower is operating out of compliance, that we will request those records to be given
1360 should demonstrating compliance; or if they're not, we would make sure that it's modified to
1361 achieve compliance with FCC limitations.
1362
1363 Commissioner Foley: And then if they, for some reason, if they do get a complaint and they're not
1364 in compliance, would that be something that's *[unintelligible]* on both the County level, Code
1365 Compliance, as well as federal repercussions for that. How does that work?

1366
1367 Director Foss: Yeah, we have not experienced that, so I don't have an anecdote to explain exactly
1368 how that would work, but we would reach out to FCC, and we would indicate the complaint,
1369 indicate that potentially we had received the reports that they were within compliance or without
1370 a compliance, we would verify with the FCC, if they agreed with whatever findings we saw. And
1371 then, it would be probably a coordinated effort with FCC, County, Code Compliance, to ensure
1372 that corrections are implemented as soon as possible if there was a violation.

1373
1374 Commissioner Foley: Okay, great. Thank you. Please continue.
1375

1376 Director Foss: I wanted to just mention a couple of comments regarding the application
1377 requirements and denial findings: they are not included in our ordinance. Again, as David stated,
1378 this is not necessarily a stand-alone ordinance; it's an ordinance that applies to cell towers. There's
1379 other portions of our code that contain our application requirements, the processing of applications,
1380 the appeal process, as well as denial findings, the process for denying a use permit, what that looks
1381 like for certain findings that need to be made. So, those are included in other portions of the code.
1382 It's not reiterated in the cell tower portion of the code, but it's all intended to apply and will apply
1383 for any type of cell tower application, including the environmental standards, the environmental
1384 resource protections. Although not specifically called out in this particular section, those still
1385 apply to any new development, any types of permits that are required for construction. Then we
1386 have resource protection standards that would apply. Kind of leads into a comment regarding
1387 CEQA exemptions: the code does not identify CEQA exemptions for future towers. The term
1388 "exemption" is from certain permitting types, not necessarily environmental review. All new
1389 towers, new facilities, go through environmental review. There is a possibility that co-location or
1390 some smaller tower modifications or small towers or small equipment and small facilities would
1391 be deemed exempt from CEQA, but it's not preempted and determined by the zoning ordinance.
1392 It's simply a permitting structure, what permit applies, certain things are exempt from different
1393 discretionary permitting requirements, but everything subject to CEQA and on a case-by-case
1394 basis. Those applications are reviewed and the appropriate CEQA document is prepared.
1395 Sometimes that's a CEQA exemption for minor antenna change out. A lot of times it's an initial
1396 study, mitigated negative declaration for a new tower, but those are all done on a case-by-case
1397 basis
1398

1399 Commissioner Foley: And sorry, just for clarification, does that environmental review take place
1400 for both projects that are a conditional use permit as well as the administrative development
1401 permit?
1402

1403 Director Foss: Correct. Typically, administrative development permits are required for small
1404 enough projects that are on existing facilities, don't require any new disturbance. So, oftentimes
1405 those are exempted, but it's not an automatic exemption. If there are some new impacts, then we
1406 would prepare the appropriate level of CEQA document based on project itself. There are some
1407 comments regarding notification. As we've mentioned, we've tried to increase the noticing and
1408 notification of up to 1000 feet, and in the beginning of the process, we still would do our normal
1409 noticing procedures, which would be after the application is submitted. We would do the public
1410 notice as well, as David mentioned, for the environmental document at the public hearing.
1411 However, if someone feels that they want to be notified for all types of projects or all cell tower
1412 projects in a certain area in their neighborhood, they can certainly sign up. We have a little form
1413 that can be filled out. They will go on a list, and they will be notified of any type of project or a
1414 specific type of project within a certain area, within all of western county, whatever they want to

1415 identify, and they will be put on a list for that notification. So, if there is a concern that someone
1416 may not get notified, they can certainly sign up for automatic notification for certain types of
1417 projects. So, I wanted to add that and I'm sure there's other comments. David, did you have
1418 anything you wanted to...?

1419
1420 Planner Nicholas: No.

1421
1422 Director Foss: I think, you know, we're happy to answer any other questions or respond to other
1423 comments we didn't identify here.

1424
1425 Chair Milman: Thank you. *[to Commissioner Foley]* You're on a role; did you have anything
1426 else?

1427
1428 Commissioner Foley: I would just ...for disclosure, I had, a couple of months ago, I met with the
1429 with the folks from Nevada County For Safe Tech. David, maybe you can explain the
1430 communication that you've had with that group, and I know there's kind of a list here of changes
1431 to the ordinance that have been based on both public comment and conversations with them, but
1432 perhaps you could just explain what the process has been.

1433
1434 Planner Nicholas: Yes, Commissioner Foley, I can provide some background on interaction with
1435 Nevada County Safe Tech ordinance. You know, the first interaction with some of the members
1436 of it was that kick-off workshop in March of 2025. From there, it's just been mostly through some
1437 emails, you know, if they have any questions about wanting to be noticed, the progress of the
1438 ordinance, and things like that. When the draft ordinance did go out in July and that period went
1439 over from August, that's when we got the draft of the Nevada County Safe Tech ordinance, and
1440 that's when we started looking into it to become more familiar with what their proposition is for
1441 that, and that was most of it. In addition, just to the public comments that the community members
1442 associated with that group have provided, which have been included with the staff report in the
1443 memos.

1444
1445 Director Foss: Just want to add, we did take a look at the Safe Tech ordinance. We tried to make
1446 some changes and incorporate some of the suggestions and things that were in there as part of the
1447 staff report. We also tried to identify the reasons why we felt we couldn't include some of the
1448 requested changes and so, that was intended to... I understand a lot of work went into that, and we
1449 understand the desire and the passion, but we tried to, again, create a balance of what we felt was
1450 legally defensible. I know they believe that their entire ordinance is, and it may be, but we were
1451 trying to incorporate the requirements that we felt made sense for the County. This initiative didn't
1452 start from "we need to create a cell tower ordinance" or "we need to start all over." I know there's
1453 differing opinions on that. However, the task at hand was to update our ordinance to align with the
1454 new technology, FCC requirements, and look for ways to add some added protections for
1455 neighborhoods from visual impacts by increasing the setbacks, so that was kind of the charge that
1456 we took based on board direction.

1457
1458 Chair Milman: *[to Commissioner French]* Yeah, go ahead.

1459
1460 Commissioner French: Yeah, just to reiterate, I think you hit on it, but I had questions as far as
1461 the oversight of the cell towers themselves, so as I understand it, there's pre-studies done, but if
1462 there's a complaint, you have to work with FCC regarding - like the one gentleman who said it got

1463 added on to and it was just a modification and not a, you know, new site, so to speak - how does
1464 that process work?
1465
1466 Director Foss: Well, any time there is an addition, a change out, a modification, or a new facility,
1467 we require the RF reports to ensure compliance with the FCC limitations. We have not had an
1468 official complaint regarding a tower that there was concern that it was not within operating
1469 limitations. If that were to occur, we would likely contact the cell provider, the tower company,
1470 ask for reports on the FCC limitations, the RF analysis, contact FCC to ensure that the proper
1471 paperwork filing and reports have been submitted to the FCC when they were required, and then
1472 address any issues as necessary in coordination with FCC.
1473
1474 Commissioner French: Do the telecom companies, Verizon or whoever, do they do RF readings
1475 on some sort of regular basis, or is, again, that's just complaint driven? Do they go out annually
1476 or anything like that?
1477
1478 Director Foss: I'm not aware. I don't think that they do. Whenever there's an equipment change,
1479 that's when we require it. But if nothing's been modified for five, 10 years, the County doesn't
1480 require it. I don't think the FCC does and I doubt the cell tower companies do monitoring, but I
1481 can't speak for them.
1482
1483 Commissioner French: Okay. And then one last question: are you aware - several people spoke
1484 about health problems that they felt were a result of proximity to these towers - are you aware of
1485 any studies that show that?
1486
1487 Director Foss: Looking through the internet, there's all sorts of studies that identify different levels
1488 of concerns and health effects all over the world. What we are following is the FCC regulations
1489 and the 1996 Telecommunications Act that prohibits counties from making determinations or
1490 denials on cell tower facilities based on health impacts as long as the facilities are operating within
1491 the FCC limitations.
1492
1493 Commissioner French: Okay. That's all for me. Thanks.
1494
1495 Chair Milman: Commissioner Garst?
1496
1497 Commissioner Garst: Thank you. I want to thank you for letting people know that they can sign
1498 up for notifications. I also wanted to let everybody know that there are ways to sign up for agendas
1499 before they come out, staff reports, and I would encourage everybody to sign up for those for
1500 things that you're interested in, because I think transparency is really important and public
1501 participation is critical. So, thank you for that. I also would love to encourage the County to include
1502 KVMR and Yubanet in their notification practices. I think that's a great suggestion. So, I imagine
1503 that would be pretty straightforward to do. On top of that, I wanted to ask a couple of questions.
1504 The one was, what role does the FCC play in application reviews? I mean obviously these are
1505 really technical applications. You mentioned that you receive the RF exposure reports and that
1506 they go to the FCC for review. Is that correct?
1507
1508 Planner Nicholas: Yes, that's correct. FCC has their own permitting procedure for towers. Part of
1509 it is ensuring that they're consistent with their NEPA requirements. There's a National Historic
1510 Preservation Act that FCC is doing, so they have their own requirements. A lot of the FCC
1511 requirements are more in depth, like they will regulate the actual energy levels that the antennas

1512 can regulate within, because they're also concerned about one tower being too powerful and
1513 creating interference with other towers. So, in terms of the radiofrequency emission regulation, it's
1514 much more an FCC thing that they're looking into than we are, because it's more within their
1515 authority to do so.

1516
1517 Commissioner Garst: And is that application process separate from the County application
1518 process? So, the companies need to get FCC approval in addition, or in conjunction with our
1519 County approvals?

1520
1521 Planner Nicholas: They have to do both. They need their land use entitlement, and then that's
1522 where we're making sure that they have their setbacks and their neighborhood compatibility and
1523 things like that too. But they also have all the FCC requirements and are related to actually emitting
1524 the antennas and the energy they can do in the spectrum they can be in and things like that.

1525
1526 Commissioner Garst: Are some of the requirements that the FCC mandates in line with any of the
1527 additional documentation that Nevada County Safe Tech are requesting we add to our reviews, or
1528 are they different? Do you know?

1529
1530 Planner Nicholas: I don't know if they're...the only thing where they kind of can relate, that I was
1531 concerned about, and one of our reasons for not bringing in the specific methodology for the RF
1532 testing, because that methodology is something that the FCC is looking for, and if we add specific
1533 methodology, there was some concern that we would be conflicting with those federal
1534 requirements. But there are different shot clocks and different federal requirements that we looked
1535 at in the Federal Code of Regulations to make sure our ordinance was in alignment with it. There
1536 may be portions of the Safe Tech ordinance that have that, but I just don't know for sure.

1537
1538 Commissioner Garst: Is there any part of the applications that are so technical in nature that it's
1539 difficult for staff to review? And has there been any consideration into sending those out for third-
1540 party reviews that are beyond the FCC?

1541
1542 Planner Nicholas: The things we look for under the existing ordinance and the proposed ordinance
1543 are similar to many other land uses we're looking for, like setbacks, aesthetics, CEQA compliance,
1544 avoiding impact of natural resources. The only thing that's really unusual about the cell towers is
1545 the radiofrequency emissions, and that's why we're relying on those reports from the electrical
1546 engineers that are the third-party electrical engineers that are certifying these towers who are also
1547 preparing these reports that go to the FCC that have a more strict scrutiny of that report.

1548
1549 Commissioner Garst: Okay. In terms of monitoring, is that something that was discussed in this
1550 process and made a determination not to include it for any reason, or...?

1551
1552 Planner Nicholas: There was some consideration of that. We looked into it. We looked at some of
1553 the other RF reports we had got, we reached out to Verizon and got their thoughts on it as well.
1554 Based off the language of those RF reports we were seeing, they're testing those towers and the
1555 antennas at what the capacity of them are. They do the worst case scenarios where they got all the
1556 antennas running at the maximum power to the antennas, and so, they want to do that because it
1557 gives them some flexibility where they're not going to exceed their limits, and it also, if they're
1558 able to do that, it's not like they have some option just to twist a dial and turn it up to more than
1559 they were certified for. Where it would get another round of review is if they're modifying

1560 antennas or they're adding additional antennas, and then those new antennas would be likely
1561 reviewed at that same capacity.

1562
1563 Commissioner Garst: Okay. In terms of the setback distances, was there any review or discussion
1564 around varying those setback requirements based on zoning district?

1565
1566 Planner Nicholas: We do have some varying setbacks based on zoning districts. The industrial
1567 [district] has a lower setback, and the towers aren't allowed in R1 at all, but other than that it's all
1568 treated consistently, because a lot of those other zoning districts, like the AG and the Forest, which
1569 is probably the most common zoning districts in the county, those are our rural zoning districts.
1570 We treat them all the same.

1571
1572 Commissioner Garst: Okay. I mean, yeah, okay. TPZ has a different zoning setbacks than... I
1573 mean, there's examples of other districts that there's some nuance to, right? Maybe that's
1574 something that we could look into. Beyond that, I think that's all I have for now. Thank you.

1575
1576 Chair Milman: Commissioner McAteer?

1577
1578 Commissioner McAteer: Well, you know I'm not shy, so, I'd like to ask the Verizon person, can
1579 I get a question answered from you, if you don't mind? Come on up for a second, if you have
1580 the.... I'm interested in the small cell units, and I don't know if we have any in this community.
1581 Do you know that? You know?

1582
1583 Mr. Stroup: I don't know if we have any small cells right now.

1584
1585 Commissioner McAteer: And so, what would... what is a small cell, and where is it mainly used?
1586 Is it mainly used in more urban areas, or ...? Give me some understanding of this small cell.

1587
1588 Mr. Stroup: It can be used in urban areas. The way I like to describe it is, if you have a hill with a
1589 light on top of it and you have a city down below, and that spotlight shines down, you're going to
1590 have some shadows on the opposite side of that light source, right? So, the small cells work in an
1591 urban environment really well like that, to fill in those shadowed areas. I would say in a
1592 mountainous environment we use a lot of those on winding roads that don't have direct line of sight
1593 because a macro facility - well, all wireless facilities - they need direct line of sight. So, if you're
1594 on a winding mountain road, one facility is going to ...the signal is going to stop really quick,
1595 right? So, we'll use the - if it's available - we'll use the existing telephone poles or PG&E to put
1596 them along the road, all the way up your route. That's another use for, like, a mountainous
1597 environment.

1598
1599 Commissioner McAteer: Okay. Anything else? Anyone else have a question? Thank you very
1600 much.

1601
1602 Mr. Stroup: You're welcome.

1603
1604 Commissioner McAteer: Mr. Graham, I think it is? Could you come up for a second? Sorry. Now,
1605 I talked to the city attorney from the City of Elk Grove, and he acknowledged that they have had
1606 no lawsuits or whatever else. And you, I gather, were very involved in that adoption of that
1607 ordinance. Is that ordinance... have you seen the ordinance in relationship to our ordinance? Have

1608 you seen the relationship to the Elk Grove ordinance, in relationship to the Nevada County Safe
1609 group?

1610

1611 Mr. Graham: I was very involved in it. I led the grassroots campaign in 2018.

1612

1613 Commissioner McAteer: Yes, he said that he didn't know if you were pleased with him or are still
1614 holding grudges.

1615

1616 Mr. Graham: You know, at the time they approved it, I thought they had not done enough, because
1617 they hadn't given us everything that we asked for, but the more I looked at it - and I said that... by
1618 the way, the idea for what I call the front yard rule for cell antenna placement, it was not our idea.
1619 We found out in the two weeks prior to the final meeting where the council voted on it, August
1620 28th of 2019, we met with each of the five council members, and one of them was Pat Hume, who
1621 is currently on the Board of Supervisors in Sacramento County. So, we sat together in the city hall
1622 conference room and I said, "Council Member Hume, I was really glad to see this thing in the
1623 proposal," and he said, "That was my idea." So, he had mentioned it to our city attorney, John
1624 Hobbs, as a way to strike the balance.

1625

1626 Commissioner McAteer: So, the question is... sorry, the question is, have you looked at the
1627 Nevada County ordinance enough to be able to say it somewhat mirrors Elk Grove, or is not as
1628 restrictive as Elk Grove, or what?

1629

1630 Mr. Graham: I have to say I'm not very familiar Nevada County ordinance.

1631

1632 Commissioner McAteer: And how about with the cell people here from Nevada County?
1633 Anything? Or are you just responding to, "Gee, Elk Grove did a great job?" Because we got a lot
1634 of paperwork from you.

1635

1636 Mr. Graham: Right, yes. And I hope I didn't overdo it. You know, if I had all the notes that I
1637 brought up to the lectern...

1638

1639 Commissioner McAteer: Well, thank God we have a lot of trees in this county, because you took
1640 out a few.

1641

1642 Mr. Graham: Well, some of them I took out on June 3rd and August 8th, and I was hoping that by
1643 taking those trees out, you would have my information at the time. I am not very familiar with the
1644 Nevada County ordinance, okay? When they say the name of the attorney who is...

1645

1646 Commissioner McAteer: Scott somebody.

1647

1648 Mr. Graham: Scott, yes. Scott McCullough, he is a genius. You could not hire a better attorney.
1649 For him and Children's Health Defense to have prepared something for your County... I mean, I
1650 would consider it as a gift, and I would not turn it down unless there was a real strong reason. Yes,
1651 I'm not very familiar with the Nevada County resolution.

1652

1653 Commissioner McAteer: That's okay, you helped immensely. Thank you very much. Appreciate
1654 it.

1655

1656 Mr. Graham: Sure. Is that all?

1657
1658 Commissioner McAteer: That's it. Thank you. So, David, let's... you and I have had a chat on
1659 this, and I must, for public notice, I also had a chat with Johanna and Reinette throughout the
1660 course of the last six months or so. We chatted, David, and I was interested in the idea of how you
1661 came up with this ordinance. So, you looked at Placer and Yuba and all these other counties. Are
1662 those ...were those ordinances recent? I mean, we're looking at ours at 20 years old. Are those
1663 pretty recent?
1664

1665 Planner Nicholas: Some are more recent than others. I think our 20-year-old one was probably
1666 older than a lot of the ones I looked at. I looked at a Los Angeles one that was nearly brand new.
1667 I believe the Yolo County ones are a few years old. I basically just looked at everything in the
1668 whole area just to get a sense of what everyone is doing in these other communities, whether
1669 they're rural or not.
1670

1671 Commissioner McAteer: So, we also talked about..., you know, I think we are all up here in a
1672 balancing act today, okay? We believe obviously in public safety, but we also believe in private
1673 enterprise and people who are wanting cell service in this community. So, there's a balance here
1674 that we're trying to deal with. And so, I think the public is really asking for more testing of these
1675 cell units. And so, we talked about somebody's advertising one of these units that you put on the
1676 tower and it's constantly monitoring it. I've got to believe that there are these types of monitors
1677 out there so, that the public and you and they can tune into Nevada County Planning and see what
1678 the tower up on Banner Mountain's shooting out these days, or taking in, or bouncing off. What's
1679 your thoughts on that?
1680

1681 Planner Nicholas: I think it seems like a good idea. There's a couple concerns I have, and I also
1682 wonder about the necessity of it. One of the concerns I would think about is, how many competitors
1683 are in that market and whether if - even if we don't call them up by name, even if they're the only
1684 ones that provide that service, we're really just directing all of the cell companies to have to use
1685 that one entity. The other thing I would think about is, if they're testing all these tower equipment
1686 at 100% of the capacity and it's not changing, then they can't go over physically, because they've
1687 already tested the antenna to its capacity when they did the RF report.
1688

1689 Commissioner McAteer: So, who's the "they" that's testing those towers?
1690

1691 Planner Nicholas: It would be like a third-party consultant.
1692

1693 Commissioner McAteer: So, a third-party consultant is - whatever he does to monitor this and
1694 says, "Turn it up full blast." Is that what he's saying? Is that what's happening?
1695

1696 Planner Nicholas: That's what they state in all of the reports that I've read so far for the cell towers
1697 we've had in the County.
1698

1699 Commissioner McAteer: Okay. And the only other overview of this happens to be the FCC who -
1700 because you don't know how to, what... I don't know how to read these things, you don't know
1701 how to read these things - so it goes off to the FCC, is that correct?
1702

1703 Planner Nicholas: Yeah, that's correct. And the FCC, you know, wants them to follow some sort
1704 of methodology. They have one, it was an OET-65, which is a pretty common one. They're not
1705 regulated to follow it, but most of them end up following that anyways or some other similar

1706 method where they can demonstrate what they've done or reliably demonstrate that the towers have
1707 met the FCC standards.

1708

1709 Commissioner McAteer: Okay. And then I understand if Verizon puts up a tower at 100 feet, let's
1710 say, then T-Mobile wants to come in and put... they get the rights to be able to put on a tower on
1711 that tower, is that correct? Because it's a co-locator that you, that they're going to be able to rent
1712 from Verizon, part of that tower? Is that what I understand?

1713

1714 Planner Nicholas: Yes, Commissioner, that's correct. A lot of times those towers are owned by,
1715 like, a tower company like Vertical Bridge or Crown Castle, where their business model is to rent
1716 it out to the different cell companies. Sometimes they'll have, like, an anchor tenant, like with
1717 Crown Castle, the anchor tenant is usually T-Mobile, and with Vertical Bridge, the anchor tenant
1718 is usually Verizon. In our County Code, we actually encourage co-location, because it's less
1719 towers, and we're kind of aggregating them together and ideally it's less disturbance and less of the
1720 other impacts from towers. When anyone's doing any of the modifications, the FCC is looking at
1721 the modification to ensure it still meets RF, and with our code amendments, we're looking to see
1722 some demonstration that any installation or modification meets RF standards.

1723

1724 Commissioner McAteer: So, when T-Mobile has their tower in it, and we've approved it or
1725 whatever, and then let's say AT&T comes along and says, "Well, we want to co-locate." Does that
1726 mean that they're adding to the height of this, the tower?

1727

1728 Planner Nicholas: They could do it in a few ways and it would still be an eligible facilities request.
1729 They could add some extra, call it t-arms, or they kind of make it a little bit wider. They could go
1730 up to 20 feet in width, and it would still be an eligible facilities request. They could do 20 feet in
1731 height from the next nearest antenna, but sometimes when they just design these towers, they
1732 already just have enough space as they are, and they probably just go up there and mount it to the
1733 arm that already exists, and they don't have to do the heavy construction, because they probably
1734 anticipate that when they design it.

1735

1736 Commissioner McAteer: And so, let's just say - I don't know what the numbers are, but let's just
1737 say that the tower, the first tower was for 100 radio waves, whatever it is, 100, and then the next
1738 one comes in, says, "Well, we want 102." So, now we have 200 in our sphere, supposedly, within
1739 that and you could get a third. How many can you put up there?

1740

1741 Planner Nicholas: You know, I think there's an engineering limit on the tower of the weight that
1742 it can support.

1743

1744 Commissioner McAteer: But there's not a limit on how much, how many waves go on?

1745

1746 Planner Nicholas: I mean, that would be part of the RF emissions too. So, there's a few different
1747 things in limiting it. There is the actual physical lease area, where you only have so much room
1748 for cabinets without expanding your lease area. They can expand it a certain amount. There's
1749 limitations of radio frequency compliance, so they can't exceed the FCC standards. And there's
1750 also the engineering threshold of the tower. too.

1751

1752 Commissioner McAteer: Okay so now this company has put up a tower and it's ten years from
1753 now and we've now had better technology and now the fact is that they want their stuff up higher
1754 up on the Sierras or whatever. And so, all of a sudden, we have that, let's just say, that tower down

1755 there on Maltman that everyone knows, and all of a sudden, that tower now is obsolete. What
1756 happens at that point?
1757

1758 Planner Nicholas: What we've been doing and what we will continue to do is enforce our Facilities
1759 and Maintenance Agreement. As a Condition of Approval of all of the use permits, we require
1760 that they maintain the towers in the condition they were approved for, and if they abandon it, the
1761 tower has to be removed within 12 months.
1762

1763 Commissioner McAteer: How do you know that they've abandoned it? The one thing about radio
1764 wave stuff is you can't see it, you can't touch it, it's just there. So, the Maltman Tower stands there
1765 and is - I don't know, the incentive for Verizon to phone you up and just say, "Oh, just to let you
1766 know, we abandon this tower?"
1767

1768 Planner Nicholas: We have seen... I've approved building permits for the demolition of towers.
1769 So, they do demolish their towers and then replace them with bigger ones.
1770

1771 Commissioner McAteer: But there's no requirement in the code that we're asked to adopt relative
1772 to it, other than them informing you, is that correct?
1773

1774 Planner Nicholas: Yeah. Other than following the rules, yeah.
1775

1776 Commissioner McAteer: Okay. Let's talk about... because a lady from Banner Mountain was
1777 interesting, that of how many towers can be close to one another? If I'm in a neighborhood - I can
1778 imagine Banner Mountain's a very popular neighborhood to put towers - what's the code regarding
1779 how many towers that they can put in, regarding this new code as compared to the old code?
1780

1781 Director Foss: I'll take it. There's no real change to the amount of towers. There's no tower
1782 limitation currently.
1783

1784 Commissioner McAteer: Is there a tower distance between...? No?
1785

1786 Director Foss: No. We encourage co-location. Generally, the cell company that contracts with
1787 the cell tower company to build it, they're going to take the top and the best location. The other
1788 co-location: they may be able to use some of the same arms at the same height. Generally, they
1789 have to be located lower on the tower, and so potentially a tower would not meet the needs of a
1790 co-location, so the new tower would need to be built. Generally, we see towers that are either
1791 multiple towers on one site or they're approximately a mile to two to three miles away from each
1792 other, but there is no limitation in our code, currently or proposed, that would dictate separation
1793 requirements for towers.
1794

1795 Commissioner McAteer: So, does that mean ...?" If I were Banner Mountain, I'd be concerned.
1796 Does that cause any concern to you? Because I just know... you know, or Cement Hill or
1797 something... it's just, you know, you moved up there because it's beautiful in the trees, and all of
1798 a sudden you didn't realize, "My God, I didn't know we were the center of cell towers."
1799

1800 Director Foss: I think there's multiple towers on top of Banner Mountain that serves the location,
1801 or the coverage.
1802

1803 Commissioner McAteer: But there's no different requirements from that to this?

1804
1805 Director Foss: No.
1806
1807 Commissioner McAteer: Okay. *[to Commissioner Garst]* Go ahead.
1808
1809 Commissioner Garst: Can I add on to that? Because that was one of the questions I missed here.
1810 There's a parameter for alternative sites locations in the application, is that correct?
1811
1812 Director Foss: Right. It's an alternative site analysis.
1813
1814 Commissioner Garst: And so then, there's the coverage maps that are required as well. So, there
1815 is a burden put on the cell companies to make the case that a new tower is required?
1816
1817 Director Foss: They have to demonstrate that there's a coverage gap and that either the new tower
1818 or the co-location zone or the new facility would fill that need in their coverage maps. Yes.
1819
1820 Commissioner Garst: And have there been applications that have been denied based on lack of
1821 information or supporting information from the cell company or the...*[inaudible]*?
1822
1823 Director Foss: The most recent one was the cell tower on Dog Bar Road that one of the
1824 commenters mentioned today. That one was approved at the Zoning Administrator hearing, got
1825 appealed to the Board of Supervisors. The Board of Supervisors denied it, and now the County is
1826 being sued for that denial in federal court.
1827
1828 Commissioner Garst: Thank you.
1829
1830 Commissioner McAteer: So, what we... I know in the planning code, in the past and in other
1831 issues, there's a hierarchy, meaning that we encourage you to put your cell towers in industrial
1832 zones, let's just say, and the last one is something as close... one above R1, R2, or something else.
1833 But what we're saying in this ordinance is, you can put your...we encourage you to put your cell
1834 tower wherever it's going to work best for you, but that may not be what's best for the community.
1835 So, this balancing of, "Gee, wouldn't it be nice if we gave them bigger, better points if they put it
1836 into industrial zones, as compared to R2 or some other type of zone."
1837
1838 Planner Nicholas: It really comes down to whether they can design the project to meet all of site
1839 design standards, and that may be more of a challenge in certain situations. There's just some areas
1840 that are more inherently compatible with camouflaging a tower and having it fit in a little bit better.
1841
1842 Commissioner McAteer: Now I also understand that you can... if you put a cell tower up and it's
1843 got a plastic tree on it, then you can put less - what are they called? – co-locators. So, is that true?
1844 There was a letter in here saying that what we're doing is, by putting up these cell towers with
1845 plastic all over the place, that we're encouraging more cell towers with plastic compared to we'd
1846 have less if we just had a pole up there, a brown pole. Is that...do you understand my question?
1847
1848 Director Foss: I think I do. We've never had a concern regarding the fake foliage limiting co-
1849 location or antenna. They would potentially remove some of the branches, if you will, and replace
1850 them with antenna arms. But I've never heard that in working with cell tower companies.
1851

1852 Commissioner McAteer: Okay, I'm just repeating something said in there, that less stuff can be
1853 put on the tower because of the plastic.
1854

1855 Director Foss: Yeah, usually the antennas are not blocked by the foliage; they stick out just as far
1856 or slightly further or there's a hole in the foliage for the antennas to operate through.
1857

1858 Commissioner McAteer: I love the word foliage. Anyway, and I see that there's some requirement
1859 that a neighbor can say there's plastic all over the ground and ask for Code Compliance relative to
1860 that? Is that as you put it in there?
1861

1862 Planner Nicholas: That's correct. That was an addition to this amendment to try to resolve some
1863 of those concerns about the plastic litter and monopine foliage that's been on the ground.
1864

1865 Commissioner McAteer: And David, this is a subjective question for you. How would you say,
1866 in relationship to our neighboring counties, your ordinance is on the restrictive side to the least
1867 restrictive side, relative to the towers?
1868

1869 Planner Nicholas: Relative to the towers, we're probably more on the restrictive side, just because
1870 of the setbacks. I have this table that I just put on the screen right now showing some of the
1871 setbacks from our county and some of the other counties. So, we're definitely more restrictive with
1872 the proposed ordinance than the surrounding counties. A lot of the language of our ordinance is
1873 pretty similar to the language, just in general, to a lot of these other ordinances I've looked at.
1874

1875 Commissioner McAteer: And what about the small cell towers or whatever, small cells.
1876

1877 Planner Nicholas: In regard to small cells, because we're proposing that they're exempt, we're less
1878 restrictive than some of the other counties, but some of the reasoning for that is because we are a
1879 mountainous community and we'd like to have them, you know, potentially along those existing
1880 power poles on the roads.
1881

1882 Commissioner McAteer: Okay. I think I'll leave it at that. Thank you.
1883

1884 Chair Milman: Okay. A couple more questions. Can you put the slide back up about the
1885 exemptions? I think maybe we just went through that, but....
1886

1887 Planner Nicholas: Yes, yes, I'll put it up right now.
1888

1889 Chair Milman: Thank you. No. It's just one of his early ones. There you go. There. Yeah, exempt
1890 projects, right? The small cell, those are the ones we just talked about, right? And why they're
1891 exempt? Yes. And so, which of these that are on this list are exempt because it's required by the
1892 FCC that they be exempt?
1893

1894 Planner Nicholas: The bottom two: the state and federally exempt facilities, and the over-air
1895 reception devices. We could potentially do replacement of existing equipment with similar
1896 equipment with an ADP as an eligible facilities request.
1897

1898 Chair Milman: Because I think what I heard most out of the public comments was the
1899 accountability, right? That it started out as one thing, but then that they replaced the equipment,

1900 and then it upgraded and upgraded and upgraded, and I wonder how we, like potentially what you
1901 just said, like where we're starting to limit that possibility.

1902
1903 Planner Nicholas: We still have to issue building permits for when they will change out the
1904 antennas. And so, typically, when we're looking at the building permits, we can see that they're
1905 replacing one antenna with a modified version of that same antenna. And so, the tower isn't really
1906 physically changing; the only thing that's really changing from that change-out that we're doing
1907 the building permit for is the radiofrequency emissions. So, where then that gets captured would
1908 be the FCC reviewing that radiofrequency emissions. And also, in that memo, if it's not already in
1909 there, we can also add a line that would clarify that even replacing equipment with similar
1910 equipment would still need to demonstrate RF compliance by providing it to the County.

1911
1912 Chair Milman: Right. That seems reasonable. So, going back to the testing, we talked about if
1913 somebody is going to put their equipment on a co-location, then they're going to bring out the
1914 electrical engineer, and they're going to crank it up to 11 and come up with their report. But if it's
1915 a co-location, does it build on it? Do they crank up all the equipment that's on that co-location at
1916 the time?

1917
1918 Planner Nicholas: Yes, Chair, in the code we wrote for the cumulative RF impacts of the tower.

1919
1920 Chair Milman: Okay. You said that they do reports regularly, and those go to the FCC, but that
1921 the County only sees them when they request them. So, you request the report initially or you
1922 request the report, I guess now we're going to say when we're replacing equipment. Are there
1923 other regular requests every year, every three years, anything like that?

1924
1925 Planner Nicholas: There's not any annual compliance reports that I'm aware of, at least not from
1926 a county level. I don't know for sure, but I don't believe the FCC has an annual compliance report
1927 like that, because it's operating on the assumption that if those towers were at the worst case
1928 scenario and they're not changing the antennas, then it shouldn't put emissions over what their limit
1929 would be.

1930
1931 Chair Milman: Do you know the equipment...like, if it's broken, does it release more of those?
1932 Or are we talking about something that can leak, or is it more that it has this much capacity, and if
1933 it's broken, it doesn't emit?

1934
1935 Planner Nicholas: I don't know for sure. I'm just not familiar enough with radiofrequency
1936 emissions. But I would think if the antenna is broken, it's probably not offering as good coverage,
1937 and they'd probably want to fix it.

1938
1939 Chair Milman: Do you have something to add to that? In the back, Verizon person? Yes, please.
1940 Yeah, and then, in... just when he's finished.

1941
1942 Mr. Stroup: All the sites are monitored 24/7, so if a site goes down, if there's an antenna or radio
1943 or something like that that's broken, we'll know about it immediately and we'll send out one of our
1944 techs to fix that. To your question about something that would leak out: there's nothing that can
1945 leak. This is just electricity that's converted into electromagnetic energy through a wave. So,
1946 there's nothing physical that leaks out if something's to break that's encapsulated in anything.

1947

1948 Chair Milman: Okay. So, it's not like, "Oops, it's broken," and so more of it is flooding out in
1949 some sort of way; like, there's not a regulator on that that keeps it to the level that it's supposed to
1950 be at? It just, it either does it or it doesn't do it?
1951
1952 Mr. Stroup: No, that's a great question. It does not. You're correct.
1953
1954 Chair Milman: Okay. Thank you.
1955
1956 Mr. Stroup: Yep.
1957
1958 Chair Milman: Did you want to...?
1959
1960 Ms. Shinmoto: I would like to add something about the FCC in particular: the reality is that they
1961 do not regularly review the radio frequency exposures at all, so it really is up to the County to do
1962 it.
1963
1964 Chair Milman: Right, which is the conversation we're having. Thank you.
1965
1966 Ms. Shinmoto: Yeah.
1967
1968 Chair Milman: Yeah. Okay. One of the things I heard was that in an emergency, how do our local
1969 responders know who to contact or what's on site there? But when you, Brian, did you say that
1970 they did know, that they do have that kind of information about each of these sites?
1971
1972 Director Foss: Yes, because they review all the applications for all the equipment and change outs,
1973 so they're aware of if there's a generator, if it's gas powered, diesel powered, battery powered, those
1974 types of things. I don't know what they're filing or checking system is, they have the initial
1975 applications and the approval letters that show the site plans with the appropriate equipment. *[To*
1976 *Planner Nicholas]* Did you want to add anything? I know our CalFire fire planner, they pay very
1977 close attention to the cell towers for two reasons: one, because if there is an emergency, they want
1978 to protect those cell towers, to keep them operating for communication purposes. And then on the
1979 flipside to make sure that they are not causing fire or the emergency in the first place. They're
1980 very aware of the type of cell tower, the location of those cell towers for both those purposes.
1981
1982 Chair Milman: Do the cell towers have kind of functional equivalent of a fire life safety alarm
1983 system?
1984
1985 Director Foss: I don't know all the details of the warning systems involved. As the Verizon
1986 representative just mentioned, apparently they keep close tabs on how the towers are operating.
1987 But I don't know the specifics of that.
1988
1989 Chair Milman: Just curious, thanks. And I'm assuming that none of these permits actually sunset
1990 in the way that if I built a building, I wouldn't sunset my permit and have to take it away?
1991
1992 Director Foss: That's correct. The use permits, ADPs, they all run with the land, and then they
1993 don't require any renewals or updating. If they're modified or if they're abandoned, they need to
1994 be removed, and then that permit would be null and void at that point. But that would be the only
1995 case.
1996

1997 Chair Milman: How tall are most of the towers?
1998
1999 Director Foss: Just anecdotally, we've approved that I can recall in the 20 years I've been here, I
2000 think the shortest one we approved was 48 feet, and the tallest one we approved I think it was 199
2001 feet.
2002
2003 Chair Milman: Is there a limit? Two hundred?
2004
2005 Director Foss: Two hundred is usually the limit for FAA requirements. They have to have lights
2006 and other parameters on them if they go over 200 feet. I have not seen one proposed over 200 feet.
2007 I don't believe we have any in the County.
2008
2009 Chair Milman: So, if we currently have 30 and then we have another, what, seven or nine...?
2010
2011 Director Foss: Seven.
2012
2013 Chair Milman: So, whatever that is, an additional 25%. Are there any of those applications that
2014 would be particularly controversial?
2015
2016 Director Foss: Yeah, I would say that we've heard from neighborhoods of a couple of them, at
2017 least, that are concerned about many issues about the cell tower in general, yes.
2018
2019 Chair Milman: Okay. Thank you. So, anybody else have any other questions? Okay. Let's open
2020 it up for discussion.
2021
2022 Commissioner McAteer: Well, I think the one big problem we have is we're dealing with a 20-
2023 year-old ordinance that's quite antiquated. One of my other concerns is that I wish there had been
2024 meetings between the Safe community, the whatever, Nevada County Safe... what's it called,
2025 Johanna?
2026
2027 Ms. Finney: Nevada County For Safe Tech.
2028
2029 Commissioner McAteer: Okay. The Safe Tech community and the Planning Department, knowing
2030 that they were the leading opponents – or, not opponents, the leading knowledge base in the
2031 County, that I wish that the two sides had gotten together and had some chance to chat and share.
2032 And so, I think that's a problem for me as a person who... I think the public has a really important
2033 role, and this group has gone above and beyond to elicit a response. And so, I'm leaning ...this
2034 is... I'm just speaking to speak, so I'm waiting to hear from my fellow commissioners. I really
2035 believe we should pass the ordinance today, because I want cell towers to be held to a higher
2036 standard, but then I want the Safe Tech people to have the chance to sit down with the Planning
2037 Department and see where there's some more common ground, instead of just allowing, you know,
2038 "Well, we sent it to you, and you didn't read and respond," or whatever else, that there needs to be
2039 some dialog towards this. Steve?
2040
2041 Commissioner French: If my I may ask, did you not say you had dialog with them, David?
2042
2043 Planner Nicholas: Yeah, I've spoken to them on the phone, through email, they've sent me public
2044 comment letters that I looked at. I reviewed their Safe Tech ordinance pretty carefully, because I

2045 could tell they put a lot of work into it, so I probably read through it and took everything I could
2046 from it that I felt like we could feasibly do.
2047
2048 Commissioner Garst: Was their draft ordinance reviewed by our County Council for FCC
2049 compliance compatibility?
2050
2051 County Council Ely: Yes, we've had a chance to review it for FCC compliance, and it's compliant.
2052
2053 Commissioner McAteer: I didn't hear you. I'm sorry.
2054
2055 County Council Ely: Yeah. We had a chance to review it for compliance, and it is.
2056
2057
2058 Commissioner McAteer: It is?
2059
2060 Commissioner Garst: Their draft ordinance.
2061
2062 County Council Ely: Oh, the draft ordinance...
2063
2064 Commissioner McAteer: That's we're referring to.
2065
2066 County Council Ely: I haven't had a chance to review the entire thing and mark it up against the
2067 FCC rules, per se, so no, not fully vetted for compliance on their proposed ordinance, but our
2068 proposed draft ordinance has been vetted.
2069
2070 Commissioner Garst: Thank you.
2071
2072 Chair Milman: I think I would agree with you, Terry, that I feel like we should pass this today,
2073 because I think that there are some really important things, particularly the notifications, etc., that
2074 I think are helpful to make our 20-year-old ordinance... and get those into place now. I think the
2075 current ordinance on the table is better than the one that we were working with. And like most
2076 ordinances, I think that we could probably tighten up a piece here and a piece there. We've already
2077 started to talk about those, about the exemption of the existing equipment, like we could set that
2078 aside, and there's probably some other things that if we really fine-tuned, we could probably make
2079 this a really good compromise between what people are looking for and the desire.... I mean, I see
2080 people even out in the audience on their phones while we're here, so all of us rely on that
2081 technology and trying to figure out if there's anything better we could do.
2082
2083 Commissioner Garst: I think I agree with you. I think that's a great compromise. I think given
2084 that there's seven applications and currently, if any new applications come in, I think we would
2085 certainly want to hold them to these higher setback standards and some of these more restrictive
2086 regulations, and doing something today I think is a positive step forward.
2087
2088 Commissioner: So, we're suggesting recommending to the Board that this be approved, that the
2089 Planning Commission, that we're giving our approval today, and you guys are suggesting that
2090 between now and this being presented to the Board of Supervisors, the Planning Department would
2091 meet with Nevada County Safe Access to further hash out the ordinance?
2092

2093 Commissioner Garst: I think it would come with a directive to explore additional measures in
2094 terms of monitoring, ...
2095
2096 Chair Milman: Accountability...
2097
2098 Commissioner Garst: Accountability,...
2099
2100 Chair Milman: Abandonment...
2101
2102 Commissioner Garst: And so maybe that's the language we add to our recommendation, is that
2103 that we recommend that they do further exploration for additional modifications to the ordinance
2104 as written, once it's...after it's been approved?
2105
2106
2107 Chair Milman: Yeah, I mean what we're really saying is that we're approving this, and we don't
2108 think we should wait 20 years to rewrite it, right? That we should immediately turn around and
2109 see if there's something that's...
2110
2111 Commissioner McAteer: Conflagrant.
2112
2113 Chair Milman: Mm hmm. Yeah. Particularly if we have 30, and now we're going to have an
2114 additional 25%, and then, like, particularly for the accountability, that this needs to...this is
2115 something that we want to get more ahead of.
2116
2117 Commissioner Garst: I agree.
2118
2119 Commissioner McAteer: So, David, are those seven or eight, are they in the pre-application phase?
2120 I'm trying to understand where they are, those seven or eight.
2121
2122 Planner Nicholas: I believe, I think three or four are complete, and then the remaining are still
2123 incomplete, waiting upon resubmittal.
2124
2125 Commissioner Foley: Okay. I think this is a challenge... well, what we're suggesting is because
2126 the work that the County has done here, we're saying yes, move forward with this, but Board of
2127 Supervisors, you need to... more information has to be presented, and they are really, then, voting
2128 on something that...
2129
2130 Chair Milman: That's actually not what I'm saying. I'm saying that yes, move ahead with this,
2131 and Supervisors, you should also move ahead with this. And then we should turn around
2132 immediately and tighten this. We should do this again very soon.
2133
2134 Commissioner Foley: Okay. I was confused, I thought you...that this was all going to happen
2135 between now and the Board of Supervisors...
2136
2137 Chair Milman: No, I'm saying that we should get this on the books immediately, and then we
2138 should make it better.
2139
2140 Commissioner Foley: Okay.
2141

2142 Commissioner Garst: Let's codify this and then repeat the process.

2143
2144 Commissioner Foley: This is a more stringent standard than what is currently available, so it's a
2145 step in the positive direction, and, you know, I think there's like we said, this is a balancing act,
2146 right? We have to find something that works for the community, that people feel safe, but people
2147 also need cell service. We're all relying on that technology. I know at my house, I get zero bars,
2148 so without internet access, or if the power goes down, I'm literally without cell service. So, I think
2149 there has to be a balance. I'm okay with your suggestion. I think that's good, that it could be further
2150 hashed out in the future to make sure that it's a more complete process for

2151
2152 Commissioner McAteer: But soon. I mean, we have to get this done.

2153
2154 Commissioner Garst: And at least as...

2155
2156 Chair Milman: Because David doesn't want to think about this too much any more.

2157
2158 Commissioner Garst: ...and including the modification that was suggested earlier, with removing
2159 the replacement of existing equipment from the exempted project list.

2160
2161 Chair Milman: Correct. Yeah, under today's, correct?

2162
2163 Commissioner Garst: Under today's. Yes.

2164
2165 Commissioner French: Okay. I agree. I think you guys did a great job doing your research. I feel
2166 confident you communicated with everybody to the best of your ability. The RF readings were a
2167 concern for me, and you explained that a few times, that they were tested 100% capability, and I
2168 guess that's about all you can do. So, I think yeah, again, that's a good step forward and nobody
2169 wants a cell tower next door to them, but hopefully the increased setbacks will do the best we can
2170 for now.

2171
2172 Commissioner McAteer: And what about those... does anybody have any strong feelings towards
2173 those three applications which are incomplete at this point?

2174
2175 Chair Milman: Council, can you tell us where those would stand? Like, is it possible to say those
2176 three that are still incomplete, can they fall under the new code instead of the grandfathered in on
2177 the old?

2178
2179 County Council Ely: It's under the purview of the commission as to how they want to treat that,
2180 but legally they could be considered under the new code if they're incomplete at this time. There's
2181 some due process and some vested rights issues that might come up with existing complete
2182 applications that have not yet been determined approved. But as for those that are incomplete, I
2183 think that they are just that: they're incomplete, so that they could be considered under the new
2184 scheme.

2185
2186 Commissioner Foley: I think that's fair, considering that it sounds like there's already contention
2187 out there in the community. That might give the community a little better feeling about the projects
2188 moving forward if they are held to a higher standard, seeing as they're incomplete right now.

2189

2190 Chair Milman: Okay, so let's add that: that the ones that are already complete are grandfathered
2191 in and the ones that are incomplete will fall under the new ordinance.
2192

2193 Commissioner McAteer: Right. And I also think we need to give David some direction, okay?
2194 Instead of saying, "Let's open the whole can of worms here," that we're really looking at... you
2195 help, Jo, on that, because I really - you were great on that - so, abandonment is one of my issues:
2196 what happens to old towers, and also this testing, the...
2197

2198 Commissioner Garst: The monitoring...
2199

2200 Commissioner McAteer: Monitoring.
2201

2202 Chair Milman: Monitoring, accountability, abandonment.
2203

2204 Commissioner Garst: And I think public access to monitoring records, in some capacity, I think
2205 would be valuable, just for additional transparency, generally. And I think accountability, like, can
2206 you spell out maybe a little more specifically with it, what you had in mind?
2207

2208 Chair Milman: I think mostly we want to make sure that we don't... I think removing the
2209 replacement of existing equipment from exempt is a really good start towards that. But we have
2210 heard a couple of totally legitimate horror stories that we want to make sure that we - from other
2211 counties - that we want to make sure that we have something in place that we don't have cracks to
2212 slip through, in terms of ...there was the one gentleman who has ...
2213

2214 Commissioner Foley: Had the temporary one as a...
2215

2216 Chair Milman: The temporary one that is suddenly permanent out in his yard or whatever it is.
2217

2218 Commissioner French: Who are you asking to monitor it?
2219

2220 Commissioner Garst: It would be the company, they would have to put monitoring equipment in
2221 place, or it sounds like maybe they even do that already, but maybe those records would need to
2222 be made available to the public upon request: make public records requests.
2223

2224 Chair Milman: Or even just that there's a regular cadence where they are providing that to the
2225 County and then it is public, something like that. We're not looking to drown these guys in tests
2226 that are difficult for us to understand, but at the same time that they should be done, and if they're
2227 going to the FCC, maybe they also go to someplace here.
2228

2229 Commissioner Garst: Yeah, I think that's true.
2230

2231 Commissioner McAteer: So, Brian, how would that be? I mean, we're trying to create some type
2232 of cooperation between this group of citizens and your department. How do you see that taking
2233 place?
2234

2235 Director Foss: Well, it'll be your recommendation up to the Board of Supervisors, and then we'll
2236 take direction from the Board regarding what their final determination is on that. The RF
2237 monitoring, as I mentioned, we have language in the code that if we request those reports, that they
2238 have to be provided within three business days, so we do have that requirement as our public

2239 record. So, if they're requested they will be available and can be shared with the public. So, it kind
2240 of sounds like we have that addressed.

2241

2242 Chair Milman: I think that we have the capability to address that, but I think what we're looking
2243 for is a regular cadence that they are being requested.

2244

2245 Director Foss: Okay. We'll have to look at that and what that looks like and...

2246

2247 Commissioner McAteer: ...or buying one of those gizmos...

2248

2249 Director Foss: ...capability and workload and able to do that...

2250

2251 Chair Milman: Absolutely.

2252

2253 Director Foss: *[inaudible]*

2254

2255 Chair Milman: Yeah, it'll be, yeah not like, "Oh, that's what you should do the entire time that you
2256 were working is monitor these." That's obviously not what we're trying to do.

2257

2258 Director Foss: Right. So, I mean, I think we'll have to think about exactly what that looks like in
2259 terms of different code language or code requirements for what that regular monitoring is. It sounds
2260 like the direction is suggesting maybe an annual type of request, unless required to be more
2261 frequent based on complaints or other concerns.

2262

2263 Commissioner McAteer: Well, I think my question was, how ...I'd like Johanna ,at least, to come
2264 - or whoever - to be able to sit down and chat with you and say, "These are the real issues." Is
2265 there some way that we can massage the County ordinance to meet our notion? Is that an amenable
2266 means for you?

2267

2268 Director Foss: Sure. Yeah. I think we're definitely always open to comments...

2269

2270 Commissioner McAteer: That's what I think would really be beneficial for everyone.

2271

2272 Director Foss: Absolutely. Sure.

2273

2274 Commissioner McAteer: Okay.

2275

2276 County Council Ely: Chair Milman, briefly, I just wanted to clarify that when you were asking
2277 about whether or not incomplete applications would be considered: that any ordinance would not
2278 take effect until it was adopted by the Board of Supervisors, and then 30 days after that adoption
2279 it would become effective. So, that would be the date that you'd be considering whether
2280 applications would be complete.

2281

2282 Chair Milman: Yeah, understood. That makes sense.

2283

2284 County Council Ely: And is that something that the... well, I guess we'll get to it. If you guys
2285 want to add that kind of language, you can direct staff when we get to that point.

2286

2287 Chair Milman: I think we'd want to add that language, correct? That the...

2288
2289 Commissioner Foley: Yeah, it would have to be an amendment to the recommendation.
2290
2291 Chair Milman: Yeah, so I think ...are we ready to put the recommendation up and somebody
2292 wants to make a motion?
2293
2294 Commissioner French: Sure, I'll make a motion that we accept the ordinance...
2295
2296 Commissioner McAteer: It's coming up to you, Steve.
2297
2298 Commissioner French: Oh, sorry. There we go.
2299
2300 Commissioner McAteer: Whoops.
2301
2302 Chair Milman: There *were* two.
2303
2304 **Motion made by Commissioner French to recommend that the Board of Supervisors find the**
2305 **project statutorily exempt pursuant to Section 15269.C categorically exempt pursuant to**
2306 **Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt pursuant**
2307 **to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA)**
2308 **Guidelines.**
2309
2310 Commissioner French: Number 2 project action...
2311
2312 Chair Milman: I think those have to be one at a time. So, do we have a second?
2313
2314 **Second by Commissioner Garst. Motion carried on a 5/0 vote.**
2315
2316 Chair Milman: So now there's a second one.
2317
2318 Commissioner McAteer: Jo, do you want to add... do you want to run with this? No?
2319
2320 Commissioner Garst: Sure.
2321
2322 Commissioner McAteer: Let's massage this here.
2323
2324 Commissioner French: So, do we add the amendment about the incomplete projects...?
2325
2326 Commissioner McAteer: Here.
2327
2328 Commissioner Garst: Yes. So, I would read this, and then with any additional modifications.
2329
2330 Director Foss: Correct.
2331
2332 **Motion made by Commissioner Garst to Recommend that the Board of Supervisors adopt**
2333 **the Ordinance as amended by the February 26, 2026, memorandum amending Nevada**
2334 **County Code Title 12 Zoning Regulations Chapter 3 Specific Land Uses Sections 12.03.080,**
2335 **and Chapter 5 Administration and Enforcement Section 12.05.060, with the additional**
2336 **modifications that the ordinance shall not apply to complete applications filed before the**

2337 **effective date and remove replacement of similar equipment from the exempt projects list**
2338 **and those would be reviewed as an ADP and directs the Board of Supervisors to further**
2339 **explore additional discussion for monitoring and decommissioning and accountability of**
2340 **communication tower facility projects.**

2341
2342 Commissioner McAteer: I'd like to add "with this entity."

2343
2344 Commissioner Garst: No. No, I'm not making that motion.

2345
2346 Commissioner McAteer: You don't want to have a "with *[inaudible]*...?"

2347
2348 Chair Milman: No. They can explore it as they need to. They have a ton of information here. If
2349 they go through step by step and figure that out, I think it's good practice, but I don't want another
2350 motion.

2351
2352 Commissioner Garst: I also don't feel comfortable...

2353
2354 Commissioner Foley: I agree.

2355
2356 Commissioner French: You aren't ruling them out. You aren't not saying they won't...

2357
2358 Chair Milman: Right.

2359
2360 Commissioner McAteer: But I mean, I'm encouraging them to go with that other entity.

2361
2362 Chair Milman: You won't have me on board for that one.

2363
2364 Commissioner Garst: Yes.

2365
2366 Commissioner McAteer: Why? Tell me why that is, if you don't mind.

2367
2368 Chair Milman: I think that's overly...

2369
2370 Commissioner French: *[inaudible]* ...fine, I'm sure they will.

2371
2372 Chair Milman: I think that's overly specific.

2373
2374 Commissioner Garst: I agree.

2375
2376 Commissioner French: But *[inaudible]*...that you don't want to limit it to just them.

2377
2378 Chair Milman: Right.

2379
2380 **Second by Commissioner Foley. Motion carried on a 5/0 vote.**

2381
2382 Chair Milman: Excellent. That concludes this agenda item. Thank all of you for participating and
2383 spending your time here with us this afternoon.

2384
2385 Chair Milman closed public hearing at 4:42 p.m.

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INFORMATIONAL ITEMS & ON-GOING PROJECT UPDATES:

Chair Milman: Do we have upcoming information, ongoing updates?

Director Foss: Sure. Commissioners, we are looking to hold a Planning Commission hearing on March 26th. I believe Jodeana sent you an email just today, so you may not have seen it, just requesting your availability for that meeting. I believe that is the Cirino project.

Clerk Patterson: Yes, the Hidden Grove/Cirino project.

Director Foss: Hidden Grove.

Clerk Patterson: And then Commissioner McAteer, I did receive your response that you will not be available on that date.

Director Foss: Okay. The other date that we're looking for is, I believe it's April 9th, for two items, so we would like to know you're availability. You don't have to give it to us now, but if you look at your calendars and let us know if you're available for April 9th. That will be a use permit for an event facility, as well as the Safety Element revisions that require update every five to eight years.

Chair Milman: I will not be here on the 9th.

Director Foss: Okay.

Commissioner Foley: I'll be happy to respond to email. I look at my calendar.

Director Foss: Okay. Those are the two hearings that we're looking at, and we'll keep you posted based on availability of what information we receive, and if we are able to move forward with those dates or if we need to look at other dates. So, we'll wait for your feedback and then let you know if those are a go or if we're going to look for additional dates. I don't think there would be a date prior to March 26th. We wouldn't to be ready to go earlier than that, I don't believe, for any of the projects, so anything would be later, but nothing until March 26th at least.

Chair Milman: Thank you.

Director Foss: That's all I have, unless you have any other questions.

Chair Milman: Anybody have any other questions? I think we've done it. All right, let's conclude this meeting. Thank you.

Chair Milman adjourned the meeting at 4:45 p.m.

There being no further business to come before the Commission, the meeting was adjourned at 3:46 p.m. to the next meeting to be held on a date to be determined in the Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

Passed and accepted this day of , 2026.

DRAFT