

1 NEVADA COUNTY ZONING ADMINISTRATOR  
2 NEVADA COUNTY, CALIFORNIA

3  
4 **MINUTES** of the regular meeting of November 12, 2025, at 1:30p.m., Board of Supervisors  
5 Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California  
6

---

7  
8 **ZONING ADMINISTRATOR:** Brian Foss, Director of Planning Department  
9

10 **CALL TO ORDER:** Meeting called to order at 1:30 p.m.  
11

12 **CONSENT ITEMS:** None  
13

14 **PUBLIC HEARING:**  
15

16 **1:30 p.m. PLN23-0023; CUP23-0002; MGT24-0018; EIS23-0001:** An application request to the  
17 Zoning Administrator for a Conditional Use Permit and Steep Slopes Management Plan to remove  
18 and replace an existing 41-foot monopole with a new 90-foot monopine, remove and replace an  
19 existing RBS 6201 cabinet with a new T-Mobile enclosure 6160 cabinet, and relocate two (2)  
20 existing antennas from the existing monopole to the new proposed monopine. **LOCATION:**  
21 22258 Juniper Street, Floriston, CA 96111, in unincorporated eastern Nevada County,  
22 approximately 0.2 mile east of Interstate 80 and 9.7 miles northeast of historic downtown Truckee.  
23 **APN:** 048-130-026. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Find  
24 project exempt from California Environmental Quality Act (CEQA) Guidelines pursuant to  
25 Section 15303. **RECOMMENDED PROJECT ACTION:** Approval of the Conditional Use  
26 Permit and Steep Slopes Management Plan. **PLANNER:** Zachary Ruybal, Associate Planner.  
27

28 Director Foss called the meeting to order at 1:30 PM.  
29

30 *[Minutes follow as direct transcript]*  
31

32 Zoning Administrator Foss: It's 1:30, so we will call this meeting to order. This is the November  
33 12<sup>th</sup>, 2025, Nevada County Zoning Administrator hearing. My name is Brian Foss; I'll be the  
34 Zoning Administrator for today's meeting. We do have an opportunity on the agenda for public  
35 comment for any items that are not on today's agenda, so not the cell tower, but if anyone wants  
36 to comment on something under the purview of the Zoning Administrator that's not on today's  
37 agenda, now is your opportunity to come to the podium. Seeing none, we have no consent item,  
38 so we'll go to our first public hearing item scheduled for 1:30, a Use Permit and Management Plan  
39 for a replacement of a cell tower. Zachary Ruybal is our planner. Go ahead with the staff report,  
40 please, Zach.  
41

42 Planner Ruybal: Thank you, Mister Zoning Administrator. Good afternoon, everyone, and thank  
43 you for being here today. My name is Zachary Ruybal, and as Zoning Administrator mentioned,  
44 I'm an associate planner here at the Nevada County Planning Department and the project planner  
45 for the Floriston Wireless Telecommunications Facility project in front of the ZA today. The  
46 project is located in unincorporated eastern Nevada County at 22258 Juniper Street, which is APN  
47 048-130-026 over in Floriston, California. In 1997, the Nevada County Planning Department  
48 approved a use permit to allow for the construction and operation of a 41-foot tall monopole for a  
49 wireless telecommunications facility, which is the facility that will be replaced as a part of this

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

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

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

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

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

161  
162 Planner Ruybal: Yes, Zoning Administrator. The first one is requesting that prior to issuance of  
163 any of improvement plans or grading plans or Building permits, that the applicant shall reach out  
164 to the Lahontan Regional Water Quality Control Board - that's the State lead water agency in that  
165 area - to get some sort of verification, either through like an official letter or an e-mail, that states  
166 and verifies that the proposed cell tower project is not going to interfere with the operation or  
167 purpose of that Floriston community water system. We are also requesting that, as a part of that  
168 condition as well, that the vaults be placed on the site plans and used for future improvement plans  
169 and permits. The second one was, due to the proposed wireless communication facility being  
170 within 100% of the tower height from the above-ground water tanks, to ensure that the water tanks  
171 and the, basically the associated infrastructure won't be impacted, we were requesting that a Fall  
172 Certification Letter be prepared by a certified structural engineer licensed with the state of  
173 California.

174  
175 Zoning Administrator Foss: OK, can you put up a site plan, please? Can you kind of show where  
176 the new water project is and just kind of walk me through the site plan?

177  
178 Planner Ruybal: Yes, Zoning Administrator. I'm going to put up a different slide, then. So right  
179 here, on the screen, we do see this is that same site plan that I've shown you earlier. Up here, to  
180 the left, you see in this little red marker, this was provided by the Floriston Property Owners  
181 Association; it was sent over as a part of their comment letter that was received on Tuesday. You  
182 can see where the vaults are going to go, to the left, and they are outside of that new lease area.  
183 The lease area, you can see to the right of it, is demonstrated with a square box and their dotted  
184 line. You can see that the FPOA meter vaults are outside of the lease area, and therefore it shouldn't  
185 have any impact on the water filtration project.

186  
187 Zoning Administrator Foss: OK, and the rest of the things that are on the site: those are the above-  
188 ground water tanks, those are all existing? Then, do we know if that vault has been installed  
189 completely yet?

190  
191 Planner Ruybal: I'm not sure if the vault has been installed completely yet, but I do know that  
192 those two water tanks, yes, they are existing; they are both there, and they've been there for quite  
193 some time.

194  
195 Zoning Administrator Foss: Do you have the cursor that you can show the lease area?  
196

197 Planner Ruybal: Yes, so the lease area, it comes along here.

198  
199 Zoning Administrator Foss: OK, so the lease area is going to contain all the ground equipment,  
200 but obviously with the circle pattern that's shown, that is the branches that are radiating out from  
201 the monopole, which extend over the lease area, but in the air, correct?

202  
203 Planner Ruybal: That's correct.

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

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

212  
213 Zoning Administrator Foss: OK, and the cell tower company has rights for, has been granted  
214 access, to use both easements?

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

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

223  
224 Representative Elliott: Good afternoon.

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

227  
228 Representative Elliott: Lisa Elliot with Crown Castle and Streamline Engineering.

229 Representative Gentry: Tyler Gentry with Crown Castle.

230  
231 Zoning Administrator Foss: Great, thank you both for coming. So, what can you tell me just about  
232 the overall facility itself, and then its relation to the water line project?

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

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

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

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

246  
247 Zoning Administrator Foss: Three minutes.  
248  
249 Ms. Quaintance: Even though I'm speaking on behalf of an entire group?  
250  
251 Zoning Administrator Foss: Yes.  
252  
253 Ms. Quaintance: Excuse me?  
254  
255 *[Inaudible]*  
256  
257 *[Unknown speaker]* Just not enough time...  
258  
259 Ms. Quaintance: I have a signed authorization with everyone's signature giving me permission to  
260 speak on their behalf. Because of the short notice, we are very far away, no one else could make  
261 it, does it..?  
262  
263 Zoning Administrator Foss: Yeah, I can't grant you 15 minutes. You can have three to four  
264 minutes.  
265  
266 Ms. Quaintance: OK, can I please have more than three. Can I have five, please?  
267  
268 Zoning Administrator Foss: Yeah, we can give you five.  
269  
270 Ms. Quaintance: Can I please approach you with my presentation?  
271  
272 Zoning Administrator Foss: Sure.  
273  
274 Zoning Administrator Foss: Excuse me, we're running a hearing. Please sit down. Yes, you can  
275 handle it.  
276  
277 Ms. Quaintance: Is there a County Counsel present as well?  
278  
279 Zoning Administrator Foss: Tell me when it's been five minutes, please.  
280  
281 Ms. Quaintance: OK. Our biggest issues as town members are public safety and access to our  
282 sole water supply. This site is absolutely not categorically exempt from the California  
283 Environmental Quality Act. There are four exemptions that exist that apply, two of which are very  
284 relevant. Cumulative impact: you can flip through... there's a bunch of photos there. As you can  
285 see, their existing structure, which you said was permitted in 2007 is completely buried on the  
286 west-hand side. That is after the addition of a six-foot wall. Excuse me. The original wall was  
287 four feet tall. There's a pretty good picture on the cumulative impact page. It later (and you can  
288 see a bunch of evidence of landslide damage) had a six-foot extension; it is now completely buried.  
289 This site sits on a high-plasticity clay mountain side that is deteriorating. There are 200- to 250-  
290 pound PSI water lines sitting five feet from the proposed area, with a total amount of space from  
291 the face of their area to the mountainside which is greater than 30% grade. It's much greater. On  
292 the map that was included with the County documents, this shows that there's a property line to  
293 the west side that is within 62 feet, seven inches of the proposed tower. And so, now I'm curious  
294 how that makes it so Section 12.03.080 doesn't apply, which would mean that the failure... or, that

295 the tower would need to withstand, without failure, maximum forces expected from wind,  
296 earthquake, and the ice. Given the nature of high-plasticity clay, it is known to amplify seismic  
297 waves. We are within 20 miles of huge fault zones capable of unleashing very powerful  
298 earthquakes. If this mountainside were to fall down as a result of the cumulative impact or the  
299 excavation, the development, the leverage forces from having a 90-foot tower on top of high-  
300 plasticity clay with essentially 12 feet of space before it falls off, are huge. Floriston has pre-1914  
301 water rights. We access our water source from the only access road that goes directly in front of  
302 the site. If there were a catastrophic failure, it would block access to our water site, the ability to  
303 turn it off. It would block the road in and out of Floriston, as well as the railroad tracks that are  
304 326 feet below. Other issues: the noise concern and unauthorized encroachment issues.  
305 Previously, there was a power drop put on Floriston property. It is owned by the town of Floriston;  
306 they never gained consent or the proper permit to use our private property. So, that is an issue.  
307 They need to reach out to Floriston. It is ill-placed and causes many problems. Noise is a huge  
308 issue. At the site, they don't use generators. They put them in the middle of town on a town road,  
309 within 10 and 30 feet of the closest residence. When the power goes out, the generator gets filled  
310 up, they leave it running for 5 days, whether or not the power has come back on. This is a huge  
311 concern for residents. Nevada County Planning Department should not grant any more permits or  
312 variances that would further implicitly sanction Crown Castle's unpermitted use of Floriston  
313 property or other privately owned property. OK. Can I summarize with we request the denial of  
314 this permit without the environmental review required to get the exempt categorical exemption  
315 that they're requesting?

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

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

321  
322 Zoning Administrator Foss: Three minutes.

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

325  
326 Zoning Administrator Foss: No.

327  
328 Public Speaker: We own 76 acres above it, and in the boundaries of this permit, it's blocking our  
329 only access.

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

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

359 Zoning Administrator Foss: Thank you. Anyone else? All right, if the applicant could come back  
360 up, and as I asked before, if you could kind of describe the project that you're intending, what the  
361 need for the additional height of the tower is, and how you plan to do the construction for the  
362 additional pad for the tower within your lease area, access-wise, providing power, etc.  
363

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

365  
366 *[unknown speaker]* Well, I feel like we already went....  
367

368 Representative Gentry: Yeah, so, I'll hit the propagation in the height addition quickly, and you  
369 know, I can't speak on behalf of T-Mobile; I'm here as representative of Crown Castle, but T-  
370 Mobile did provide some propagation maps that were part of the presentation there. One thing I  
371 would say is, there seems to be significant additional coverage along the highway there and for  
372 most barriers, highway coverage is key. You know, it's prime safety concern anytime that you  
373 might not be able to have access to connectivity along the highway. The other piece of it that I'll  
374 add: carriers don't like to spend a ton of money, and this is quite a bit of money to add additional  
375 height to this tower here, so it's not that they're just doing it for no reason. For Crown Castle, T-  
376 Mobile has asked us to raise the RAD center here. Yes, there is a possible opportunity maybe for  
377 colocation in the future; we haven't been approached by another carrier for that eventuality. I  
378 think, hearing you guys' concerns, a tower able to withstand, or to have colocation, actually, might  
379 be favorable to you guys, so that you don't have to have more towers throughout the community.  
380 There is federal law that states you can't prohibit provision of service, so if it's not on a co-locatable  
381 tower here, it still would need to be somewhere else, if a carrier had a need in that certain area.  
382 You want to speak to some of the access requirements? Or can you, maybe, restate your question  
383 on the access portion of it?  
384

385 Zoning Administrator Foss: Yes. How do you plan to access the site and complete the  
386 construction?  
387

388 Representative Elliott: We plan to access the site on our access road that Zach pointed out on the  
389 site plan, and we actually sent a construction staging area plan to Zach as well.  
390

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

393  
394 Representative Elliott: Well, I can't speak to construction; my construction manager would have  
395 to talk about the staging plan, but he did send over the sketch.

396  
397 Planner Ruybal: If you look over there, the yellow box to the right, that identifies where that  
398 staging area is proposed to be for the construction. And then the red lines right there, as you can  
399 see, those are where the erosion control measures are supposed to be, like the waddles and stuff  
400 like that. That yellow box really is just what identifies where they're proposing that construction  
401 staging area-type deal. Then that other side is just identifying the roadway, and then they have  
402 just the temporary construction area identified in that blue-type area.

403  
404 Representative Gentry: You know, making some inferences from this, it's so that you're not flying  
405 anything over the water tanks; you're staging the crane to the north of them.

406  
407 Zoning Administrator Foss: The red circle? That's where the tower is going to go?

408  
409 Representative Gentry: Yes.

410  
411 Zoning Administrator Foss: Yeah, just looking for a little help to walk through the site plan so I  
412 know what we're looking at here. OK, and Zach, can you summarize what the Management Plan  
413 conditions are?

414  
415 Planner Ruybal: Absolutely. The Management Plan conditions are: there was a group of best  
416 management practices that were put together by Susan Dahl from T&S Engineering. The  
417 following best management practices which are used to protect the natural vegetation, impacts to  
418 steep slopes, and minimize impacts to wildlife habitat are required to implement the following:  
419 a) proper design and construction of retaining wall and tower foundation;  
420 b) erosion and sediment control plan to include site-specific BMPs: fiber rolls and concrete  
421 washout; good housekeeping notes; notes to preserve existing vegetation; and notes to haul off any  
422 excavated material that has potential for shrinking and swelling; and  
423 c) to follow the recommendations in the Subsurface Exploration Report by Tower Engineering  
424 professionals that will be included as well.

425  
426 Zoning Administrator Foss: Can you show me on this map where the 30% slopes are that's going  
427 to be disturbed as part of the project?

428  
429 *[unknown speaker]* Do you have a program? For the things...

430  
431 Zoning Administrator Foss: Excuse me, sir.

432  
433 Planner Ruybal: As you can see right here, the area that's shaded represents slopes and 30% or  
434 greater, and so that's all that kind of area to the right. You can see where the tower is going to be  
435 and kind of where that CMU retaining wall: all of that area is located within that in excess of 30%  
436 slope.

437  
438 Zoning Administrator Foss: OK. And so, that's the area that the lease area is expanding to, to  
439 accommodate the future pad?

440  
441 Planner Ruybal: Yes, Zoning Administrator.

442  
443 Zoning Administrator Foss: OK, I understand. And then we have Conditions of Approval from  
444 the Building [Department]...I mean, we're going to potentially require building permits, grading  
445 permits, to make sure that everything is constructed according to code, including the foundation,  
446 the pad, and any structures themselves?

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

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

452  
453 Planner Ruybal: The Fall Certification letter.  
454

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

457 Planner Ruybal: Yes, that's correct, Zoning Administrator, but as a part of the amended conditions,  
458 in order to try to ensure protection of that water filtration project, that was one of the added  
459 conditions was to require the Fall Certification letter.  
460

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

465  
466 Representative Gentry: Yeah, no problem with the conditions. I think, you know, best practices  
467 too, to include that in there, so that future modifications, any future additions, or changes to the  
468 site that can't be accounted for.  
469

470 Zoning Administrator Foss: Do you have anything else to add at this time?  
471

472 Representative Gentry: No, I think we'd just like to thank Zach and staff for their attention to this  
473 and the amount of detail they provided in collaboration with our team.  
474

475 Zoning Administrator Foss: OK, thank you, appreciate it. Right. Zach, did you have anything else  
476 to add? There was a concern about blocking access. You have anything to add about that?  
477

478 Planner Ruybal: I'm not familiar with anything about blocking access. As I mentioned a little bit  
479 earlier, part of the applicants did provide significant documentation and deeds that did show that  
480 they have easement area to access the project site, and so I'm not aware of any type of road  
481 blockage whatsoever.  
482

483 Zoning Administrator Foss: I mean, I'm looking at this as a replacement tower on a developed  
484 site. There's a number of utilities and infrastructure-type related equipment including two towers,  
485 the water tanks, underground water lines, electrical lines. I think when staff was on site, you saw  
486 the vault construction occurring about a month ago?  
487

488 Planner Ruybal: Yes, Zoning Administrator, that's correct. I did see all the excavation, everything  
489 that was being done for those water vaults.  
490

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

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

528  
529 ***Approved at Public Hearing***

530  
531 Zoning Administrator Foss: With that, there is a 10-day appeal period. That brings us to the end  
532 of the hearing, so thank you all for attending. And that brings us to the end of that item, and we  
533 do not have any additional items on the agenda, so we will adjourn until the next regularly  
534 scheduled and noticed Zoning Administrator hearing.

535  
536 **ADJOURNMENT:** Zoning Administrator Brian Foss adjourned the meeting at 2:12 p.m.

537

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

541

542

543

544 Passed and accepted this        day of        , 2025.

545

546 \_\_\_\_\_ Brian Foss, Ex-Officio Secretary

547

548

549

550 **Note:** A recording of this hearing is permanently on file with the Planning Department, Eric Rood  
551 Administrative Center, First Floor. Please contact the Clerk of the Zoning Administrator to obtain  
552 a copy.