

From: [April Zeman](#)
To: [Planning](#)
Subject: Independent Design Review - Administrative Permits for Wireless Facility Ordinance
Date: Thursday, February 26, 2026 12:19:06 PM

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Dear Commissioners,

I am submitting this comment to address a significant public safety deficiency in the County's current draft of Section 12.03.080, Communication Towers and Facilities. The draft eliminates an independent health and safety Design Review requirement from the Administrative Development Permit track, the pathway that will handle the largest share of wireless facility applications in Nevada County. The ordinance template developed by Nevada County for Safe Tech (NCST) expressly requires this independent review for all Administrative Development Permit applications. The County draft discards it without any equivalent replacement. I urge the Commission to include it.

I. The Administrative Permit Track Is Where Independent Review Is Most Needed

The Administrative Development Permit track processes minor additions, equipment upgrades, Eligible Facilities Requests (EFRs), and other small-scale modifications at the staff level without Planning Commission consideration, public hearings, or the scrutiny that accompanies a Use Permit. Because these applications receive limited visibility and expedited review, an independent safety check is essential. The NCST template included independent Design Review for exactly this reason. The County draft omits it without explanation, leaving the highest-volume permit track as the one with the least oversight.

II. What "Independent" Review Means and Why Applicant Submissions Cannot Replace It

Independent Design Review is not satisfied by the applicant's own engineer certifying code compliance. The review must be conducted by a qualified party with no financial relationship to the applicant. An applicant's engineer has a duty to design a compliant facility, but their certification of their own work is not a substitute for outside verification. California's building inspection system is built on this

principle: counties don't skip inspections because an architect certified the plans. The same logic applies to wireless facility installations.

III. The Safety Risks That Make Independent Review Non-Optional

Wireless telecommunications installations involve systems with documented public safety risks when improperly designed or installed:

Electrical Infrastructure. Wireless facilities require high-voltage service, transformer connections, and backup power infrastructure. Deficiencies in electrical design create risks of fire and equipment failure affecting neighboring properties. Independent Electric Code review detects these deficiencies before installation.

Lithium-Ion Battery Systems and Thermal Runaway. Modern wireless facilities rely on lithium-ion battery banks subject to thermal runaway — an uncontrolled reaction capable of producing fire, explosion, and toxic gas release. Thermal runaway events at telecom facilities are an established and growing problem nationally. The Fire Code governs battery design, ventilation, and fire suppression for this reason. Independent Fire Code review is a material protection for adjacent properties.

Structural Integrity. Adding antennas, cabling, and equipment to existing poles changes their structural loading. Errors in structural calculations, especially in Nevada County's environment, subject to wind, ice, and seismic loads can result in failures and collapse. Independent Building Code review catches these errors before installation.

Fire Code Compliance in a High-Hazard County. Nevada County includes extensive Very High Fire Hazard Severity Zones. Wireless facilities must comply with Fire Code requirements for equipment siting, fuel storage, vegetation management, and emergency access. Independent Fire Code review is among the most important protections the County can require given its documented wildfire risk.

IV. The Cost Argument Does Not Justify Removing Independent Review

The NCST template requires applicants to pay for independent review — standard practice in California land use permitting. Removing independent review doesn't reduce regulatory burden; it transfers risk from applicants to the public, who bears the consequences of installations never independently verified. That is not an appropriate trade-off.

V. The Gap This Creates in Practice

Under the County draft, a carrier could add antennas, replace battery systems, or upgrade electrical service through the Administrative track with no independent verification against the Building, Electric, or Fire Code. Staff reviews the applicant's submissions on their face; if the paperwork appears complete, the permit issues. The NCST template's independent Design Review requirement exists to prevent

exactly this outcome. Excluding it from the Administrative track omits it from the pathway handling most wireless facility work in Nevada County, a substantive reduction in public safety oversight.

Requested Action

I respectfully request that the Commission:

1. Decline to approve the County draft's Administrative Development Permit track in its current form, on the grounds that it omits the independent Design Review requirement contained in the NCST template.
2. Direct staff to revise the draft to require independent verification of Building Code, Electric Code, and Fire Code compliance as an explicit component of Design Review for all Administrative Development Permit applications.
3. Confirm that independent review costs will be borne by applicants, in accordance with standard California permitting practice.
4. Require staff to provide a written explanation of what verification mechanism, if any, currently exists under the County draft to confirm that Administrative Development Permit applications meet applicable health and safety codes, and if no such mechanism exists, to acknowledge that gap on the record.

The community has a legitimate interest in knowing that wireless facilities at every permit level have been independently verified against the health and safety codes that protect them. The NCST template provides that assurance. The County draft does not. I ask the Commission to remedy that.

Thank you for the opportunity to comment.

Respectfully submitted,

April Zeman Lowe

Nevada County, CA

530-400-0470

From: [Assad Hafeez](#)
To: [Planning](#)
Subject: PUBLIC COMMENT RE TODAYS HEARING RE Section 12.03.080 Communication Towers and Facilities; AN ATTEMPT TO EVADE CEQA AND LOCAL LAW
Date: Thursday, February 26, 2026 1:09:25 PM
Attachments: [12.03.080%20Communication%20Tower%20and%20Facilities%20Update%20Draft%20Ordinance.pdf](#)
[Screenshot 2026-02-26 at 11.00.18 AM.png](#)

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After a review online I've seen several limitations to the ability to participate but see that email comment is one means to participate, so I provide this public comment by email today, for the 1:30pm hearing on this issue today.

I wish I had more time to provide the public comment but came to find out several measures of participating foreclosed, including the e-comment section, evidently closed 2/25/26 as stated on the website. I see 0 comments to date. This proposal is of immense importance and there is no public discussion apparently. This is concerning. This risks not only health but also land values wherever these EMF deployments are allowed, as the exposures are going to increase in those areas, and with those exposures, the short, midterm, and long-range effects thereof on the people that live, work, or own land there.

I hereby in this email submit my several concerns of the language in this proposal and am concerned this proposal overall should be denied outright, for the risks and concerns have not been widely discussed and considered by this body.

Some examples include:

Under B, definitions...

ANTENNAS "1. Antenna: Any system of exterior wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. **An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. This definition does not apply to antennas designed for amateur radio use or satellite dishes for residential or household purposes."**

Here and various places elsewhere, the language narrows applicability of local regulation on EMF technology, towers, and exposure to the local population. This one speaks to not EMF, but just now RF exposure from a fixed FCC authorization. It leaves wide open other means and authorizations so this is a desired expansion and increase, of EMF, without protections and local restraints.

ANTENNA FACILITY It adds definition of antenna facility...

The copious addition of FCC language reduces application of the local governance and restrictions, it opens up applications beyond 'FCC' authorization, and changed definitions allow different kinds of structures or possibly temp or mobile units to be setup locally, to the detriment and without remedy of locals.

The changes aren't needed and the county should retain control, with equal notice and restraint on the various EMF technologies, regardless of FCC involvement and authority or not. All the inclusion of FCC language in this document is an attempt to expand EMF uses locally, without local redress or local restrains, which will result in a foreseeable increase in EMF exposures to local residents. Any 'safety' and 'impact' concern will be from a far away "federal" approach, disconnected from the people and particulars of Nevada County and will constitute surrendering local control, say, and local redress for impacts and harms.

Specifically, CEQA is a CA based law that represents a restraint on the local environmental impacts and this modification carves out exclusions and exemptions to expose locals to more CEQA type violations which will harm land ownership, use, and the lives of residents. The land value harms will be more as people continue to become more informed of the varies harms of EMF exposure.

EMF technologies will continue to grow in potency and strength, causing more harms to mind, body, tissues, reproductive health, cognitive health like Alzheimers and dementia, along with more stress and anxiety conditions. Increasing EMF exposures and intensities has a negative relation, not any manner of improvement in these areas.

LOCAL AUTHORITY NEEDS TO BE PRESERVED AND LOCAL REDRESS, WHEN THESE FORMS OF TECHNOLOGIES CAN BE ABUSED FOR MALICIOUS PURPOSES, HARMING LAND VALUES AND LAND POSSESSION, THROUGH HARD TO TRACE NON VISIBLE ENERGY IMPACTS IN THE AREA, DEPENDING ON DIFFERENT RANGES OF THE TECHNOLOGIES.

LOCAL CONTROL, LOCAL REDRESS, LOCAL RESTRICTIONS MUST BE MAINTAINED. ANY CHANGES AND LANGUAGE MENTIONING 'FCC' AND PROPOSALS TO CONFORM TO FCC STANDARDS ARE AN EFFORT TO UNDERMINE THE LOCAL BROADER REGULATIONS.

See also other provisions:

8, 9 , 10 UNDER DEFINITIONS

Modifies definition of 'structure' again or 'tower' with language mentioning FCC-licensed or authorized, 9 regards eligible facilities request, deals with modifications, to swap out gear and technology that does not substantially change the physical dimensions. THIS IGNORES ENERGY-BASED/HEALTH IMPACTS ON THE COMMUNITY. THEY CAN SWAP IN MORE POWERFUL EMF TECHNOLOGIES, CIRCUMVENTING PRIOR RULES, WITH WORSE IMPACT ON LOCALS, AND IF FEDERAL STANDARDS GIVE THE BLESSING, THIS WOULD INCLINE THE LOCALITY TO CONSIDER FEDERAL STANDARDS AND APPROVALS, RATHER THAN WHAT IS SAFE AND APPROPRIATE FOR LIFE AND OWNERSHIP IN NEVADA COUNTY.

10 DISCUSSES FCC SHOT CLOCK which is an effort to expedite more deployments without local restrictions and lack of local safeguards, lack of local input. Resorting to federal standards and entities, where industry capture and corrupt interests consolidate and lobby in Washington DC, rather than on a proper case by case standard in each locality. IT MENTIONS EMERGENCY GENERATORS and emergency applications without further detail or justification; FEDERAL EMERGENCY POWERS ARE RIPE FOR ABUSE TO THE DETRIMENT OF LOCAL NEVADA CITY RESIDENTS AND OWNERS AND ANY FEDERAL ACTION IS LIKELY TO REDUCE, NOT INCREASE REDRESS OF LOCAL IMPACT. ITS MORE SENSIBLE FOR ANY HARMS TO BE ADDRESSED LOCALLY, MORE COST EFFECTIVELY, RATHER THAN ALL IMPACTS BE ADDRESSED FEDERALLY OR IN WASHINGTON DC. REQUESTING HERE TO REJECT THE FCC SHOT CLOCK AND ALL SUCH PROVISIONS.

11, 12 GRANT A FEDERAL RIGHT OF WAY and also SMALL CELL WIRELESS FACILITY definition which results in more exceptions and more grants to deploy EMF technologies to expose Nevada city residents to more, not less EMF, risking more health and other impacts, in addition to environmental CEQUA concerns. These requests are made for a FEDERAL EXPANSION which would foreseeably result in increase impacts, increased harms, and less redress of those impacts.

THIS LEGISLATION HAS ZERO MEANS FOR NEVADA CITY RESIDENTS TO DETECT AND ASCERTAIN THE LEVELS OF INCREASED EMF IMPACT, SHOWING THIS PROPOSAL HAS NO INTENTION OF PROTECTING AND REDUCING EMF; RATHER IT INTENDS TO INCREASE EMF EXPOSURES AND IMPACTS while residents and locals remain uninformed, unaware, and unsure of how much EMF impacts increased or happened and to which lands and properties or residents in particular.

Following harms continue to be on the increase, without fair inquiry and studies, as EMF and wireless sites only continue: increases in autism, Alzheimers, dementia, various reproductive health issues, various cognitive impairments, increase in cancers.

Approving this measure would condone and experiment on the public approach,

rather than confronting existing health and environmental impacts first approach, which is more akin to the CEQA law that is intended to be circumvented by these changes.

Under 'PERMITTING', subsection 4 and 5 again discuss emergency deployments and standby generators. EMERGENCY grounds are frequently abused and anything 'temporary' commonly becomes years or longer. This language will foreseeably be abused to the detriment of locals. And this is already with a preexisting crisis in the above health impacts cited. The board, if approving these changes, with minimal impact analysis, minimal public comment, would sanction the foreseeably increase in all of the above cited health concerns and create a open invitation for federal exploitation of local space and lands for further EMF experimentation on the local population, without meaningful redress.

As more becomes known in the population, it is likely local institutions will bear the risks and liabilities and not the federal actors and federal resources. But more important than this, it is morally wrong to subject the locals, once the impacts, the health concerns, and known threat to land values by this measure, it is wrong to consent and approve this in a lukewarm manner, without rigorous inquiry and examination, and without any investigation into the health, environmental impacts, and without significant public comment and participation.

BARRIERS TO MEANINGFUL PUBLIC COMMENT; I came to find out that the e-comment section is completely closed the day before this hearing. Further, all written materials were already provided 7 days prior which seems to suggest written submissions are no longer possible; the only exception I saw under readily apparent procedure was to write this email.

Often these kinds of measures are not well publicized; this is a measure of extreme importance and possible impact for generations to Nevada City residents and it calls for a more serious and inclusive inquiry as to the procedure, the technologies, the impacts, the significance of handing over or changing procedure to adopt FCC standards and to welcome more types of EMF technologies and stations, including alleged emergency and 'temporary' ones that should not meet local existing standards.

SECTION E, NEW TOWER LOCATIONS; this misleads the issue as strictly a visual eye sore issue; while a valid concern and this would impact property values and enjoyment for those invested, living, and in the areas of concern, the bigger impact, is EMF increase of which risks the various health, cognitive concerns, all of which are disregarded, downplayed, and denied by the telecom industry as a whole. The location of these towards should also factor in the likely various impacts to the location and even in factoring in the harm to land values, it should consider as populations get more informed about the various unseen threats of EMF exposures in various intensities, their distances, ranges, and levels, that this too will have dramatic impact on land values, use, and ownership.

SECTION G PERMIT REQUIREMENTS, point 4, adds 15 day agreement to applicant for defense and indemnity agreement, signed by County counsel. Its not fully clear the terms of such agreements but this points to a known threat, known risk, and that local authority and federal authority will become entangled in legal risks, legal actions, and the local resources will become entangled in the FCC and federal action by their use and deployment of EMF technologies in Nevada County.

I wish I had more time to prepare the public comment but I respectfully submit this email and urge the board to reject and deny the changes and proceed in a more thorough examination of the deployments of EMF technologies and how the health and environmental protections can actually be increased, not decreased, and protect local land ownership.

The screenshot shows a meeting announcement for the Nevada County Planning Commission Regular Meeting. At the top, there are 'Post' and 'Share' buttons. Below is a banner with an image of hands holding a globe and the text 'Participate Nevada County!'. The meeting title is 'Meeting: Nevada County Planning Commission Regular Meeting' with a meeting time of 'February 26, 2026 at 1:30pm PST'. A disclaimer follows, stating: 'Welcome to the County of Nevada's eComment. You can input comments on this meeting agenda so that the Board can be more responsive to your thoughts and ideas. Items with asterisks are required fields. Not all items on the agenda are available for eComment. Please note that eComment works best with Internet Explorer version 11.0 or Firefox, or Chrome.' Below the disclaimer, it shows '0 Comments' and 'Closes for Comment February 25, 2026 at 5:00pm PST'. A yellow banner at the bottom of the announcement reads 'The online Comment window has expired'.

Sincerely,

Assad Hafeez
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916-836-5755
1911 Douglas Blvd Ste 85-222,
Roseville CA 95661

**Divorce, family law, child custody/visitation
**Civil defense

From: [Mark Graham](#)
To: [John Foley](#); [Steve French](#); Terrence.McAteer@nevadacountyca.gov; [Jo Garst](#); [Danny Milman](#)
Cc: [Brian Foss](#); [Planning](#)
Subject: Re: Short version of PLN25-0097; ORD25-2 public comments
Date: Monday, March 2, 2026 3:29:04 PM

Some people who received this message don't often get email from mark@keepcellantennasaway.org. [Learn why this is important](#)

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March 2, 2026

Planning Commissioners and staff,

Please save this email in the file for the above captioned ordinance and agenda item from the Commission's meeting last Thursday. It is a follow up public comment.

Will you acknowledge your receipt of this message?

This is the relevant staff report. Two links to the same document.

[Communication-Tower-and-Facilities-Ordinance-Update-2025-Staff-Report-PLN25-0097-ORD25-2-PDF](#)

<https://nevadacountyca.gov/DocumentCenter/View/61408/Communication-Tower-and-Facilities-Ordinance-Update-2025-Staff-Report-PLN25-0097-ORD25-2-PDF>

It is said that our results, our outcomes, match our intentions. If this is true for the Planning Commission then your intention in the area of serving your residents must not have been very high. Not to mention your intention for serving the Board of Supervisors and the County.

How many of your residents said that they wanted the Commission to protect and preserve the aesthetics of the streets and aesthetic values of the County? Searching for "aesthetic" in the staff report, Attachment 4, we see them.

I mentioned aesthetics in my emails to the County on June 3 and August 8, 2025. pages 67, 69, 150, 151, 152, 158, 159, 160,

Who else mentioned aesthetics?

Johanna Finney, page 59, 61, 62, 134, 203,

Tiffany Ramirez, page 83, 84

Denise Billberg, page 111

Donna Zacamy, page 119

Holly Beardsley, page 125

Inez Rodriguez, page 127

Jeanne Franklin, page 130

Paul Gilbert, page 180

Vickiie Bass, page 200

The following people on page 204 (who signed the Nevada County Safe Tech letter)

1. Reinette Senum, Nevada City
2. Cindy Sage, Grass Valley
3. Derek Ramirez, Nevada City
4. Tiffany Ramirez, Nevada City
5. Kristin Phalen, Grass Valley
6. Lisa Lockwood, Grass Valley
7. Louis Jones, Nevada City
8. Mark Jones, Nevada City
9. Holly Beardsley, Nevada City
10. Susan Nance, Nevada City
11. Denise Reynolds, Grass Valley
12. Anni McCann, Nevada City
13. Elena Rayo, Nevada City
14. Freddi Fleming, Grass Valley
15. Andrea Parker, Grass Valley
16. Loren Swift Merritt, Nevada City
17. Scott Merritt, Nevada City
18. Virginia Ryan, Grass Valley
19. Chad Ryan, Grass Valley
20. Karen McKeown-Matheny, Nevada City
21. Reonne Haslett, Grass Valley

Adriana Finnie, page 212

Literally dozens of your residents including Nevada County Safe Tech said that they wanted the Commission and the County to protect aesthetics.

Did you listen to them?

What if anything did you do to protect aesthetics?

Not much. Did you do anything? Increasing the setback from the property line to the cell tower from 100% to 150% of the height of the tower is an improvement to aesthetics, but not enough. It begs the question of why you would allow cell towers in residential zones at all.

Major negligence in your consideration of the front yard rule for cell antenna placement

You completely rejected the recommendation of a proven, working law with 6 years of real world success in preventing the irresponsible placement of cell antennas. Namely, the front yard rule for cell antenna placement, which prohibits cell antennas (on light poles in the context) immediately adjacent to and immediately across the street from the front yard of a residential dwelling. I told you about this on June 3 and August 8, 2025. Staff sat on those emails and withheld them from the Commission until less than one week before your meeting when staff's head scratcher proposed ordinance was on the agenda.

The Staff did absolutely zero, despite having my recommendation since August 8 and despite my reminder in the week of the meeting (early last week) to find out the correct information about the front yard rule and how it works in the City of Elk Grove. It works great. The carriers have accepted it. They are applying for and receiving cell antenna permits. They provide all the coverage and capacity they want to provide to their customers. The carriers have not sued the City over an effective prohibition, which they surely would have done if they thought the City had created one. I told you all of this last summer.

Staff refused and failed to do **one minute of work, to make one single contact** (or more) to the City of Elk Grove to learn this. Staff was VERY committed to evaluating and rejecting this recommendation not only totally in the dark about how it works but also under the false assumption and false information (which may have come from the industry) that a cell antenna network requires cell antennas up and down many or most of the streets. I explained that one too in my public comments. As of 2018 the effective range of a 5G cell antenna was, according to the CEO of Verizon Lowell McAdam, 2,000'. That was on page 71-72 in Attachment 4 to the staff report.

That was good enough for staff. That level of performance and work. Not one minute of work. Not one phone call or email. On the best single recommendation staff received on the entire ordinance.

My guess is that that level of performance and work would not fly, would not be accepted, in at least 20 of California's counties. Why should any county settle for it?

It was not only staff. 4 of the 5 Planning Commissioners also refused and failed to do one minute of work, to make one single contact (or more) to the City of Elk Grove to learn this. The Commissioners were VERY committed to following staff's clueless and uninformed and misinformed recommendation not only totally in the dark about how it works but also under the false assumption and false information (which may have come from the industry) that a cell antenna network requires cell antennas up and down many or most of the streets.

That was good enough for the Planning Commission. That level of performance and work.

My guess is that that level of performance and work would not fly, would not be accepted, in at least 20 of California's Planning Commissions. Why should any Planning Commission settle for it?

Pardon me for telling you what your job is. You are not elected (or appointed as the case may be) to cast votes and make formal written recommendations to the Board of Supervisors based on ignorance, lack of knowledge, misinformation and false assumptions. You really aren't.

Your actions showed that is good enough for you. That is how you roll.

You are supposed to do the opposite. Recommend what will be best for the residents and the County based on correct knowledge, no misinformation, no false assumptions, and based on all the information available to you at the time. This means a correct understanding of both cell antenna / cell tower technology and the law. That's it.

Who loses?

You know who loses?

Your residents lose as a direct result of this level of performance and work. Every resident that you have met or heard from. Every resident that you have not met or heard from. You failed them. You let them down.

Who else loses?

The Board of Supervisors loses as a direct result of this level of performance and work. The Supes count on you for a well informed, well reasoned recommendation of what is best for the County and its residents and is based on the available information. Information that was available to you at the time of the decision.

You failed the Supervisors. You let them down. By failing and letting them down you also failed and let down the County itself.

It's up to the Supervisors. They have the power to enact an ordinance, a new cell antenna and cell tower law. If they go along with your recommendation of ALLOWING cell antennas immediately adjacent to residential front yards you will never get this back. The Supervisors will never get this back. The County will never get this back. You will screw potentially hundreds, maybe thousands, of your residents by permitting a cell antenna immediately adjacent to their front yard.

The key facts about it will be:

It was unnecessary. It was avoidable. Easily.

There would have been NO COST, NO DOWNSIDE, to avoiding and preventing it.

You were fully informed in time for your meeting and your vote and how to avoid and prevent it. You were shown (I showed you) the exact wording of the law that has avoided and prevented such a problem in Elk Grove since September, 2019. Every day for 6 1/2 years. With no further effort by the City. You had all the information that you needed at the time. You even had the name of the Elk Grove City Attorney and my recommendation, as of August 8, 2025, to call him to ask anything about this law. The factual and legal basis. How it works. Any questions you had. The fact that yes the carriers are able to provide, and do provide, coverage even though they are not allowed to place cell antennas immediately adjacent to residential front yards.

That's it. Those are the key facts. Given all of this you chose to ignore the recommendation and screw your residents. You screwed the Supervisors. You screwed the County.

It cannot be anything other than intentional. I told you about it in person at the meeting last Thursday.

Your residents will be angry at you and the Supervisors for failing them, letting them down. They have every right to be angry. They have every right to expect better performance from you.

Commissioner McAteer even said, unprompted and in response to my verbal public comments that he had called the City of Elk Grove about the front yard rule for cell antenna placement. Unbelievably, during the Commission Q and A with staff and the Commission's discussion about the proposed ordinance, he did not say ONE WORD about the phone conversation he had last week with Elk Grove City Attorney Jon Hobbs about the front yard rule for cell antenna placement. What did Mr. Hobbs say? We will never know. Or, if one day Commissioner McAteer tells you it will be too late.

Commissioner if you are really interested in serving your residents, the Supervisors and the County you ought to send the Supervisors an email describing in detail, as much as you can remember about your conversation with Elk Grove City Attorney Jon Hobbs about the City's front yard rule for cell antenna placement. That is EGMC 23.94.050 A.6.b. I showed you that in June and in August.

If you choose not to do this you will have failed the residents, the Supervisors and the County.

Unbelievable.

Such a low bar for your own level of performance and work.

You still have time to correct it Commissioner. Prior to the Board of Supervisors' next meeting. Preferably as soon as possible. Actions speak louder than words. Your actions demonstrate your intentions and your level of commitment to the residents, the Supervisors and the County.

Staff's reasons for rejecting the front yard proposal are flawed and without merit

Let's look at staff's reasons for rejecting the proposed front yard rule for cell antenna placement. Here is the staff report's entire discussion of the subject.

"Front yard communication facility ban. It was requested that no communication facilities be located immediately adjacent to, nor immediately across the street from, a front yard of any residential dwelling. In Nevada County, this would prohibit small cell wireless facilities in a large portion of the public right of way due to the front yard of many parcels being adjacent to the right of way. Placing a SCWF on existing poles in the public ROW is a low impact way to expand cellular coverage. Furthermore, it is proposed that larger communication facilities be set back 150% of their height from property lines, such as the front yard, which removes the need for a front yard communication facility ban."

(staff report, page 12)

Taking this one line at a time we see this.

"In Nevada County, this would prohibit small cell wireless facilities in a large portion of the

public right of way due to the front yard of many parcels being adjacent to the right of way."

That is how the front yard rule protects and preserves the aesthetics of the city or county. The cell network still works. That should be obvious. Staff's inference and assumption that prohibiting SCWFs in a large portion of the PROW would cause the cell antenna network to fail is blatantly and obviously false. The experience in the City of Elk Grove proves this. A good understanding of the operation and effective range of a 4G or 5G cell antenna proves this. The statement of the range of a 5G cell antenna as of 2018 by Verizon CEO Lowell McAdam as being 2,000' proves this. (Staff report, attachment 4, pages 71, 153, 154.) Does staff really think that you have to have cell antennas up and down every street or most streets? That is a MYTH promoted by the industry, even though Verizon said in 2018 "Those myths have disappeared." (Ibid., pages 71, 154) These myths have not disappeared in Nevada County.

"Placing a SCWF on existing poles in the public ROW is a low impact way to expand cellular coverage."

It is also an unnecessary and easily avoidable aesthetic impact that your residents have told you they do not want! Do you listen to your residents? Do you ever intend to?

This framing presents a false choice between protecting aesthetics and aesthetic values of residential streets and cellular coverage. The example of Elk Grove proves, for the last 6 1/2 years, that a City can have both. The County can too.

"Furthermore, it is proposed that larger communication facilities be set back 150% of their height from property lines, such as the front yard, which removes the need for a front yard communication facility ban."

No this does NOT remove the need for a front yard cell antenna ban. This proposed setback does not address small cell facilities at all. It does not address cell antennas at all. In fact your ordinance categorically exempted cell antennas from regulation. Where is the common sense? Does staff read their own stuff before they publish it. If you require a 150% of height setback for CELL TOWERS, how is that a regulation on the placement of CELL ANTENNAS?! It's not. It's amazing the plainly illogical and incorrect claims that staff puts in the staff report and uses as its justification for rejecting this recommendation. And that the Commission blindly accepts! Appalling.

This level of performance, analysis, and effort would not be acceptable in MOST staffs and MOST cities and counties in California. Why should any city or county settle for it?

Staff's discussion of cell antennas aka SCWFs is misleading and false in places

Here is the relevant excerpt.

"New Small Cell Wireless Facilities (SCWF). A small cell wireless facility is required by the FCC to not exceed human radiofrequency exposure standards. Each antenna associated with the SCWF is required to be less than 3 cubic feet in volume and all other wireless equipment must be less than 28 cubic feet in volume. 28 cubic feet is less than half the volume of a phone booth. Many SCWFs are mounted on existing utility poles. Utility poles already typically include transformers, insulators, a capacitor bank, and surge arrestors. Additional small electronic devices, such as a SCWF, are not anticipated to create a substantial difference to the aesthetics or impact of utility poles. SCWFs are small and substantially similar to the minor antennae that are already exempt by the current Communication Tower Ordinance."

Four (4) sentences are misleading and / or false.

I will show the County's claims in *italics*.

"Many SCWFs are mounted on existing utility poles."

Unless the County regulates them a carrier can apply for and obtain a permit to install and operate a cell antenna on a city owned light pole. In Grass Valley and Nevada City there are city owned light poles. Aren't there?

"Utility poles already typically include transformers, insulators, a capacitor bank, and surge arrestors. Additional small electronic devices, such as a SCWF, are not anticipated to create a substantial difference to the aesthetics or impact of utility poles."

Here is the parade of horrors. Probably a very small percentage of utility poles hold all of those items or even 2 of them. Probably the vast majority of utility poles simply hold the power lines that deliver electricity. For these poles adding a cell antenna WILL make a substantial aesthetic impact.

Remember that a cell antenna, under the FCC's own definition, a Small Wireless Facility consists of antennas up to three cubic feet in volume — but also up to 28 cubic feet of associated wireless equipment. That equipment includes power supplies, equipment cabinets, service meters, disconnect switches, backhaul routers, conduit runs, and new cabling — all mounted on or attached to utility poles in the public right-of-way, often at eye level in front of residential homes.

This is the equipment that the County will allow the carriers to install at every pole, whether a utility pole or a light pole, where it permits a cell antenna (SCWF).

Staff knows this and chose to misrepresent it and gloss it over. The Commissioners chose to remain clueless and not question staff about this obvious discrepancy, misleading statement and gloss over.

"SCWFs are small and substantially similar to the minor antennae that are already exempt by the current Communication Tower Ordinance."

This comparison is factually inaccurate and legally significant. A minor antenna, as defined in both the NCST template and the current County ordinance, is an antenna with a face area of six square feet or less that is completely within 24 inches of its supporting structure. Small Wireless Facilities are categorically different.

Under the FCC's own definition, a Small Wireless Facility consists of antennas up to three cubic feet in volume — but also up to 28 cubic feet of associated wireless equipment. That equipment includes power supplies, equipment cabinets, service meters, disconnect switches, backhaul routers, conduit runs, and new cabling — all mounted on or attached to utility poles in the public right-of-way, often at eye level in front of residential homes.

These are not minor antennas. They are base stations. A minor antenna is a small device attached unobtrusively to an existing structure. A Small Wireless Facility is a complete wireless telecommunications installation requiring its own 20-amp electrical circuit, backhaul connectivity, and ongoing maintenance. The staff report's equation of the two does not reflect the physical reality of what will be installed on utility poles throughout Nevada County's neighborhoods.

"Additional small electronic devices, such as a SCWF, are not anticipated to create a substantial difference to the aesthetics or impact of utility poles."

Not true. Refer to what I said about all the equipment associated with a cell antenna (SCWF) and the equipment that is probably present on the vast majority of utility poles.

Adding all the equipment that is associated with a cell antenna to a utility pole, even one that has 2 or more of the pieces of equipment in staff's parade of horrors list, will make a significant difference in the aesthetics.

Even though it had the opportunity staff chose NOT to include photographs or simulations of what a utility pole will look like with and without the addition of a cell antenna.

Omitting Definitions of terms in the proposed ordinance

Why wouldn't you insert all the definitions that NCST had in their proposal that were missing in the County's draft? Why wouldn't you? There were more than a dozen. Do you want your ordinance to be clear and specific? Then define the terms. Definition of terms is a key part of ANY legislation. Do you want your ordinance to be vague and ambiguous? Then omit the definitions of terms, or many of them. I really don't see what the County will gain by omitting definitions of terms. How does that help the County? How does that help the residents? One of the carriers said in their comment letter that certain terms were vague and ambiguous. EVEN the carriers called for greater specificity. Why is it of absolutely no interest to the Commissioners or the staff?

Staff's apparent mindset and strategy regarding public input

Staff's approach, which I think is primarily David's approach - but it could be David's and Brian's joint style and approach - to handling public comments and recommendations does not seem designed or intended to actually make use of them. Rather it seems designed to ignore or deflect them, whether or not there is merit to the public comments. Or any merit to the pithy explanations, when staff gives one, for rejecting the recommendation. I do not think that staff is able to see the big picture, at least from any other than a very limited perspective. Staff does not appear to see the big picture from the residents' perspective. He seems completely willing and able to listen to specific recommendations to add something that is missing and would add value to the ordinance, or to remove something that is harmful to the interests of residents and blithely gloss over it and ignore it.

The discussion yesterday about engagement with the community, which even according to David's statement to the Commission had ONLY happened via email, proved this. So did the disregarding of the many pages of specific and clear recommendations by NCST.

Other counties are more receptive to public input although it varies

Maybe you (Commissioners) have gotten used to this but I am telling you this is not the way it works in other counties and cities. Well many of them. The City of Sacramento is no better. But in Petaluma, Malibu, and other counties in Southern California it is a different story. Elk Grove was a totally different story although the staff here made some mistakes. In these counties and cities the staff is at least responsive. **There is a much higher level of response to public input.**

They take public input seriously. It's not only a higher level of respect for the residents and concern for their interests, it's a great commitment to the main goal. The main goal is to make the best local telecommunications law possible.

Do you think your staff knows better than the staffs of the other 57 counties?

Do you think your staff knows better than the staffs of the 482 cities in California?

They keep themselves so insulated that they are never going to learn anything from the experiences and opinions of the other counties and the cities - even when your residents bring this information to you and to the staff. That is an enormous problem. Staff keeps itself insulated from good, successful ideas that are WORKING and have worked for years. Staff keeps you insulated too. You all keep yourselves insulated. You are all in cahoots. Committed to remaining uninformed and insulated.

Nevada County Safe Tech

With the exception of Commissioner McAteer's recommendation that the Commission direct staff to meet with representatives of Nevada County Safe Tech (NCST), which the Commission rejected 4 to 1, the way the Commission handled the recommendations of NCST was appalling and atrocious. Could you have done a worse job? You rejected probably between 90-95% of what they recommended. NCST hired attorneys including Scott McCollough and Suzanne, who spoke at the meeting, WHO KNOW A LOT MORE, A WHOLE LOT MORE, than your staff about local telecommunication law and policy as applied than your staff knows. They spent thousands of dollars drafting a complete and thorough ordinance and asked you to adopt it. You could have incorporated any amount of it into your ordinance. Ahh, you say, but that would have taken some WORK. EFFORT! Yes it would have.

Staff didn't give any reason for rejecting the NCST ordinance, other than a couple of lines in the staff report.

The staff report says on page 10, "Nevada County staff reviewed the NCST ordinance closely and looked for specific items that would improve the County ordinance."

Really? How did they miss the long list of definitions that are in the NCST proposed ordinance that are missing from the County's?

NCST can speak for themselves. My question is why do you think the County needs ANY cell tower in a residential area or zone? They are extremely powerful and a major aesthetic visible harmful addition. Visual blight. Given the capacity and coverage of modern 4G and 5G cell antennas why can't a carrier meet all of their needs with their existing towers plus a certain number of new cell antennas that are NOT immediately adjacent to or immediately across the street from the front yard of a residential dwelling?!

We can only hope that the Supervisors do a better job of listening to and working with the public, your residents and other interested persons, than the Commission did.

That is all.

Good luck.

Mark Graham

Keep Cell Antennas Away
A local residents' advocacy group
www.KeepCellAntennasAway.org

On Friday, February 27th, 2026 at 3:17 PM, Mark Graham
<Mark@keepcellantennasaway.org> wrote:

February 27, 2026

Commissioner McAteer,

As the only Commissioner or staff member who called the Elk Grove City Attorney Jon Hobbs to learn about the City's 2019 cell antenna law and our front yard rule for cell antenna placement, why did you choose NOT to tell your fellow Commissioners what you learned from that phone conversation?

In 2 minutes you could have completely enlightened them as to the facts. Cleared up the misunderstanding and wrong assumption underlying staff's rejection of the idea. (page 12)

Provided accurate information to the Commission that would have enabled to make an informed decision whether to make this part of your new law. It would have done a world of good. Do you believe in transparency?

You're not shy, as you said. You had the perfect opportunity to tell the other Commissioners what you had learned. Why didn't you?

Mark Graham

Keep Cell Antennas Away
A local residents' advocacy group
www.KeepCellAntennasAway.org

On Monday, February 23rd, 2026 at 10:15 PM, Mark Graham
<Mark@keepcellantennasaway.org> wrote:

February 23, 2026

Dear Planning Commissioners and Planning Director Foss,

- I am concerned that the Commissioners are not receiving public comments on the proposed cell antenna law at all or not soon enough.
- I am also concerned that staff has done an atrocious job of addressing and responding to public comments, in particular mine. My recommendations on the front yard rule for cell antennas, on exceptions, and others.

This message will be a short version of my full comments. I will also send my full comments soon. Please reply to this at your earliest convenience. Please ask me any questions you have.

Key point of my email. Staff has failed to do even the most basic investigation, including picking up the phone and calling Elk Grove City Attorney Jon Hobbs, or the Elk Grove Planning Department to ask specific questions about the feasibility of implementing the front

yard rule for cell antenna placement. I recommended that the County adopt as part of your new cell antenna law the front yard rule on June 3 and August 8. ([EGMC 23.94.050 A.6.b.](#))

Staff misunderstands the issue, makes assumptions about how it would work and affect cell and broadband coverage, and brushes off the entire recommendation with one sentence. Staff failed to acknowledge to the Planning Commission, and should acknowledge it today and during the hearing on February 26 at 1:30 p.m., that it has failed to do ANY investigation of the recommendation and that its dismissal of the recommendation was unfounded and premature.

In eight months plus staff failed to pick up the phone once and have a conversation with Elk Grove City Attorney Jon Hobbs. Which I had recommended (page 161). Mr. Hobbs would have gladly told you how the front yard rule is working in Elk Grove. Telecom has applied for and received hundreds of permits since August, 2019. We have more than sufficient cell and broadband coverage by multiple carriers.

Telecom and their army of highly paid attorneys have chosen NOT to sue the City of Elk Grove alleging an effective prohibition or any other violation of the TCA. They negotiated this law for 18 months with the City of Elk Grove. Their choice NOT to sue is their admission and acknowledgment that the front yard rule works; that they are able to obtain enough permits for enough cell antennas to provide plenty of coverage; and that the City really does have the local zoning authority to adopt and implement the front yard rule. You do too.

Mr. Hobbs would have been glad at any time to confirm his entire phone conversation with you in writing. He would have been glad to answer your questions in writing - as long as you did not ask him for legal advice. He would have gladly told you about the experience of the City of Elk Grove in regulating the permitting and placement of cell antennas.

For 8 months plus staff sat on this recommendation and made zero efforts. Zero efforts to contact Mr. Hobbs or the Elk Grove Planning Department. Staff failed to even tell me that it was going to dismiss my recommendation and the basis for its dismissal. They failed to contact me in response to it. For 8 months plus staff could have told me that.

I would have immediately responded and clarified how and why the front yard rule works. Yes you're supposed to prevent cell antennas in front of most homes, the vast majority of homes. That protects aesthetics. And the coverage still works! We have done this for 6 years (now 6 1/2) in Elk Grove. It works. But staff blew it off, completely failed the Commission and failed the residents. Staff wants you to believe that the front yard rule would not work in Nevada County. Yes it will. If you understand the recommendation and how and why it works here, you will know that.

Staff could have sent me a short email saying exactly what it said on page 12 of the staff report. "In Nevada County, this would prohibit

small cell wireless facilities in a large portion of the public right of way due to the front yard of many parcels being adjacent to the right of way.”

That is a good thing! That's what you want.

Staff obviously believes that you cannot have enough cell antennas and enough broadband coverage in Nevada County if Telecom is prohibited from installing cell antennas in front or residential front yards.

Why not? We do it here in Elk Grove. It works in Elk Grove.

It's the same here in Elk Grove and it works. We have more than adequate cell antennas and cell and broadband coverage. Telecom has not sued the City of Elk Grove over this. What does that tell you? They have accepted it and are working with it no problem.

That's it. That's the point of this email Commissioners. The rest is details, and the details are always necessary.

This issue of the new cell antenna law is a significant policy issue of interest to many of your residents. It will directly affect many thousands of your residents. It will affect the aesthetics of your streets.

You really can have your cake and eat it too.

You really can adopt and implement the front yard rule for cell antenna placement.

We do it in Elk Grove. It works and has worked for 6 years. We are not magical. We are simply exercising our local zoning authority that we always had, and that the Telecommunications Act of 1996 (TCA) generally preserved. (47 U.S.C. 332(c)(7)(A))

The vast majority of residential front yards have a city owned light pole in front of them.

Staff's responsibility, upon receiving a public comment, seems to include these things. Correct me if I am wrong.

#1 Promptly distribute the public comment via email, assuming it was received by email, to the Planning Commissioners.

#2 Soon, but not necessarily right away, study the recommendations and comments made and investigate them to gather sufficient information to properly and fully address them.

#3 Acknowledge and address each recommendation in the staff report. If staff believes that a certain recommendation would be

either illegal or impractical then it should say so and state the basis for that conclusion. Conclusory statements beg the question of "Why not?!" Conclusory statements without supporting evidence and argument are simply a brush off. They are an improper way to run any government at any level.

The staff report for PLN25-0097; ORD25-2 shows that staff has failed badly in at least items #2 and #3.

I am referring to my public comment letters of June 3 and 4 and August 8, 2025. These are found in the [staff report, Attachment 4](#), on pages 63 - 72, 148 - 154, and 156 - 165 respectively.

<https://nevadacountyca.gov/DocumentCenter/View/61408/Communication-Tower-and-Facilities-Ordinance-Update-2025-Staff-Report-PLN25-0097-ORD25-2-PDF>

When staff blows off a recommendation, especially one that is already in place and has been in place for 6 years, and by that I mean dismisses it without adequate investigation and consideration, they let you down. They fail the Commission. They also let down and fail the residents.

This is exactly what happened with my recommendation of the front yard rule for cell antenna placement that we have in the City of Elk Grove, California.

Staff dismissed this recommendation with a one line brush off that clearly shows a lack of understanding of how and why the front yard rule works and is supposed to work.

I specifically recommended that the County should contact Elk Grove City Attorney Jon Hobbs and ask him. See page 161 of the staff report, in my August 8, 2025 email letter.

I will copy and paste what I wrote there into the P.S. of this message.

In my August 8, 2025 email, found in the staff report in Attachment 4, pages 156 - 165, I showed you the front yard rule in context, the ordinance that adopted it as part of our new cell antenna law, I showed it to you in the Elk Grove Municipal Code, and I explained that it works here, has worked here for 6 years, we have plenty of cell antenna permits and cell antennas, we have multiple carriers with more than adequate cell and broadband coverage, and Telecom has not sued the City of Elk Grove over this. They could have and would have if they thought our front yard rule or any part of our cell phone law was a violation of their rights per TCA.

But staff didn't tell you any of this, did they? No they blew it off completely. This is a big failure by staff and I am asking you, Commissioners, to correct it in time for the February 26 meeting.

You deserve better.

The residents deserve better.

My request

The way to correct it is to table the entire agenda item, direct staff to do a full investigation of the feasibility of the front yard rule as adopted and implemented in Elk Grove, to obtain if possible a written statement from Elk Grove on how it is working, the approximate number of homes that have a City owned light pole adjacent to the front yard, the number of permit applications received and permits issued (if you want to know) since the City adopted our cell antenna law in 2019, the fact that multiple carriers have more than adequate cell and broadband coverage in Elk Grove, the fact that Telecom has NOT sued the City of Elk Grove over it and has not even complained or alleged to the City that the front yard rule is unlawful.

That's the way to do it.

On the other hand, upon contacting Elk Grove City Attorney Jon Hobbs and the Planning Department, if you learn that the front yard rule has been a failure, that Telecom is unable to obtain any permits, that they have complained to the City about the front yard rule being unlawful or they have sued the City in federal court, fine. Then you will have your answer. If that happens you will have a factual basis for dismissing my recommendation.

That will never happen. Period. But you owe it to yourselves and to your residents to ask.

Feel free to ask me any questions.

Thank you and best wishes,

Mark Graham

Keep Cell Antennas Away
A local residents' advocacy group
www.KeepCellAntennasAway.org

P.S. Except from my August 8, 2025 email, found in the staff report, Attachment 4, page 161.

Contact Elk Grove City Attorney Jonathan Hobbs If you have any doubts about the factual and legal basis for the front yard rule for cell antenna placement or you want to know how it has actually worked for the last 6 years City Attorney Jonathan Hobbs is the person you should call. County staff can call and speak with Elk Grove City Attorney Jonathan Hobbs. Although he is not the County's attorney I assume that even Nevada County elected officials can speak with him about telecommunications law. I am sure you and he know all the

requirements and prohibitions and whether they allow him and you to actually talk. But for sure your staff can talk with him. Mr. Hobbs wrote the City of Elk Grove's cell antenna policy and in particular the "Front Yard Rule" which is in the Elk Grove Municipal Code.

https://www.elkgrovecity.org/city_hall/departments_divisions/city_attorney

In the nearly 6 years that this has been the law in Elk Grove, telecommunications companies (Telecom) have applied for and received hundreds of permits for cell antennas. They have not sued the City over the front yard rule for cell antenna placement. Federal law gives them the right to sue a state or local government that creates and "effective prohibition" of their cell antenna services.

Northern Sierra Air Quality Management District
380 Sierra College Drive, Suite 220
Grass Valley, CA 95945
(530) 274-9360
office@myairdistrict.com



NSAQMD – Planning Dept.

February 26, 2026

To: Nevada County Associate Planner, David Nicholas

Cell Tower Ordinance Update

In light of the land use entitlement exemption for standby emergency generators, the Northern Sierra Air Quality Management District would like to ask for cooperation and coordination between the Building Permit department and the air district. Currently the air district receives notice of generator installations through the land entitlement process. If these projects skip this process, the air district may not hear about these installations. If there is some way to facilitate communication between building permit applicants and the air district, please let us know. We are willing to provide flyers, application forms or other media to help spread the word.

Thank you for your cooperation with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Julie D. Hunter".

Julie Hunter
Air Pollution Control Officer

Submitted by Suzie Tarnay APCS I / NSAQMD – (530) 274-9360 x505

From: [Todd Krein](#)
To: [David Nicholas](#)
Subject: Cell Tower Ordinance Update
Date: Friday, March 6, 2026 1:26:28 PM

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To the Commission:

I've read through the submission from "Nevada County for Safe Tech," and I have serious concerns about both the value of the recommendation and intended / unintended consequences of adopting this proposal.

My background includes more than four decades of professional engineering work in electrical, computer, and telecom, including FCC and safety approvals for consumer devices and adaptation of commercial products to comply with the NFPA 72 fire code and the NEC. My personal and professional opinions are mine alone and do not reflect the views, should there be any, of my employer.

It is unclear to me that this voluminous submission provides any real new safeguards, meaningful clarifications, or provides any significant benefits whatsoever. Repeated requests to the document's supporters has resulted in zero factual or explanatory responses. On the other hand, it raises significant concerns for me that the proponents have also failed to address.

Amongst my well-considered concerns:

1. The document is massive and is provided with out any supporting documentation justifying the individual changes a/o recommendations. Given the vital nature of telecommunications infrastructure in Nevada County, any changes must be carefully analyzed and understood to avoid to ensure they are truly beneficial and outweigh any adverse impacts. Since no justification for these changes is provided, I am concerned that the Commissions limited resources could be better spent elsewhere.
2. There is no clear definition of the issues, problems, a/o risks that are being

addressed by this document. There are vague statements about “clarifying and re-aligning” definitions but no explanation as to what possible benefit this might provide. Change for change’s sake and needless word-smithing provides little benefit and greatly increases the chances of negative (even if unintentional) outcomes.

3. The document changes multiple definitions with respect to things like “Antenna” with out a single engineering justification. While the general public may feel they understand what an “antenna” is, any regulation of technology requires a rigorous and specific definition to ensure that the physical properties, the intended use-cases, and the measurement and characterization of the devices is appropriate. For example, strung wire, towers, and transmission dishes have significantly different radiation patterns that make them appropriate for significantly different uses. Redefining “antenna” to cover all three is irresponsible.
4. Much of the document reiterates but rewords existing code, jurisdiction, regulatory requirements, etc. In my experience, reiteration provides no new benefit but instead makes enforcement and even compliance much more difficult. It requires searching multiple different locations to try and find all relevant legislating (which also makes updating such scattered legislation difficult), and additional work and interpretation to ensure consistency between them. For example, stating that the Fire Marshal has jurisdiction over cell towers adds no value to the legislation whatsoever, as the Fire Marshal is already the AHJ by state law. Any anomalous language can only make the situation worse. Likewise, stating that the providers must follow FCC regulations adds nothing of value. Including new reporting requirements without explaining what is lacking in the current requirements simply increases the work load of the service providers without providing any benefit.
5. Despite claims of improved clarity and definition, the document requires that any new installations demonstrate a “significant gap” in coverage, and yet that phrase is never defined or characterized. Any serious legislation would define the actual measured signal levels, signal-to-noise ratios, error rates, etc. to provide an objective metric, and provide justification for the characteristics themselves. The vague wording simply provides a purely subjective means of opposing new installations. The document never provides any justification for this requirement, no data on the size, location, or significance of existing “gaps,” no expectation of the burden imposed by this requirement (cost to consumers, cost to providers, changes to service levels). In fact, no objective data is supplied by this document at all.
6. New requirements on siting are provided, but no data on the impact is

- provided. For example, no sites may be created within view of a public trail. More than half of Cement Hill, where I live, is in view of public trails, so this legislation ensures that I will never have adequate cell coverage. Given the sunset of copper lines across the country, this means I will never have access to reasonable telecommunications, which impacts my quality of life, my ability to remain employed, and my safety related to 911 or fire response.
7. There are new siting requirements, stand-offs, and set-backs provided without any justification, other than a vague statement about “safety.” No supporting evidence has been provided of an existing safety issue, much less how these new, seemingly arbitrary, changes would improve it. Rather it limits even what I can do on my own property even if it was undetectable to anyone else.

I could go on and on, as long as you'd like or are willing to put up with listening to me.

I urge you to require that the proponents of this legislation provide documentation, justification, and peer-reviewed scientific data before spending any significant time on this misguided proposal.

Best Regards,
Todd Krein



Planning Department
950 Maidu Ave., Suite 170
Nevada City, CA. 95959.

31 March, 2025

To: Brian Foss, Planning Director
Re: Nevada County Communication Tower Ordinance Update

My comments address the County's Power Point presentation of parcels that have been deemed suitable for telecom towers at various setbacks ranging from 250' to 1000'. This is portrayed on slides 16, 17, and 18 for Southern Nevada County where I live. What I see is that more than 50 parcels on Slide 18 are suitable by size and geometry to have adequate space for a 1000' setback from all adjacent property boundaries.

With more than fifty qualifying parcels, the number far exceeds what is needed for new cell towers to provide adequate coverage in this area.

The County has concluded as a result of its analysis that there are relatively few parcels available for cell tower siting. However, this judgement should be reconsidered. It may be true for some areas but certainly is not true for others like South County. The inaccurate impression that there is a limited supply of suitable sites will justify selecting smaller, less protective setbacks. The largest setbacks achievable can protect property values and visual quality.

Maximum sized setbacks should be delineated on the South County map where many parcels have more than sufficient land to accommodate a new cell tower with a setback of 1000' from adjacent parcels.

Thank you for the opportunity to comment.

Respectfully submitted by:


Cindy Sage
Sage Associates

"Public notice is the bedrock of due process, community engagement, and government accountability.

Imagine waking up to find a cell tower being installed across the street from your home—with no prior warning, no input, and no chance to object. That's not just undemocratic—it's unacceptable.

Requiring robust public notice ensures that residents are informed well in advance of any proposed wireless facility. It gives people time to ask questions, to voice concerns, and to present evidence.

Notice must include door-to-door flyers, signage at the proposed site, and notices in local newspapers and online platforms. And it must be provided to neighbors—not just within 300 feet, but at a meaningful distance that reflects the far-reaching impacts of these installations.

"Even a 1000 feet may not suffice to include property owners in the same vicinity who happen to be a little farther away but will still be impacted."

Transparent, timely notice is a cornerstone of good governance—and a non-negotiable element of any legitimate wireless ordinance."

RE: Cell Tower Ordinance Public Input

Dear [Board of Supervisors / Nevada County Planning Department],

Thank you for the opportunity to participate in this meeting and provide input for improving our community. As a resident of Nevada County District 1, I respectfully request that the Nevada County Planning Department and Board of Supervisors consider adopting the following policies to protect residents and ensure that safe and responsible cell tower installations are deployed throughout the county. Many cities and counties in California and across the country have already adopted similar measures, and we urge Nevada County to follow suit in order to prioritize the health and safety of its constituents.

Installation Setbacks:

- No wireless antenna or facility should be located within **3,000 feet** of schools, daycares, or hospitals.
- No wireless antenna or facility should be located within **1,500 feet** of residential homes (measured from the facility itself, not property lines).
- No wireless antenna or facility should be located within **1.5 times the height of the tower** to property lines.

Fall Zone:

- The **fall zone radius setback** should be **1.5 times the height of the tower** from any structure or road.

Exemplary Radiofrequency Radiation (RF) Testing Requirements:

- **Pre-installation RF analysis** conducted by a state-licensed/registered RF engineer to determine the maximum power density of the proposed wireless facility at full buildout.
- **Pre-installation report** estimating cumulative electromagnetic radiation levels and the levels surrounding the proposed site.
- **Post-installation RF emissions testing** to demonstrate compliance with FCC radiation emissions guidelines. During testing, the facility must operate at maximum power.
- **Post-installation RF report** (submitted within five days of transmission beginning).

- **Annual RF testing** after construction to ensure that radiation emissions, from the approved facility operating alone or in combination with other approved facilities, remain within FCC limits. The first follow-up test should occur one month post-construction and every year thereafter.

Pre-Notification Requirements:

- **Mailed pre-notification** to all residents within 1,500 feet of the proposed facility, including a notice of the public hearing.
- The **applicant must post notice** on the proposed site, advising the public of the public hearing.
- Notices must be posted on-site at a height no more than five feet off the ground for the entire duration that the application is pending a decision.

Fire Clearance:

- Wireless towers or facilities should maintain a **1.5x the height of the tower** in vegetation clearance to prevent fire risks.

Permit Processing:

- **No administrative permits** should be issued for any new tower, regardless of height.
- The **Zoning Department**, not the Planning Commission, should be responsible for the hearing and approval process for any new tower applications.

Maps:

- The maps presented by the county currently do not accurately reflect setback distances. We would appreciate guidance on how to modify these maps to properly represent different types of setbacks.
- For example, a 150-acre parcel is shown with only 5-10 acres being viable for a cell tower with a 1,000-foot setback. Since an acre is a square unit of measurement, this does not reflect the necessary linear distance. For a 1,000-foot setback, a parcel should be at least **4 acres** in size to be considered viable.

Thank you again for considering these requests. I look forward to your thoughtful review and to seeing the implementation of policies that protect the people of Nevada County while promoting responsible development.

Sincerely,
Derek Ramirez
Resident of District 1, Nevada County

From: [Jessica Pittaway](#)
To: davidnicholas@nevadacountyca.gov
Cc: [Lisa Swarthout](#); [Planning](#)
Subject: Input on Nevada County Communication Tower Ordinance
Date: Thursday, April 10, 2025 4:32:46 PM

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Hello David Nicholas,

Thank you for the excellent presentation at our public meeting on Monday, April 7th. I attended via YouTube, and the meeting provided a wealth of great information. It was encouraging to learn that many community members attended and shared their valuable perspectives.

Unfortunately, I was unable to attend due to illness, and with no public call-in option available, I wanted to reach out now to share my thoughts.

As the county begins rewriting the ordinance for communication towers, including Verizon towers, I'd like to offer some input based on my experience as part of a group of local citizens who successfully stopped a tower from being built dangerously close to the backyards of multiple residents. The proximity of that tower to homes raised significant concerns, and I believe the following points are critical to consider for the new ordinance:

- **Smart and Safe Tower Placement:** We must prioritize tower placement that protects homeowners' property values. It's well-documented that communication towers can decrease property values, and they also pose risks such as catching fire or collapsing. Towers need to be located far enough from homes, schools, businesses, and other structures to mitigate these dangers.
- **Setbacks from Structures, Not Just Property Lines:** Rather than relying solely on property line setbacks—which could still allow a tower to be placed too close to a home on an adjacent property—I suggest establishing setback distances from all existing structures. This would better ensure safety and protect residents, regardless of property boundaries.
- **Tiered Setbacks Based on Parcel Size:** The current proposal of a one-size-fits-all setback from property lines doesn't account for differences in parcel sizes. I propose varying setback requirements depending on parcel size: larger parcels, where towers can be placed farther from neighbors, should have more flexible regulations, while smaller parcels near homes should face stricter limits. This approach seems reasonable and practical.

- **No Circumvention of the Planning Commission for Towers Under 100 Feet:** I strongly recommend that all communication towers, even those under 100 feet, go through a full Planning Commission evaluation. A 100-foot tower is still significant and can negatively impact property values and safety if poorly placed near homes, schools, or businesses. Robust oversight is essential!
- **Enhanced Public Notification and Input:** I support expanding notification requirements to include as many affected neighbors as possible when a permit application is submitted. The process should also allow for more public comment and review. Too often, towers are erected with little to no notice to adjacent property owners who may be impacted, and this needs to change.

Respecting Community Concerns: While I understand federal law limits our ability to regulate towers based on health effects, I urge county staff to remain sensitive to residents who are researching and concerned about potential health risks. Their voices deserve consideration, even if we can't legally act on that factor alone.

Above all, I want to emphasize the need for safe, well-thought-out, and well-regulated placement of communication towers in Nevada County. Fire hazards, collapse risks, and property value impacts must guide our decisions to ensure the best outcomes for our community.

Thank you for your time and attention to these ideas. I'd be happy to discuss them further or provide additional input as the ordinance takes shape. I am also looking forward to the next public meeting!

Jessica Pittaway
Grass Valley District 3
530 802 6436

From: johannafinney
To: [bdofsupervisors](#); [BOS Public Comment](#); [Heidi Hall](#); [Robb Tucker](#); [Lisa Swarthout](#); [Sue Hoek](#); [Hardy Bullock](#)
Cc: [Planning](#)
Subject: Letter to the Board of Supervisors re: Agenda Item SR 25-100 on 1/23/25 of the BOS workshop
Date: Friday, January 17, 2025 3:04:01 PM

Some people who received this message don't often get email from johannafinney@protonmail.com. [Learn why this is important](#)

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Dear Supervisors,

Thank you for updating the [Nevada County Communication Towers and Facilities Code](#).

A safe wireless ordinance is a crucial regulatory framework that should be designed to balance the rapid advancement of wireless technology with public health, safety, and aesthetic considerations.

Key elements of a safe wireless ordinance typically include:

- stringent health and safety standards to mitigate any effects of electromagnetic radiation, and mindful that no cell tower should be placed in a location where there is only one route of egress. Cell tower fires are electrical fires, and they cannot be extinguished through conventional means: the power has to be cut first, which can take up to 60 minutes.
- clear guidelines for the siting and installation of wireless facilities to preserve community aesthetics,
- detailed permitting procedures, including timelines and fees, to streamline the deployment of wireless infrastructure while maintaining local oversight,
- and **robust public participation** processes to ensure that community concerns and feedback are adequately addressed.

Understanding that the public is not allowed to see the draft ordinance at this time, nor currently participate in a collaborative effort in its update, I offer these suggestions and examples of intelligent and legally compliant ordinances. Each municipality is highlighted with a corresponding link to the ordinance. I would also ask please that a community workshop be held by the Planning Department to open discussion on best practices and policies for this ordinance.

Ordinances Aimed at Lawfully Retaining Local Control

[\(Shelburne, MA & Encinitas, CA\):](#)

Key Features:

- Strong purpose statement
- Great installation setbacks
- Fantastic pre-notification requirements
- Extensive radio-frequency radiation testing protocol(s)
- Comprehensive design standards
- Thorough administrative review process
- Encinitas, CA's ordinance also includes critical fire safety protocols.

Top Examples of Strong Installation Setbacks

- No wireless antennas within 3,000 feet of schools ([Shelburne, MA](#)); 1,500 feet of homes ([Copake, NY](#); [Sallisaw, OK](#))
- No wireless telecommunications facilities within 1,000 feet of schools ([Calabasas, CA](#))
- A New Hampshire Commission's November 2020 [expert report](#) recommends that setbacks for all new cell towers should be 500 meters (or **1,640 feet**).
- **Fall Zones.** The fall zone is the height of the tower plus 20%. If the cell tower falls over because it was structurally unsound, no person should be at risk. This is a request for setback based on safety. **(This would require that the Nevada County Rural Zone code of 30 feet setback be changed to reflect this safety measure).**

California Ordinances with Exemplary Radiofrequency Radiation (RF) Testing Requirements

[Davis, CA:](#)

- Pre-installation RF analysis conducted by state-licensed/registered RF engineer to determine maximum power density of proposed wireless facility at full buildout.
- Pre-installation report estimating cumulative electromagnetic radiation levels and levels surrounding the proposed installation site.
- Post-installation RF report (must be submitted within five days after transmission begins).

[Fairfax, CA](#)

- RF testing must be conducted one month post-construction and every year thereafter to verify that actual levels of radiation being emitted by approved facilities, operating alone and in combination with other approved facilities, conform to current FCC radiation emissions limits.

[Suisun City, CA:](#)

- Telecom permittee must conduct post-installation RF emissions testing to demonstrate actual compliance with FCC radiation emissions guidelines.
- During testing, the facility must be operating at maximum power.

Another Great Ordinance for RF Testing - [Dalton Gardens, ID:](#)

- If the City has reason to believe that a facility is exceeding allowable FCC radiation emissions limits, then a hearing shall be scheduled before the Planning and Zoning Commission where the owner of the facility and/or facility operator shall be required to show cause why permits issued by City shouldn't be revoked and why no fine should be imposed.

Strong Pre-Notification Requirements

Scarsdale, NY

- Mailed pre-notification to residents within 1,000 feet of a proposed installation site.
- Notice must be posted at the proposed installation site no more than five feet off the ground for the entire duration that the application is pending a decision.

Calabasas, CA

- Mailed pre-notification to all residents within 1,500 feet of proposed facility & public hearing.
- Provide a clear and reasonable timeframe for public comment and include provisions for public hearings, allowing residents to express concerns and ask questions.

Keep Conditional Use Permits for Facilities Under 100 ft.

There is major concern in moving towers/telecommunications facilities under 100 feet from a CUP process to the proposed administrative permit process.

Main concerns:

- 1) Administrative permitting processes usually disallow public noticing, hearings and comments.

Many in the county who oppose the proliferation of 100+ foot cell towers in their residential communities at least have the ability to comment in the limited public meeting space. It's unacceptable that this right would be taken away for a 99-foot tower. Please do not allow this to happen.

- 2) In updating the ordinance to address changes in technology, it will very likely propose that **small cell antenna installations** go under an administrative process with applications submitted in batches for approval. Small cells are low-powered cellular radio access nodes typically under 50 feet in height that are deployed in populated urban areas in the Public-Right-Of-Way (PROW), not on private lands or on cell towers.

Small cell wireless facilities are primarily installed within public rights-of-way and as such have the likelihood to create significant and far-reaching local concerns in traffic and pedestrian safety, aesthetics, protection and preservation of public property, and the health, safety and welfare of the general public.

Installation of small cell and other wireless telecommunications facilities within the public right-of-way can pose a threat to public health, safety and welfare, including:

- disturbance to the right-of-way through the installation and maintenance of wireless facilities;
- loss of public trail use, traffic and pedestrian safety hazards due to the unsafe location of wireless facilities;
- impacts to trees where proximity conflicts may require unnecessary trimming of branches or require removal of roots due to related undergrounding of equipment or connection lines;
- land use conflicts and incompatibilities including excessive height of poles and towers;
- creation of visual and aesthetic blights and potential safety concerns arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators;
- the creation of unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalizing on collocation opportunities which may negatively impact the unique quality, historic nature and character of Nevada County.

Administrative processing is so limited in time and scope that, if chosen for small cells in public easements, or towers under 100 feet, it might essentially abdicate oversight of:

- site visits for aesthetic evaluations which will vary according to that specific location;
- determination of least intrusive site options,
- interference with other existing or foreseeable City needs for public right- of-way uses;
- coordination with public works on encroachment permits, etc.)

Administrative processing will restrict staff review and public interface. Please do not allow this to happen.

Thank you.

Sincerely,
Johanna Finney
Nevada City, CA
District 5

From: [Mark Graham](#)
To: [David Nicholas](#)
Subject: RE: Comments on Nevada County Public Meeting - Revamping Cell Tower Ordinance
Date: Wednesday, June 4, 2025 4:49:07 PM
Attachments: [image001.png](#)
[image002.png](#)

You don't often get email from mark@keepcellantennasawayfromoureelkgrovehomes.org. [Learn why this is important](#)

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June 4, 2025

David,

Regarding the authenticity of the carriers' coverage maps I return to what I said earlier.

"Please beware that the carriers routinely lie about their coverage maps. They present these to you as if they are fact, and accurate. These are created on a computer, obviously, and you as the County officials (Commissioners, Supervisors, and staff) have NO IDEA what inputs they used in their computer model to generate these coverage maps.

What are the assumptions built into the model? What data did they use as input? What cell antenna equipment is the model based on? If the equipment is adjustable, in terms of its power output, does the model assume that the equipment is adjusted to the highest output setting, the lowest, or somewhere in between? Or to the setting that they actually intend to use?

For purpose of persuading the County they may create a coverage map based on the assumption that their cell antenna is adjusted to the middle or low end of the output power, and as soon as they get the permit and install it they re-adjust the equipment to the highest output power, which gives a lot larger coverage and effective range. You will have NO WAY of knowing this unless you ask them directly."

I think that the signed attestation by a licensed engineer should also state the manufacturer and model number of the antennas producing the RF emissions being modeled, the settings on the antennas used in the model (these are among the input data) and the settings that the carrier intends to actually use in its operation of the antenna if the County issues the permit. If there is a discrepancy between the settings used in the model to create the coverage maps and the settings intended to actually be used the engineer shall explain such discrepancy. Settings shall include, without limitation, input power, output power, and all other settings that affect the coverage or signal strength.

Will you add that too?

Thank you and best wishes,

Mark Graham

Keep Cell Antennas Away

Sent from my hard wired computer

On Wednesday, June 4th, 2025 at 10:04 AM, David Nicholas
<David.Nicholas@nevadacountyca.gov> wrote:

Mark,

The draft ordinance proposes setbacks equivalent to 150% of the height of the tower, which is more restrictive than the setbacks in the current ordinance. This requirement is not based on radio frequency emissions.

Yes, TCA does not regulate aesthetics. The current ordinance does and the proposed revisions clarifies this and makes it more stringent in some ways and more flexible in others.

We originally wanted to make the ordinance hold communication facilities to a higher standard, but make the process a bit easier. After the workshop, the draft was written to still require Use Permits for cell towers below 100 feet. Small cell sites are still included as exempt in the draft.

We'll see how the final draft turns out. I added you to the notice list.

This is a good idea:

Also, for purposes of authentication the County should insist that each coverage map presented must be signed by a licensed engineer, attesting that he is familiar with the model used, that it is an appropriate model for the purpose and that the input data used to create the coverage maps was appropriate.

I added it to the draft Ordinance

Environmental Health operating permit. This permit must be applied for prior to the final of the construction permit.

- D. Application Requirements. All land use applications for new communication towers shall include the following information **in addition to the requirements of the County applications:**
1. **Detailed information to justify the need for the proposed tower site, i.e., search ring, the desired service area, technical reasons for the proposed tower height and specific site selection standards.** Improvement to network. Provide a vicinity map of the geographic service area for the proposed facility, including the service area of all existing sites, (including the applicant's and other companies) in the local service network. Describe the coverage or capacity demand that the facility is meant to address, the specific site selection standards, and the technical reason for the proposed tower height. **Each coverage map presented must be signed by a licensed engineer, attesting that they are familiar with the coverage model used, that it is an appropriate coverage model for the purpose and that the input data used to create the coverage maps was appropriate.**
 2. Submit a list of existing towers within the desired service range, information regarding co-location opportunities and evidence of negotiation for co- location on existing towers where such opportunities exist.
 3. If the proposed tower is part of a system providing multiple facilities provide a plan

Best regards,

David Nicholas

Associate Planner



950 Maidu Ave. Suite 170

PO Box 599002, Nevada City, CA 95959-7902

Main 530.265.1222 Direct 530.265.1257

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From: Mark Graham <Mark@keepcellantennasaway.org>

Sent: Tuesday, June 3, 2025 12:20 PM

To: david.nicholas@nevadacountyca.gov

Subject: Comments on Nevada County Public Meeting - Revamping Cell Tower Ordinance

June 3, 2025

Dear Mr. Nicholas,

I am watching the video of the County's public meeting on March 31, 2025 on Nevada County Public Meeting - Revamping Cell Tower Ordinance.

<https://www.youtube.com/watch?v=s3EfpEzbn3s>

I would like to be notified about updates to the cell tower ordinance. I assume by tower you also mean cell antenna, but this may become more clear in the video.

You did mention that the county was considering regulating and providing for the permitting of "small cell" or "small wireless facilities". These should NOT be exempt! These should be regulated to accomplish the objectives of the residents and the County.

This message, including the attached file, contains my comments on the subject. I may have more comments. I would appreciate a substantive response, if you are able to give one. Or at least your acknowledgement that you received this.

Please include this message in the file or docket for this issue. Please distribute it to the decision makers as soon as possible. Please consider what I am saying here as you write your draft cell tower ordinance. You could easily incorporate what I am about to recommend into the draft. Much better than waiting until after you have issued a draft that does not include these recommendations.

The County can keep cell towers and antennas away from residential front yards

Early in your presentation you said that, according to the federal Telecommunications Act of 1996 (TCA) the County cannot regulate the placement of cell towers on the basis of the environmental effects of the radio frequency emissions alone as long as the equipment complies with the FCC guideline (I think you called it a standard) for such emissions. On that basis alone, you said. That is true.

But what the County must understand is that it the TCA preserves local zoning authority, that the County does have the power to regulate placement to prevent undesirable aesthetic effects or impacts, and that the TCA does not define aesthetics. (47 U.S.C. § 332(c)(7)(A))

It is up to the County to consider what aesthetics and aesthetic effects or impacts are and, if it so chooses, to regulate placement accordingly. If you write your ordinance based on this and you cover all the other bases such as an appeals process for the telecommunications company (Telecom) that applies for a permit and the County denies the application, then you will effectively regulate such placement.

The City of Elk Grove has a front yard rule for cell antenna placement. Any city or county can do this.

Look no farther than the City of Elk Grove, California. I live in Elk Grove and in 2018 - 2019 I led the grassroots campaign here to cause the City to do its best, by exercising its zoning authority, to keep cell antennas away from our Elk Grove homes. Over 200 people contacted the City opposing the AT&T application for a cell antenna ordinance. The end result was that the City, among other things, regulated placement of cell antennas on the basis of aesthetics, as I have described here.

The City Council approved an ordinance 19-2019 which contained what I call the front yard rule for cell antenna placement. This is intended to prevent the irresponsible placement of cell antennas. Sticking a cell antenna near a home is irresponsible. My estimate is that the front yard rule for cell antenna placement has protected 90% of Elk Grove homes from having a cell antenna right in front. The benefits to residents and the environment are both aesthetic and health. This is an effective way for the City or any city or county to exercise its zoning authority, consistent with the TCA, to achieve its objectives.

In February, 2022 I prepared a document on the City of Elk Grove's cell antenna ordinance, which the City Council adopted in August, 2019. I have updated the document this morning I am sending it as an attachment to this email. Please distribute it along with this email when you distribute this email to the decision makers and staff.

Comments by residents at this meeting

I agree with what Cindy Sage said at about 48:00 in the video, that small cells are not small. Taken together, the so called 5G cell antenna project is huge. There should be full permits, not only administrative permits - which bypass the residents and allow for no resident input.

I also agree with Johanna Finney's comments at about 51:40 about procedural rights vs. administrative approvals. Procedural rights guarantee community members can participate in the decision making process. The latter allow wireless permits to be rubber stamped behind closed doors sometimes and sometimes by a single staff member. When decisions are made administratively the public is left out entirely. No hearing, no notice, no transparency. That's unacceptable when it comes to this subject. A tower 99' and below must still have a conditional use permit so that we can enjoy that public process.

I would say the same applies to so called small cells or small wireless communication facilities. I agree with what Ms. Finney said at about 54:00 that in her experience at dozens of meetings in Oakland before the Planning Commission and the Hearing Board. She said that the officials were in way over their head. They did not understand the terminology or what was being proposed.

We know that municipal telecommunications policy is complicated. It includes technology, law, health, science, and multiple policy options, some of which you may not be aware of. There are many ways to provide for the permitting of cell towers or antennas. There is a lot to learn. This is not an issue that the Planning Commission or Board of Supervisors normally works on. You may not be familiar with the subject, through no fault of your own.

You can learn a LOT from your residents. They are often very well informed. Your residents will tell you very different information than Telecom will tell you. Your residents don't have a financial interest in more cell towers, more sales, more cell phones and more profits. They want what is best for the County and the residents. They are often better educated and are usually MUCH more objective and honest than the companies selling cell phone service. Telecom has an agenda and are not known for their objectivity or truthfulness when making their proposals, their sales of proposed new laws, to a County.

I have comments about coverage maps and the range of a 5G cell antenna. I will put it in the P.S.

As some of your residents mentioned telecom is predatory, billion dollar

corporations that use every dirty trick in the book.

I agree with what Reinetta Senum, former 2 time Mayor of Nevada City, said at about 56:30, that a cell tower ordinance is highly technical and like Greek to many. Decision makers need to understand what is being proposed.

The federal government has not updated its EMF (electromagnetic field) regulation since 1996

As Mayor Senum said the federal government has failed to update the EMF exposure regulations in decades.

Recently (2019) the Federal Communications Commission (FCC) ordered after receiving thousands of pages of evidence and studies on EMF health effects during a long public comment period, that there was insufficient basis for changing the maximum permissible exposure guidelines which FCC had issued in 1996.

Environmental Health Trust and Children's Health Defense sued the FCC over this order. The Court of Appeals found that FCC's order had been arbitrary and capricious, that FCC had violated the Administrative Procedures Act, and that it had disregarded the 11,000 pages of evidence presented to it - other than the evidence on cancer impacts. The Court remanded the matter back to the FCC. Nearly 4 years later the FCC has not done anything on this issue.

See *Environmental Health Trust, et al. v. FCC & USA*, U.S. Court of Appeals for the District of Columbia Circuit, No. 20-1025, Consolidated with 20-1138.

<https://www.fcc.gov/document/dc-circuit-decision-environmental-health-trust-v-fcc>

<https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

As Mayor Senum said the County cannot regulate the placement of cell antennas or towers on the basis of the environmental effects but there are significant adverse health impacts to EMF. The County should know that it can regulate placement on the basis of what the County considers aesthetic impacts. As the City of Elk Grove has done since 2019.

Thank you for your consideration.

Mark Graham

Keep Cell Antennas Away
A local residents' advocacy group

www.KeepCellAntennasAway.org

P.S. Coverage maps and the range of a 5G cell antenna

Coverage maps are not worth the paper they are written on unless authenticated

At about 19:40 in the meeting video David Nicholas said in his presentation that the range of a cell tower in the mid band, which is data, is only ½ to 1.5 miles. He showed a coverage map, figure 8, on the right and another one, figure 5, on the left, showing the low band, which is voice.

Please beware that the carriers routinely lie about their coverage maps. They present these to you as if they are fact, and accurate. These are created on a computer, obviously, and you as the County officials (Commissioners, Supervisors, and staff) have NO IDEA what inputs they used in their computer model to generate these coverage maps.

What are the assumptions built into the model? What data did they use as input? What cell antenna equipment is the model based on? If the equipment is adjustable, in terms of its power output, does the model assume that the equipment is adjusted to the highest output setting, the lowest, or somewhere in between? Or to the setting that they actually intend to use?

For purpose of persuading the County they may create a coverage map based on the assumption that their cell antenna is adjusted to the middle or low end of the output power, and as soon as they get the permit and install it they re-adjust the equipment to the highest output power, which gives a lot larger coverage and effective range. You will have NO WAY of knowing this unless you ask them directly.

Also, for purposes of authentication the County should insist that each coverage map presented must be signed by a licensed engineer, attesting that he is familiar with the model used, that it is an appropriate model for the purpose and that the input data used to create the coverage maps was appropriate.

Otherwise it's not authenticated and basically it is sales. It's a sales tool to sell the County on the purported need for more cell antennas and cell towers. It's no more scientific or reliable than a car dealer (new or used) telling you what you want to

hear to sell you a car. Except that new cars actually come with a warranty.

The range of a 5G cell antenna is at least 2,000'

Also, when it comes to the permitting and placement of cell antennas in the cities, in residential neighborhoods, remember that David Nicholas said the equipment modeled in figures 5 and 8 of the staff presentation, again at about 19:40 in the video, had a range of 1.5 to 2.5 miles and 0.5 to 1.5 miles, respectively. Also compare that to the statement from around 2019 of Verizon CEO Lowell McAdam who said in a video interview on CNBC that the range of a 5G cell antenna was 2,000' from source to receiver. In other words from the cell antenna to your cell phone. Both the cell antenna and cell phone operate as source and receiver, because the signals of voice, data, etc. go back and forth.

The title of the video is "Verizon CEO On The Future Of 5G CNBC."

<https://www.cnbc.com/video/2018/05/15/verizon-ceo-lowell-mcadam-5g-future.html>

Starting at 5:29 in the video the interviewer asks Mr. McAdam, "Can you get through trees? Can you get through leaves? Can you actually get somewhere were you don't need cell sites ev, you know 25 feet from my house?"

Verizon CEO Lowell McAdam: "Yeah well those were some of what I call the myths of millimeter wave, because no one thought that was good, and by the way we're the only ones that have it now so it's to their advantage to say it's no good."

"When [Verizon] went out in these 11 [5G test] markets, we tested for well over a year, so we could see every part of foliage and every storm that went through. We have now busted the myth that [5G frequencies] have to be line-of-sight — they do not. We busted the myth that foliage will shut [5G] down . . . that does not happen. And the 200 feet from a home? We are now designing the network for over 2,000 feet from transmitter to receiver, which has a huge impact on our capital need going forward. Those myths have disappeared."

(Here it is verbatim.)

5:29 CNBC interviewer, "Can you get through trees? Can you get through leaves? Can you actually get somewhere were you don't need cell sites ev, you know 25 feet from my house?"

5:38 Verizon CEO Lowell McAdam:

"Yeah well those were some of what I call the myths of millimeter wave, because no one thought that was good, and by the way we're the only ones that have it now so it's to their advantage to say it's no good."

“When we went out in these 11 markets, we tested for well over a year so we could see every part of foliage, every storm that went through. We have now busted the myth that it has to be line-of-sight. It does not. We busted the myth that foliage will shut it down. I mean that was back in the days when a pine needle would stop it. That does not happen.

And the 200 feet from a home? We’re now designing the network for over 2,000 feet from transmitter to receiver, which has a huge impact on our capital need going forward.
So those myths have disappeared.”

6:25

<https://youtu.be/31gpCcbklHw?t=315>

That was years ago. 5G cell antenna technology is probably better in terms of having a longer range today.

Date: April 2, 2025

TO: David Nicholas, Planner Associate
Brian Foss, Planning Director
Board of Supervisors



RE: Cellular Tower Ordinance Community Input

FROM: Maureen Graber
Banner Mountain
District 1

RE: Cellular Tower Ordinance Community Input

Thank you for the opportunity to speak before the Community Input Meeting with suggestions to protect our environment, our health, the value of our homes, our vistas and the naturally beautiful area we were initially drawn to. The points that resonated with me throughout this meeting were:

1. Residents are genuinely concerned that Nevada County is not “leading the way” with resident protections against the unplanned and uncoordinated placement of cellular towers by multiple multi-million-dollar telecommunications companies.
2. There appears to be a “well-meaning intent” that cellular towers are addressing “dead zones” while cellular towers are being constructed in areas that already have cellular service available.
3. A resident made a shocking revelation about the micro-plastic debris shed by these 150-foot cellular towers. He brought it multiple “branches” that fell from a cellular tower during high winds and a large bag of plastic pine needle fronds that rain down into his backyard from a nearby cellular tower. This raised the issue that cell tower owners/lessees should be required to provide regular area cleanup services.
4. Available alternatives to cellular towers (underground fiber/cable options) do not appear to be seriously considered or supported by the Nevada County Planning Department or Board of Supervisors.
5. A wildfire risk assessment should consider the risk of a cell tower collapse across an evacuation route during wildfire. Therefore, a “fall radius” should be 1.5 times the tower height. The potential for a cell tower to spark wildfire must also be addressed. The issue of liability was also requested to be explored.
6. The permit process, regardless of tower size, should not be administrative. Residents demand appropriate notification of proposed cell towers.
7. Nevada County is not taking steps to protect consumers by identifying potential cell tower placement areas prior to real estate sales.

8. Nevada County is currently not the “gold standard” of residential protections as compared to:
 - a. [Calabasas](#) – No T-2 within 1000 feet of homes, Robust Notification
 - b. [Contra Costa](#) – No facilities or towers within 300 feet of homes
 - c. [Davis](#) – No facilities or towers within 500 feet of homes, Robust RF monitoring & notification
 - d. [Encinitas](#) – Fire Safety Protocols, Conservative Setbacks, Robust Notification
 - e. [Fairfax](#) – Robust RF testing, Zoning approval required.
 - f. [Petaluma](#) - No “small cell” antennas within 500 feet of homes, Robust environmental protections
 - g. [Suisan City](#) - Robust RF testing
 - h. [West Lake Village](#) – No facilities within 500 feet of homes

It is hoped that Nevada County cares as much about its constituents as these cities and counties do.

9. While the Board may have “Broadband” as a core objective for the county, its members do not have the technical background necessary to make measured and prudent determinations as to the impact of cellular tower technology, and tower placement, for its residents.
10. Those areas within the county that report cellular service “dead zones” may either reside within areas where cellular service companies refuse to provide service (due to a low number of available paying households), have not explored which providers already service their area (this may require a provider change), have not taken advantage of other technologically available options (such as Wi-Fi, signal booster, upgraded cell phone, GMRS, HSM radio, or landline), or are a location that does not have available space for a cellular tower. Let’s get underground fiber to these locations.
11. One resident speaker cited current scientific review that called for a minimum of at least 1600 feet between a cellular tower and a home, daycare center, or school.
12. The heart wrenching testimony of Kristen Phalen is a cautionary tale for all Nevada County residents, a shameful condemnation of greed over the best interest of our community’s children, wildlife, and constituents’ quality of life and real estate investments.
13. I am both confused, and concerned, at the misquote of Section 704 within the power point presentation.

Nevada County slide quote:

“Section 704 of the Telecommunications Act of 1996 states that, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis

of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

This misquote could lead a reader to believe the county has no power to push back on cell tower applications. That is not the case.

Here is the factual excerpt from the Telecommunicators Act of 1996:

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.
(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph: "(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, **nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.**”

True, Section 704 limits the ability of a local government to reject a cellular tower application based solely upon health or environmental safety concerns as long as RFE standards are met. However, it does not limit a local government from rejecting an application based upon area esthetics concerns, the reduction of real estate investment resale valuation, or primary evacuation route concerns.

This is my connectivity experience in Nevada County:

1. I originally had Verizon cellular and had very weak signal. I had to switch to ATT cellular service as the local Banner Mountain tower hosts AT&T.
2. I have access to the "NevCo Fiber" fiber optic network.
3. I have access to a GMRS radio and licensed HAM radio operators.
4. I have access to a set of walkie-talkies "line of sight" equipment.
5. I have access to a vehicle to drive a short distance to obtain cellular service if my local tower fails.
6. I do not have access to a landline as ATT refused to reconnect my home upon purchase.

I believe there are true cell service "dead zones" throughout Nevada County. That is, areas that are not serviced by any cell service provider. That does not necessarily mean a new cell tower is the only connectivity option. I encourage all my fellow citizens to explore the GMRS radio option for emergencies, even if they currently have access to cell service.

The following is the input I provided at the Public Meeting held on March 31, 2025:

Point 1 - Bait and Switch

That is why the Board of Supervisors is subject to neighborhood outcry when a new cellular tower is proposed. Homeownership is the most significant asset in your constituent's investment portfolio. When I purchased my home on Banner Mountain I did my due diligence. I checked area property values, local amenities, social media sites, crime statistics. I drove through the neighborhood, repeatedly, looking for evidence of pride in ownership. I was satisfied that my investment was sound.

Studies confirm that cellular towers negatively impact property values. The National Business Post wrote that cell towers, 5G, and electric substations near homes can drop property values by as much as 20%. And a survey conducted by National Institute of Science Law Public Policy revealed that 94% of people surveyed would not buy or rent a home next to a cell tower.

I realize that the Board of Supervisors has placed Broadband services as one of its core objectives. But to whose benefits and to whose loss? The Telecommunications Act of 1996, Section 704, clearly states "...nothing in the Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service." There is an exception to health or environmental concerns if RFE complies with regulations. However, esthetics and diminished property values are not excepted.

Therefore, in consideration of all constituents, I request the updated cell tower ordinance include:

1. Due to diminished property value and impact on neighborhood esthetics: A new cellular tower cannot be added to a neighborhood that already has a cell tower within a 5-mile radius.
2. New cellular towers must be placed into the near vicinity of those it offers to serve who DO NOT HAVE A CURRENT SERVICE PROVIDER IN THEIR COVERAGE AREA.
3. The Planning Department will assess Broadband service during the new development application process so that potential new cellular towers are identified prior to buyers considering a real estate purchase.
4. New cellular towers erected to serve US Forest Land, or Bureau of Land management land, are placed within those land areas.
5. In the event one landowner elects to negotiate a cell tower on his/her property, without the support of the neighborhood, the lease income must be split 30/70 between the landowner and the neighborhood to address neighborhood impact.

These funds can support a Firewise Community, Neighborhood Watch Community, HOA, or similar neighborhood support organization.

Point 2: Ridgeline Viewpoints and Scenic Views

Nevada County is known for its natural beauty - very different from a cityscape.

Wireless towers and faux trees can dominate the skyline and permanently alter our scenic views. Once a tower goes up on a ridgeline or bluff, the entire vista changes – for residents and visitors alike.

Tourism, quality of life, and rural charm all depend on preserving our visual environment. That’s why scenic protections must be baked into any wireless ordinance.

We should prohibit towers from being placed on ridgelines or in line-of-sight from parks, trails, or public viewpoints. Visual simulations must be required before approval, so we know exactly what we’re getting.

Scenic views aren’t just esthetics – they’re identity. And we have every right to protect them both!

As a resident of District 1, a property tax paying constituent, and a community member volunteer, I ask that the Planning Commission and the Board of Supervisors carefully consider the information provided by its residents at the request of Nevada County. A well vetted ordinance can protect residents, encourage underground service options, and ensure cell towers are located only in true cellular “dead zones.”

Thank you.

From: [Sean Johnson](#)
To: [David Nicholas](#)
Subject: Cell tower detritus
Date: Monday, March 31, 2025 9:31:16 PM

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Hi David,

Thank you for the informative cell tower meeting tonight. I voiced concerns about the plastic litter that the cell towers create. I wanted to follow up with a few pictures that I'd like included in the public record.

Thanks,
Sean



















Sent from my iPhone

From: [Tiffany Ramirez](#)
To: [David Nicholas](#)
Cc: [Heidi Hall](#); sue.Hoek@nevadacountyca.org; [Brian Foss](#); [Robb Tucker](#); [Hardy Bullock](#); [Lisa Swarthout](#)
Subject: Request for Responsible Cell Tower Ordinances and Protections for Nevada County
Date: Monday, April 7, 2025 4:19:11 PM

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Subject: Request for Responsible Cell Tower Ordinances and Protections for Nevada County

Dear Board of Supervisors / Nevada County Planning Department,

Thank you for the opportunity to provide comments on the Cellular Tower Ordinance during the recent Community Input meeting. It is clear that many Nevada County residents have significant concerns regarding the placement and proliferation of cellular towers throughout our community. As a resident of District 1, I am writing to express my concern over the lack of robust protections for residents in the face of growing cell tower installations. I hope you will consider the following points to guide the county in adopting more responsible and protective measures:

1. Concerns Over Uncoordinated Placement

It was evident during the meeting that many residents feel Nevada County is not leading the way in protecting residents from the uncoordinated and unplanned placement of cell towers. Multi-million-dollar telecommunications companies are pushing for installations in our neighborhoods without proper consultation or consideration for the long-term impact on residents. As such, Nevada County must adopt clear and consistent zoning policies to ensure that cell towers are placed with due diligence and not just to serve the interests of large corporations.

2. Questionable Need for New Towers

While it is acknowledged that cellular towers address "dead zones," some towers are being constructed in areas that already have cellular service. The county must carefully assess where service is truly lacking before approving new installations, rather than permitting towers in locations that already receive sufficient coverage. Clear guidelines on *where* towers can be placed should be established, ensuring that the placement of new towers

directly addresses gaps in service.

3. Environmental and Health Impacts

One resident shared a concerning discovery about the micro-plastic debris shed by 150-foot cellular towers. Pieces of plastic and pine needle fronds were found in his backyard, raising questions about the environmental risks of these towers. It is critical that the county adopt comprehensive environmental assessments for every proposed tower site, including examining the impact of debris, fire risk, and other potential environmental hazards.

4. Setback Requirements

I respectfully request the inclusion of the following specific setback requirements in the new ordinance:

- **Schools, Daycares, and Hospitals:** No wireless antenna or facility should be located within **3,000 feet** of schools, daycare centers, or hospitals.

- **Residential Areas:** No wireless antenna or facility should be located within **1,500 feet** of residential homes (measured from the center of the proposed facility, not the property lines).

- **Property Lines and Tower Height:** No wireless antenna or facility should be located within **1.5 times the height of the tower** from any property line. For example, a 150-foot tower would need to be located at least **225 feet** from the nearest property line.

- **Fall Zone:** The fall zone setback should be at least **1.5 times the height of the tower** from any structure or road to prevent potential hazards in the event of a tower collapse. For a 150-foot tower, this would require a **225-foot** setback.

These setbacks will help mitigate health risks, property value depreciation, and the potential for accidents involving the towers.

5. Alternatives to Cell Towers

It seems that alternative solutions, such as underground fiber optic cables, have not been adequately considered by the Nevada County Planning Department or Board of

Supervisors. These alternatives could be more environmentally friendly and less intrusive than traditional cell towers. I request that Nevada County prioritize the exploration of these alternatives, which could significantly reduce the need for new tower installations.

6. Real Estate Considerations

The impact of cellular towers on property values is concerning. Studies have shown that cell towers can reduce property values by as much as 20%. As a homeowner, when I purchased my property, I did my due diligence in evaluating the area, including property values, local amenities, and neighborhood aesthetics. I did not anticipate the negative impact that a cell tower would have on my investment. The county should consider these factors when approving new towers, particularly in residential areas.

7. Residential Protections in Other Counties

Nevada County lags behind other areas in California when it comes to protecting residents from the negative impacts of cellular towers. Counties such as Calabasas, Contra Costa, and Davis have set strict setback requirements and strong notification processes to ensure that residents are fully informed and protected. Nevada County should adopt similar policies to ensure the health and safety of its residents. For example:

- **Calabasas:** No towers within **1,000 feet** of homes.
- **Contra Costa:** No facilities or towers within **300 feet** of homes.
- **Davis:** No facilities or towers within **500 feet** of homes, with robust RF monitoring and notification.
- **Encinitas:** Strict fire safety protocols and conservative setbacks.
- **Fairfax:** Requires zoning approval for all towers and robust RF testing.
- **Petaluma:** No "small cell" antennas within **500 feet** of homes, with strong environmental protections.

- **Suisun City:** Requires ongoing RF testing.
- **Westlake Village:** No facilities within **500 feet** of homes.

Nevada County should aim to implement similar protections to ensure the health and safety of its residents.

8. Planning Commission's Technical Expertise

While the Board of Supervisors has identified broadband as a key objective, the lack of technical expertise in understanding the full impact of cellular tower technology on residents is concerning. Local officials should seek expert guidance to make informed decisions about the placement of these towers, especially regarding the potential health risks posed by radiofrequency radiation (RF).

9. Scenic and Aesthetic Protections

Nevada County is known for its natural beauty, and it is vital that we preserve our scenic views and ridgelines from being permanently altered by cellular towers. I urge the Board to prohibit towers on ridgelines and in line-of-sight from public viewpoints, parks, and trails. Visual simulations should be required as part of the approval process to ensure that we are fully aware of the visual impact before any decisions are made.

Scenic View Protections:

- Prohibit towers on **ridgelines** or within line-of-sight from public parks, trails, or viewpoints.
- Require **visual simulations** to be presented before approval so the community understands the visual impact.

10. Fire Safety and Environmental Protections

With the increased fire risks in our area, towers should be subject to stringent fire safety protocols, including maintaining a **1.5x height** vegetation clearance around the tower to

mitigate fire hazards. These towers should also undergo thorough environmental reviews to assess the impact on local wildlife and ecosystems before installation.

11. Proposed Cell Tower Ordinance Updates

- **No new towers within 5 miles** of an existing tower in residential neighborhoods.
- New towers should be placed only in areas **without current service**.
- Ensure that **potential tower sites** are identified early in the real estate development process, so buyers are aware of these sites before making a property purchase.
- Towers serving **US Forest Land or Bureau of Land Management land** should be placed within those areas.
- If a landowner negotiates a tower lease on their property without neighborhood support, the lease income should be split **30/70** between the landowner and the neighborhood to mitigate the impact on the community. These funds could support local fire safety or community watch programs.

Conclusion

While I understand the county's need for improved broadband services, it is essential that we carefully consider the impact of cellular towers on our community. The health, safety, property values, and quality of life for residents must be prioritized. I urge the Planning Commission and the Board of Supervisors to take a comprehensive approach to this issue, one that balances technological needs with responsible development practices and protections for Nevada County residents.

Thank you for your attention to this important matter. I look forward to seeing thoughtful policies that reflect the best interests of our community.

Sincerely,

Tiffany Ramirez

District 1 Resident, Nevada City

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

March 28, 2025

VIA EMAIL

Brian Foss
Planning Director
Nevada County
950 Maidu Avenue
Nevada City, California 95959

Re: Wireless Ordinance Amendments

Dear Brian:

We write on behalf of Verizon Wireless to suggest amendments to Nevada County's current wireless facilities ordinance. Code of Ordinances Section 12.03.080, *Communication Towers and Facilities*, should be revised to comply with federal and state law. For example, vague aesthetic criteria and permit findings should be replaced with specific, feasible design standards, including camouflage requirements. Provisions encouraging collocation on existing towers should be qualified by a reasonable search distance. Consistent with statewide land use practice and case law, the County should determine that wireless facilities are exempt from the California Environmental Quality Act ("CEQA").

Verizon Wireless would like to work collaboratively with the County to refine its wireless facility regulations. We urge the County to consider our suggestions as staff drafts wireless ordinance amendments. We would be pleased to provide comment on an initial draft ordinance.

Our suggestions are as follows:

Section 12.03.080 – Communication Towers and Facilities

C. Permitting Requirements

C(1). Administrative development permit for eligible facilities requests. Federal law requires the County to approve "eligible facilities requests" to modify existing wireless facilities or collocate new facilities if there is no "substantial change" according to Section 6409 of the Spectrum Act and Federal Communications Commission ("FCC") rules. 47 U.S.C. § 1455(a), 47 C.F.R. § 1.6100. *We suggest adding an item (d), providing for an administrative development permit for eligible facilities requests that comply with FCC rules at 47 C.F.R. § 1.6100, notwithstanding the County code and General Plan.*

D. Application Requirements

D(1), (3). Justify need, provide system plan. These sections require information such as search rings, service areas, and an applicant's plans for other proposed towers, which would not be relevant to a particular application. Such information bears no relation to the wireless facility permit standards or use permit findings, and so is irrelevant to the permit process. *These items should be deleted.*

D(2). Existing tower information. While Verizon Wireless prefers to collocate on existing towers where feasible, a proposed facility must fully serve a target service area. To provide clear direction to applicants, staff, and decision-makers, this section should specify a reasonable search distance for collocation opportunities on existing towers. *We suggest that for new towers over 50 feet in height, applicants provide information about existing towers within ½ mile of a proposed facility and explain why collocation is infeasible for technical or other reasons. For towers less than 50 feet, the required search distance for a collocation would be within ¼ mile of the proposed facility.*

E. Locational Standards for New Towers

E(1)(a). Not on exposed ridgeline, no silhouette. This section restricts new towers on "exposed ridgelines," an undefined term, and bars any silhouette against the sky. However, a facility on a high-elevation site with sufficient tower height is optimal for broad signal coverage and can reduce the number of facilities required to serve an area. *This section should not apply to facilities that are camouflaged as a tree or another feature commonly found in the area (such as an elevated water tank).*

E(2)(b), (c), (d). Blends with surrounding environment. In all three sections, this standard is qualified with the term "so as to be effectively unnoticeable." Instead of this vague standard, the County should require facilities on certain sites to be camouflaged to minimize visual impact, as already required by Section E(4). *As with the prior section, we suggest replacing this vague criterion with a requirement for that a facility be camouflaged.*

E(2)(a). 1:1 setback from residential zones. The 1:1 setback could eliminate optimal sites, such as locations near rear property lines away from roads and development. We note that setbacks occasionally proposed by wireless facility opponents contradict the federal Telecommunications Act. For example, setbacks from schools, day cares, or other similar uses may create numerous overlapping exclusion zones that materially inhibit service improvements, constituting a prohibition of service, as discussed below. Required setbacks from such uses are generally based on concern over radio frequency emissions. However, the Telecommunications Act bars local governments from regulating wireless facilities over emissions concerns if facilities are shown to comply with FCC exposure guidelines. 47 U.S.C. § 332(c)(7)(B)(iv). *Section E(2)(a) should instead require a 1:1 setback from any existing offsite residence.*

E(3). Collocation. As noted in our comment on Section D(2), the County should specify a reasonable search distance for any collocation opportunities on existing towers. *This section should encourage collocation on existing towers within ½ mile, unless a proposed tower is less than 50 feet in height, in which case the collocation would be within ¼ mile.*

G. Permit Requirements

G(1). Allow future collocation. Monopine towers are generally engineered to allow for collocation by at least one additional wireless carrier. The additional height lessens the need for additional towers to serve an area, particularly if a tower is of a height sufficient for all eventual carrier antennas to provide broad signal coverage. *We suggest adding a provision to the Section F design standards requiring that new towers be of sufficient height for collocation by at least one additional wireless carrier, with adequate vertical distance between antennas to avoid interference.*

Use Permit Findings

The 12 findings of Section 12.05.052(C)¹ are subjective, such as compatibility with the surrounding area. Such vague criteria may lead to late-stage denials of facilities that otherwise comply with clear, specific standards. Such denials materially inhibit service improvements, constituting a prohibition of service in violation of the Telecommunications Act. *See* 47 U.S.C. § 332(c)(7)(B)(i)(II); *see also Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 37-40.²

Instead of vague standards and findings, the County should provide clear design direction for wireless facilities, with technically feasible criteria. *Id.*, ¶¶ 86-88. For example, the County could specify a monopine branch density, and a minimum branch height based on surrounding tree screening. This will assist applicants in designing facilities that comply with the Code and allow County decision-makers to better justify their actions. *The County should work with wireless providers to develop specific, feasible design criteria.*

California Environmental Quality Act

A CEQA exemption is appropriate for new wireless towers, given their small footprint. The Class 3 categorical exemption applies to “construction and location of limited numbers of new, small facilities or structures” and “installation of small new equipment and facilities in small structures.” 14 Cal. Code Regs. § 15303. State courts have affirmed the Class 3 CEQA exemption for a wide variety of wireless projects. *See, e.g., Don’t Cell Our Parks v. City of San*

¹ Referenced in Section 12.05.060(G) regarding use permit findings.

² The Ninth Circuit Court of Appeals upheld the FCC’s “materially inhibit” standard. *See City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), cert. denied, 141 S.Ct. 2855 (Mem) (U.S. June 26, 2021). While the Court of Appeals vacated the requirement that aesthetic criteria be “objective,” it upheld the requirement that they be “reasonable,” that is, technically feasible and meant to avoid “out-of-character” deployments.

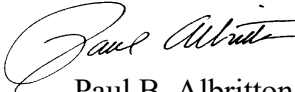
Brian Foss
Nevada County
March 28, 2025
Page 4 of 4

Diego (2018) 21 Cal.App.5th 338 (faux tree telecommunications pole in public park); *Aptos Residents Ass'n v. County of Santa Cruz* (2018) 20 Cal.App.5th 1039 (10 microcell transmitter units on existing utility poles); *Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950 (40 wireless equipment cabinets on existing utility poles).

CEQA review and the public notice period for a negative declaration add delay to an application while the federal Shot Clock period is running (150 days for new towers). The County must take final action on an application, including resolution of any appeals, by the Shot Clock deadline, or the application is deemed approved pursuant to California Government Code Section 65964.1.

The County should adopt the Class 3 CEQA categorical exemption for new wireless towers. For facilities on existing structures, the Class 1 exemption for existing facilities is appropriate, pursuant to 14 Cal. Code Regs. § 15301.

Verizon Wireless appreciates the opportunity to provide suggestions for code amendments. We would be pleased to review a draft ordinance prior to its introduction at a public hearing.

Very truly yours,

Paul B. Albritton

cc: Katharine Elliott, Esq.

From: [Nate Thegreat](#)
To: [David Nicholas](#)
Subject: Cell tower ordinances
Date: Tuesday, April 1, 2025 9:28:05 AM

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Great presentation at the public meeting this week.

I was shocked to see how many selfish folks would rather their Neighbors be denied access (and safety) to communications infrastructure.

In any event I fully support the proposed rule changes that will make it easier to place towers throughout the county. We are out by Lake Vera and coverage is horrible. Something atop Round Mountain would be of tremendous benefit to everything north of Nevada City proper. It's not just about convenience. This is a matter of safety.

Please keep up the good work!

From: [Bev Spencer](#)
To: [David Nicholas](#)
Subject: Cell towers
Date: Thursday, July 10, 2025 12:13:19 PM

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We diffenitely need better cell representation in all of nevada county. Many of us only have cell phones.

From: [Bob & Ann Thorpe](#)
To: [David Nicholas](#)
Subject: Draft Cell Tower Ordinance
Date: Thursday, August 7, 2025 3:20:15 PM

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August 7, 2025

Robert C. Thorpe
10183 Corchero Ln.
Nevada City, CA 95959
530-265-5947

Subject: Cell Tower

Attention: David Nicholas

I was recently made aware of my neighbors application for the construction of a cell tower located at 10111 Corchero Ln. and very close to our property line.

I thought they were drilling a well, when I asked the operator he responded that they were drilling for a soil test sample for the construction of a cell tower. No notice of this was sent to us nor any of our neighbors.

For over twenty-one years we have lived within the boundaries of the Tahoe National Forest in a pristine forest setting at over 4200' in elevation and to think that a neighbor would want to have a cell tower on his property is absurd. This is a purely financial gain move by the applicant. The ugliness of such a thing and the possibility that it could affect our health and that of our neighbors is unthinkable as many accounts and studies have shown. Fire danger is always something we live with, plus the noise from it's generator will be a constant annoyance, not to mention the drop in our property values and that of our neighbors.

It was interesting to discover that many states have extremely strict codes concerning the location of cell towers. We hope that due consideration will be given to our concerns and not let the construction of this cell tower happen.

We support the new guidelines that you have proposed and appreciate the more stringent requirements for cell towers, surely a more appropriate location can be found where people's lives are not impacted.

Thank you for this opportunity to respond.

Sincerely,

Bob & Ann Thorpe

From: [Dhatt, Satwinder K@DOT](mailto:Dhatt.Satwinder.K@DOT) on behalf of [D3 Local Development@DOT](mailto:D3.Local.Development@DOT)
To: [Jodeana Patterson](mailto:Jodeana.Patterson)
Cc: [David Nicholas](mailto:David.Nicholas); [Tyler Barrington](mailto:Tyler.Barrington); [Brian Foss](mailto:Brian.Foss); [Fong, Alexander Y@DOT](mailto:Fong.Alexander.Y@DOT)
Subject: RE: Cell Tower Ordinance 2025 Notice
Date: Thursday, July 10, 2025 3:44:37 PM
Attachments: [image001.png](#)

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Hi Jodeana,

Thank you for including the California Department of Transportation (Caltrans) in the review process for Cell Tower Ordinance 2025 Notice Project. We wanted to reach out and let you know that we have no comments at this time.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review and System Planning Coordinator, by phone (530) 821-8261 or via email at D3.local.development@dot.ca.gov.

Thank you!

Satwinder Dhatt
Local Development Review and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3
703 B Street, Marysville, CA 95901
(530) 821-8261

From: Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>
Sent: Wednesday, July 9, 2025 12:09 PM
Cc: David Nicholas <David.Nicholas@nevadacountyca.gov>; Tyler Barrington <Tyler.Barrington@nevadacountyca.gov>; Brian Foss <Brian.Foss@nevadacountyca.gov>
Subject: Cell Tower Ordinance 2025 Notice

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Good afternoon,

Please find attached the Notice of Opportunity for Comments on Proposed Zoning Ordinance Amendments to Regulations for Communication Towers and Facilities.

For comments and questions, please contact Associate Planner David Nicholas at (530) 265-1257 or David.Nicholas@nevadacountyca.gov.

Thank you,

Jodeana Patterson

Administrative Assistant II

Clerk to the Planning Commission

Clerk to the Zoning Administrator



[Planning Department](#)

950 Maidu Ave. Suite 170

PO Box 599002, Nevada City, CA 95959-7902

Main 530.265.1222, Direct 530.470.2526

Jodeana.Patterson@nevadacountyca.gov

Hours 8:30-5:00 Monday – Friday (12:00 – 12:30 lunch)

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From: Christine Page
To: [David Nicholas](#)
Subject: Cell Towers
Date: Monday, July 21, 2025 7:13:25 AM

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I am pro cell towers. This area has definite pockets of no connectivity. BUT please employ a designer that makes them blend in to the environment they are in. Put as many up as needed just make them palatable.
Sent from my iPhone

From: [David Nicholas](#)
To: [C B](#)
Subject: RE: Draft Cell Tower Ordinance
Date: Monday, August 11, 2025 3:37:00 PM

Hi Cheryl,

I'm familiar with the project you are describing. The application for the proposed tower on Corchero Lane is currently incomplete and needs to be resubmitted to the Planning Department by the applicant once they make the required corrections. After the project is deemed complete and the staff reports are prepared, they will be posted on the County website for the public to review. The project will need to be approved at a public hearing. Before the hearing, all parcels within 500 feet of the project will be notified of the public hearing and the notice will be posted in the Union. If you are further than 500 feet and would like to be notified, please let me know so I can add you to the notice list.

Thanks for your comment about the cell tower ordinance. I added it to the public record for consideration.

Best regards,

David Nicholas
Associate Planner

950 Maidu Ave. Suite 170
PO Box 599002, Nevada City, CA 95959-7902
Main 530.265.1222 Direct 530.265.1257

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-----Original Message-----

From: C B <jcborad@gmail.com>
Sent: Tuesday, August 5, 2025 2:12 PM
To: David Nicholas <David.Nicholas@nevadacountyca.gov>
Subject: Draft Cell Tower Ordinance

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Hello Mr. Nicholas,

This morning I read about the County's new cell tower ordinance and the due date to respond. I am very concerned

that my neighbor has applied for a permit to have a cell tower installed very close to my property line, and I have not been notified. Today there was a company there drilling for soil samples. I and none of my neighbors have been notified of a permit application.

I support your draft indicating new setback rules from property lines for communication towers. I also believe that when permits such as these are applied for, there should be transparency of information to all neighbors that would be affected by a new proposed tower.

The property address of the proposed cell tower is 10111 Corchero Lane, Nevada City. This property borders my property which is located at 23587 State Highway 20, Nevada City.

I am concerned that many property owners could be influenced by monetary gains for these cell towers and are selfishly not considering the proximity to neighbors, the unknown health impacts, the possible fire danger, and the impact on property values. Surely there are other areas that are not so populated where cell towers could be erected.

Sincerely,

Cheryl Borad

530-265-2884

Cell: 510-427-6484

From: [Christine Newsom](#)
To: [David Nicholas](#)
Subject: Fake tree cell towers
Date: Thursday, July 24, 2025 9:36:26 PM

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Greetings,

I just read about the cell towers resembling fake trees being considered in Nevada County. I am a physician, and I am especially concerned about gratuitous plastic in our environment given our increasing recognition of the health dangers of microplastics.

Please find solutions for cell tower design that do not use ANY plastic that is not absolutely essential to their function.

Thank you,
Christine Newsom MD
408 RICHARDSON ST.
Grass Valley, CA 95945

August 8, 2025

David Nicholas, Associate Planner
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

Re: Comments on the County Cell Tower Ordinance Update

Dear Mr. Nicholas,

Thank you for the opportunity to comment on the proposed updates to the Nevada County cell tower ordinance.

I live on a remote 40-acre property, where I engage in farming, ranching, and land conservation. While cell service is generally poor in my area, many residents, including myself, have found alternative connectivity solutions, such as satellite service. The possibility of cell tower installations in areas where residents value peace, quiet, and a rural way of life is a serious concern. I urge the County to consider preserving these qualities as you revise the ordinance.

Thoughtful, region-specific planning is essential. Our county's topography, vegetation, land uses, and rural character all demand flexible, site-sensitive approaches. The ordinance should uphold our rights—to farm, to protect our property values, and to maintain the quiet enjoyment of our land. We depend on zoning regulations to protect us from unnecessary disruption, especially from infrastructure that can be sited more appropriately elsewhere.

I support the general goal of improving connectivity. However, achieving this must not come at the cost of harming rural residents. There is a clear opportunity for better planning: in South County areas such as Bear River, Garden Bar, Countryside Ranch Road, and Meyer Ravine, the County has identified many large parcels where 1000' setbacks are possible, and towers can be located with minimal impact on neighboring residents.

At the March 31, 2025 meeting, Planning staff suggested that new towers under 100 feet would be subject only to Administrative Development Permit (ADP) processing. Fortunately, the updated draft ordinance now proposes a full Use Permit process for all new towers. I strongly support this change. It ensures public notice, allows for public comment, and provides an appeal process—essential components of transparent and responsive governance.

Summary of Recommendations

1. 1000-Foot Setbacks for South County

Adopt a 1000-foot minimum setback for new towers from property lines in South County (including Penn Valley). This is consistent with the General Plan and zoning designations and will help preserve the rural character of the area. According to the County's own mapping, more than 50 parcels in South County can accommodate such setbacks. This far exceeds foreseeable tower needs and would significantly reduce community opposition by minimizing off-site impacts.

2. Require Full Use Permits for All Towers

All new towers, regardless of height, should be subject to a full Use Permit—not an ADP. The Planning Director should not substitute for the Zoning Administrator in reviewing these permits, in keeping with existing procedures.

3. Annual Permit Renewal with Public Input

The ordinance should explicitly require that public input be considered during annual permit renewals. Residents living near cell towers are in the best position to report on performance and compliance. Their feedback should inform any decision to renew, condition, or revoke permits.

4. "Front Door" Rule for Small Cells

Adopt a rule prohibiting the placement of small cell antennas immediately adjacent to or directly across from the front yards of residences in more densely populated areas. This policy has legal support under the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(A)) and is already in use in cities like Elk Grove, CA.

5. Radiofrequency (RF) Compliance Reporting

Replace Section 10 with stronger RF compliance language (see Attachment). Require applicants to submit a full FCC RF Compliance Report prepared by a licensed California professional engineer, including detailed technical specifications. This ensures the County—and the public—can independently verify that proposed facilities comply with federal safety standards.

Respectfully submitted,

Cindy Sage
Resident, South County

22950 Swenson Ravine Grass Valley, CA 95949

Attachment: RF Compliance Report Requirements

10. FCC RF Compliance Report.

A Radiofrequency Compliance Report prepared in accord with the latest version of FCC OET Bulletin 65 shall be required for the proposed project as well as any co-located facilities that contribute to the cumulative exposure from the wireless facility; certifying the project will comply with applicable federal RF exposure standards and exposure limits. The RF Compliance Report shall be submitted with the Application to certify that the proposed project will not violate FCC public safety limits for RF exposure (FCC uncontrolled public exposure limits). It shall be prepared by a Professional Engineer registered in the State of California, signed and submitted under the penalty of perjury that the facility will not expose members of the general public to radiation levels that exceed the permissible limits the FCC has set for uncontrolled public exposure. The County, at its own discretion may hire a licensed engineer to verify findings of the FCC Compliance Report, at applicant's expense. An RF Data Request Sheet prepared by the Applicant and/or their technical RF consultant shall be submitted with the Application that includes the antenna make and model, transmit frequencies and power (in watts effective radio power (ERP)) by sector; total number of channels per sector and ERP per sector; downtilt, if any, and the number of degrees of vertical downtilt per antenna; the direction of transmission (in degrees) for each sector and mounting height above ground for each antenna array. The RF Compliance Report shall provide methodology and calculations of power density in microwatts per centimeter squared (uW/cm²) in addition to percent of standard, and shall show run-out tables of power density vs. distance to 600' horizontal distance, at ground level (6') and second-story level (16'); and the Facility's distance from nearest habitable structure(s) and applicable calculations of power density (in uW/cm²).

Attachment A: RF Data Request Sheet

I. Transmitting Facility Data

Number of Channels: _____per antenna/sector Total: _____
ERP per channel planned: _____ design maximum, if different:_____for design max
Total ERP per antenna/sector: _____
Lowest transmit frequency: _____MHz Carrier: _____
Location: Latitude _____° _____' _____" Address: _____
Longitude _____° _____' _____" _____

II. Antenna Details

Manufacturer: _____ Model No: _____
Antenna Gain: _____dBd Beam tilt: _____°
Sectorized: Yes No
No. of Sectors: _____ Bearing: Sector A _____° B _____° C _____° D _____°
Coverage per Sector: Sector A _____° B _____° C _____° D _____°

III. Center of Radiation

Height above ground: _____feet Ground Elevation AMSL: _____feet

IV. Desired Output Data

Points of interest: A _____feet B _____feet C _____feet
Power densities of interest: Occupational Standard Public Standard
Specific power density: A _____ μ W/cm² B _____ μ W/cm² C _____ μ W/cm²
Closest building within 1000 feet - Residence Business
From base of tower: _____feet _____feet
Ground Elevation AMSL: _____feet _____feet
No. of floors: _____
Highest floor height above ground: _____feet _____feet
Restricted access: Yes No Distance to fencing from base of tower: _____feet

V. Notes: _____



City of Nevada City

August 8, 2025

Nevada County Planning Department
ATTN: David Nicholas
950 Maidu Ave
Nevada City, CA 95959

Sent Via Email

Subject: Cell Tower Ordinance

Dear Mr. Nicholas:

Thank you for the opportunity to comment on the proposed ordinance update to Section 12.03.080 of the Nevada County code. Please see below comments from various city departments in red underline and edits in red strikethrough.

1. **E.1.b-d:** states, “No new tower shall be installed in a location...unless it is effectively camouflaged to blend with the surrounding natural and built environment.” The “unless it is effectively camouflaged to blend with the surrounding natural and built environment” is new but does not appear to have a performance standard. It is recommended that a definition be provided for this or a reference to an industry standard be included.
2. **F.7** Lighting for communication facilities shall be limited as follows:
 - a. All approved lighting shall be shielded and ~~or~~ directed on site to minimize off-site light pollution or light glare except for lighting required by the Federal Aviation Administration.
 - b. In residential zones, lighting shall be limited to Security lighting that is manually operated or motion-detector controlled. Manually operated lighting use is limited to times where personnel are on site.
3. **I.2** Maintenance: All telecommunications facilities must be maintained in good condition, including ensuring the facilities are reasonably free of:
j. vegetation growth or accumulation in excess of limitations provided by the County Hazardous Vegetation and Combustible Material Abatement ordinance
4. I’m glad to see that the ‘locational standards’ include language about not being visible from trails or parks. I feel like 50 feet might not be far enough, but it’s probably a fair distance (Dawn Zydonis Parks and Rec). Are any performance standards considered for this?

Best,

Lisa McCandless
City Planner
(530) 265-2496 x130

From: [claire.palmgren](mailto:claire.palmgren@gmail.com)
To: [David Nicholas](#)
Subject: Comments on Draft Cell Tower Ordinance
Date: Friday, August 8, 2025 4:30:34 PM

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Dear Mr. Nicholas,

I have carefully reviewed the Draft Cell Tower Ordinance and respectfully submit the following comments:

- The extent of the edits demonstrates a lot of thought went into this draft. Kudos to the team that drafted!
- Visual Impact Analysis: With the increased amount of solar panels being installed, it would be good to include a requirement of the maximum shade pattern the facility is expected to produce. I know several people that are limited in installing solar panels on their property because of trees on a neighbor's property creating too much shade on the proposed location of the solar panels, rendering installation of solar to not be cost-effective.
- Section D.12. - It seems like the shot clock is set by the FCC, and the County should not require an applicant to pre-approve an extension of the shot clock.
- section E.1.d. - TEchnology changes, so I recommend not stating specific distance requirements, i.e. 2 miles. Newer technologies (5G) require facilities in closer proximity than older technologies.
- Setback requirements: The generalized setback requirement relative to property boundaries of 150% is excessive for non-residential zones.

Thank you for soliciting feedback from Nevada County residents.

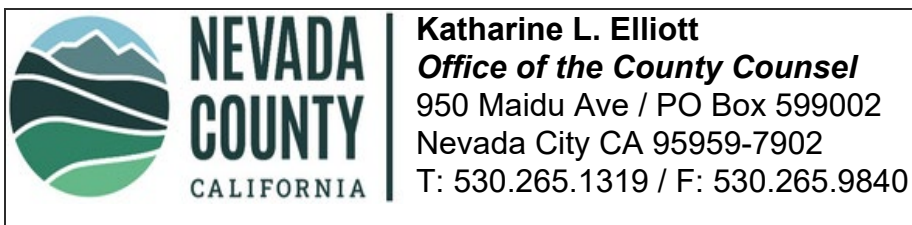
Sincerely,
Claire Palmgren
Nevada County resident
412-225-6378

From: [Brian Foss](#)
To: [David Nicholas](#)
Subject: FW: I object to this ordinance
Date: Wednesday, August 6, 2025 10:57:56 AM
Attachments: [image001.png](#)

From: Kit Elliott <Kit.Elliott@nevadacountyca.gov>
Sent: Wednesday, August 6, 2025 10:54 AM
To: Sims Ely <S.Ely@nevadacountyca.gov>; Trevor Koski <Trevor.Koski@nevadacountyca.gov>
Cc: Brian Foss <Brian.Foss@nevadacountyca.gov>; Trisha Tillotson <Trisha.Tillotson@nevadacountyca.gov>
Subject: FW: I object to this ordinance

See link below. Yes it's safe, but scary.

Kit



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From: Carissa Cyr <Carissa.Cyr@nevadacountyca.gov>
Sent: Wednesday, August 6, 2025 8:16 AM
To: All BOS Board Members <AllBOSBoardMembers@nevadacountyca.gov>
Cc: Erin Mettler <Erin.Mettler@nevadacountyca.gov>; Patrick Eidman <Patrick.Eidman@nevadacountyca.gov>; Clerk of Board <ClerkofBoard@nevadacountyca.gov>
Subject: FW: I object to this ordinance

Good morning, Board Members,

Below please find an email received to your general inbox.

Thanks,

Carissa Cyr
Senior Management Analyst
Nevada County Board of Supervisors
Office: 530-265-7076



**NEVADA
COUNTY**
CALIFORNIA

Mobile: 530-557-5444

Carissa.Cyr@NevadaCountyCA.gov

From: Clay Olson <clayolson@gmail.com>

Sent: Tuesday, August 5, 2025 6:10 PM

To: bdofsupervisors <bdofsupervisors@nevadacountyca.gov>

Subject: I object to this ordinance

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https://childrenshealthdefense.org/community/submit-public-comments-to-promote-a-safe-wireless-ordinance-in-nevada-county-california/?utm_source=cc&utm_medium=email&utm_campaign=advocacy&utm_id=20250805

Clay Olson
PO Box 3565
Grass Valley, CA 95945



Crown Castle
6325 Ardrey Kell Road
Suite 600
Charlotte, NC 28277

8/8/2025

Associate Planner David Nicholas
Planning Department
County of Nevada
950 Maidu Avenue, Suite 170
Nevada County, CA 95959
Email: David.Nicholas@NevadaCountyCa.gov

Re: Draft Ordinance – County Communication Tower Regulations Section 12.03.080

Mr. Nicholas,

Thank you for allowing Crown Castle Inc. (“Crown Castle”) to submit comments as the County works to amend its ordinance governing communication towers and facilities. We commend the County’s commitment to improving wireless connectivity for residents, businesses, and government services. The pandemic and other recent events have underscored the critical importance of reliable wireless infrastructure—for everything from routine phone calls and telehealth appointments to emergency response where every moment matters.

Crown Castle Background

Crown Castle is the nation’s leading provider of shared wireless infrastructure. We own and operate approximately 40,000 macrocell communications facilities and manage roughly 80,000 route miles of fiber optic cable across the United States, supporting both small cell and fiber solutions. This diverse and scalable infrastructure enables Crown Castle to partner with wireless carriers to deliver essential broadband services nationwide.

In addition to owning and managing communications facilities, Crown Castle provides professional zoning and permitting services on behalf of our wireless customers. This dual role—as both infrastructure owner and service provider—gives us a unique and practical perspective when evaluating public policies that impact wireless deployment. Our experience allows us to offer informed, solution-oriented feedback that supports both community goals and the expansion of reliable wireless connectivity.

Crown Castle respectfully offers the following comments to support the County in refining its ordinance in ways that balance community interests with the need for robust wireless service. We also welcome the opportunity to meet with County staff and officials to explore collaborative solutions that protect local priorities while enabling essential connectivity.

Section B. Definitions

- **Base Station**: The current definition aligns partially with federal language but omits a key clarification from 47 CFR § 1.6100(b)(1), which states:

“The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.”

Including this language would help staff distinguish between base stations and towers during application review and ensure consistency with federal regulations.

- **Collocation**: The definition captures the general concept but does not include “transmission equipment,” which is essential under federal law—especially for infrastructure like generators. Including this term would better reflect the scope of collocation as defined by the Federal Communications Commission (“FCC”).

Section D. Application Requirements

- **Section D.4**. While native vegetation screening may offer aesthetic benefits, it could pose wildfire risks, especially when towers are critical for emergency communications. Fencing serves as a safer and equally effective alternative.
- **Section D.9**. Expanding notification to a 1,000-foot radius exceeds what is typically required in neighboring counties, where notice is often limited to adjacent property owners or a 500-foot radius. Aligning with regional practices could streamline the process while maintaining transparency.
- **Section D.12**. Local jurisdictions cannot require applicants to waive federally mandated rights or enter into tolling agreements as a condition of application acceptance. Under 47 U.S.C. §

332(c)(7) and 47 CFR § 1.6003, the FCC has established binding “shot clock” timelines for wireless siting applications.

Per 47 CFR § 1.6003(d), tolling is only permitted if an application is materially incomplete or if the applicant *voluntarily agrees* in writing. Mandating such waivers or agreements would conflict with federal law and undermine the streamlined review process intended by the FCC.

Section E. Location Standards for New Towers

- Section E.1. Requiring tower camouflage uniformly limits flexibility. In some locations, camouflage might not be necessary or even preferred by the community. Additionally, it can introduce network trade-offs, such as requiring different equipment or tower types that could impact coverage or capacity. Allowing camouflage as an option rather than a mandate could better balance aesthetics with technical needs.
- Section E.2. The 150% tower height setback appears more restrictive than necessary. Many jurisdictions—where setbacks are required—typically use a 100% height standard. Aligning with regional norms will help maintain consistency and avoid the limitations that could lead to an inability to site a tower at a location needed to meet important network needs. In addition, Crown Castle takes care to ensure that its towers are constructed to industry engineering standards.

Section F. Design Standards

- Section F.3. Prohibiting height increases when the setback cannot be met will restrict collocation and conflicts with federal law. Height extensions are often needed to accommodate new users, but expanding the setback proportionally is rarely feasible. The federal law commonly known as “Section 6409,” encourages collocation by including height increases as qualifying applications. Crown Castle strongly encourages the County to clearly align its code with this important law. In addition, this provision conflicts with the County’s stated policy preference in Section E.3, which encourages collocation.

Section I. Operational Requirements

- Section I.1. Requiring service providers to submit radio frequency (RF) reports for County review exceeds local authority. RF compliance is governed by the FCC, and federal law preempts local regulation in this area.

Section J. Public Notice

- The 1,000-foot notification radius remains broader than is typical in neighboring counties. Additionally, requiring notice to owners of at least 10 parcels beyond the subject property is unnecessarily burdensome. A more targeted approach could ensure adequate public awareness while improving administrative efficiency.

Crown Castle appreciates the County's efforts to update its ordinance. We would welcome the opportunity to further review and comment on the County's draft and look forward to working collaboratively with you. If you have any questions or would like additional information, please feel free to contact me at Shanitra.Lockett@crowncastle.com.

Sincerely,

Shanitra Lockett

Shanitra Lockett

Attorney

From: [Denise Billberg](#)
To: [David Nicholas](#)
Cc: [johannaFinney](#)
Subject: Cell Tower Ordinance
Date: Friday, August 8, 2025 4:30:25 PM

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To David Nicholas and the Planning Commission,

I urge the Planning Commission to adopt the ordinance created by Nevada County for Safe Tech which has been created by lawyers from Children's Health Defense in cooperation with several members of the community. This ordinance includes provisions that are based on Federal and State law, which have been used and tested in other California jurisdictions.

One of my primary concerns to be addressed is set backs. Set backs should be a minimum of 1000' from a residence AND, 500' from the property line. By using this combination, more parcels will be available than using strictly 1000' from the property line.

There should also be 1000' set backs from all sensitive environmental areas like local rivers, creeks, wetlands, recreation areas, as well as consideration of the historic and rural character of the county by limiting the installation on ridgelines and other areas that would have a negative aesthetic impact to the afore mentioned concerns. Site selection should be based on the 9th circuit ruling for "least intrusive site". In addition, tower heights should be limited in residential zones. The balloon test, with pictures and video available to the public, is a good requirement to help all parties visualize the impact.

Another major consideration that is of concern to me is the application and permitting requirements. Any tower, regardless of height needs to require a full use permit and expansion of existing facilities must also require full permits. Even small cell facilities must require a use permit if not an eligible facilities request. Notification of small and large cell towers, and expansion of existing facilities, should be required within a minimum of 1000' of the facility and the public needs to be provided with an opportunity for hearings before approval.

Regarding RF compliance, any additional antennae added to an existing tower should be required to have RF testing to be sure that the additional antennae does not saturate the exposure over federal limits and there needs to be testing in the overlap areas, especially with small cell to make sure that exposure limits are within guidelines between towers. The oversight and random, independent testing requirements put forward in the NCST ordinance provide excellent testing suggestions to maintain compliance.

There needs to be strict safety and maintenance requirements, especially with regard to generators and other items which impact fire safety. Facilities should also be required to provide minimum 24 hours of back up power in case of emergency so that the community is not left without cell service when it is most needed.

There must also be a process for addressing non compliance with penalties and timeframe and monetary requirements for addressing the issues.

The additional guidelines given in the NCST ordinance provide an excellent framework for writing a robust ordinance that allows for the needed technology, while also considering the community concerns, and I highly recommend adopting all the provisions including in the NCST ordinance.

Thank you for considering the community concerns in this matter.
Denise Billberg, Grass Valley resident, 95945

From: [Jodeana Patterson](#)
To: [David Nicholas](#)
Subject: FW: Cell Tower Ordinance 2025 Notice
Date: Thursday, July 10, 2025 8:48:53 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

FYI...

From: Patrick Perkins <Patrick.Perkins@nevadacountyca.gov>
Sent: Thursday, July 10, 2025 6:59 AM
To: Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>
Subject: FW: Cell Tower Ordinance 2025 Notice

Thaks for the opportunity to comment but we have no comments.

Thank you,



**NEVADA
COUNTY**
CALIFORNIA

Patrick Perkins, P.E, C.C.M.
Principal Civil Engineer
Department of Public Works
Office: 530-265-1712
patrick.perkins@nevadacountyca.gov

950 Maidu Avenue | Suite 170 | Nevada City, CA 95959 | [Public Works | Nevada County, CA](#)
(nevadacountyca.gov)

From: Kevin Nelson <Kevin.Nelson@nevadacountyca.gov>
Sent: Wednesday, July 9, 2025 3:57 PM
To: Kidd Immel <Kidd.Immel@nevadacountyca.gov>; Patrick Perkins
<Patrick.Perkins@nevadacountyca.gov>
Subject: RE: Cell Tower Ordinance 2025 Notice

I agree, I have no comments or concerns.



**NEVADA
COUNTY**
CALIFORNIA

Kevin J. Nelson, PLS, PE
County Surveyor / Public Works Engineer
Department of Public Works
Office: 530-265-7022
kevin.nelson@nevadacountyca.gov

950 Maidu Avenue | Suite 170 | Nevada City, CA 95959

From: Kidd Immel <Kidd.Immel@nevadacountyca.gov>
Sent: Wednesday, July 9, 2025 3:38 PM
To: Patrick Perkins <Patrick.Perkins@nevadacountyca.gov>
Cc: Kevin Nelson <Kevin.Nelson@nevadacountyca.gov>
Subject: RE: Cell Tower Ordinance 2025 Notice

Hi Pat,

No Comment. I discussed with planning (David Nicholas) and I did not identify any DPW concerns.

Thank you,



**NEVADA
COUNTY**
CALIFORNIA

KIDD IMMEL PE PLS
SENIOR CIVIL ENGINEER (530) 470-2580
DEPARTMENT OF PUBLIC WORKS
KIDD.IMMEL@NEVADACOUNTYCA.GOV

From: Patrick Perkins <Patrick.Perkins@nevadacountyca.gov>

Sent: Wednesday, July 9, 2025 1:16 PM

To: Kidd Immel <Kidd.Immel@nevadacountyca.gov>; Kevin Nelson
<Kevin.Nelson@nevadacountyca.gov>

Subject: FW: Cell Tower Ordinance 2025 Notice

Any dpw comments?

Thank you,



**NEVADA
COUNTY**
CALIFORNIA

Patrick Perkins, P.E, C.C.M.
Principal Civil Engineer
Department of Public Works
Office: 530-265-1712
patrick.perkins@nevadacountyca.gov

950 Maidu Avenue | Suite 170 | Nevada City, CA 95959 | [Public Works | Nevada County, CA](#)
(nevadacountyca.gov)

From: Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>

Sent: Wednesday, July 9, 2025 12:09 PM

Cc: David Nicholas <David.Nicholas@nevadacountyca.gov>; Tyler Barrington
<Tyler.Barrington@nevadacountyca.gov>; Brian Foss <Brian.Foss@nevadacountyca.gov>

Subject: Cell Tower Ordinance 2025 Notice

Good afternoon,

Please find attached the Notice of Opportunity for Comments on Proposed Zoning Ordinance Amendments to Regulations for Communication Towers and Facilities.

For comments and questions, please contact Associate Planner David Nicholas at (530) 265-1257 or David.Nicholas@nevadacountyca.gov.

Thank you,

Jodeana Patterson

Administrative Assistant II

Clerk to the Planning Commission

Clerk to the Zoning Administrator



[Planning Department](#)

[950 Maidu Ave. Suite 170](#)

[PO Box 599002, Nevada City, CA 95959-7902](#)

[Main 530.265.1222, Direct 530.470.2526](#)

Jodeana.Patterson@nevadacountyca.gov

Hours 8:30-5:00 Monday – Friday (12:00 – 12:30 lunch)

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Diana Monaghan

Resident of Red Dog Road, Nevada City

From: [Donna Zacamy](#)
To: [David Nicholas](#)
Subject: Cell Tower Proposal
Date: Monday, August 4, 2025 9:09:32 PM

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13980 Countryside Ranch Road
Grass Valley, CA 95949
August 2, 2025

David Nicholas, Associate Planner
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

RE: County Cell Tower Ordinance proposed changes

Dear Mr. Nicholas:

I am writing as a resident of Nevada County regarding the recent cell tower proposal that the County is considering.

I am one of the many people in South County who are supportive of a larger setback of 1000 feet from property lines where cell towers would be located. I understand that you have a setback map that shows more than 50 parcels in our area that could accommodate a 1000-foot setback. The visual, nuisance and health impacts from cell towers would be significantly reduced if you adopt this setback. Additionally, and importantly, there are people who wish or need to avoid chronic exposure to wireless emissions. The larger setback would reduce that concern.

I also support retaining Use Permit requirements for all new cell towers, which I think is appropriate in order to give residents public notice. That would include the opportunity to attend hearings, to comment and to appeal to a Zoning Administrator.

I would hope you would prohibit screening cell towers with plastic trees. I am not sure why anyone would want to screen anything with plastic trees. Besides the aesthetic issue, deteriorating plastic causes environmental concerns on adjacent properties and in waterways and is costly to clean up.

Lastly, I would like to express my support for Cindy Sage's comments and recommended changes to your proposal regarding RF exposure. Cindy has done extensive research on this subject. She is knowledgeable and reliable. She has published works on other scientific data and is worth listening to.

With respect,
Donna Zacamy, resident South County.

Nevada County Planning

David Nicholas, Associate Planner
950 Maidu Ave., Suite 170 Nevada City, CA 95959
david.nicholas@nevadacountyca.gov

Subject: Public Comment on Proposed Zoning Ordinance Amendments for Communication Towers (PLN25-0097)

Dear Planning Department,

Thank you for the opportunity to comment on the proposed updates to Nevada County's Communication Towers and Facilities Ordinance (PLN25-0097). While the amendments provide valuable administrative clarity and improved processes, they omit a critical area of concern that many residents—including myself—believe must be addressed more directly: **public health and safety, particularly in relation to RF radiation from cell towers, including 5G.**

Although the draft does include a new section on **radio frequency emission monitoring**, it does not explicitly define the purpose, method, or public accessibility of this monitoring. Nor does it acknowledge the growing body of international scientific concern or community pushback around tower placement in residential, school, or sensitive habitat areas.

I urge the County to consider the following additions and clarifications:

- 1. Health & Safety Review in Permitting:**
While the Telecommunications Act of 1996 limits local control over RF emissions **if** a tower complies with FCC guidelines, this should not preclude the County from requiring **independent third-party verification** of compliance—especially near homes, schools, and healthcare facilities. Many residents do not feel confident in self-reported emissions data from wireless carriers.
- 2. Transparent RF Monitoring Protocol:**
Please clarify how RF emission monitoring will be conducted. Will it be ongoing or one-time only? Who will pay for it, and who will have access to the results? Public trust depends on transparency.
- 3. Cumulative Emissions:**
The County should assess not only emissions from a single tower, but also **cumulative exposure** from nearby towers and small cell deployments (e.g., “cells on poles” in neighborhoods). The FCC does not currently require cumulative studies, but the County could choose to adopt this higher standard.
- 4. Proximity to Sensitive Sites:**
Please consider adding stronger locational restrictions or enhanced setbacks for towers placed near schools, childcare centers, medical clinics, and high-density residential zones.

5. **Public Health Inclusion in CEQA Reviews:**

Include RF exposure and associated mental health or sleep disruption claims as part of the **Environmental Review process**, particularly where towers are close to vulnerable populations.

6. **Precautionary Principle Policy Statement:**

In the absence of definitive long-term safety studies, I propose the County adopt a **Precautionary Principle** in its ordinance—similar to approaches used in parts of Europe. This would give the County more flexibility to act in the public interest even when federal standards lag behind emerging science.

7. **Public Input and Right to Refuse Equipment on Utility Poles:**

In rural areas, poles are often directly in front of homes. Residents should have the right to be notified and object to new antennas placed on existing infrastructure in front of or near their property.

I support the goal of improved coverage and emergency communication, but respectfully request that the County not dismiss growing public concerns as irrelevant or preempted by federal law. Many California counties have chosen to elevate the conversation, even within the constraints of the FCC. Nevada County can do the same.

Thank you for considering a broader review that includes **human and environmental health impacts**, not just planning procedures and timelines.

Sincerely,

Gary Baker
12373 Creek View Drive, Grass Valley, CA 95949
gary@plan-aire.com

From: [Greg Cameron](#)
To: [David Nicholas](#)
Subject: Section 12.03.080 Communication Towers and Facilities Draft Ordinance
Date: Thursday, July 10, 2025 3:22:36 PM

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These changes look ok, but I'm against any changes that would impede progress on installing new towers. Nevada County is in dire need of improved coverage county wide for safety reasons. With AT&T's constant attempts to abandon POTS and apparent refusal to service failed lines, it's more critical now than ever to increase cell tower deployment for both safety and overall connectivity to the internet which is now a requirement for living in the modern world.

If any items on this draft ordinance will in any way hamper tower deployment, they should be removed.

Greg Cameron
Nevada City, CA

From: [Heather McCormack](#)
To: [David Nicholas](#)
Subject: Cell towers
Date: Wednesday, August 6, 2025 10:59:40 PM

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You people selling our county out is getting old. We don't want any more dangerous towers here, making us sick and killing us! It's really time for the residents of Nevada County to start seriously considering removing anyone that isn't inline with our expectations for the safe rural community we once were.

From: [Holly Beardsley](#)
To: [David Nicholas](#)
Subject: Public comment to the telecommunications draft ordinance
Date: Thursday, August 7, 2025 12:58:02 PM

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Dear Planning Department,

Thank you for your leadership in shaping a telecommunications ordinance that is not only compliant with federal law, but also aligned with the values and needs of Nevada County residents. I write to express strong support for the proposed requirement that applicants provide a thorough Alternatives Analysis, and demonstrate that their chosen site is the least intrusive means of remedying any claimed service gap.

Telecom infrastructure, particularly macro towers and small wireless facilities in or near residential areas, can have lasting impacts on health, aesthetics, property values, and quality of life. It is therefore essential that the County enforce a process that compels applicants to fully explore and disclose alternative siting options before seeking approval for new facilities.

I urge you to retain the following Section D, in full, and resist any attempts to weaken or bypass this requirement.

"Alternatives Analysis. Provide an itemized list of alternative sites considered, with a comprehensive explanation of reasons alternative sites are not technologically feasible. Explanation shall include discussion of alternative sites that would accomplish the project goals. Provide specific comparative analysis of how different sites would impact aesthetic values, and other environmental values, as applicable."

This is a foundational safeguard and should be non-negotiable for the following reasons:

1. Promotes Least Intrusive Siting

The Alternatives Analysis directly supports the legal standard of "least intrusive means," as recognized in court decisions interpreting the Telecommunications Act. Applicants who seek to place infrastructure in sensitive areas must prove there were no better options — not merely that this was their first choice or most profitable.

2. Increases Transparency

By requiring a detailed and signed explanation of why other sites were rejected, the County and the public are empowered to evaluate whether a project is being proposed out of technical necessity or simply convenience.

3. Protects Residential and Scenic Zones

Without a hard requirement to assess alternatives, telecom companies will continue siting facilities based on ease of access and cost, rather than community compatibility. This provision helps push them toward industrial, commercial, or existing utility zones whenever feasible.

4. Prevents “Site Creep”

Absent this provision, companies could submit successive proposals for increasingly intrusive sites, each time claiming there is “no alternative” — when no serious exploration of alternatives was ever conducted. This language closes that loophole.

This underlined addition reflects best practices seen in model ordinances across the country, and it provides the Planning Department and Board of Supervisors with the leverage they need to protect the public interest without violating federal law.

Thank you for including this smart, strategic safeguard in the draft ordinance. Please ensure that it remains intact in the final adopted version.

Respectfully,
Holly Beardsley District 1 Nevada County

Inez Rodriguez
13520 Countryside Ranch Rd
Grass Valley, CA 95949
Tatuela48@gmail.com
530-268-9411

8-4-2025

David Nicolas, County Planning and Zoning Department
950 Maidu Ave, Suite 170
Nevada City, CA 95959

Subject: Request for Minimum 1,000-Foot Setback Requirement for Cell Towers

Dear Commissioners / Planning Department / Zoning Officials,

I am writing as a concerned resident of Countryside Ranch Road to respectfully request that the County adopt or uphold a minimum **1,000-foot setback requirement** for the placement of all wireless communication towers (cell towers) from residential homes, schools, healthcare facilities, and other populated or environmentally sensitive areas.

While wireless infrastructure is essential for modern communication, it is equally important to ensure that such development does not compromise the health, safety, property values, and quality of life of residents. Setbacks of only 100 to 250 feet, as proposed or practiced in some jurisdictions, are **insufficient** to address a range of well-documented risks.

Key Reasons Supporting a 1,000-Foot Minimum Clearance:

1. Health and Safety

Although radiofrequency (RF) radiation from cell towers is generally considered low-level, ongoing studies continue to examine the effects of long-term exposure, particularly in vulnerable populations like children, the elderly, and those with health conditions. A larger buffer distance supports the precautionary principle by minimizing unnecessary exposure while scientific research continues.

2. Structural and Environmental Risks

Cell towers can pose physical hazards, such as collapse during storms, ice shedding, or equipment failure. A 1,000-foot setback reduces the risk of injury or damage from falling debris or malfunctioning components, especially during extreme weather events.

3. Emergency and Fire Considerations

Electrical faults or fuel-fed backup systems may increase fire risks. A larger setback provides safer conditions for emergency responders and limits the potential spread of fire to nearby structures or wildland areas.

4. Property Values and Visual Impact

Numerous studies and local experiences indicate that proximity to cell towers can negatively affect property values and visual aesthetics. Greater setbacks help protect homeowners from depreciation and maintain the character of neighborhoods and rural vistas.

5. Environmental and Wildlife Concerns

Towers close to natural areas may interfere with migratory birds, pollinators, or fragile ecosystems. A 1,000-foot clearance allows better planning to avoid disrupting local habitats.

6. Legal and Zoning Precedents

Many municipalities across the country have adopted similar or even more conservative setback standards. Adopting a 1,000-foot minimum would bring our County in line with best practices and demonstrate a commitment to the well-being of its residents.

Because of these factors, I urge the County to either implement or maintain a 1,000-foot minimum setback from residences, schools, and other sensitive land uses for all wireless communication towers.

Thank you for your attention to this important matter. I would welcome the opportunity to participate in any public meetings or provide additional information as needed.

Sincerely,

Inez M. Rodriguez

From: [Jason Heiss](#)
To: [David Nicholas](#)
Subject: Draft Cell Tower Ordinance feedback
Date: Thursday, July 10, 2025 11:19:01 AM

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I generally support the installation of cell towers. Cell service is a vital utility and I depend on it for work, recreation, and emergencies.

That said, cell towers are often unsightly. So I appreciate any efforts to minimize their visual impact. As such I appreciate the changes in the draft ordinance that seem to be intended to achieve that result.

Thanks, Jason

From: [Jeanne Franklin](#)
To: [David Nicholas](#)
Subject: Comment on the County Cell Tower Ordinance Update
Date: Friday, August 8, 2025 1:02:09 PM

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August 8, 2025

David Nicholas, Associate Planner

950 Maidu Avenue, Suite 200

Nevada City, CA 95959

RE: Comment on the County Cell Tower Ordinance Update

Dear Mr. Nicholas,

I'm reaching out to you today to comment on proposed changes to the current cell tower ordinance for Nevada County. We live on 10 acres and support land conservation in our county. We moved to Nevada County 20 years ago to raise our two daughters in an area providing a safe community where neighbors quickly become friends, supporting one another at any given time. I fear that our rural way of life that we are accustomed to will be affected by cell towers in our area. Most all neighbors in South County rely on satellite or local company Smarter Broadband for connectivity.

Countywide sound planning for cell towers should involve a multi-faceted approach that considers coverage, capacity, aesthetics, and community impact. Cell tower sites can generate noise from equipment such as cooling fans or backup generators. Noise mitigation strategies should be required to include the use of barriers and careful placement of equipment. Sound level meters (ideally with a calibrator) can be used to assess noise levels and ensure they remain within acceptable limits.

Strategic placement, minimizing visual impact, addressing potential noise concerns, and ensuring public safety pertaining to radio frequency emissions all should be thoroughly reviewed and addressed. Placement of towers should take into consideration population density, point of interest, and transportation links. Tower height in rural areas could be greater than 60m. Residents shouldn't have their views obstructed with new towers which would be an eye sore.

Setbacks should be implemented to ensure adequate separation between towers and property lines, with provisions for taller towers in rural areas have greater setbacks.

Aesthetics and Visual Impact should be addressed to focus on minimizing the visual impact of cell towers by encouraging the use of stealth designs and co-location on existing structures. Man-made trees or clock towers can help blend the tower into the landscape.

Sound level meters (ideally with a calibrator) can be used to assess noise levels and ensure they remain

within acceptable limits.

Radio frequency (RF) exposure limits should be researched and comply with FCC guidelines. Protecting our residents from potential health risks is a factor especially when studies show a link between RF exposure and neurological effects or cancer risk. The scientific community continues to study the potential long-term health effects of RF exposure, and regulations may be updated based on new research findings.

Permits should be of a full Use Permit and not an Administrative Development Permit (ADP) as we have seen in South County where ADP applications are approved without public/neighbor knowledge until after the fact.

The acronym "NIMBY" "Not In My Backyard" is how we feel about the Cell Tower Ordinance Update. We have many concerns about how cell towers can negatively impact Nevada County Residents' quality of life, character of our rural surroundings, health concerns and potential negative impact on property values.

Sincerely,

Elliot and Jeanne Franklin

22605 Swenson Ravine

Grass Valley CA 95949

From: [Jeff Ingram](#)
To: [David Nicholas](#)
Subject: Proposed cell tower ordinance
Date: Wednesday, July 9, 2025 5:34:48 PM

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Hi David, my name is Jeff Ingram, I'm a property owner at 11451 Polaris Drive, Grass Valley. Valley. I'm wondering if the new ordinance would prohibit the cell tower proposed on McCartney Road? Hopefully so.

My personal comments concerning cell towers in general. I believe that the new ordinance is needed. I'm also concerned that because I have a an antenna on my roof which currently receives TV stations from Sacramento and San Francisco, due to my unique position, that the cell tower will destroy or interfere with my reception. My reception. I think it's a big deal that the cell tower will probably cost me \$85 a month for cell service to receive channels that I would normally receive for free. I feel that's inappropriate at my Federal right to receive over the air broadcast TV. I of course, like most people are uncertain about the biological from the electromagnetic waves emanated from cell towers. I think the jury is still out on that one, although the federal government says otherwise. I would appreciate it if you could keep me advised as to the progress of the new ordinance, as well as the progress of the proposed cell tower on McCourtney. Thanks again, Jeff Ingram.

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From: [johannafinney](#)
To: [David Nicholas](#)
Subject: Comments regarding Communications Telecommunications and Facilities ordinance
Date: Friday, August 8, 2025 4:56:01 PM

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Dear Mr. Nicholas and Planning Department Staff,

Thank you for opening up the County's draft Communications Telecommunications and Facilities ordinance for a 30-day public comment.

Ordinance Terms – Definitions Section

In the expanded ordinance suggestions put forth by *Nevada County for Safe Tech* (emailed to you earlier today and hard-copy delivered to the Community Development Check-In Desk in your name), you'll see an extensive list of new definitions added. My hope is that the Planning Department will embrace the spirit in which these are intended, to provide clarity and precision, avoid ambiguity, and as importantly, establish legal consistency which is essential for enforcement and compliance. The definitions offered will help communicate the intent and scope of the ordinance to stakeholders and foster transparency. Applicants and their representatives, as well as the public and our governing bodies will have a clear understanding of the specific terms and requirements of the ordinance to increase compliance, reduce violations, and make it easier to engage within a legal framework. These definitions will minimize the risk of legal challenges based on misunderstandings or misinterpretations of the ordinance and can save the County time and resources in disputes.

I was pleased to see that Staff will keep conditional use permits as a requirement for macro cell towers under 100 feet.

Public Notification

I also appreciate the expanded distance for the applicant's notification requirement to inform landowners and residents of a proposed facility, however I suggest that you please change the wording from 1000 feet to 1000 *radius* feet for accuracy in all areas of the draft that reference applicant notification, and make clear that this is for all telecommunication facilities, which includes macro tower and small cell antenna projects. In addition, for purposes of clarity as to the where and how of this noticing, it would be helpful to add this direction to section *J. Public Notice*:

1. Such public notice shall be published in The Union, or another newspaper of general circulation within the County at least 10 days prior to the hearing.
2. Such public notice shall be posted at least 10 days prior to the hearing in at least three public places in the County.
3. The notice shall include:

The date, time and place of the public hearing;

Identity of the hearing body or officer;

A general explanation of the permit being applied for;

A general description or diagram of the location of the real property, if any, that is the subject of the hearing

Regarding additional notifications, the following suggestions for inclusion would make the ordinance stronger, and follow the precedence of other ordinances within California and other states:

Application Requirements section:

For proposed towers and facilities taller than 100 feet, **the applicant shall perform a balloon test and publish reasonably advanced public notice** of the same to enable the County/Commission, property owners, and the community an opportunity to assess the actual adverse aesthetic impact which the proposed facility is likely to inflict upon the nearby properties and surrounding community. Said date and time will be established by the Planning Director and Code Enforcement Officer in coordination with the applicant, including an alternative date in case of inclement weather. The balloon diameter shall be equal to the largest antenna or dish proposed for the CRS tower or the width of the tower, whichever is larger. **The applicant will be responsible for publishing a public notice of the balloon test in at least one local newspaper publication and notifying abutters owning property within one thousand (1,000) radius feet, via U.S. Mail at least one week prior to the test.**

Fall Zones vs. Setbacks

I support the County's directive to promote the availability of adequate telecommunication services while minimizing any negative impacts on surrounding land uses. However, the County's draft ordinance in **Section E. Locational Standards for New Towers** does a disservice to the fact that a fall-zone for a tower is different than the set-back, and each serve different purposes and are defined differently.

The County's draft ordinance lists the set back from properties as 150% the size of the tower. That is acceptable as a fall zone, but completely unacceptable as a set-back in the rural and residential areas where parcels and living spaces are not that far apart in all instances.

The **Fall Zone** is the designated area around a communications tower where it could potentially fall safely in the event of a structural failure in order to protect people and property from damage and hazards.

The **Property Setback** is the minimum distance that a communications facility must be set back from the property line. This isn't just about safety for a fall zone, this is also designed to ensure adequate space between structures for reasons of privacy, aesthetics, and access to light and air.

The County can legally require and should update the ordinance to reflect the suggestion below. They are in compliance with federal rules and are currently being used in ordinances throughout the US:

Communication towers shall be set back from property lines as shown in Table 12.03.080.E.2.

Table 12.03.080.E.2.

Zoning District	Setback From Property Line
Residential	150% of Towers Height <u>500 Feet</u>
Rural	150% of Towers Height <u>500 (1000) Feet</u>
<u>Rural Penn Valley</u>	<u>1000 Feet</u>
<u>Rural South County</u>	<u>1000 Feet</u>
Commercial	150% of Towers Height
Industrial	Setback Standards of Table 12.02.050.E
Special Purpose	150% of Towers Height

Section D. Application Requirements Batched Applications:

Nevada County’s Planning Department and Board of Supervisors possess the “General Authority” granted to the County under the Telecommunications Act of 1996. This allows and preserves local authority powers while adhering to the necessary requirements outlined in the Act. The suggestions below are in compliance with FCC regulations concerning small cell facility applications.

Nevada County’s ordinance should limit batched applications for small wireless facilities to no more than five at a time to ensure a thorough review and assessment process within the shot-clock period. With a limited number of applications, planning staff will be able to evaluate each proposal's potential impacts on the community, environment, and existing infrastructure, which ensures that new infrastructure is done thoughtfully and responsibly, ultimately enhancing the overall quality of life in the public right of way. Managing a limited number of applications helps prevent overwhelming the planning department, which will reduce the risk of errors or oversights that could arise from handling a larger volume of applications.

These are just a few of the important changes that I suggest for the draft ordinance in addition to those thoroughly outlined in the rewrite prepared by Nevada County for Safe Tech, and I hope Planning Staff will take what is offered and apply it.

Thank you,

Johanna Finney

District 5, Nevada City



August 8, 2025

VIA EMAIL: david.nicholas@nevadacountyca.gov

Associate Planner David Nicholas
Planning Department
County of Nevada
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Draft Ordinance – County Communication Tower Regulations Section 12.03.080

Mr. Nicholas,

The Wireless Infrastructure Association (WIA)¹ commends Nevada County for taking proactive action to update its Communication Towers and Facilities ordinance. Additionally, the County is approaching its work with the correct frame of reference: compliance with the Federal Communications Commission (FCC) standards, rules, regulations and orders that have helped deploy critical wireless networks across the United States, including Nevada County. WIA takes this opportunity to comment on the proposed ordinance amendments and provide suggestions.

Section D. Application Requirements

Section D.4. amends the ordinance requiring a native vegetation landscaping plan to assist in screening the tower site. During wildfire, landscaping surrounding a tower site may invite that fire to the tower when it is critically needed. Tower fencing can provide a suitable alternative to a landscaping plan and the fence can be constructed of hardier materials.

Section D.9. increases property owner and resident notification to 1,000 feet from the proposed tower. Adjoining Placer County, Sierra County or Yuba County, CA do not require notification at all. Many jurisdictions require property owner and resident notification of adjoining property owners only or 500 feet from the proposed tower.

Section E. Location Standards for New Towers

Section E uniformly requires tower camouflage. Allowing but not requiring tower camouflage provides flexibility to the County. Camouflage may not be warranted or desired by the community depending upon the location. Additionally, tower camouflage

¹ The Wireless Infrastructure Association (WIA) represents the businesses that build, develop, own and operate the nation's wireless infrastructure. Members include infrastructure providers, wireless carriers, and professional services firms that are responsible for telecommunications facilities around the globe. On the federal, state, and local levels, WIA advocates for the widespread, responsible deployment of wireless infrastructure to enable mobile broadband access for communities everywhere.

may require other network trade-offs such as different equipment or a different type of tower that may limit network coverage or capacity.

Section E.2. requires a tower setback of 150% of tower height. WIA finds this excessive. This setback is not needed for safety purposes. In the extremely rare circumstance of a tower collapse, the tower is constructed to fall into much more compressed space. Where jurisdictions in other states require tower setbacks, it is typically 100% of tower height. Again, neighboring Placer County, Sierra County and Yuba County do not require a similar tower setback.

Section F. Design Standards

Section F.3. adds detail to the tower height setback seen above in Section E.2. by prohibiting tower height increases if the tower height setback cannot be met. Eliminating the ability to extend tower height past the original tower setback effectively prohibits colocation. If a telecommunications tower needs a height extension to accommodate a new user, it will be impossible for the tower owner to extend the setback corresponding to the taller height. This provision defeats Section E.3 providing “[c]o-location of new antennas on existing towers is strongly encouraged.”

As discussed in Section D.4., Section F.6. requiring native species landscaping may unwittingly provide fuel for wildfires in emergency situations.

Section F.7. prohibits tower safety lighting in residential districts which limits the possibility of colocation. Towers without safety lighting are shorter under Federal Aviation Administration regulations. Therefore, there is less tower space to accommodate new service providers and innovative technologies.

Section I. Operational Requirements

Section I.1. requires the service provider to submit radio frequency reporting to the County for review. Federal rules are clear that radio frequency compliance rests with the FCC and is outside of the County’s jurisdiction.

Thank you for the opportunity to comment on Nevada County’s proposed Communication Tower Regulations amendments. Please contact me with any questions or requests for information.

Respectfully,

/s/ Karmen Rajamani

Vice President, Government Affairs
Wireless Infrastructure Association

From: [Katherine Russ- Hotfelter](#)
To: [David Nicholas](#)
Subject: Cell Tower Ordinance
Date: Thursday, July 10, 2025 11:43:36 AM

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To Whom It May Concern,

We are Katherine and Scott Hotfelter, and we live in Lake Wildwood at 12907 Lake Wildwood Drive in Penn Valley.

Having moved up 1.5 years ago from the Bay Area, we did expect reduction in cell phone coverage as a cost to live within the beautiful Sierra Foothills.

We were surprised that even with multiple carriers there is no service to be found driving on main roadways and highways from Auburn to Nevada City, and Sacramento to Smartsville/Colfax via Marysville. Even within our own community of Lake Wildwood, in Penn Valley, cell phone coverage is limited to certain parts of the lake. You can't call for a ride or pickup unless on the WiFi at the common buildings. Also the coverage between the North and South sides of the community are different using different carriers.

If phone communication were the only issue, it would be a mere inconvenience of living in this beautiful county. However, many emergency service alerts for Fire and Natural Hazards and Road conditions, with the ability to seek help in case of an emergency are affected by the lack of cell phone coverage.

In addition, most individuals have also removed landlines from their homes to cut costs, which further eliminates the ability to call for help during power outages, when home WiFi can not be utilized to assist with poor coverage.

We believe that our gorgeous terrain does requires more towers to provide consistent and minimal coverage, even at the potential cost to beauty. We support reducing barriers to install additional cell phone towers, and not adding additional rules and requirements.

Respectfully,

Katherine Russ-Hotfelter and Scott Hotfelter

From: [Linda Vannix](#)
To: [David Nicholas](#)
Subject: Public comment on cell towers ordinance
Date: Friday, August 8, 2025 11:35:08 AM

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Dear Planning Department,

Thank you for your conscientious work on Nevada County's draft telecommunications ordinance. I write today in strong support of your inclusion of Shot Clock Tolling Agreements as a required element of every wireless facility application — a provision that is both strategic and necessary.

As you know, the FCC's "shot clock" rules impose strict federal deadlines on local jurisdictions for acting on wireless facility applications (e.g., 60 days for SWFs, 90–150 days for macro towers). While these deadlines are framed as promoting efficiency, in practice they often strip local agencies of meaningful time to conduct public review, environmental analysis, and expert consultation — especially for more complex or controversial proposals.

The underlined addition made in Section G provides a critical safeguard against this loss of local control:

"Shot Clock Tolling Agreement. A fully executed Shot Clock Tolling Agreement signed by the applicant acknowledging that the applicant's permit is not complete until all materials required under this Ordinance are submitted, and that the review period ("shot clock") for the application does not commence unless and until the County has confirmed that the application is complete. The agreement shall specify that failure to include required documents will delay the shot clock timeframe."

Why This Provision Is Essential:

1. Prevents Premature Clock Start

Many telecom companies submit incomplete or insufficient applications, then pressure

staff by claiming the FCC clock is ticking. This clause ensures the shot clock does not begin until the application is fully complete, verified by the County — not by the applicant.

2. Protects Public Input and Environmental Review

Applications that involve scenic corridors, historical sites, sensitive ecosystems, or RF exposure concerns often require independent experts, photo simulations, balloon tests, and legal review. Without tolling, there is often not enough time to meaningfully engage the public or address community concerns before the deadline forces a decision.

3. Reduces Legal Risk

Requiring a signed Shot Clock Tolling Agreement protects the County from litigation under the Telecommunications Act for so-called “failures to act.” If an applicant agrees in writing to toll the clock until the application is complete, it becomes very difficult for them to later claim unfair delay.

4. Encourages Good-Faith Negotiations

Applicants who refuse to sign tolling agreements typically do so because they are trying to rush or bypass local review. This provision helps the County screen for bad actors and ensure a cooperative process.

Additional suggested changes

To further protect County staff and process integrity, I recommend:

- Including the Tolling Agreement as a required checklist item for all telecom application submissions.
- Clarifying that any substantive amendment to the application during review (e.g., change in location, height, equipment) restarts the shot clock upon resubmission.
- Making all Tolling Agreements publicly accessible so that residents can track project

timelines and expectations.

Nevada County is right to reclaim its power to review applications with diligence, fairness, and due process. Shot Clock Tolling Agreements do not violate federal law, they supplement it by clarifying when a proposal is truly ready for review.

Thank you for including this underlined safeguard in the draft ordinance. Please preserve it as a required element in the final adopted version.

Respectfully,

Linda L Vannix, M.D.

From: [Lisa Lockwood](#)
To: [David Nicholas](#)
Subject: Public comment for cell tower ordinance
Date: Thursday, August 7, 2025 6:38:56 PM

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Radio Frequency Compliance

The following should be included in Section D. Application Requirements:

The RF Compliance Report should be an FCC Compliance Report.

An FCC compliance report is one prepared and certified by an RF engineer licensed by the state of California and certified under the penalty of perjury that the content is true and accurate, wherein the licensed engineer certifies **that the proposed facility will comply with FCC RF exposure standards and exposure limits**, meaning that the facility will not expose members of the general public to radiation levels that exceed the permissible limits the FCC has set. The County, at its own discretion may hire a licensed engineer to cross check the FCC Compliance Report, at the applicant's expense.

It is absolutely critical that the RF report include:

the antenna make and model type(s),

actual frequency and power levels (in watts effective radio power (ERP)) by sector;

number of channels per sector and ERP per sector;

downtilt, if any, and the number of degrees of vertical downtilt per antenna;

the direction of transmission (in degrees) for each sector and

mounting height above ground for each antenna array.

The report needs to provide a separate FCC assessment **for:**

all existing and proposed antennas at the site to certify compliance with FCC public and occupational limits

exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit

and also the boundaries of areas with RF exposures in excess of the controlled/occupational.

The report needs to document whether and where FCC limits for the general public may be violated; and it needs to do this for ground level and for second-story heights.

Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

On the cover page of the report, the report shall explicitly specify:

(a) Whether the applicant and their engineer are claiming that the applicable FCC limits based upon which they are claiming FCC compliance are the *General Population Exposure Limits* or the *Occupational Exposure Limits*. If the applicant and/or their engineer are asserting that the Occupational Exposure Limits apply to the proposed installation, they shall detail a factual basis as to why they claim that the higher set of limits is applicable,

(b) The exact minimum distance factor, measured in feet, which the applicant's engineer used to calculate the level of radiation emissions to which the proposed facility will expose members of the general public. The minimum distance factor is the closest distance (i.e., the minimum distance) to which a member of the general public shall be able to gain access to the transmitting antennas mounted upon, or which shall be a part of, the proposed facility.

7 August 2025

Dear Nevada County Planning Division,

Thank you for the opportunity to contribute to the refinement of Nevada County's wireless telecommunications ordinance. I am writing to express my strong support for the proposed language regarding visual impact analysis and balloon testing for communication towers and facilities. These provisions are essential for protecting the scenic beauty, rural character, and property values of Nevada County — particularly in areas near residential zones, parks, ridgelines, and recreation corridors.

Too often, wireless towers are permitted based solely on schematic plans that fail to capture their real-world visual intrusion. The proposed additions rightfully correct that by requiring both photo simulations from key viewing areas and the use of balloon tests for structures over 100 feet. These tools are critical in allowing community members and decision-makers to fully assess the impacts of a proposed facility before approval.

I support the following additions, which appear in Section D. Application Requirements and Section E. Locational Standards, and I urge the County to adopt them without dilution or removal:

"Visual Impact Analysis. The applicant shall provide a completed visual impact analysis that shall include the following:"

a. **Small Wireless Facilities:** The applicant shall provide a visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a "clear line of sight" between the tower location and their location.

b. **Telecommunications Towers and Personal Wireless Service Facilities** which do not meet the definition of a Small Wireless Facility: For applications seeking approval for the installation of a telecommunications tower or a personal wireless service facility that does not meet the definition of a small wireless facility, the applicant shall provide:

(1) A "Zone of Visibility Map" to determine locations from where the new facility will be seen.

(2) A visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed

for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a "clear line of sight" between the tower location and their location.

The photographic images shall depict the height at which the proposed facility shall stand when completed, including all portions and proposed attachments to the facility, including, but not limited to, the main support structure, all antennas, transmitters, whip antennas, lightning rods, t-bars, crossbars, and cantilever attachments which shall, in whole or in part, be affixed to it, any and all surrounding equipment compound(s), fencing, cellular equipment cabinets, transformers, transformer vaults and/or cabinets, sector distribution boxes, ice bridges, backup generators, including but not limited to equipment boxes, switch boxes, backup generators, ice bridges, etc., to the extent that any of such compound and/ or equipment will be visible from properties other than the property upon which the proposed tower and compound are to be installed.

The photographic images shall include the results of the drone/balloon test, and other information as necessary to determine visual impact of the facility. The analysis shall include a map depicting where the photos were taken. Where consistent with the natural or built environment, the analysis shall include a native vegetation landscaping plan with a visual simulation discussion of how the chosen plants, at maturity, will screen the site.

Additionally, I support the following addition in Section D.16:

"For proposed towers and facilities taller than 100 feet, the applicant shall perform a balloon test and shall publish reasonably advanced public notice of the same to enable the County/Commission, property owners, and the community an opportunity to assess the actual adverse aesthetic impact which the proposed facility is likely to inflict upon the nearby properties and surrounding community. Said date and time will be established by the Planning Director and Code Enforcement Officer in coordination with the applicant, including an alternative date in case of inclement weather. If a balloon is used, the diameter shall be equal to the largest antenna or dish proposed for the tower or the width of the tower, whichever is larger. The applicant will be responsible for publishing a public notice of the balloon test in at least one local newspaper publication and notifying abutters owning property within one thousand (1,000) feet, via U.S. Mail at least one week prior to the test."

These additions promote a transparent and participatory review process, empowering residents to understand how a proposed structure may impact their view, neighborhood, and community identity before approval is granted. This is especially critical in rural zones, ridgelines, or areas near homes, parks, or schools, where scenic preservation is vital.

By preserving and enforcing these provisions, the County will send a clear message that visual impacts matter — and that community character is worth protecting. I urge the

Planning Commission and Board of Supervisors to adopt this language into the final ordinance without change.

Thank you for your consideration.

Warm regards,

A handwritten signature in cursive script that reads "Louise Jones". The signature is written in black ink and is positioned above the printed name.

Louise Jones

Nevada City / Washington Ridge at Lightning Tree

From: [mariestempel](#)
To: [David Nicholas](#)
Subject: NC resident's concerns
Date: Thursday, August 7, 2025 10:32:16 AM

You don't often get email from mariestempel@protonmail.com. [Learn why this is important](#)

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We the people of Nevada County have heard that the Planning Department is recommending that no public notice be given for “5g” antennas in the Public Right of Way on light and utility poles.

No! We the people want public notification and no administrative permits for these powerful Radio Frequency millimeter wave antennas that may show up outside your home, office, or school.

We have also heard that generators are to be as close as 30-feet to an adjacent property in the rural zone? We want NONE of these towers at all. But we demand strong setbacks of 500-1500 feet at least.

We are very concerned about fires. No cell tower are be placed in locations with only one route of egress. Cell tower fires are electrical fires that cannot be extinguished using conventional methods. None of you seem to care about human health, come on!

Did you know that the plastics from monopine cell towers, which are “disguised” as pine trees, release high amounts of plastic that pollute our soil, water, and nearby properties? No! We the people actually want NO more 5G towers here.

Listen up, because we the people have had it. Justice for humans, animals, plants, water, air, and the earth! Because if we the people do not see this justice now, the Sun will melt and blast the 5G into oblivion.

Thank you,
Marie Gipson

From: [Mark Graham](#)
To: [David Nicholas](#)
Subject: Re: Comments on Nevada County Public Meeting - Revamping Cell Tower Ordinance
Date: Monday, August 11, 2025 11:27:13 AM
Attachments: [Front yard rule for cell antennas updated June 3 2025 v2.pdf](#)

You don't often get email from mark@keepcellantennasaway.org. [Learn why this is important](#)

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August 8, 2025

Mr. Nicholas,

Although I sent this earlier I am sending it again now as one part of my public comments on the proposed, draft ordinance for cell antennas. I have made some changes though so please include this.

Nobody at the County notified me when the draft ordinance was available for public review and comment.

I appreciate that you put my initial recommendation about requiring an engineer to sign off on coverage maps into the draft. I will repeat what I said one day later, which are specific requirements that I think should be required regarding the authenticity of coverage maps.

The problem with my initial recommendation is that it's too general. Not specific enough. It relies entirely on the honesty of the applicant. Experience across many cities and counties and states has shown that you cannot count on the honesty and integrity of the applicant. As proposed it is all based on "Trust me." No, the applicants (telecommunications companies or their subsidiaries or agents) cannot be trusted.

To correct this and make a stronger effort to get meaningful, science based and accurate coverage maps I recommend adding this to the application requirements.

I think that the signed attestation by a licensed engineer should also state:

- the manufacturer and model number of the antennas producing the RF emissions being modeled, (the proposed antennas)
- the settings on the antennas used in the model (these are among the input data) and
- the settings that the carrier intends to actually use in its operation of the antenna if the County issues the permit.
- What are the assumptions built into the model?
- What data did they use as input?
- If the equipment is adjustable, in terms of its power output, does the model assume that the equipment is adjusted to the highest output setting, the lowest, or somewhere in

between? Or to the setting that they actually intend to use?

If there is a discrepancy between the settings used in the model to create the coverage maps and the settings intended to actually be used the engineer shall explain such discrepancy. Settings shall include, without limitation, input power, output power, and all other settings that affect the coverage or signal strength.

Will you add that too? This would go under D, Application Requirements, and under D6 in particular.

For the record I like D1 and D5, Application Form and Proof of Need for facility: Coverage of significant gaps.:I am not objecting but pointing out that in section D5 the County proposes to leave it up in the air what constitutes a coverage gap. That might or might not cause a problem. It invites disputes with the industry over what is and isn't a coverage gap. I don't know if that would be a problem. Maybe within the county there is such diversity of landscape, topography, and so on that a significant gap in one place might not be significant in another place.

You might want to consult the case law on this. Or call attorney Andrew Campanelli and ask him. He practices this area of law, telecommunication law, and is very familiar with the Telecommunications Act of 1996 and the relevant case law.

I will also have other comments on this.

Thank you and best wishes,

Keep Cell Antennas Away
A local residents' advocacy group
www.KeepCellAntennasAway.org

On Tuesday, June 3rd, 2025 at 12:19 PM, Mark Graham <Mark@keepcellantennasaway.org> wrote:

June 3, 2025

Dear Mr. Nicholas,

I am watching the video of the County's public meeting on March 31, 2025 on Nevada County Public Meeting - Revamping Cell Tower Ordinance.

<https://www.youtube.com/watch?v=s3EfpEzbn3s>

I would like to be notified about updates to the cell tower ordinance. I assume by tower you also mean cell antenna, but this may become more clear in the video.

You did mention that the county was considering regulating and providing for the permitting of "small cell" or "small wireless facilities". These should NOT be

exempt! These should be regulated to accomplish the objectives of the residents and the County.

This message, including the attached file, contains my comments on the subject. I may have more comments. I would appreciate a substantive response, if you are able to give one. Or at least your acknowledgement that you received this.

Please include this message in the file or docket for this issue. Please distribute it to the decision makers as soon as possible. Please consider what I am saying here as you write your draft cell tower ordinance. You could easily incorporate what I am about to recommend into the draft. Much better than waiting until after you have issued a draft that does not include these recommendations.

The County can keep cell towers and antennas away from residential front yards

Early in your presentation you said that, according to the federal Telecommunications Act of 1996 (TCA) the County cannot regulate the placement of cell towers on the basis of the environmental effects of the radio frequency emissions alone as long as the equipment complies with the FCC guideline (I think you called it a standard) for such emissions. On that basis alone, you said. That is true.

But what the County must understand is that it the TCA preserves local zoning authority, that the County does have the power to regulate placement to prevent undesirable aesthetic effects or impacts, and that the TCA does not define aesthetics. (47 U.S.C. § 332(c)(7)(A))

It is up to the County to consider what aesthetics and aesthetic effects or impacts are and, if it so chooses, to regulate placement accordingly. If you write your ordinance based on this and you cover all the other bases such as an appeals process for the telecommunications company (Telecom) that applies for a permit and the County denies the application, then you will effectively regulate such placement.

The City of Elk Grove has a front yard rule for cell antenna placement. Any city or county can do this.

Look no farther than the City of Elk Grove, California. I live in Elk Grove and in 2018 - 2019 I led the grassroots campaign here to cause the City to do its best, by exercising its zoning authority, to keep cell antennas away from our Elk Grove homes. Over 200 people contacted the City opposing the AT&T application for a cell antenna ordinance. The end result was that the City, among other things, regulated placement of cell antennas on the basis of aesthetics, as I have described here.

The City Council approved an ordinance 19-2019 which contained what I call the front yard rule for cell antenna placement. This is intended to prevent the irresponsible placement of cell antennas. Sticking a cell antenna near a home is irresponsible. My estimate is that the front yard rule for cell antenna placement

has protected 90% of Elk Grove homes from having a cell antenna right in front. The benefits to residents and the environment are both aesthetic and health. This is an effective way for the City or any city or county to exercise its zoning authority, consistent with the TCA, to achieve its objectives.

In February, 2022 I prepared a document on the City of Elk Grove's cell antenna ordinance, which the City Council adopted in August, 2019. I have updated the document this morning I am sending it as an attachment to this email. Please distribute it along with this email when you distribute this email to the decision makers and staff.

Comments by residents at this meeting

I agree with what Cindy Sage said at about 48:00 in the video, that small cells are not small. Taken together, the so called 5G cell antenna project is huge. There should be full permits, not only administrative permits - which bypass the residents and allow for no resident input.

I also agree with Johanna Finney's comments at about 51:40 about procedural rights vs. administrative approvals. Procedural rights guarantee community members can participate in the decision making process. The latter allow wireless permits to be rubber stamped behind closed doors sometimes and sometimes by a single staff member. When decisions are made administratively the public is left out entirely. No hearing, no notice, no transparency. That's unacceptable when it comes to this subject. A tower 99' and below must still have a conditional use permit so that we can enjoy that public process.

I would say the same applies to so called small cells or small wireless communication facilities. I agree with what Ms. Finney said at about 54:00 that in her experience at dozens of meetings in Oakland before the Planning Commission and the Hearing Board. She said that the officials were in way over their head. They did not understand the terminology or what was being proposed.

We know that municipal telecommunications policy is complicated. It includes technology, law, health, science, and multiple policy options, some of which you may not be aware of. There are many ways to provide for the permitting of cell towers or antennas. There is a lot to learn. This is not an issue that the Planning Commission or Board of Supervisors normally works on. You may not be familiar with the subject, through no fault of your own.

You can learn a LOT from your residents. They are often very well informed. Your residents will tell you very different information than Telecom will tell you. Your residents don't have a financial interest in more cell towers, more sales, more cell phones and more profits. They want what is best for the County and the residents. They are often better educated and are usually MUCH more objective and honest than the companies selling cell phone service. Telecom has an agenda and are not known for their objectivity or truthfulness when making their proposals, their sales of proposed new laws, to a County.

I have comments about coverage maps and the range of a 5G cell antenna. I will

put it in the P.S.

As some of your residents mentioned telecom is predatory, billion dollar corporations that use every dirty trick in the book.

I agree with what Reinette Senum, former 2 time Mayor of Nevada City, said at about 56:30, that a cell tower ordinance is highly technical and like Greek to many. Decision makers need to understand what is being proposed.

The federal government has not updated its EMF (electromagnetic field) regulation since 1996

As Mayor Senum said the federal government has failed to update the EMF exposure regulations in decades.

Recently (2019) the Federal Communications Commission (FCC) ordered after receiving thousands of pages of evidence and studies on EMF health effects during a long public comment period, that there was insufficient basis for changing the maximum permissible exposure guidelines which FCC had issued in 1996.

Environmental Health Trust and Children's Health Defense sued the FCC over this order. The Court of Appeals found that FCC's order had been arbitrary and capricious, that FCC had violated the Administrative Procedures Act, and that it had disregarded the 11,000 pages of evidence presented to it - other than the evidence on cancer impacts. The Court remanded the matter back to the FCC. Nearly 4 years later the FCC has not done anything on this issue.

See *Environmental Health Trust, et al. v. FCC & USA*, U.S. Court of Appeals for the District of Columbia Circuit, No. 20-1025, Consolidated with 20-1138.

<https://www.fcc.gov/document/dc-circuit-decision-environmental-health-trust-v-fcc>

<https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

As Mayor Senum said the County cannot regulate the placement of cell antennas or towers on the basis of the environmental effects but there are significant adverse health impacts to EMF. The County should know that it can regulate placement on the basis of what the County considers aesthetic impacts. As the City of Elk Grove has done since 2019.

Thank you for your consideration.

Mark Graham

Keep Cell Antennas Away
A local residents' advocacy group
www.KeepCellAntennasAway.org

P.S. Coverage maps and the range of a 5G cell antenna

Coverage maps are not worth the paper they are written on unless authenticated

At about 19:40 in the meeting video David Nicholas said in his presentation that the range of a cell tower in the mid band, which is data, is only ½ to 1.5 miles. He showed a coverage map, figure 8, on the right and another one, figure 5, on the left, showing the low band, which is voice.

Please beware that the carriers routinely lie about their coverage maps. They present these to you as if they are fact, and accurate. These are created on a computer, obviously, and you as the County officials (Commissioners, Supervisors, and staff) have NO IDEA what inputs they used in their computer model to generate these coverage maps.

What are the assumptions built into the model? What data did they use as input? What cell antenna equipment is the model based on? If the equipment is adjustable, in terms of its power output, does the model assume that the equipment is adjusted to the highest output setting, the lowest, or somewhere in between? Or to the setting that they actually intend to use?

For purpose of persuading the County they may create a coverage map based on the assumption that their cell antenna is adjusted to the middle or low end of the output power, and as soon as they get the permit and install it they re-adjust the equipment to the highest output power, which gives a lot larger coverage and effective range. You will have NO WAY of knowing this unless you ask them directly.

Also, for purposes of authentication the County should insist that each coverage map presented must be signed by a licensed engineer, attesting that he is familiar with the model used, that it is an appropriate model for the purpose and that the input data used to create the coverage maps was appropriate.

Otherwise it's not authenticated and basically it is sales. It's a sales tool to sell the County on the purported need for more cell antennas and cell towers. It's no more scientific or reliable than a car dealer (new or used) telling you what you want to hear to sell you a car. Except that new cars actually come with a warranty.

The range of a 5G cell antenna is at least 2,000'

Also, when it comes to the permitting and placement of cell antennas in the cities, in residential neighborhoods, remember that David Nicholas said the equipment modeled in figures 5 and 8 of the staff presentation, again at about 19:40 in the video, had a range of 1.5 to 2.5 miles and 0.5 to 1.5 miles, respectively. Also compare that to the statement from around 2019 of Verizon CEO Lowell McAdam who said in a video interview on CNBC that the range of a 5G cell antenna was 2,000' from source to receiver. In other words from the cell antenna to your cell phone. Both the cell antenna and cell phone operate as source and receiver, because the signals of voice, data, etc. go back and forth.

The title of the video is "Verizon CEO On The Future Of 5G CNBC."

<https://www.cnbc.com/video/2018/05/15/verizon-ceo-lowell-mcadam-5g-future.html>

Starting at 5:29 in the video the interviewer asks Mr. McAdam, “Can you get through trees? Can you get through leaves? Can you actually get somewhere where you don’t need cell sites ev, you know 25 feet from my house?”

Verizon CEO Lowell McAdam: “Yeah well those were some of what I call the myths of millimeter wave, because no one thought that was good, and by the way we’re the only ones that have it now so it’s to their advantage to say it’s no good.”

“When [Verizon] went out in these 11 [5G test] markets, we tested for well over a year, so we could see every part of foliage and every storm that went through. We have now busted the myth that [5G frequencies] have to be line-of-sight — they do not. We busted the myth that foliage will shut [5G] down . . . that does not happen. And the 200 feet from a home? We are now designing the network for over 2,000 feet from transmitter to receiver, which has a huge impact on our capital need going forward. Those myths have disappeared.”

(Here it is verbatim.)

5:29 CNBC interviewer, “Can you get through trees? Can you get through leaves? Can you actually get somewhere where you don’t need cell sites ev, you know 25 feet from my house?”

5:38 Verizon CEO Lowell McAdam:

“Yeah well those were some of what I call the myths of millimeter wave, because no one thought that was good, and by the way we’re the only ones that have it now so it’s to their advantage to say it’s no good.”

“When we went out in these 11 markets, we tested for well over a year so we could see every part of foliage, every storm that went through. We have now busted the myth that it has to be line-of-sight. It does not. We busted the myth that foliage will shut it down. I mean that was back in the days when a pine needle would stop it. That does not happen.

And the 200 feet from a home? We’re now designing the network for over 2,000 feet from transmitter to receiver, which has a huge impact on our capital need going forward. So those myths have disappeared.”

6:25

<https://youtu.be/31gpCcbklHw?t=315>

That was years ago. 5G cell antenna technology is probably better in terms of having a longer range today.

Nevada County public comments on draft wcf ordinance

by Mark Graham

Mark@KeepCellAntennasAway.org

August 8, 2025

Dear Nevada County,

These are my latest and final comments (unless you have another comment period) on your proposed ordinance for wireless communications facilities, (WCFs) also known as Close Proximity Microwave Radiation Antennas (CPMRAs). This will, in some form or other, become Section 12.03.080 Communication Towers and Facilities.

Please consider incorporating these comments into your next draft, the one that the governing body will vote on.

Here are my 3 points very briefly:

- #1 Add as a purpose providing an appeal process for applicants.**
- #2 Incorporate the front yard rule for cell antenna placement into section E5 on Location.**
- #3 Recognize that your sections on location E.5. and K1. And K.2. will not work in the big cities. You will have to make an exception for every application.**

Point #3 is a strong reason for point #2. As my hypothetical situation illustrates, sections E.5.a. and E.5.b. will effectively prohibit the provision of personal wireless services in your urban areas, in Grass Valley and Nevada City. This is a violation of the Telecommunications Act of 1996 332(c)(7)(B)(i)(I) and 332(c)(7)(B)(i)(II). It's also a violation of the rights and privileges conferred on the applicant by the same sections – the basic right to provide personal wireless services.

Thus your location limitations are an ineffective way to limit cell antennas in residential zones and near homes. You will have to make an exception every time in the big cities.

On the other hand there is no such problem with the front yard rule for cell antenna placement. We have had it on the books for nearly 6 years in Elk Grove. I do not know how many exceptions we have had to make, but I believe they have been very rare. Elk Grove City could tell you that for sure. We have location limitation that actually works and is implemented as written. This is why if the County wants to limit the irresponsible placement of cell antennas in residential zones and near houses (it is inherently irresponsible) the front yard rule is much better than your well intentioned but flawed location limitations in E.5.a., E.5.b., K.1. and K.2. I

recommend omitting those flawed sections and in their place inserting the front yard rule for cell antenna placement. I have copied and pasted it into my point #2.

The current draft that I have, including Attachment A, is 42 pages long. I believe there are a lot of good things in here for the purpose of protecting the people and the County itself from the irresponsible placement of cell antennas.

I hope that the County will listen to your residents. Many times the residents are better informed than the applicant or the applicant's attorney or agent. They are even better informed than some attorneys who cities and counties hire to represent them when making or updating a telecommunications law. Your residents (and concerned friends from outside the county) are always more objective than the telecommunications companies (telecom). They are always more honest.

One of the problems with making a telecommunications law is that it's out of the ordinary and unfamiliar to most county staff elected officials. The county regularly handles all sorts of things from building permits and A to Z, but how frequently does the county write or amend its telecommunications law? Your staff does a good job but it's simply not possible to be as familiar and fluent with a policy area that you address once every ten years as a policy area that you address 6 to 10 times a year. This makes it more likely for the county to be misled by the telecommunications companies.

Another problem that the county may or may not have experienced is the threat of a federal lawsuit by the telecommunications companies if they do not get their way. The Telecommunications Act of 1996 does give them the right to sue the county in certain circumstances. Basically when a permit is denied or a law is passed in violation of their rights. The TCA generally preserves the local zoning authority of the county, but it does not state in detail how the county can best exercise its local zoning authority. There is a vacuum of information in the TCA about it. Telecommunication companies (or Telecom) fill in this vacuum with information that is always intended to gain the approval of the city or county, but is not always truthful and accurate. How many times has Telecom misrepresented the TCA, their rights per the TCA, the county's rights per the TCA, the process for applying for and getting a permit, the cell antenna technology, the radio frequency (RF), and microwave (MW) emissions from the antenna, the effective range or distance away from a home that an antenna can provide reliable service, and other aspects of cell antennas? Too many to count.

Because the County staff and elected officials are not very familiar with telecommunications law, it is easy for Telecom to put one over on you. The misrepresentation can be in terms of what they omit rather than what they say. Coverage maps are the best example. In county after county Telecom rolls out colorful coverage maps purportedly showing the current and projected coverage area once their proposed cell antennas are installed. But these are all computer generated and they raise more questions than they answer. Who was operating the computer program that generated this coverage map? Was the model appropriate? Were all of the data

inputs appropriate? Who checked it? Where is the accountability? One of my recommendations in June was to require a certified engineer to sign off on the coverage map. Earlier today I made a more detailed recommendation on that same point. Section D.1.g.

In August, 2019 the City of Elk Grove adopted ordinance 19-2019, a new telecommunications law for CPMRAs, or cell antennas. The best protection for residents was what I call the “front yard rule for cell antenna placement.” I provided this in my comments on June 3 and again today. Please see the attached pdf file from my emails on those 2 dates. I estimate that the front yard rule for cell antenna placement has protected about 90% of Elk Grove homes from having a cell antenna out in front.

Despite our front yard rule, we still have cell coverage in Elk Grove!

Despite our front yard rule Telecom has not sued the City of Elk Grove. Nearly 6 years later, after 6 years of normal operation with this new law and hundreds of cell antenna permits issued Telecom has not sued the city. This is proof that our front yard rule for cell antenna placement is legal.

My comments are numbered consecutively starting with #1.

#1 Add as a purpose providing an appeal process for applicants.

Section A, purpose. What’s in here is good, especially A1 and A2. But what is missing and should be in here is a statement that one purpose of this ordinance is to provide for an appeal process for the applicant in the event he (or she, and I’ll use the term he to mean both) believes that his application for a permit was wrongly denied.

I believe that an appeal process for the applicant is essential. It’s due process. The county should spell out what kind of evidence will be used to evaluate the appeal and who will evaluate the appeal. There should also be deadlines for filing an appeal and specific procedural requirements. As written, section E 5 on Location (pages 26-29), about restricted site locations, and Sections K1 and K2 on page 39, the Exceptions, require the applicant to basically file an appeal at the time of his application. That is how I interpret it. That is premature because at the time of application the applicant does not know whether the County will deny his application or on what grounds. How are they supposed to know?

#2 Incorporate the front yard rule for cell antenna placement into section E5 on Location.

This is the best way to prevent the irresponsible placement of cell antennas.

Recognize that the TCA, as interpreted by the courts, allows the County to regulate placement to protect aesthetic values. But neither the TCA nor case law defines aesthetics. It is a matter of

preference. Some people prefer yellow flowers and some people prefer red. Same with wine, white or red. It is up to the County to determine what aesthetic values it wants to protect and if the County determines that keeping cell antennas away from residential front yards, and thus away from residences, is how it wants to protect aesthetics there is nothing that Telecom can say about it. They could sue but they would lose, so they will not sue.

Adopt into your city or county's zoning code a regulation on the placement of cell antennas; specifically, that cell antennas will not be permitted to be located immediately adjacent to or immediately across the street from the front yard of any residence.

The Elk Grove City Council adopted this in Ordinance 19-2019 on August 28, 2019.

The front yard rule (unofficial name) in the Elk Grove Municipal Code says:

b. No small cell wireless communication facility shall be located immediately adjacent to, nor immediately across the street from, a front yard of any residential dwelling.

EGMC 23.94.050 A.6.b.

Here it is in context.

23.94.050 Development standards.

A. General Development Standards. Unless otherwise exempt pursuant to EGMC Section 23.94.040, Exemptions, or as otherwise provided in an agreement approved by the Elk Grove City Council pursuant to EGMC Section 23.94.035, Small Cell Wireless Communications Facilities, the following general development standards shall apply to all wireless communications facilities:

6. In a residential zoning district, the following development standards shall apply, unless the applicant can demonstrate with substantial evidence satisfactory to the approving authority that such siting limitation will materially inhibit personal wireless service as to a particular small cell wireless communication facility.

a. No small cell wireless communication facility shall be placed within five hundred (500' 0") feet of another small cell wireless communications facility.

b. No small cell wireless communication facility shall be located immediately adjacent to, nor immediately across the street from, a front yard of any residential dwelling.

<https://www.codepublishing.com/CA/ElkGrove/#!/ElkGrove23/ElkGrove2394.html#23.94.050>

Here is the signed version of City of Elk Grove Ordinance No. 19-2019, which approved a new cell antenna policy which includes zoning code amendments and a master license agreement between the City and AT&T / Cingular.

The agenda for the August 28, 2019 Elk Grove City Council meeting is here:

http://elkgrovecity.org/UserFiles/Servers/Server_109585/File/cityclerk/citycouncil/2019/ag-08-28-19.pdf

The staff report, containing the proposed zoning code amendment and master licensing agreement with AT&T / Cingular, is here:

http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/cityclerk/citycouncil/2019/attachments/08-28-19_9.3.pdf

Our cell antenna law also includes a provision for telecom to appeal a denial of a cell antenna permit application. That is an important part of our cell antenna law too.

My website is temporarily down but you can find any page on my website through archive.org.

Legal basis for the front yard rule for cell antenna placement

The local government can regulate placement of cell towers and antennas to avoid unwanted aesthetic effects. The TCA does not define aesthetics, so it is up to the state or local government to either define it or simply regulate the placement on the basis of aesthetics without providing a definition. Aesthetics can be the purpose of the law.

Case law on aesthetics

In the Ninth Circuit, it is well-established that local governments may consider aesthetics when deciding whether to permit installation of wireless facilities on private property subject to local zoning laws. In a 2009 decision called *T-Mobile USA, Inc. v. City of Anacortes* (“Anacortes”), the Ninth Circuit readily acknowledges the validity of aesthetic considerations for local land use (zoning) decisions affecting wireless installations.

Anacortes, 2009 WL 2138980 at * 5¹ (citing *Sprint II*, 543 F.3d at 580)². Accommodation of such concerns is the essence of the “least intrusive means” test used by the Second, Third and Ninth Circuits in personal wireless services installation cases under section 332(c)(7).

Contact Elk Grove City Attorney Jonathan Hobbs

If you have any doubts about the factual and legal basis for the front yard rule for cell antenna placement or you want to know how it has actually worked for the last 6 years City Attorney Jonathan Hobbs is the person you should call.

County staff can call and speak with Elk Grove City Attorney Jonathan Hobbs. Although he is not the County’s attorney I assume that even Nevada County elected officials can speak with him about telecommunications law. I am sure you and he know all the requirements and prohibitions and whether they allow him and you to actually talk. But for sure your staff can talk with him.

Mr. Hobbs wrote the City of Elk Grove's cell antenna policy and in particular the "Front Yard Rule" which is in the Elk Grove Municipal Code.

https://www.elkgrovecity.org/city_hall/departments_divisions/city_attorney

In the nearly 6 years that this has been the law in Elk Grove, telecommunications companies (Telecom) have applied for and received hundreds of permits for cell antennas. They have not sued the City over the front yard rule for cell antenna placement. Federal law gives them the right to sue a state or local government that creates and "effective prohibition" of their cell antenna services.

#3 Recognize that your sections on location E.5. and K1. And K.2. will not work in the big cities. You will have to make an exception for every application.

In my opinion the key sections of the proposed ordinance are section E5, Location, and sections K1 and K2, exceptions. These regulate the location where the county will issue a permit for (permit) a cell antenna and where it will not.

Let’s look at the interplay of these two sections, anticipate what arguments Telecom might make in arguing that the ordinance is an effective prohibition, and evaluate the merit of those arguments. Let’s also look at the “effective prohibition” section of the TCA, section

1 *T-Mobile USA, Inc. v. City of Anacortes* (No 08-35493, slip op. (9th Cir. July 20, 2009), available at 2009 WL 2138980)

2 *Sprint Telephony PCS v. County of San Diego*, 543 F.3d 571, 576 (9th Cir. 2008) (en banc), cert. denied, 77 U.S.L.W. 3366 (U.S. June, 29, 2009) (No. 08-759) (“Sprint II”)

To quote these two sections, in the current draft they read as follows:

E. Locational Standards for New Towers Communications Facilities.

5. Restricted Site Locations for Small Wireless Facilities. All of the following locations will be deemed "Restricted Site Locations" that require an exception pursuant to Section K of this Section:

- a. any location within a residential zone;
- b. any location within 500 feet from a residential dwelling unit;
- c. any location within 500 feet from a daycare facility or school;
- d. any location within a Very High Fire Hazard Severity Zone; and
- e. any location within a public trail, park, or outdoor recreation area.

K. Exceptions.

1. The County may grant an exception to the provisions in this Section but only to the extent necessary to avoid conflict with applicable federal or state law. When the applicant requests an exception, the Reviewing Authority shall consider the findings in Subsection K.2. Each exception is specific to the facts and circumstances in connection with each application. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.

2. Findings for an Exception. The Reviewing Authority may grant an exception to any provision or requirement in this Section only if the Reviewing Authority finds that:

- a. a denial based on the application's noncompliance with a specific provision or requirement would violate federal law, state law or both; or
- b. a provision in this Policy, as applied to the applicant, would violate any rights or privileges conferred on the applicant by federal or state law.

3. Exception Requests. An applicant may request an exception only at the time the applicant submits an application. The Reviewing Authority may consider additional information provided by the applicant after submittal to supplement the initial exception request. Any request for an exception after the initial submittal shall be deemed to be a new application.

4. Burden of Proof. The applicant shall have the burden to prove to the Reviewing Authority that an exception should be granted pursuant to Subsection K.2. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for an exception.

5. Scope of Exception. If the Reviewing Authority finds that an exception should be granted, the exception shall be narrowly tailored so that the exception deviates from this Policy to least extent necessary for compliance with federal or state law.

Telecommunication Act of 1996 on effective prohibition

332(c)(7)(B)

`(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

`(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

`(B) LIMITATIONS-

`(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

`(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

`(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

Hypothetical situation involving a cell antenna permit application

Suppose that a telecommunications company applies for a cell antenna permit in a residential neighborhood in a location that is less than 500' from a residential dwelling unit. In other words, a place that is a "restricted site location" for the cell antenna according to sections E.5.a. and E.5.b. Suppose the proposed location is within Grass Valley or Nevada City.

According to section E.5. the proposed location is deemed a "Restricted Site Location[]" that require[s] an exception pursuant to Section K of this Section

Sections K.2.a. and K.2.b. state the grounds for an exception.

The question, regarding the possible exception, is whether a denial of such a permit application would violate federal or state law or the rights and privileges conferred upon the applicant by federal or state law.

What would the applicant say? What argument would he make? Possibly these two.

#1 The County's denial of our permit application violates federal law because it has "the effect of prohibiting the provision of personal wireless services." This is so for 2 reasons:

#a The County cannot call "any location within a residential zone" a "Restricted Site Locations" (section E.5.a.) because that is where our customers are, especially in Grass Valley and Nevada City. Those cities are the most densely populated areas in the county.

#b The County cannot call "any location within 500 feet from a residential dwelling unit" a "Restricted Site Locations" (section E.5.b.) because there are very few locations that are greater than 500 feet from a residential dwelling unit, especially in Grass Valley and Nevada City. If you look at a map of those cities, Telecom might say, 95% of the residential dwelling units are within 500 feet of another residential dwelling unit. By prohibiting us from installing a cell antenna there you are making about 95% of the residential dwelling units off limits to us.

In rural areas these arguments might not be true. But in your big cities they would be.

As such, according to section K2.a. the County would have to grant an exception not only for this hypothetical situation but for every similar one.

Therefore this argument would effectively nullify sections E.5.a. and E.5.b. at least in the two big cities.

#2 The County's denial of our permit application violates our rights and privileges conferred on us by the Telecommunications Act of 1996. In particular our right to provide personal wireless services. This is the effective prohibition argument again. Section K.2.b. is the other side of the same coin as K.2.a.

As such, according to section K2.b. the County would have to grant an exception not only for this hypothetical situation but for every similar one.

Therefore this argument would effectively nullify sections E.5.a. and E.5.b. at least in the two big cities.

The net result of both arguments would be that despite its intention and effort to limit the irresponsible placement of cell antennas in residential zones and near homes, the County will have failed to do so. The County will have allowed it.

That's the end of my discussion of this hypothetical situation. It shows that the limitations on placement of cell antennas in sections E.5. and K.1. and K.1. will be of no effect in your big cities, Grass Valley and Nevada City.

All of these problems associated with sections E.5. and K.1. and K.1 will be avoided, and the County will actually achieve its objective of limit the irresponsible placement of cell antennas in residential zones and near homes, if you simply adopt the front yard rule for cell antenna placement.

Do you see? I hope so. Feel free to ask me any questions and please do.

Thank you and best wishes,

Mark Graham

Keep Cell Antennas Away

Mark@keepcellantennasaway.org

7 August 2025

Regarding: Tower Setbacks

Dear Nevada County Planning Division,

Thank you for providing the opportunity to make suggestions regarding the guidelines that ensure responsible siting, location, compatibility, structural integrity, and design of telecommunication facilities. My suggestions support the County's directive to promote the availability of adequate telecommunication services while minimizing any negative impacts on surrounding land uses. I want to ensure that these facilities are compatible with adjacent areas, creating a harmonious environment for everyone.

A fall-zone for a tower is different than the set-back. The County's draft ordinance lists the set back from properties as 150% the size of the tower. That is acceptable as a fall zone, but completely unacceptable a set-back.

This is what the county can legally require and should change the draft ordinance to mirror these suggestions. They follow federal rules and are currently being used in ordinances throughout the US:

Communication towers shall be set back from property lines as shown in Table 12.03.080.E.2.

Table 12.03.080.E.2.

Zoning District	Setback From Property Line
Residential	150% of Towers Height 1000 Feet
Rural	150% of Towers Height 500 -1000 Feet

- a. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property line).
- b. If the project parcel is adjacent to a zoning district with a more restrictive setback, the more restrictive setback shall apply to the proposed communication tower.
- c. Communication towers shall not be located anywhere that results in less

than a 500-1000 foot setback from the tower to a residentially zoned parcel,
regardless of the zoning of the project parcel or the contiguous parcels.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Jones".

Mark Jones
Lightning Tree Road Association
Washington Ridge, Nevada City

From: [Marty Main](#)
To: [David Nicholas](#)
Subject: Draft Cell Tower Ordinance - COMMENTS
Date: Thursday, July 24, 2025 11:57:47 AM

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Mr. Nicholas,

My general comment is that the County seems to be making the improvement and expansion of Cellular Service in Nevada County more difficult. I have heard all the arguments against the requested tower in South County at 20896 Dog Bar Road, since my family home is very near it, and unfortunately, I was unable to attend BOD hearings on the Use Permit for it. I would have voiced the following comments:

1. RF Radiation - For over 20 years, I worked as an engineer for TV stations, including KCRA TV3 and KQCA TV58 in Sacramento. So I have experience with radio and TV transmitters, towers, and antennas. It's important to know that harmful exposure to radiofrequency radiation drops off almost exponentially as you move away from the source (antennas up on the tower). The biggest concern with cell phone usage is carrying a working cell phone close to your body for long periods every day. Therefore, cellular base stations and their towers aren't really a health risk, except maybe for technicians who work right next to the antennas for extended periods.

2. Appearance of Radio Towers - Many cell towers (including this proposed one) are designed to blend in with the natural surroundings by disguising themselves as a pine tree. (Frankly, a weathered galvanized tower is fairly innocuous anyway, in my opinion.) Also, the planned location for this tower is set back from Dog Bar Rd. among existing trees, so it won't be very noticeable unless someone looks closely. Realistically, only those arriving at the Amber Lane/Dog Bar Road intersection by descending westbound Amber Lane will ever notice this tower, if they are looking for it. I pick up our family's mail daily at that location since there is a community USPS mailbox located there. So I might be able to view it if I were to look westward from that location.

3. Generator Noise, Diesel Fuel, and Fires - The generator that will be used for the tower will only run during power outages, and when running, most of us will barely notice it as sound levels decrease over distance. Also, many people use their own generators during those times (as my family does), which will mask other sounds, especially those further away. Diesel fuel is generally safer than gasoline and much less volatile than propane. The fire safety requirements for propane require just a 10-foot radius of bare soil around tanks, while the area planned for the tower and generator will be much larger and kept free of vegetation to avoid potential wildfire damage. This means the fire risk is relatively low from diesel fuel being stored on site. And it's very unlikely for a well-built and maintained cell tower to catch fire on

its own. I've never seen spontaneous combustion of radio towers in all my experience. A comment about such a spontaneous combustion of a cell tower in Alta Sierra, some months ago (last summer, I think), was actually a PGE power pole.

4. Need for the Cell Tower - Adding a new cell tower in our area is likely necessary because the existing ones are getting overloaded. We need more towers to help share the load and improve signal quality, which means better and more reliable mobile phone and cellular internet service, at least for Verizon users in this case.

Thank you for your diligence in this matter. I believe it to be important for Nevada County to be well-connected, helping its residents with daily wireless communications and terrestrial mobile/fixed wireless Internet, as well as during times of emergencies.

Best Regards,

Martin "Marty" Main
14168 Feather Way
Grass Valley, CA 95949
530-228-6318

From: [mike wayne](#)
To: [David Nicholas](#)
Subject: Cell towers
Date: Thursday, July 10, 2025 11:44:19 AM

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Hi David

If anything we need more and better coverage. On the back side of Banner we get little to no coverage. People who have coverage should not have input. Coverage was apposed one by a neighbor who has good coverage and did not want it next to their property. In high fire areas like Nevada county, every effort to insure several methods of notification should be in-place. I don't think we need more RED TAPE from the government but less to insure fire safety and communication. Several times over the years people in trouble have come to our door to use the phone be cause there is no cell phone coverage. In the past when losing power to the area the internet and phone have gone down when the backup batteries at Reddog X were drained, hopefully this will not happen with the new carrier.

Just a couple days ago there was a small fire on Reddog / Jones ridge road which is our main exit. Did not know about it till well left and saw the blacken land.

Simply said we need better cell coverage. I don't think 5G is good idea for this area because range limits caused by the hill and trees.

Thank You

Mike Wayne

From: moniquevalenzuela63@yahoo.com
To: [David Nicholas](#)
Subject: Cell towers
Date: Monday, July 21, 2025 7:31:58 PM

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Hello,

I would like to comment that myself and several neighbors I've spoken with would ask that there be the maximum setback distance of 1000' from our parcels in South County. We are not comfortable with the exposure to our families that comes with this project. Thank you.

Monique Valenzuela
14601 Countryside Ranch Road
Grass Valley
[Yahoo Mail: Search, Organize, Conquer](#)

From: [Nathan W.](#)
To: [David Nicholas](#)
Subject: Cell Tower Ordinance
Date: Wednesday, July 9, 2025 1:16:29 PM

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In general I am supportive of moves to make it easier to build and run communications towers in Nevada County. As a rural resident whose ONLY communication option at times is to climb a hill to get cell phone service near my home, increasing the coverage of cellular communications is a matter of life and death in an emergency.

I am glad to see the county moving forward with ideas that will make the population safer.

Having looked at the maps provide previously, I am concerned that adding addition requirements like the following will impede the implementation and deployment of critical information infrastructure, putting lives at risk.

"Increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial."



NEVADA COUNTY AIRPORT LAND USE COMMISSION

Grass Valley • Nevada City • Nevada County

File: 0040.1.4

August 8, 2025

David Nicholas, Associate Planner
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

SUBJECT: Proposed Section 12.03.080 Communication Towers and Facilities Update

The Nevada County Transportation Commission (NCTC) staff received a Notice of Opportunity for Comments on Proposed Zoning Ordinance Amendments to Regulations for Communication Towers and Facilities. NCTC is also designated as the Nevada County Airport Land Use Commission (NCALUC) and Truckee Tahoe Airport Land Use Commission (TTALUC). The draft ordinance proposes general changes in addition to other minor changes, clarifications, and clean-up to Section 12.03.080 – Communication Towers and Facilities.

The NCALUC and the TTALUC are responsible for the review of proposed projects located within the airport influence area and making a determination of consistency with policies and compatibility criteria of the adopted Nevada County Airport Land Use Compatibility Plan (NCALUCP) and the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). I have reviewed the proposed 2025 Nevada County Cell Tower Ordinance for consistency with the NCALUCP and TTALUCP. To ensure the protection of the airspace and airport of the Nevada County Airport and the Truckee Tahoe Airport, I request the following definition of “Airspace Protection Compatibility Policies” be added, as well as the subsequent following references to consistency with the Airspace Protection policies contained in the NCALUCP and TTALUCP in relation to projects proposed within an airport influence area be included in the update of Section 12.03.080 – Communication Towers and Facilities of the Ordinance.

Airspace Protection Compatibility Policies: Policies established to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur. Tall structures, trees, and other objects, particularly when located near airports or on high terrain, may constitute hazards to aircraft in flight. Federal regulations establish criteria for evaluating potential airspace obstructions. These regulations require that the Federal Aviation Administration (FAA) be notified of proposals for creation of certain such objects located within the airport influence area. The FAA conducts “aeronautical studies” of these objects and determines whether they would be hazards. The Nevada County Airport Land Use Compatibility Plan (NCALUCP) and Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP) defines the state and federal airspace protection policies, together with regulations established by local land use jurisdictions and the state and federal government to ensure that hazardous obstructions to the navigable airspace do not occur.

Measures of Hazards to Airspace: In evaluating the airspace protection compatibility of proposed development near an airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic.

- (a) Three types of physical hazards are a concern to aviation.
 - (1) The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
 - (2) Land use features that have the potential to attract birds and certain other wildlife to the airport area are also to be evaluated as a form of physical hazards.
 - (3) Thermal plumes, such as from power plants, can constitute invisible hazards to flight.
- (b) Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
- (c) Electronic hazards are ones that may cause interference with aircraft communications or navigation.

Factors Considered in Setting Airspace Protection Compatibility Criteria: In establishing airspace protection policies, the NCALUC and TTALUC relies upon regulations enacted by the Federal Aviation Administration (FAA) and the state of California. The NCALUCP and TTALUC policies are intended to help implement the federal and state regulations.

- (a) The FAA has well-defined standards by which potential hazards to flight, especially airspace obstructions can be assessed. However, the agency has no authority to prevent creation of such hazards. That authority rests with state and local government.
- (b) State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.

Review of Height of Proposed Objects: The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual project by the NCALUC or TTALUC. If the general plan of the local agency in which the project is to be located has been determined by the NCALUC or TTALUC to be consistent with the *Compatibility Plan*, then no review is required. If the general plan has not been made consistent, then proposed objects that would exceed the heights limits indicated in the latest adopted NCALUCP or TTALUCP for the respective *compatibility zones within the airport influence area* shall be referred to the NCALUC or TTALUC for airspace review. Development proposals that include any such objects represent potential airspace obstructions issues. Caution should also be exercised, with regard to any object more than 50 feet high proposed to be located on a site that is substantially higher than surrounding terrain within the airport influence area.

Height Restriction Criteria: The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, *Objects Affecting Navigable Airspace*, and applicable airport design standards published by the FAA. Additionally, where an FAA aeronautical study of a proposed object has been required as described in NCALUCP or TTALUCP policies, the results of that study shall be taken into account by the NCALUC or TTALUC and the local agency.

- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of the airspace protection surface depicted in Map 2B. Any object that penetrates one of these surfaces is, by FAA definition, deemed an *obstruction*.

- (b) Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77 criteria. Elsewhere within the airspace protection area, no object shall be limited to a height of less than 35 feet above the ground even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction.
- (c) Except as allowed under Paragraph (b), no proposed object having a height greater than 35 feet above the ground and that exceeds the airport's airspace protection surface shall be allowed unless *all* of the following apply:
- (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation.
 - (2) FAA or other expert analysis conducted under the auspices of the NCALUC, TTALUC, or the airport operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:
 - An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
 - A diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
 - Conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or enroute navigation to and from the airport.
 - (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed (Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later guidance).
 - (4) An aviation easement is dedicated to the jurisdiction owning the airport in accordance with NALUCP and TTALUCP policies.
 - (5) The proposed project/plan complies with all other policies of NCALUCP or TTALUCP.

FAA Height Notification: Proponents of a project involving objects that may exceed a Part 77 surface must notify the FAA as required by FAR Part 77, Subpart B, and by the PUC Sections 21658 and 21659. (Notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations.)

- (a) Local agencies shall inform project proponents of the requirements for notification to the FAA.
- (b) The requirement for notification to the FAA shall not necessarily trigger an airport compatibility review of an individual project by the NCALUC or TTALUC if the project is otherwise in conformance with the compatibility criteria established herein.
- (c) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the NCALUC or TTALUC for review regardless of where within the jurisdiction of the NCALUC or TTALUC they would be located.
- (d) Any project submitted to the NCALUC or TTALUC for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the FAA and the FAA findings if available.

Other Flight Hazards: New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within the Airport Influence area. Specific characteristics to be avoided include:

- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;
- (d) Sources of electrical interference with aircraft communications or navigation; and
- (e) Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds. (Refer to FAA Order 5200.5A, Waste Disposal Sites on or Near Airports and Advisory

Also, under Section 12.03.80 D (4), proposals for vegetative screening for projects located within an airport influence area should be submitted to the Airport Manager for review and comment to ensure that proposals do not attract wildlife that could create hazards for airport operations.

Please let me know if you have any questions.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Mike Woodman", is written over a light blue rectangular background.

Mike Woodman, Executive Director
Nevada County Airport Land Use Commission

From: [David Nicholas](#)
To: [K Taylor](#)
Cc: [Lisa Swarthout](#)
Subject: RE: cell tower ordinance
Date: Thursday, July 10, 2025 8:42:00 AM

Hi Kim,

Thanks for your comment. I added it to the record to be considered as the draft Ordinance amendment is refined based on the input of the community.

The County Fire Planner already reviews all proposed communication facility projects and will continue to do so. The California Public Utility Commission requires backup power for a duration of 72 hours for wireless service facilities in California's Tier 2 and 3 High fire threat districts (most of Nevada County). All the towers the County has reviewed recently have included either backup emergency generators or battery storage. Please let me know if you have another idea in mind.

Best regards,

David Nicholas
Associate Planner

950 Maidu Ave. Suite 170
PO Box 599002, Nevada City, CA 95959-7902
Main 530.265.1222 Direct 530.265.1257

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-----Original Message-----

From: K Taylor <ktaylor.ca@gmail.com>
Sent: Wednesday, July 9, 2025 6:06 PM
To: David Nicholas <David.Nicholas@nevadacountyca.gov>
Cc: Lisa Swarthout <Lisa.Swarthout@nevadacountyca.gov>
Subject: cell tower ordinance

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David,

Thank you for the opportunity to comment on this county-wide ordinance.

I am of the strong opinion that cell service providers through their tower network, need to provide service even when fire and other natural disasters affect our county. The reliability of cell towers to function even when the power grid is down is a matter of life and death.

I strongly urge the county to require any and all cell tower operators to secure and demonstrate an alternative source of energy for all points in their network. I also strongly encourage the County's Fire planners to be in the loop for approval of these backups, and for the County to engage in a planning effort to keep critical communication structure online during wildfire and storm events that links to requirements for companies doing business providing telecomm in the County.

Thanks for all your hard work

Kim Taylor
Grass Valley, CA

From: [Paul Gilbert](#)
To: [David Nicholas](#)
Subject: Communication Towers and Facilities Update – August 8, A.D. 2025
Date: Thursday, August 7, 2025 12:26:45 PM

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FORMAL OBJECTION to Draft Ordinance 12.03.080

Re: Communication Towers and Facilities Update – August 8, A.D. 2025

Submitted by: Paul-Edward: Gilbert, one of the People

To: David Nicholas, Associate Planner

David.Nicholas@nevadacountyca.gov

(530) 265-1257

I. INTRODUCTION

This Formal Objection is submitted in response to the proposed amendment to Nevada County Code **Section 12.03.080**, titled *Communication Towers and Facilities*. The draft ordinance, as written, materially alters land use policy in a manner that violates public trust, undermines the County's General Plan, evades CEQA review, and creates administrative pathways that bypass public scrutiny.

Each objection listed below constitutes a **legal, procedural, or substantive defect** in the proposed ordinance and must be addressed prior to any lawful adoption.

II. FORMAL OBJECTIONS

Objection 1: Violation of CEQA Due to Tiered Exemptions

The proposed ordinance exempts a broad class of towers and facilities—including Small Cell Wireless Facilities (SCWFs)—from environmental review under CEQA, despite known and cumulative environmental impacts.

- **Failure to perform a CEQA Initial Study** or obtain a Negative Declaration violates California Public Resources Code §§ 21000 et seq.
- By declaring SCWFs and other camouflaged facilities as categorically exempt, the County ignores cumulative impacts, which CEQA prohibits.

Relief Requested:

A full CEQA environmental impact review (EIR) is required before passage. No exemption may be presumed for wireless infrastructure in scenic, recreational, or residential zones.

Objection 2: Unconstitutional Delegation of Authority to Planning Director

The ordinance unlawfully delegates emergency siting powers to the Planning Director under vague “emergency” language (§ C.4), granting unchecked discretion without objective standards, timelines, or appeal process.

- This violates **California Government Code § 65913.1**, which limits administrative delegation in zoning matters.

Emergency powers are not to be used for pretextual fast-tracking of controversial infrastructure.

Relief Requested:

Remove or significantly narrow Section C.4 to apply **only to temporary installations during federally declared emergencies**, with an automatic expiration clause and mandatory Board review within 30 days.

Objection 3: Discriminatory Treatment and De Facto Spot Zoning

The ordinance uses camouflage language to override protective zoning limits in **residential, park, trail, and recreational zones** (see § E.1.b–d), effectively enabling **spot zoning** in favor of telecom interests.

- Camouflage is not an adequate substitute for environmental or aesthetic integrity.
- This constitutes **arbitrary and capricious zoning policy**, in violation of equal protection principles and **Article I, § 7 of the California Constitution**.

Relief Requested:

Insert a clear ban on new towers in residential and recreational zones unless a full **Use Permit** and **public hearing** are conducted, with findings made under penalty of perjury.

Objection 4: Violates Public Participation Rights Under State Law

The 1,000 ft notice radius prior to application **acceptance** (not approval) is insufficient and creates procedural due process concerns.

- The public has a **constitutional and statutory right to participate** in land use decisions that impact their health, property values, and environment.
- The proposed ordinance provides notice only before an application is accepted—not before it is approved or heard.
- Under **California Government Code §§ 65090–65096**, public hearings for zoning decisions require:
 - **Published notice in a local newspaper** at least 10 days before the hearing (§ 65090(a), § 65091(a)(5)(A)).
 - **Mailed notice to nearby property owners within 300 feet** and affected local agencies (§ 65091(a)(1), (3), (4)).
 - **Clear explanation of the hearing, subject matter, location, and affected property** (§ 65094).

These statutory safeguards are mandatory—not discretionary—and apply to ordinances, use permits, and general plan amendments. A mere intake notice does not satisfy the State's legal standard for **adequate public notice and opportunity to be heard**.

Relief Requested:

All facilities—regardless of size, camouflage, or administrative designation—must be subject to full **public notice and hearing prior to approval**. The 1,000 ft notice must apply to the **scheduled hearing date** with proper content and delivery under §§ 65090–65094.

Objection 5: Violates General Plan Policies on Scenic Ridgelines and Community Character

The ordinance allows towers to be sited on ridgelines and visible locations with only minimal camouflage, directly contradicting multiple General Plan policies that protect community character, viewsheds, and scenic corridors.

- This violates **General Plan Conservation and Open Space Element Policies COS-4.2.1 and COS-4.2.2**.
- The allowance of “faux trees” and disguised towers does not eliminate the visual blight or health concern.

Relief Requested:

Prohibit tower placement on ridgelines, in scenic corridors, or within 2 miles of any school, playground, or residential subdivision, regardless of camouflage.

Objection 6: Regulatory Capture and Conflict of Interest

The reliance on FCC “shot clock” rules and definitions creates a **de facto surrender of local control** to federal and industry standards, despite the County’s constitutional duty to preserve the health and welfare of its citizens.

- **Local governments may not contract away their police powers** to federal agencies or private corporations (see *People v. Weller*, 237 Cal.App.2d 189).
- Use of FCC definitions undermines independent judgment, making the County vulnerable to claims of regulatory capture.

Relief Requested:

The ordinance must be revised to state that **County discretion and police power shall supersede FCC guidance where public health, safety, and environmental integrity are concerned.**

III. Summary

For all the reasons stated above, I formally object to the adoption of the proposed ordinance in its current form. No further action shall be taken until these objections have been addressed on the record, in writing, and with supporting evidence.

Failure to resolve these objections may result in:

- A CEQA lawsuit.
- A Petition for Writ of Mandate.
- Referral to the Grand Jury for investigation into administrative abuse.

Respectfully Submitted,

Paul-Edward: Gilbert

c/o: 2036 Nevada City Highway, #28

Grass Valley, California [95945]

public.comment@sendittomyemail.com

Date: August 7, A.D. 2025

From: [Kendrick Mensink](#)
To: [David Nicholas](#)
Cc: [Huey Nham](#); [Sarah Gillmore](#)
Subject: Comments on proposed zoning ordinance amendments to regulations for communication towers and facilities (PLN25-0097, ORD25-2)
Date: Tuesday, July 29, 2025 3:19:19 PM

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Hi David,

My comments:

1. Set back increase to 150% of tower height: *clarify provisions where terrain or lot shape make strict compliance difficult.*
2. RF monitoring: *clarify transparency provisions, if any, such as results shared with nearby residents.*
3. Expanded Notification Radius: *clarify provisions for ensuring translated notices or alternative formats are available if needed.*
4. Safety for coverage gaps: *clarify provisions for a streamlined process for essential towers where proof exists of genuine coverage deficiencies if co-location is infeasible.*

Thank you,

[Kendrick Mensink](#)

Engineer – Assistant

Environmental Engineering Division

(530)-889-6839

[Placer County Plan Check](#) | [LiveSewerSmart](#) | [Practical Engineering Wastewater Management](#)



From: [Reinette Senum](#)
To: [David Nicholas](#)
Subject: Nevada County's Draft Telecommunications Ordinance
Date: Friday, August 8, 2025 2:02:42 PM

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August 8, 2025

Dear Planning Commissioners and Staff,

While I appreciate the effort that has gone into Nevada County's draft telecommunications ordinance, it's clear that much of the language reflects only the bare minimum required. In contrast, Nevada County for Safe Tech has gone above and beyond, bringing forward language that truly serves both the telecommunications industry and the residents of our county.

The changes and additions we've proposed are not untested experiments, but are drawn directly from the telecom ordinances of other California cities and counties that have already been successfully implemented and have withstood legal challenges. There is no reason why these proven protections cannot be fully adopted here in Nevada County.

This is why....

This isn't just about infrastructure. It's about where we live, where our children grow up, where neighbors gather in parks and on front porches, and where visitors come to take in the views that define Nevada County. When Small Wireless Facilities (SWFs) are placed too close to homes, schools, ridgelines, and historic areas, we risk losing more than a little visual charm; we risk the very things that make this place worth calling home.

I've seen what happens when these facilities go up just feet from bedrooms and playgrounds. They're not the tidy, invisible "low impact" devices that marketing suggests. They come with antennas, boxes, backup power systems, and high-frequency emissions, often planted in areas where people walk their dogs, wait for the school bus, or watch the sunset. Over time, these changes erode property values, alter the look and feel of neighborhoods, and, most importantly, compromise the sense of safety and well-being in our daily lives.

That's why the underlined language in Section E matters so much. It isn't about

blocking technology; it's about guiding it to places where it won't intrude on our health, our history, or our landscapes. Protecting ridgelines keeps our scenic views intact. Keeping these facilities away from schools and daycare centers safeguards children from unnecessary exposure to hazardous materials. Preserving historic districts and cultural sites honors the stories and identity that have shaped this county for generations.

I urge you not only to retain this language intact but also to consider strengthening it by requiring written justification if a facility is proposed in a restricted zone, ensuring that applicants exhaust all other technically feasible alternatives, and extending these protections to future technologies, such as millimeter wave and 5G+ systems.

Nevada County's beauty, heritage, and community spirit are fragile things. Once they're altered, they can't be easily restored. By adopting and defending these siting restrictions, you're not just managing technology, you're preserving the heart of this place for those who live here now and for generations yet to come.

Most Sincerely,

Reinette Senum
Nevada County for Safe Technology

From: [Rick Cartoscelli](#)
To: [David Nicholas](#)
Subject: Cell Towers
Date: Wednesday, July 23, 2025 4:54:00 PM
Importance: High

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A recent article in The Union newspaper entitled "The environmental harm of fake tree cell towers" has prompted this email to your office. All too often end users of cell service expect 100% coverage yet remain concerned about the above-mentioned issue. The 'fake tree' cell tower is a compromise. A steel or monopole tower is probably a better alternative, but zoning regulations require some form of 'disguised' antenna array, thus the 'fake tree' and compromised signal performance. Perhaps the end user would value the presence of a cell tower when an emergency call must be completed. There was a time when cell coverage in western Nevada County was marginal, at best. Personally, I appreciate the excellence in signal levels that now exists in most parts of this County. Further, I also enjoy looking at a steel tower as a 'functional piece of engineering' and do not find its appearance offensive.

Thanks,

--

Rick Cartoscelli,
Nevada City, CA

25764 Sweet Road
Grass Valley, CA 95949
August 8, 2025

David Nicholas, Associate Planner
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

RE: Comment on the County Cell Tower Ordinance Update

Dear Mr. Nicholas:

Thank you for taking comment on proposed changes to the current cell tower ordinance for Nevada County. We are long-time residents of Countryside Ranches, a rural part of south county where we live among about 30 other residents with 10-acre parcels used for livestock, farming and 4-H families.

We support the general goals for connectivity that cell towers provide. We also recognize that cell towers need to be sited with sound planning, and here that means large distancing of new cell towers in a rural area. Avoiding conflicts with our use and enjoyment of our homes and neighborhoods is preventable by sound planning.

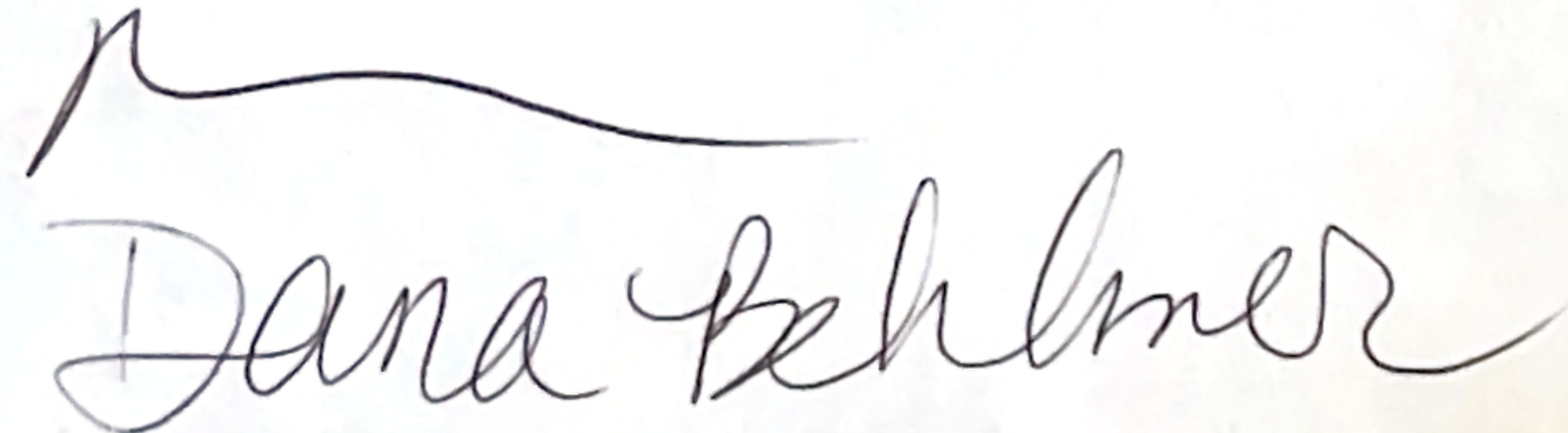
We count on planning ordinances that maintain and protect rural land use values (distancing from commercial facilities, long views and vistas, quiet use of our properties and minimal intrusion of cell towers that impair property values, and devalue the quality of life here).

1) We ask that you adopt 1000' setbacks from property lines of new cell towers for the south county areas (as you have mapped as suitable for large setbacks in the Nevada County Communication Tower Ordinance Update, March 31, 2025).

2) The application process should be a full Use Permit, and the Planning Director should not substitute for the Zoning Administrator in keeping with current procedures.

3) Public hearings, public notice and the right to appeal are all critical to us so there is transparency in processing applications, and in renewing annual permits for facilities. The public should be able to ask for and received notice of County comment period before annual renewal is granted. The County should specify how/when to provide feedback about how well cell tower operators/owners are in compliance (or not in compliance) before annual renewal is granted

Respectfully submitted,
Ron and Dana Behlmer, residents of South County.



Dana Behlmer

From: [sandra safran](#)
To: [David Nicholas](#)
Subject: Re: FAKE TREES
Date: Thursday, July 24, 2025 10:45:56 AM

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Yes, it IS about the camouflaging requirements amendments. I thought it was quite clear that I am against it. No one is fooled and therefore unnecessary. Since we are trying to limit the amount of plastic in our environment due to the detriment to human health, why add to it when it is a health issue?

Why not just build wooden towers?

Sandra Safran

On Jul 24, 2025, at 10:31 AM, David Nicholas
<David.Nicholas@nevadacountyca.gov> wrote:

Hi Sandra,

Is your email in regard to the camouflaging requirements of the Nevada County Communication Tower ordinance amendments?

Best,

David Nicholas
Associate Planner
<[image001.png](#)>

950 Maidu Ave. Suite 170
PO Box 599002, Nevada City, CA 95959-7902
Main 530.265.1222 Direct 530.265.1257

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From: sandra safran <sandrasafran@mac.com>
Sent: Thursday, July 24, 2025 10:28 AM
To: David Nicholas <David.Nicholas@nevadacountyca.gov>
Subject: Fwd: FAKE TREES

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Begin forwarded message:

From: sandra safran <sandrasafran@mac.com>

Subject: FAKE TREES

Date: July 24, 2025 at 10:25:45 AM PDT

To: "DavidNicholas@nevadacountyca.gov"
<DavidNicholas@NevadaCountyCA.gov>

Fake trees are just eye-sores. Nobody thinks they are trees. If they are environmentally destructive why would they be erected?

Sandra Safran
Penn Valley

From: [Tammie Johnston](#)
To: [David Nicholas](#)
Subject: Cellular reception in The Cedars Grass Valley
Date: Thursday, July 10, 2025 2:58:29 PM

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Dear David,

My husband and I have owned a home in Grass Valley since the 1990s and have always enjoyed decent cellular coverage near our residence on Highland Drive (off Rattlesnake Road).

However, we recently purchased a home in The Cedars off Highway 174, and unfortunately, the reception in this area is practically nonexistent. Despite purchasing a Wi-Fi booster, we are unable to make or receive any cellular calls. This situation is not only a safety concern but also poses a risk for emergency communications, especially if the power goes out.

Emergencies don't always occur in our homes, and having VOIP does not solve the problem of sending a receiving emergency communications.

We urgently need more cellular towers in and around Cedar Ridge and the Union Elementary School areas along Highway 174.

If you have any questions or concerns, please don't hesitate to reach out to me directly.

Concerned Nevada County resident,

Tammie Johnston

--

Tammie Johnston
Tammiejaj@gmail.com
916-508-7947

From: [Tiffany Ramirez](#)
To: [David Nicholas](#); [Tyler Barrington](#); [Brian Foss](#)
Subject: Official Statement Regarding Cell Tower Ordinance
Date: Friday, August 8, 2025 4:47:20 PM

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Hello,

I appreciate the County's commitment to balancing the expansion of telecommunication services with the need to protect the character and safety of surrounding land uses. Establishing clear guidelines for the expansion, structural integrity, design, and compatibility of telecommunication facilities is essential to achieving this balance, and I welcome the opportunity to contribute suggestions toward that goal.

One area that requires clarification in the current draft ordinance is the distinction between a *fall zone* and a *setback*. The draft currently proposes that towers be set back from property lines at a distance equal to 150% of their height. While this measurement is reasonable when applied as a fall zone, it is inappropriate to use it as a setback standard.

There are well-established legal parameters—fully compliant with federal regulations—that the County can adopt instead. These standards are already in place in ordinances across the United States and could be incorporated here to ensure both public safety and regulatory consistency. Adjusting the draft ordinance to align with these practices would strengthen its effectiveness while maintaining compliance with applicable laws.

I would also like to pose the following for consideration:

County mapping clearly shows that imposing a 1,000-foot setback from every property line drastically reduces the land available for telecommunication facilities. **A more balanced approach would be to base the setback on the distance from existing structures—particularly occupied residences—rather than from property boundaries.**

This method would preserve adequate protection for current residents while allowing for more efficient land use. Future structures could be planned and built with the full knowledge that a tower is already in place, ensuring transparency for new property owners while preventing unnecessary limitations on suitable sites.

Thank you for your time and consideration in this very important matter,

Tiffany Ramirez

From: [Steve Kessmann](#)
To: [Jodeana Patterson](#); [Dan Collins](#); [David Nicholas](#)
Cc: [Tyler Barrington](#); [Brian Foss](#)
Subject: RE: Cell Tower Ordinance 2025 Notice
Date: Thursday, July 10, 2025 11:50:03 AM
Attachments: [image002.png](#)
[image004.png](#)
[image001.png](#)

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David,

I think that it would be worth mentioning compliance with PRC 4291 any time that you are talking about revegetation. I deal with this issue a lot and the language as stated does give you an "out" to be reviewed by the fire marshal but it should be frontloaded in the plan review that defensible space is a COA rather than chasing that item down on the tail end of the project.

It takes a lot of extra work on the fire prevention side of the shop trying to explain to cell tower operators why they need to protect their infrastructure from wildfire by doing vegetation management work when they have been brow beat by a planning commission that requires extensive revegetative screening prior to project approval. Getting those items prioritized and aligned up front helps everyone have a more successful project. My \$0.02.

6. Fencing and screening of ~~towers~~ **communication facilities.**
 - a. **Base stations shall be screened from adjacent public rights of way, public trails, public recreation areas, places of public gathering and adjacent properties by landscaping with native species or other means, in alignment with Section 12.04.111 of the Nevada County Code.**
 - b. All areas disturbed during project construction **shall be replanted with vegetation compatible with vegetation in the surrounding area unless the County Fire Marshal requires fuel modification.** Native trees are the preferred vegetation.
 - c. Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements, shall be protected from damage during construction.

Steve Kessmann
Fire Marshal



Truckee Fire Protection District

Office: [530-582-7855](tel:530-582-7855)

Cell: [530-414-1006](tel:530-414-1006)

From: Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>

Sent: Wednesday, July 9, 2025 12:09 PM

Cc: David Nicholas <David.Nicholas@nevadacountyca.gov>; Tyler Barrington <Tyler.Barrington@nevadacountyca.gov>; Brian Foss <Brian.Foss@nevadacountyca.gov>

Subject: Cell Tower Ordinance 2025 Notice

Good afternoon,

Please find attached the Notice of Opportunity for Comments on Proposed Zoning Ordinance Amendments to Regulations for Communication Towers and Facilities.

For comments and questions, please contact Associate Planner David Nicholas at (530) 265-1257 or David.Nicholas@nevadacountyca.gov.

Thank you,

Jodeana Patterson

Administrative Assistant II

Clerk to the Planning Commission

Clerk to the Zoning Administrator



[Planning Department](#)

950 Maidu Ave. Suite 170

PO Box 599002, Nevada City, CA 95959-7902

Main 530.265.1222, Direct 530.470.2526

Jodeana.Patterson@nevadacountyca.gov

Hours 8:30-5:00 Monday – Friday (12:00 – 12:30 lunch)

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MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

August 8, 2025

VIA EMAIL

David Nicholas
Assistant Planner
Nevada County
950 Maidu Avenue
Nevada City, California 95959

Re: Draft Wireless Communication Facility Ordinance

Dear David:

We write on behalf of Verizon Wireless to provide comment on the draft ordinance regulating wireless communication facilities (the “Draft Ordinance”). Verizon Wireless appreciates the opportunity to provide advance comment. Several Draft Ordinance provisions should be revised to ensure consistency with federal law. For example, the proposed 150% tower setback could prohibit Verizon Wireless service in areas with smaller parcels. Excessive setbacks would also bar facilities at the rear of larger parcels, often an ideal location to minimize view impact. The County cannot require that applicants provide a Shot Clock tolling agreement when an application is submitted, because such agreements must be mutual according to Federal Communications Commission (“FCC”) regulations. Requiring that two public notices be sent to properties within 1,000 feet is excessive compared to the standard notice requirements of the County Code and state law. We encourage the County to incorporate our suggested revisions into the Draft Ordinance, and we would be pleased to review a revised draft prior to a public hearing.

Section 12.03.080 – Communication Towers and Facilities

B(10). Definition of FCC Shot Clock. This misstates the FCC’s Shot Clock rules. For new wireless facilities, the Shot Clock period varies according to the type of structure used for a proposed facility, not whether it would be “new” or collocated with existing wireless facilities. 47 C.F.R. § 1.6003(c)(1). *This section should be revised to reference or incorporate the cited FCC rule regarding Shot Clock periods.*

C(2)(d). Eligible facilities request. The proposed criteria for evaluating an eligible facilities request are not fully consistent with the FCC’s criteria for a “substantial change,” for example, referencing “camouflage” and not “concealment” in Item 5. 47 C.F.R. § 1.6100(b)(7). *This section should be revised to reference or restate verbatim the FCC’s “substantial change” criteria.*

C(4). Emergency deployment. Verizon Wireless appreciates the administrative approval of temporary facilities for emergencies. The County may also wish to allow the Planning Director to approve temporary facilities for special events, if an application is filed sufficiently in advance.

D(1). Improvement to network. This would require that any coverage maps submitted by Verizon Wireless be signed by a licensed engineer, but that is excessive and inconsistent with state law. The State of California does not require a license for engineers employed in the communications industry nor employees of a public utility corporation whose work is incidental to the corporation's systems. California Business and Professions Code §§ 6746.1, 6747. Verizon Wireless's radio frequency engineers are such employees, and they do not offer services to the general public. In contrast, a license is required for engineers hired to design architectural plans that ensure compliance with health and safety codes, and Verizon Wireless hires such engineers to prepare the plans for its proposed facilities, which are affixed with the engineer's stamp and submitted with all applications.

Verizon Wireless's site justification materials are prepared by a team of its experienced radio frequency engineers using industry-standard software tools. *We recommend that the County request the experience and education credentials of engineers preparing network coverage and/or capacity data in compliance with California law, as well as a description of the software tools used.*

D(9). Notice. This requires that applicant send notice to owners/residents within 1,000 feet within 10 days after filing an application. There is no reason to require notice of application if there will also be notice before a public hearing, which is required for all use permits. *This provision should be deleted.*

D(12). Tolling agreements. At submittal, this requires applicants to provide a tolling agreement that would start the 150-day Shot Clock upon application completeness. This violates federal law. The County cannot unilaterally compel a tolling agreement, which must be a mutual agreement. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, 9162-63 ¶ 145 (September 27, 2018).* The timing of a County "completeness determination" is beyond an applicant's control and could lead to unreasonable delay.

FCC rules provide reasonable timeframes for local governments to review wireless facility applications for completeness and to render a final decision. 47 C.F.R. § 1.6003(d). For example, for a new tower application, the County has 30 days to issue a notice of incomplete application ("NOI") that pauses the Shot Clock. The clock resumes running when an applicant responds to the NOI (not when the County issues a "completeness determination"). The County then has another opportunity to issue a follow-up NOI that would again pause the Shot Clock.

The requirement for a tolling agreement is not typical in California jurisdictions because it violates federal law. Verizon Wireless will not sign a tolling agreement at application intake, and the County cannot unilaterally impose tolling requirements. *This provision must be deleted.*

E(2). Setbacks. This requires a 150% setback to property lines in all zones except industrial, whereas the current code requires a 100% setback from residential property lines. The proposed setback is unwarranted, excessive, and will prohibit several planned Verizon Wireless facilities that would bring new wireless service to underserved areas in Nevada County. In developed areas with smaller parcels, including busy commercial areas, setbacks up to 150% will prohibit use of most or all properties in a target service area. Excessive setbacks are an obvious response to community concerns over radio frequency exposure. The existing 1:1 setback is already unnecessarily restrictive and should not be amended.

Given large lot sizes in many rural areas, an offsite residence or other building on an adjacent property may be distant from a proposed facility, with plenty of tree screening in between. Often, siting at the rear of a parcel can place a facility farther from roadways and developed areas. If within an excessive setback area, an ideal location could necessitate a variance, requiring the Planning Commission to make special hardship findings.

We suggest allowing a deviation from any setbacks, incorporating the standard for evaluating co-location opportunities in the following section, 12.03.080(E)(3), by adding an item (d) to this section:

- (d). The County may waive or reduce a setback if there is no alternative location that is technically feasible, will provide the desired service coverage, or does not create greater visual impact.*

G(4). Indemnity agreement. This provision should specify the scope of an indemnity agreement that may be provided by the County Counsel. Consistent with the California Attorney General's direction, the County may require a condition obliging a permittee to defend, indemnify, and hold the County harmless in any action brought by a third party seeking to void a permit. 85 Ops. Cal. Atty. Gen. 21 (Cal.A.G.), 2002. *This provision should be revised to require "a Defense and Indemnity Agreement requiring permittee to defend, indemnify and hold the County harmless in any action brought by a third party seeking to void a permit."*

I(1). Radio frequency monitoring requirements. This requires certification that a facility complies with the FCC's "regulations concerning radio frequency emissions," according to unspecified "telecommunication facility standards." The FCC regulates radio frequency exposure, not emissions, and provides the applicable rules for exposure limits and mitigation measures, which preempt local codes. 47 C.F.R. §§ 1.1307, 1.1310. *For new facilities and modifications, this provision should require that "permittee provide a certification that the facility operates in compliance with the FCC's radio frequency exposure limits."*

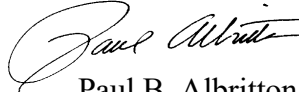
J. Public Notice. A notice radius of 1,000 feet is an excessive distance, over three times the typical distance for public notice required by County Code Section 12.05.130 and California

David Nicholas
Nevada County
August 8, 2025
Page 4 of 4

Government Code Section 65091. *This provision should be deleted, which would leave wireless facility applications subject to the typical notice requirement for use permits, with notice sent to properties within 300 feet.*

Verizon Wireless appreciates the County's thorough ordinance development process, which provides for advance review and comment. We urge the County to incorporate our suggested revisions prior to a public hearing regarding the Draft Ordinance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul Albritton".

Paul B. Albritton

cc: Katharine Elliott, Esq.

From: Vickie-addy.io
To: [David Nicholas](mailto:David.Nicholas)
Subject: 5G and small cells
Date: Thursday, August 7, 2025 4:48:33 AM

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I'm sure your aware of the need for all of the below. DO NOT allow these companies to continue to do as they please in our county with out over sight and rules to protect those of us who live here including yourself. Remember we pay for their services and your salaries so please do your job and protect the public.

The draft ordinance would allow the installation of wireless facilities, including 5G and small cells, alarmingly close to homes, schools, parks, and critical habitat zones. It fails to include essential safety measures such as:

- *Safe minimum setbacks from homes, schools, hospitals, recreation areas, and public trails*
- *Requirements for public notice and hearings before approval*
- *Comprehensive and ongoing RF compliance monitoring and enforcement mechanisms*

Numerous peer-reviewed studies and appeals by hundreds of scientists globally have documented the health impacts of radiofrequency (RF) radiation, especially to children, pregnant women, people with preexisting conditions, and wildlife.

This ordinance ignores such evidence, prioritizing industry convenience over community safety.

The following amendments should be made before any vote takes place:

- **Strengthen Local Authority:** Fully implement Nevada County's zoning authority to protect health, safety, and community character.

- **Comprehensive Definitions:** Add detailed definitions that clarify regulatory terms, environmental protections, relevant agencies, public interests, and stakeholder roles.
- **Stricter Permitting:** Require full use permits for all wireless facilities (including small cells and smart meters) and eliminate exemptions and stealth design loopholes.
- **Robust Application Requirements:** Mandate evidence of significant gap coverage gap evidence, alternative site analysis, visual impact analysis, structural safety reports, RF compliance, and full public access to documents.
- **Expanded Setbacks & Location Restrictions:** Require 500 to 1000 foot setbacks from homes, trails, and sensitive areas; prohibit towers on ridgelines, hillsides, and in recreation zones.
- **Stronger Design & Aesthetic Standards:** Limit tower height in residential zones, ban artificial tree designs, and require vegetation restoration and screening.
- **Safety & Maintenance Oversight:** Require annual inspections, structural certifications, and post-disaster reinspection, plus adherence to fire and building codes.
- **Mandatory Insurance & Liability:** Require liability and pollution insurance, RF testing at applicant's expense, and clear signage for safety information.
- **Improved Public Notice & Participation:** Expand notification radius, include notice to renters and local institutions, and publish bilingual notices in accessible formats.
- **Right of Appeal:** Grant residents and other interested parties the right to appeal permit approvals to ensure transparency, fairness, and accountability.

Our community deserves a wireless ordinance that balances technological access with human health and environmental protection.

A tax payer and long time resident ... Vickie Bass

From: [wesley macdonald](#)
To: [David Nicholas](#)
Subject: Cell tower ordinance
Date: Wednesday, July 9, 2025 2:32:30 PM

You don't often get email from wesleymacdonald7@gmail.com. [Learn why this is important](#)

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I recommend the book "Invisible Rainbow"

Our society is killing our wildlife especially bees and birds. The statistics are astounding. There is tons of both scientifically back via white papers and independent studies and experiments about the detrimental impacts made on our environment and biology. This is a huge opportunity to make an impact for our youth. Please take the time to check out the book I suggested and then make your decision. Lets be the example we want to see. Im a practitioner of microvibrational physics and would be glad to have a conversation around this subject so we can make an informed decision for our community.

From: johannafinney
To: [David Nicholas; Planning](mailto:David.Nicholas@planning)
Cc: info@nevadacountyforsafetech.com; reinettesenum@gmail.com; [Cindy Sage, Owner](mailto:Cindy.Sage@owner.com); [Susan Nance](mailto:Susan.Nance@louisefjones.com); [Louise Jones](mailto:Louise.Jones@denisemreynolds@yahoo.com); denisemreynolds@yahoo.com; [Kristin Phalen](mailto:Kristin.Phalen@kristinphalen.com); [Derek Ramirez](mailto:Derek.Ramirez@derekramirez.com); [Tiffany Ramirez](mailto:Tiffany.Ramirez@tiffanyramirez.com); [Loren Swift Merritt](mailto:Loren.Swift.Merritt@scottmerritt4@gmail.com); scottmerritt4@gmail.com; fgrsk8er@gmail.com; [Holly Beardsley](mailto:Holly.Beardsley@hollybeardsley.com); freddieleigh@protonmail.com; astarseven@gmail.com; mckeownkp@gmail.com; virgieryan@live.com; reonne.haslett@gmail.com; [Fariha Husain](mailto:Fariha.Husain@vanessashinmoto.com); [Vanessa Shinmoto](mailto:Vanessa.Shinmoto@vanessashinmoto.com); [W. Scott McCollough](mailto:W.Scott.McCollough@wscollough.com); [Miriam Eckenfels](mailto:Miriam.Eckenfels@miriam-eckenfels.com)
Subject: Formal Comment on Nevada County Draft Telecommunication Towers and Facilities Ordinance
Date: Friday, August 8, 2025 10:09:56 AM
Attachments: [Section 12.03.080 Communication Towers and Facilities vs-wsmc_ih_final 8-8-25.docx](#)
[Section 12.03.080 Communication Towers and Facilities vs-wsmc_ih_final 8-8-25.pdf](#)

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Dear Mr. Nicholas and Planning Staff,

On behalf of [Nevada County for Safe Tech](http://www.nevadacountyforsafetech.com), we submit the following comments and proposed revisions (attached in both PDF and Word format) to the County's Draft Wireless Communication Facilities Ordinance. We commend the County for addressing this critical issue and urge the full adoption of these revisions. We are eager for Nevada County to enact one of the most protective and forward-thinking wireless ordinances in California.

1. Nevada County Has the Opportunity to Lead

Nevada County has repeatedly distinguished itself as a leader in innovation and public service. The County has earned both state and national recognition and received multiple awards for its work in emergency management, wildfire preparedness, broadband expansion, and government experience.

Enacting a truly protective wireless ordinance presents another opportunity for the County to lead — this time by setting a gold standard in protective wireless siting regulation.

2. Recommendations Developed by the Nation's Leading Legal Experts

[Nevada County for Safe Tech](http://www.nevadacountyforsafetech.com) has retained [Stop5G Community Empowerment Consulting](http://www.stop5g.com), a division of [Children's Health Defense](http://www.childrenshealthdefense.com), the most experienced legal team specializing in wireless land use law in the United States. This team, led by W. Scott McCollough, Esq., has successfully litigated federal and state telecommunications matters and have helped jurisdictions across the country, including here in California, by drafting and revising ordinances that sensibly balance public interests in the face of wireless roll-outs, prioritizing the health, safety, and character of local communities.

The attached proposed revisions are based on that legal expertise, and include:

- Strengthening setback, location, and design requirements
- Enhancing public notice and appeal rights
- Clarifying the County's retained discretionary authority under 47 U.S.C. §332(c)(7)
- Prioritizing protection of residential neighborhoods, scenic ridgelines, critical habitats, and other sensitive areas

All of our proposed ordinance revisions are based on this legal expertise and reflect defensible, precedent-backed strategies to protect public health, safety, aesthetics, and property rights while complying with federal and state law.

The ordinance edits and additions made by *Nevada County for Safe Tech* ensure compliance with California state laws and meet the Federal Communications Commission's standards, particularly regarding radio frequency emissions and tower placements, and establish clear guidelines for the exercise of County authority to regulate wireless facilities effectively and in accordance with FCC rules.

The ordinance suggestions by *Nevada County for Safe Tech* do not restrict wireless telecommunications service providers from delivering necessary services or hinder any entity's ability to offer interstate or intrastate telecommunications. We acknowledge that requests for wireless facility authorization cannot be denied solely based on environmental concerns related to radio frequency emissions, provided they comply with FCC regulations.

The key to reading the attached ordinance edits and additions:

- Original County Draft Ordinance: In regular black font
- County Staff's text additions: In red underlined font
- County Staff's deletions: In black strikethrough
- Our proposed revisions: In black underlined font
- Our proposed deletions: In red strikethrough

3. Proven Models from Other California Jurisdictions

Nevada County would join other California communities that have adopted strong local wireless ordinances, including:

- **Mill Valley:** Prohibited small cells in residential zones and established strong aesthetic and setback standards ([Mill Valley Ordinance](#).)
- **Petaluma:** Adopted setbacks, location preferences, and robust public engagement requirements ([Petaluma Ordinance](#))
- **Fairfax:** Passed an ordinance asserting discretionary review and public hearing procedures ([Fairfax Ordinance](#))
- **Encinitas:** Updated its code to include strict location and permit requirements ([Encinitas Ordinance](#))
- **Malibu:** The first city to require an Electric Fire Safety Protocol at the design stage so that the [safety of macro towers is evaluated](#) before the towers are even built. A series of eight tests must be completed and included in all 5G infrastructure permit applications.

These cities have shown that it is entirely possible to embrace technological progress while safeguarding residents and preserving local control. Nevada County can and should do the same.

4. Community-Driven and Legally Grounded Policy

Our coalition represents a diverse cross-section of Nevada County — parents, technologists, farmers, public health advocates, legal professionals, and lifelong residents. The proposed revisions reflect years of community organizing and input. They are legally sound, carefully drafted, and rooted in the County's constitutional and statutory rights to regulate land use.

We respectfully urge the County Staff, Planning Commissioners and Board of Supervisors to incorporate *all of Nevada County for Safe Tech's* proposed revisions into the final ordinance. Doing so will:

- Set a statewide model for rural counties
- Ensure compliance with federal and state law
- Protect the health, safety, aesthetics, and property values of residents
- Preserve the rural character of Nevada County
- Reinforce public trust and meaningful civic participation

To serve the best interests of the County, we remain committed to educating the public, the Planning Department, and the Board of Supervisors on the significant benefits of adopting the revised draft ordinance presented today. We are proud to support you in this effort and stand ready to provide further legal, technical, and community engagement support to implement a solid protective wireless ordinance for Nevada County and beyond.

Thank you for your dedication and leadership.

Respectfully submitted,

Johanna Finney

Nevada City Resident, District 5

And on behalf of the Members of *Nevada County for Safe Tech*, listed below and copied on this email in cc: or bcc: with their permission:

1. ReINETte Senum, Nevada City
2. Cindy Sage, Grass Valley
3. Derek Ramirez, Nevada City
4. Tiffany Ramirez, Nevada City
5. Kristin Phalen, Grass Valley
6. Lisa Lockwood, Grass Valley
7. Louis Jones, Nevada City
8. Mark Jones, Nevada City
9. Holly Beardsley, Nevada City
10. Susan Nance, Nevada City
11. Denise Reynolds, Grass Valley
12. Anni McCann, Nevada City
13. Elena Rayo, Nevada City
14. Freddi Fleming, Grass Valley
15. Andrea Parker, Grass Valley
16. Loren Swift Merritt, Nevada City
17. Scott Merritt, Nevada City
18. Virginia Ryan, Grass Valley
19. Chad Ryan, Grass Valley
20. Karen McKeown-Matheny, Nevada City
21. Reonne Haslett, Grass Valley

Attachments:

1. Section 12.03.080 Communication Towers and Facilities_vs-wsmc_jh_final 8-8-25 Word Document
2. Section 12.03.080 Communication Towers and Facilities_vs-wsmc_jh_final 8-8-25 PDF Document

From: [betty winholtz](#)
To: [Planning](#)
Subject: PLN25-0097; ORD25-2: public hearing feb 26,2026
Date: Saturday, February 7, 2026 11:22:30 PM

Some people who received this message don't often get email from winholtz@sbcglobal.net. [Learn why this is important](#)

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Dear Dept of Planning,

Please copy my comments to the planning commissioners for this February 26, 2026, hearing regarding recommendations for cell towers.

I agree with the changes recommended. Be an example for the State in this matter. It affects all of our communities.

Sincerely,
Betty Winholtz

From: [Randi Pratini](#)
To: [David Nicholas](#)
Cc: [Planning; bdofsupervisors](#)
Subject: For the record- amend Section 12.03.080 – Communication Towers and Facilities and Section 12.05.060 – Use Permits of the Nevada County Code,
Date: Monday, February 2, 2026 10:01:53 AM

Some people who received this message don't often get email from ttoillep@earthlink.net. [Learn why this is important](#)

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For the record, I vigorously oppose these cell towers **anywhere** near where we live. They are a hazard to our already compromised environment.

Thank you.

Randi Pratini
10222 Elliott Way
Nevada City, CA.



Thank you for consulting with the UAIC

Please complete one form for each notification.

How to submit a consultation notification or project update:

1. One form must be completed for each project.
2. Forms cannot be saved and completed at a later time.
3. Include all relevant project information.
4. Upload file attachments. Multiple files can be attached.
5. Submit form.
6. You will receive a submission receipt via email when submission is complete. UAIC prefers our online submission form over certified or hard copy letters.

Contact the Tribal Office at (530) 883-2390 for questions or concerns. Ask for Tribal Historic Preservation or use the [contact form located on our website](#).

Contact Information

Consulting on Behalf of* Nevada County Planning Department
Lead Agency, Consulting Firm, Tribe

Mailing Address

Street Address
950 Maidu Avenue, Suite 170
Address Line 2

City Nevada City State / Province / Region California

Postal / Zip Code
95959

Point of Contact for Consultation* David Nicholas
Primary Contact Name

Point of Contact Email* David.Nicholas@nevadacountyca.gov

Second Point of Contact Yes
Is there more than one point of contact for this project?

Second Point of Contact

Contact Name* Jodeana Patterson

Organization

Email Address* jodeana.patterson@nevadacountyca.gov

Address is same as above?* Yes No

Regulatory

Consulting Under *

This project fall under the following regulatory requirements:

- Federal State of California Federal and State
 Other
County

Project Notification Information**Project Name ***

Cell Tower Ordinance Update 2025 (PLN25-0097; ORD25-2)
Please include Name and Reference Number (if applicable)

This is a *

- New Project Notice of Preparation (NOP)
 Public Hearing Notice of Availability (NOA)
 Request for Information Other

Project Description

A recommendation to the Board of Supervisors to amend Section 12.03.080 – Communication Towers and Facilities and Section 12.05.060 – Use Permits of the Nevada County Code.
Please include a brief project description

Project/Construction Year *

Unknown
Please select the year your project will initiate

Project/Construction Season

Please select the season your project will initiate (if applicable)

Environmental Document Timeline

Please share when your final environmental document is planned for public review

Location

Please include county, city, and address (if available)

Project Documents

Documents uploaded to this form are secure and only accessible by the Tribal Historic Preservation team

Notification *

Attach notification letters or announcement

PLN25-0097; ORD25-2 Cell Tower Ord - NOPH.pdf 101.84KB
50mb maximum upload size (per file)

Reports

Attach project reports, project descriptions, or supporting documents. Please add the following if available: Cultural, Biology, Arborist
50mb maximum upload size (per file)

Location Map

Attach maps and location files. Shape files are preferred
File extensions allowed: pdf, jpg, png, kmz, lpk, dbf, prj, shp, abn, sbx, xml, shx, cpg, .zip.
NOTE: 50mb maximum upload size (per file).

Send Submission Receipt To

Primary Contact Secondary Contact Different Email

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WATERFORD

February 5, 2026

Nevada County Planning Commission

950 Maidu Avenue
Nevada City, CA 95959

Re: Proposed Amendments to Communication Tower Permitting Requirements – February 26 Public Meeting

Dear Commissioners,

I am writing to respectfully submit comments for your consideration in advance of the February 26 public meeting addressing the proposed amendments to Section 12.03.080 governing communication towers and wireless facilities.

Waterford Consultants LLC, the leading telecom industry professional services firm to specialize in the area of RF emissions safety and FCC compliance, is the developer of the **RFIS® (Radio Frequency Infrastructure Sentry)** system (www.rfis.com), a continuous, independent RF emissions compliance and safety monitoring platform currently deployed at complex multi-carrier wireless sites across the United States. RFIS was purpose-built to address the exact compliance, transparency, and public-safety objectives reflected in the Commission’s proposed amendments, including post-installation certification, post-modification certification, and demonstrable ongoing compliance with FCC RF exposure limits.

Based on our experience supporting property owners, municipalities, and large public venues, we respectfully submit that requiring continuous RF monitoring—such as RFIS—at all permitted wireless sites would provide substantial benefits to the County and its constituents, including:

1. Continuous Compliance vs. Point-in-Time Assumptions

The proposed amendments appropriately require certifications after installation and modification. RFIS extends this intent by providing 24/7/365 monitoring, ensuring compliance is continuously verified rather than inferred from static, predictive, or one-time measurements.

2. Objective, Auditable Records for County Oversight

RFIS automatically generates time-stamped, tamper-resistant compliance records that can be produced to County staff on demand—directly supporting the proposed requirement to maintain and furnish RF compliance records within defined timeframes.

3. Improved Public Transparency and Trust

Continuous monitoring replaces uncertainty and speculation with data. This materially reduces public concern during hearings by allowing the County to demonstrate that RF exposure levels are not merely modeled but independently verified in real time.



WATERFORD

4. **Reduced Administrative Burden and Enforcement Risk**

Automated monitoring and reporting reduce staff workload, eliminate recurring manual studies, and lower the County's exposure to claims that compliance conditions are inadequately enforced.

5. **Enhanced Worker and First-Responder Safety**

RFIS identifies elevated RF conditions that may arise from carrier changes, equipment failures, or temporary deployments—conditions that predictive reports often miss—helping protect maintenance personnel and emergency responders.

6. **Future-Proofing as Networks Densify**

As co-location, small cells, and rapid network modifications increase, continuous monitoring provides the only scalable mechanism to ensure cumulative RF exposure remains compliant over time.

In short, the Commission's proposed amendments correctly recognize that RF safety is not a one-time design exercise, but an operational obligation. Mandating continuous RF monitoring transforms that obligation into a verifiable, enforceable, and transparent process, fully aligned with FCC requirements and the County's duty to protect public welfare.

In the meantime, the following URL provides access to a short video which offers an introduction to the RFIS™ monitoring system:

<https://waterfordconsultants.egnyte.com/dl/fgK8KCjWKWtw/Waterford-RFIS-Promo-Video.mp4>

We appreciate the Commission's leadership on this issue and would welcome the opportunity to provide technical input, demonstrations, or draft language should the County wish to formalize continuous RF monitoring as a permitting condition.

Respectfully submitted,

Thomas W. Ferguson

Waterford Consultants LLC

703-596-1022 x 120 office

717-592-9578 mobile

www.waterfordconsultants.com

www.rfis.com

From: myvoice@oneclickpolitics.com
To: [David Nicholas](#)
Subject: Urgent: Protect Public Interests by Adopting the Proposed Revisions to the Draft Wireless Ordinance
Date: Tuesday, August 5, 2025 8:41:19 PM

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Re: Urgent: Protect Public Interests by Adopting the Proposed Revisions to the Draft Wireless Ordinance

Mr. David Nicholas,

I urge you to incorporate the proposed amendments to Nevada County's proposed wireless ordinance, which, in its current form, poses significant risks to public health, environmental safety, and democratic transparency. The draft ordinance would allow the installation of wireless facilities, including 5G and small cells, alarmingly close to homes, schools, parks, and critical habitat zones. It fails to include essential safety measures such as:

- Safe minimum setbacks from homes, schools, hospitals, recreation areas, and public trails
- Requirements for public notice and hearings before approval for small wireless facilities
- Comprehensive and ongoing RF compliance monitoring and enforcement mechanisms

Numerous peer-reviewed studies and appeals by hundreds of scientists globally have documented the health impacts of radiofrequency (RF) radiation, especially to children, pregnant women, people with preexisting conditions, and wildlife. This ordinance ignores such evidence, prioritizing industry convenience over community safety. I respectfully request the following amendments before any vote takes place:

- **Strengthen Local Authority:** Fully implement Nevada County's zoning authority to protect health, safety, and community character.
- **Comprehensive Definitions:** Add detailed definitions that clarify regulatory terms, environmental protections, relevant agencies, public interests, and stakeholder roles.
- **Stricter Permitting:** Require full use permits for all wireless facilities (including small cells and smart meters) and eliminate exemptions and stealth design loopholes.
- **Robust Application Requirements:** Mandate evidence of significant gap coverage gap evidence, alternative site analysis, visual impact analysis, structural safety reports, RF compliance, and full public access to documents.
- **Expanded Setbacks & Location Restrictions:** Require 500 to 1000 foot setbacks from homes, trails, and sensitive areas; prohibit towers on ridgelines, hillsides, and in recreation zones.
- **Stronger Design & Aesthetic Standards:** Limit tower height in residential zones, ban artificial tree designs, and require vegetation restoration and screening.
- **Safety & Maintenance Oversight:** Require annual inspections, structural certifications, and post-disaster reinspection, plus adherence to fire and building codes.
- **Mandatory Insurance & Liability:** Require liability and pollution insurance, RF testing at applicant's expense, and clear signage for safety information.
- **Improved Public Notice & Participation:** Expand notification radius, include notice to renters and local institutions, and publish bilingual notices in accessible formats.
- **Right of Appeal:** Grant residents and other interested parties the right to appeal permit approvals to ensure transparency, fairness, and accountability. Our community deserves a wireless policy that balances technological access with human health and environmental protection. I urge you to act responsibly. Thank you.

Sincerely,
Mrs. Adriana Finnie
adrianafin@gmail.com
Constituent

Prepared by OneClickPolitics (tm) at www.oneclickpolitics.com OneClickPolitics provides online communications tools for supporters of a cause, issue, organization or association to contact their elected officials. For more information regarding our policies and services, please contact info@oneclickpolitics.com

From: myvoice@oneclickpolitics.com
To: [David Nicholas](#)
Subject: Adopt Strong Wireless Safety Standards at the Public Hearing on November 13
Date: Monday, November 3, 2025 3:36:01 PM

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Re: Adopt Strong Wireless Safety Standards at the Public Hearing on November 13

Mr. David Nicholas,

As you may know, Nevada County is on the verge of adopting a wireless ordinance that would allow powerful cell towers dangerously close to homes, schools, and environmentally sensitive areas — without meaningful public input or adequate safety protections. Your constituents oppose this ordinance and have already done the work to fix it. Nevada County for Safe Tech has drafted a comprehensive protective ordinance that complies with federal law and includes essential safeguards — like minimum setbacks, transparency, and public notice requirements — to protect residents, property values, and the environment. We urge the Planning Commission and County staff to reject the current draft and adopt the protective ordinance instead at the November 13 hearing. Doing so aligns perfectly with the County's stated goals to protect health, safety, and the environment. There's no downside — this approach is legally sound, community-driven, and sets the County up for long-term success. Please stand with residents and families to ensure Nevada County's wireless policies reflect science, safety, and common sense.

Sincerely,
Mrs. Lee sanor
lmiller95949@yahoo.com

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