



## PLANNING COMMISSION STAFF REPORT

**APPLICANT:** County of Nevada

**HEARING DATE:** February 26, 2026

**FILE NO:** PLN25-0097; ORD25-2

---

**PROJECT DESCRIPTION:** Public hearing to consider 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. The amendments are to clarify definitions in the Ordinance to align with standard definitions used by the Federal Communications Commission; clarify “shot clock” permit processing timeline requirements; add projects that are exempt from County Planning review; add potential for emergency deployments of Cells on Wheels and emergency generators; require additional supporting information with project applications; increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial; add radio frequency emission monitoring requirements; add communication facility maintenance requirements; change the hearing body for communication facilities requiring a Use Permit from the Zoning Administrator to the Planning Commission; increase the required range of public notice for new communication facilities; and other minor changes to integrate amendments.

**PROJECT LOCATION:** Unincorporated areas of Nevada County.

**PROJECT PLANNER:** David Nicholas, Associate Planner

---

### **ATTACHMENTS:**

1. Draft Ordinances amending Nevada County Code Title 12: Zoning Regulations Sections 12.03.080 - Communication Towers and Facilities and 12.05.060 – Use Permits.
2. Redline Version of Proposed Amendments
3. Visualization of space for towers with setbacks of 250, 500, and 1,000 feet
4. Public Comments

**RECOMMENDATION:**

- I. Environmental Action: Recommend that the Board of Supervisors find the project statutorily exempt pursuant to Section 15269.C, categorically exempt pursuant to Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines.
- II. Project Action: Recommend that the Board of Supervisors adopt the attached Ordinance (Attachment 1), amending Nevada County Code Title 12: Zoning Regulations, Chapter 3: Specific Land Uses, Section 12.03.080, and Chapter 5: Administration and Enforcement, Section 12.05.060.

**OUTLINE:**

In this report, the following information will be provided:

- The background of the proposed communication tower ordinance amendment.
- A list of proposed amendments to the ordinance with information about why the amendments are proposed.
- Information about community engagement, coordination, and notification, including discussion about how the public’s comments were addressed or why a comment was not addressed.
- Discussion about the projects alignment with the procedures specified in the California Environmental Quality Act.
- A summary of the report
- A staff recommendation for the Planning Commission.

**BACKGROUND:**

The County Planning Department was directed by the Board of Supervisors to update the Communication Towers and Facilities Ordinance (CTFO) to align it with modern standards and promote board objectives to expand broadband services. An ordinance that encouraged wireless and broadband development would be consistent with Board broadband expansion objectives from 2021 to 2025 and Policy 1.7.18 of the Nevada County General Plan which seeks to “encourage and support a sustainable and technologically current high-speed broadband transmission system that reliably connects Nevada County businesses and residences to national networks as a means to reduce transportation impact, improve air quality, enhance citizens’ quality of life and promote economic development.”

A broadband Program Environmental Impact Report was approved on February 28<sup>th</sup>, 2023. The primary purpose of the PEIR was to analyze 2,230 miles of fiber-based infrastructure along public and private roadways and expedite future environmental reviews. The PEIR also included analysis and consideration of fixed-wireless infrastructure such as equipment (e.g., antennas, transceivers) mounted on rooftops of homes and businesses, and/or attached to existing or new utility poles or small-diameter telecommunications towers/masts. The inclusion of fixed-wireless infrastructure in the PEIR was to help facilitate the expansion of small low-cost broadband project by making the permitting process easier in order to progress the Board Objectives and the General Plan policy of expanded broadband

However, based on public comment expressed during controversial communication facility projects and during the Communication Tower and Facilities Ordinance (CTFO) amendment workshop, the purpose of the CTFO amendments became more oriented to ensuring the compatibility of new communication facilities with neighboring properties. Therefore, the ordinance amendments are meant to be a balance that allows for feasible development of communication facilities to expand cellular broadband in alignment with the standards of concerned members of the community.

**PROPOSED ORDINANCE:**

The following amendments are proposed to Sections 12.03.080 and 12.05.060 of the Nevada County Code:

Update to Ordinance purpose: The purpose of the ordinance was updated to reflect that the County regulation of communication facilities is intended to align with the federal laws established by the Federal Communications Commission (FCC).

Clarification of definitions in Ordinance to align with standard definitions used by the Federal Communications Commission: The ordinance amendment proposes updates the County definitions for alignment with the FCC definitions as much as feasible in order to reduce potential confusion or discrepancy while following FCC regulations. Terms such as the FCC shot clock, Eligible Facilities Request, or Small Cell Wireless Facility are commonly used and were added into the ordinance to provide clarity to readers of the Code.

Addition of projects that are exempt from County Planning review: Multiple classifications of projects are proposed to be exempt.

- 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. SCWFs have already been evaluated by the adopted broadband Environmental Impact Report. The exemption for SCWF can help expand broadband and satisfy residents who want expanded cellular coverage through easier permitting.

- The replacement of existing equipment with similar equipment is proposed to be exempt. Non-exempt equipment on communication towers is already reviewed during the Use Permit process or the ADP process.
- The amendments clarify that state and federally exempt facilities are also locally exempt. There is no practical change from this amendment.
- The ordinance amendment includes clarification that Over-The-Air Reception devices (OTARD) are exempt. OTARDs are personal reception devices for receiving broadcast television. The FCCs OTARD rule already protects consumer's ability to install antennas for receiving broadcast signals. Facilities for wireless reading of water, gas, or electrical meters are also exempt due to their small size and minimal impacts. These devices are exempted under the existing code, and these updates only provide clarification.

Add potential for emergency deployments of Cells on Wheels: Much of Nevada County is in a high wildfire severity zone. There is a possibility that a natural disaster or other emergency could impact a communication facility which would impact the ability of residents and emergency personnel in the area to connect to the people and services they need, impeding their ability to coordinate during an emergency or recover after an emergency. Cells on wheels are temporary and would only be allowed when an emergency is declared by federal, state, or local government, or when otherwise warranted by conditions that the Planning Director deems to constitute an emergency.

Add exemption for emergency standby generators: State laws specify the required review period for emergency generators is 10 days. Much of the review for emergency standby generators can be done during the building permit process rather than the land use entitlement process. During the building permit review, the standby generators will be evaluated for compliance with screening standards, noise standards, alignment with the existing conditions of approval, and applicable codes and regulations regarding the storage of hazardous materials. This would result in a more streamlined review of emergency standby generators.

Require additional supporting information with project applications: During public hearings for communication facilities and during the communication tower workshop, a desire for more information than currently required in applications was expressed by the public. Therefore, the ordinance amendments include additional application requirements to

provide decision makers and the public information. The proposed ordinance would require more detailed justification about the improvements to the wireless network, a more detailed visual impact analysis, an alternative site analysis, applicant provided proof of neighborhood notice of the proposed project, and codified RF exposure report requirements.

Locational Standards: The current communication tower ordinance requires that communication towers be located to minimize their visibility and be “effectively unnoticeable”. “Effectively unnoticeable” was not intended to mean invisible so a clarification is proposed to change “effectively unnoticeable” to “effectively concealed to blend with the surrounding natural and built environment”. This is intended to allow towers when they are camouflaged to the greatest extent feasible and located in areas where they blend in.

Increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial which will remain the same as the base zoning setbacks: During communication facility public hearings and during the CTFO workshop, members of the public requested that towers be setback further from property lines than the current 100% of tower height setback required in residential zoning districts. Setbacks from communication facilities and towers are important and desirable for the following reasons:

- Fall-zone protection: Although towers have to meet the standards of the Nevada County Building Code, setbacks provide additional assurance that if a tower collapses or sheds components (ice, antennas, hardware), debris remains on the host parcel.
- Buffers incompatible uses: Setbacks help transition between industrial-type infrastructure and residential, agricultural, or recreational uses.
- Reduces visual dominance: Distance lessens perceived scale and visual clutter from adjacent properties and public rights-of-way
- Maintains neighborhood character: Supports compatibility with surrounding land uses and zoning intent.
- Allows space for landscaping and screening: Setbacks provide room for vegetation or fencing to mitigate visual impacts.
- Reduces noise and light impacts: Separation dampens effects from equipment cabinets, generators, and aviation or security lighting.
- Objective, defensible standard: Provides clear, measurable criteria that reduce discretionary disputes.

County staff used Ersi ArcMap to determine how increased setbacks of various distances would impact the number of parcels that a communication facility could be developed on. The GIS analysis was intended as a screening tool and was not an exhaustive analysis of all sites within the County where the development of a cell tower is feasible. Topography, site access, natural resource avoidance, zoning, network needs, access to utilities, construction constraints, and the willingness of a landowner to lease the site

were not considered. Therefore, the analysis over estimates the number of parcels where a communication facility could be developed and does not underestimate.

With a 250-foot setback required from property lines, an estimated 12.21% of all the parcels in Nevada County would have enough space for a communication facility without encroaching into setbacks. With 500-foot setbacks required, this percentage drops to 3.93% and with 1,000-foot setbacks required the percentage drops to 1.23%. A visualization of this can be seen in Attachment 3.

The substantial limitation on eligible parcels that would result from a requirement for 1,000 foot setbacks is further supported when the land area needed to achieve those setbacks is considered. To have 1,000-foot setbacks on all four sides of a tower, the parcel would need to be at least 4 million square feet (2,000 feet multiplied by 2,000 feet) or 91.8 acres. It is likely the parcel would have to be larger because not many parcels in western Nevada county are a perfect square that could have the tower in the exact center. Some parcels larger than 91.8 acres may be narrower than 2,000 feet or could be irregularly shaped, which would not leave adequate room for compliance with 1,000 foot setbacks.

As discussed above, setbacks from communication tower and facilities are beneficial, so the proposed amendments seek to balance the benefits of setbacks while still allowing for the feasible development of communication towers and facilities. Therefore, a 150% setback is proposed with the ordinance amendment. A 150% tower height setback reduces the number of parcels where towers can be developed compared to the existing 100% setback that is required in residential zoning districts and still results in an adequate number of parcels where the development of a communication facility is feasible.

A 150% tower height setback is equal or more restrictive than the setback requirements of the other counties in the region. Although there are some caveats in each of the zoning ordinances, in general, El Dorado County requires 150% setbacks; Sutter and Butte County require 100% setbacks; and Placer, Sierra, Yolo, and Yuba Counties only require compliance with the setbacks of the zoning district, which are often less than the height of a tower.

Add radio frequency emission monitoring requirements: Radio Frequency Emissions are one of the most frequently expressed concerns about communication facilities. However, 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". Nevada County's current Communication Towers and Facilities Ordinance does not include a requirement for the applicant to provide certification that post antenna installation or modification radio frequency exposure does not exceed FCC standards. Although the County has limited authority to regulate towers that comply with RF standards based on RF exposure alone, the County can still ensure the towers are in compliance with the Federal RF standards.

Therefore, it is proposed that after a tower is installed or modified, certification that the tower is in alignment with the FCC exposure standards shall be provided to the Planning Department.

Add communication facility maintenance requirements: During the March 2025 communication tower community workshop, a member of the public shared the issue that the communication towers disguised as monopines were deteriorating and spreading plastic debris. As a result, maintenance requirements were added to the county code. The requirements do not include monitoring or reporting requirements and any tower maintenance issues would have to be reported to Nevada County Code Compliance. The codified maintenance requirements are intended to make code compliance enforcement against poorly maintained towers easier.

Increase the required range of public notice for new communication facilities: During recent communication facility hearings and during the community workshop, members of the public expressed concern that they were not being notified about proposed towers as much as they would like to be. The County Planning Department currently publishes notices for public hearings on the County website, in the local newspapers, and sends notices to people that requested to be notified. Additionally, Section 12.05.130 of the Nevada County code requires that all property owners within either 300 or 500 feet (depending on the zoning) be notified of upcoming public hearings. The current public notice process also requires that at least ten parcels are notified, which is achieved by expanding the notice range until at least ten parcels are noticed. In response to feedback received from the public, the public notice range is proposed to be doubled to 1,000 feet for communication facilities.

Change the hearing body for communication facilities requiring a Use Permit from the Zoning Administrator to the Planning Commission: During the community workshop, six people expressed opposition to proposed administrative approvals of Communication towers and facilities. Additionally, due to the controversial nature of communication facilities, it is now proposed that the hearing body of new communication facilities be the Planning Commission rather than the Zoning Administrator.

Addition of safety standards: A safety standards section was added to the Communication Towers and Facilities Ordinance. The section is brief and requires that all towers be designed by a qualified professional to align with the Building and Fire code requirements. The County building department and fire marshal already review towers during the land use entitlement and building permit process, so this addition further clarifies existing and ongoing requirements.

Defense and Indemnification Agreement: Nevada County Counsel requires that a Defense and Indemnification Agreement (DIA) be signed by the applicant of projects the County approves. The DIA requires that the applicant legally defend the County if it is sued for approving the project. This requirement is not currently codified, so a communication company determined they are not obligated to sign and return a DIA. As a result, it is proposed that the applicant be required by code to sign and return the DIA.

Other changes: Other minor changes and various clean ups are proposed to make the code read clearly and to integrate the amendments described above into the code.

Changes following July 9<sup>th</sup> Notice of Opportunity for Comments: In response to public comments received, the following changes were also made to the draft ordinance amendment:

- The criteria of the alternative analysis required with the application were updated with language from NC Safe Tech Ordinance.
- The criteria of the RF compliance report required with the application were modified to more closely align with the NC Safe Tech Ordinance.
- Defensible Space required by Public Resource Code 4291 was required to be shown on the site plan of the application, as recommended by the Truckee Fire Department.
- The required post installation and post modification radio frequency certification was corrected to reference exposure rather than emissions, as recommended by the Verizon attorneys.
- The definitions of Eligible Facilities Requests, base stations, and shot clock were updated to exactly match the FCC definitions.
- The permitting requirement section was updated to require encroachment permits for any work conducted within the public-right-of-way.
- It was clarified that all Eligible Facility Requests, not just EFR additions, need an Administrative Development Permit.
- In subsection A, one purpose was added and another was modified to align with the Nevada County Safe Tech Ordinance.
- Subsection F.4 of the Design Standards was updated to expand and clarify the screening and concealment requirements for communication facilities to be compatible with background landscapes.
- Subsection E.1.D of the Locational Standards was removed for clarity because the other code modifications made it irrelevant.
- Administrative Development Permit application requirements were added to subsection 12.03.080.D.2 because certain communication facility projects require ADPs and the ordinance did not specify what was required with an ADP application.
- D.1.a of Application Requirements was modified to change “licensed” engineer to “qualified” engineer and requires credentials for the preparation of coverage maps.
- The lighting section was updated to require that manual lights be turned off when staff is not on site.
- Temporary communication facilities needed for special events were added to uses requiring an Administrative Development Permit.
- The requirement for an applicant to submit a tolling agreement to suspend the shot clock was removed because that requirement violated the Spectrum Act.

**COMMUNITY ENGAGEMENT, COORDINATION, AND NOTIFICATION:**

In this subsection, information will be provided about the following:

- Efforts to engage the community when the process of drafting the CTFO ordinance amendment began.
- The concerns of the early public comments received and how the Planning Department addressed those comments while drafting the ordinance amendment.
- Details about how the draft of the ordinance amendment was released for public review.
- Information about number and nature of comments received in response to the release of the draft ordinance amendment, including information about the Nevada County Safe Tech Ordinance.
- Information about how County staff responded to the central themes of the comments on the ordinance.

The Nevada County Planning Department held a workshop on March 31, 2025, at the Eric Rood Administration Center to provide an overview of the proposed changes and to receive community guidance.

Many of the attendees of the workshop expressed concerns about communication towers. More specially, there was a desire for larger setbacks, all new tower applications being decided on by the Planning Commission, an increase in the range of public notice for proposed towers, increased RF testing and monitoring, and enhanced maintenance of communication facilities.

The CTFO was updated to resolve comments to the greatest extent feasible while maintaining development rights of landowners, allowing for the feasible development of towers, and aligning with FCC rules.

The Planning Department released the Draft Zoning Ordinance Amendments for public review and comment on July 9, 2025, for a 30-day period ending August 8, 2025. Outreach for the comment period included a variety of sources such as the local newspaper The Union, the County website, the County Facebook page, and the radio station KNCO. The Notice of Opportunity for Comments on the Proposed Zoning Ordinance was also mailed/emailed to everyone who attended the March 31<sup>st</sup>, 2025, workshop, requested to be notified, or was in the County's notification list of more than 200 homeowners' organizations, community groups, stakeholder organizations, governmental entities, and tribal governments.

At the time of the preparation of this staff report, a total of 51 unique comments were received. Ten comment letters expressed wanting an easier permitting process to expand wireless/broadband coverage. Three comment letters came from communication companies or organizations asking for portions of the ordinance to be clarified or expressing concerns over more stringent regulations. Five comment letters came from government agencies requesting clarification to ensure resources they are stakeholders

of will not be impacted. Two comment letters supported the ordinance as written, and two comment letters expressed not wanting communication facilities at all or objecting to the ordinance with no further reason.

The remaining 29 comment letters requested modifications be made to the proposed amendment to the Communication Towers and Facilities Ordinance (CTFO). There are common concerns among the 29 comments which are discussed below.

At the time of the preparation of this staff report, a total of 399 emails came from pre-filled webforms from OneClickPolitics coordinated by Stop 5G, an initiative of Children's Health Defense Fund. Based on their website, Stop 5G provides "resources and step-by-step guides to push back against the reckless expansion of cell towers in your neighborhood." The County has not verified the validity of the origins of the emails. However, many of the concerns in the pre-filled webform emails are similar to the concerns of the other 29 letters received. All 399 comments were not included in Attachment 4 and instead a single example of the bulk email was provided. Additionally, another series of 140 bulk emails was received by the Planning Department on November 1, 2024. A single example of this email is included in Attachment 4 as well.

**Nevada County Safe Tech Ordinance:** Members of the community, including many of those who attended the March 31, 2025, CTFO workshop, collaborated and formed a group called Nevada County for Safe Tech (NCST). NCST retained Stop5G Community Empowerment Consulting, a division of Children's Health Defense and developed an amended draft of the Nevada County Communication Towers and Facilities Ordinance that would appease their concerns. Many of the 29 individual comments received requested specific elements of the NCST ordinance be adopted or requested that the entire NCST ordinance be adopted.

Nevada County staff reviewed the NCST ordinance closely and looked for specific items that would improve the County ordinance. County staff made changes to the proposed ordinance amendment that are discussed above in subsection "Changes following July 9<sup>th</sup> Notice of Opportunity for Comments". However, some components proposed in NCST document were not integrated into the County draft amendment because those changes would likely make the development of communication towers and facilities infeasible and could possibly be an effective prohibition of communication towers and facilities.

One of the objectives of the Nevada County Zoning Regulations is to "provide for land use regulations that are clear, concise, enforceable, and effectively implement Nevada County General Plan provisions in a reasonable and balanced fashion." Overall, the staff's proposed CTFO amendment increases regulations on the development of communication towers and facilities but tries to find a balance that more aligns with Nevada County General Plan Policy 1.7.18 and Board of Supervisors Broadband objectives. General Plan Policy 1.7.18 seeks to "encourage and support a sustainable and technologically current high-speed broadband transmission system that reliably connects Nevada County businesses and residences to national networks as a means to reduce transportation impact, improve air quality, enhance citizens' quality of life and

promote economic development”. A Nevada County Board of Supervisors objective is to expand broadband access to improve economic development, education, and overall quality of life.

The discussion below explains why certain elements of the NCST ordinance were not included in the proposed amendments to the CTFO. As discussed above, the draft ordinance was modified to reflect the other public comments received.

**Increased setbacks:** The NCST ordinance proposal and comment letters expressed a desire for larger setbacks. There are a few variations that were requested, including 1000-foot or 1640 foot-setbacks from property lines, setbacks from residences or other sensitive receptors, communication facilities not being within two miles of each other, or setbacks that vary based on the zoning district generally ranging from 500 feet to 1,000 feet. The desire for larger setbacks was first heard during the March 31<sup>st</sup>, 2025, workshop. As a result, the proposed ordinance includes setbacks equal to 150% of a towers height, which is a 50% increase over the current ordinance. Requiring setbacks any larger would likely result in the development of many potential communication facilities being infeasible. More discussion is provided above in subsection “Increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial which will remain as the same as the base zoning setbacks”.

**Radio Frequency Exposure:** Many comment letters expressed concern about radio frequency exposure. Some comments requested the County conduct research on RF, require clarification and guidelines about how RF testing will be conducted, share RF testing results, and adopt a precautionary principle for RF.

The regulation of radio frequency emissions and exposure is regulated by the Federal Communications Commission. County staff do not have the authority or the expertise to determine public exposure limits, determine the methodology for evaluating compliance with public exposure limits, or determine whether the scientific evidence regarding RF exposure is conclusive. The County relies on third party professional engineers to analyze and formally certify that the radio frequency emissions and exposure from proposed towers are in compliance with FCC standards.

The amended ordinance does propose clarification and additional requirements for radio frequency compliance reports, but it is not as extensive as some members of the public requested. County staff are concerned about creating RF compliance report requirements that are so specific they conflict with the FCC methodology for determination of RF compliance. Additionally, RF is monitored and regulated by the FCC so the reports the County reviews are only informational. The proposed CTFO amendments include the requirement of post installation or modification RF exposure certification. All RF compliance reports the County receives can be requested with a Public Records Request.

**Requests for restatements of regulations:** Many comments expressed a desire for requirements that are already specified in the currently adopted Communication Tower and Facilities Ordinance or other local, state, and federal laws. These requirements will

remain, and projects will continue to be reviewed for compliance with these requirements. These requirements include: application forms, site plans, payment of fees, owner authorization, consideration of radio frequency exposure during CEQA review, a third party verification of radio frequency exposure, review from the County Fire Planner and the appropriate local fire district, public notice of hearings for discretionary projects, allowing lights required by the Federal Aviation Administration on towers, noise mitigation, consideration of aesthetics, communication facility setbacks, communication facilities having backup power, communication facilities having to meet building codes, airport compatibility, maintenance of hazardous vegetation, and the ability to appeal. Any legal liability the communication facilities have will continue to exist regardless of whether the County requires specific insurance. The CTFO is not intended to be a comprehensive summary of every law associated with development. Laws that exist outside of the CTFO will continue to exist and be applied.

**Small Cells:** Comments were received opposing the exemption of small cell wireless facilities (SCWF). These SCWFs are small and substantially similar to the minor antennae that are already exempt by the current Communication Tower Ordinance. 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 have already been evaluated by the adopted broadband Environmental Impact Report. The exemption for SCWF can help expand broadband and satisfy residents who want expanded cellular coverage through easier permitting. Additional discussion is included in the New Small Cell Wireless Facilities (SCWF) subsection above.

**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.

**Ban on monopines:** Comments were received that recommend a ban on communication towers concealed as monopines. Monopine design is not specifically required but is an option to help achieve communication tower concealment and screening. The primary concern expressed by commenters is that the concealment elements of monopines (plastic or fiberglass foliage) deteriorate and fall off. This was brought to the County's attention at the March 31, 2025, workshop. As a result, the proposed CTFO amendment includes requirements for the lessee or owner to remove debris from synthetic foliage that falls off. If this is not followed, the public can report the issue to Nevada County Code Compliance. An appropriately concealed tower, such as a monopine, has flexibility to be constructed in more locations than an unconcealed tower. A ban on monopines could result in less towers being built because it would be more difficult for the towers to blend in with the surrounding area as required by the design standards. Concealment is required

by the County Code nearly everywhere except sites already developed with communication facilities.

**ENVIRONMENTAL REVIEW:**

The proposed Amendments have been determined to be statutorily exempt pursuant to Section 15269.C, categorically exempt pursuant to Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, as discussed below.

The CEQA general rule exemption (15061(b)(3)) is for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The County ordinance that establishes permitting requirements for communication towers and facilities already exists and the amendments do not allow new uses that would not otherwise be allowed by the zoning code. Instead, the ordinance amendments clarify and strengthen the existing regulations. The amendments do not result in the approval of a project, so this ordinance amendment does not create any physical changes to the environment. The clarification of definitions in the Ordinance to align with standard definitions used by the Federal Communications Commission; the inclusion of the already required Federal Communications Commission "shot clock" permit processing timeline requirements; the increased required range of public notice for new communication facilities; changing the hearing body for communication facilities requiring a Use Permit from the Zoning Administrator to the Planning Commission; the addition and modification of two purposes in subsection A; the clarification of design standards; the clarification of existing permitting requirements such as encroachment permits for work in the public right of way; and the requirement of additional supporting information with project applications, are all covered by the general rule exemption. These changes are administrative in nature and would not result in a physical change to the environment and would not allow any development or change in land use or zoning designations.

Furthermore, proposed amendments to increase setbacks for towers from 100% of tower height to 150% of tower height from property lines in all zoning districts except industrial (which will remain as the same as the base zoning setbacks); add radio frequency emission monitoring requirements; and add communication facility maintenance requirements; are covered by both the general rule exemption and categorical exemption 15308 which is for actions by regulatory agencies for the protection of the environment.

Eligible facility requests are defined as non-substantial changes to towers and are already exempt from CEQA pursuant to the existing facilities and additions to existing structures exemptions (15301(e), 15301(b)). Therefore, the clarification that eligible facility requests (EFRs) shall be processed as an Administrative Development Permit is exempt from CEQA because this is a clarification regarding EFRs which are minor and are already CEQA exempt.

The ordinance includes an allowance for emergency deployments of Cells on Wheels and emergency generators. During an emergency, communication is important for receiving warnings and evacuation orders, calling for help, and coordinating with others. The use of cells on wheels or emergency generators to provide electricity to a communication tower help mitigate the impacts of an emergency and are exempt from CEQA pursuant to section 15269(C).

The communication tower ordinance amendments also added additional projects that are exempt from County permitting. The replacement of existing equipment with substantially similar equipment is covered by 15302 – replacement or reconstruction. The exemption of already exempt facilities and over-the-air-reception devices is covered by the general rule exemption. Facilities for wireless reading of water, gas, and electricity meters are covered by the general rule exemption (15061(b)(3)) and the new construction of small structures exemption (15303(d)).

New Small Cell Wireless Facilities are also included as exempt facilities and these were covered by the February 2023 Program Environmental Impact Report which analyzed equipment (e.g., antennas, transceivers) mounted on rooftops of homes and businesses and/or attached to existing or new utility poles or small-diameter telecommunications towers/masts. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168, when an EIR has been certified, a subsequent EIR shall not be prepared unless the lead agency determines that there are substantial changes to the project.

The administrative approval of temporary communication facilities for special events is exempt from CEQA pursuant to Section 15304(e), which is for the minor temporary use of land having negligible or no permanent effects on the environment.

**SUMMARY:**

The proposed amendments to Nevada County's Communication Towers and Facilities Ordinance update local regulations to align with federal standards, respond to community concerns, and balance the County's goals of expanding broadband with the desire for stricter oversight of wireless facilities. Key changes to the ordinance include:

- Clarifying FCC-based definitions.
- Updating "shot clock" permit timelines.
- Expanding application requirements.
- Allowing emergency deployments of temporary equipment.

- Allowing emergency deployments of temporary equipment.
- Exempting certain small or replacement installations from Planning review.
- Increasing tower setbacks to 150% of tower height.
- Strengthening maintenance standards.
- Requiring post-installation RF compliance certification.
- Doubling public notification distances to 1,000 feet.

Although community groups advocated for stricter regulation in the Nevada County Safe Tech Ordinance, staff concluded that such measures may make communication facility development infeasible and conflict with General Plan broadband policies. The draft of the ordinance instead represents a balance that imposes more regulation while preserving the feasibility of broadband expansion. The amendments are recommended for adoption and are considered exempt from further CEQA review because they are primarily administrative, protective in nature, or already covered by the County's 2023 Broadband Program EIR.

Therefore, staff recommend the Planning Commission review and consider the attached draft ordinance and recommend the Board of Supervisors adopt the ordinance as amended.

**RECOMMENDATION:**

- I. Environmental Action: Recommend that the Board of Supervisors find the project statutorily exempt pursuant to Section 15269.C, categorically exempt pursuant to Sections 15061(b)(3), 15301(e), 15301(b), 15308, 15303(d), and 15302, and exempt pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines.
- II. Project Action: Recommend that the Board of Supervisors adopt the attached Ordinance (Attachment 1), amending Nevada County Code Title 12: Zoning Regulations, Chapter 3: Specific Land Uses, Section 12.03.080, and Chapter 5: Administration and Enforcement, Section 12.05.060

Respectfully submitted,



Brian Foss, Director of Planning



# **ORDINANCE No. \_\_\_\_\_**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE AMENDING SECTION 12.03.080 – COMMUNICATION TOWERS AND FACILITIES AND SECTION 12.05.060 – USE PERMITS, OF THE NEVADA COUNTY CODE (ORD25-2).**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

### SECTION I:

The Nevada County Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

### SECTION II:

Pursuant to Nevada County Code Section 12.05.090, the Board of Supervisors hereby finds and determines as follows:

1. That the proposed amendments to the Zoning Ordinance are consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Code; and
2. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the Zoning Ordinance amendments are designed to ensure that communication facilities are developed and operated in a way that protects these factors.

### SECTION II:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

### SECTION III:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and before the expiration of fifteen (15) days after its passage it shall be published once, with the

names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

## **Exhibit A**

\* \* \* \*

### Section 12.03.080 Communication Towers and Facilities

#### A. Purpose.

1. To establish standards for the siting and design of communication facilities that promote the availability of adequate public services while ensuring compatibility with adjacent land uses.
2. To assure compliance with the Federal Communications Commission's (FCC) legislative rules for Communication Facilities including those for Radio Frequency human exposure limits in 47 C.F.R. Part 1, Subpart I standards and those addressing State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities, in 47 C.F.R. Part 1, Subpart U.
3. To establish clear guidelines, standards, and timeframes for the exercise of County authority to regulate communication facilities that comply with FCC rules regarding reasonable timeframes for issuing decisions on communication facility permits.

#### B. Definitions.

1. Antenna: 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.
2. Antenna facility: An antenna and associated antenna equipment.
3. Antenna, Minor: Antennas which have a face area of six (6 sq. ft.) square feet or less and are completely within twenty-four (24") inches of the supporting structure
4. Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.
5. Cell on Wheels (COW): A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is typically vehicle-mounted and contains a telescoping boom as the antenna support structure.
6. CFR: Code of Federal Regulations
7. Co-Location:
  - (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
  - (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
  - (3) For Eligible Facilities Requests, mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes as provided in 47 C.F.R. §1.6100(b)(2).
8. Communication Facility: A facility that transmits and/or receives electromagnetic

signals by way of towers, antennas and microwave dishes, and which includes equipment buildings or structures, parking areas or other accessory development. It may include facilities staffed with employees in addition to occasional maintenance and installation personnel, minor antennas, vehicle or outdoor storage yards, offices or broadcast studios. A Communication Facility can include a base station and a communication tower.

9. Communication Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
10. Eligible Facilities Request: Any request for modification (co-location, removal or replacement of transmission equipment) of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - a. Co-location of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
11. FCC Shot Clock: the presumptively reasonable time frame within which the County must act on a wireless application, as defined by the Federal Communications Commission (FCC), shown below subject to amendment from the FCC. The shot clock begins when the applicant takes the first procedural step that the County requires.
  - a. Aggregate of 60 days:
    - 1) Standby emergency generators at previously permitted macro cell tower sites.
    - 2) Collocation of small wireless facilities using existing structures.
    - 3) Eligible Facilities Requests.
  - b. Aggregate of 90 days:
    - 1) Small wireless facilities using new structures.
    - 2) Collocation of facilities other than a small wireless facility using existing structures.
  - c. Aggregate of 150 days:
    - 1) All other applications, such as the development of a new facility using a new structure.
12. "Public Right of Way" or "Public ROW": the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate highway or other area not within the legal jurisdiction, or within the legal ownership or control of the County.
13. Small Cell Wireless Facility (SCWF): The same as defined in 47 C.F.R. §1.6002(l), as may be amended or superseded, which defines the term as follows:
  - a. The facilities—
    - 1) Are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. §1.1320(d), or
    - 2) Are mounted on structures no more than 10 percent taller than other adjacent structures, or
    - 3) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

- b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 1.1320(d), is no more than three cubic feet in volume;
  - c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
  - d. The facilities do not require antenna structure registration under 47 C.F.R., Chapter 1;
  - e. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
  - f. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).
14. Support Structure: A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service.
15. Wireless Facility: A Communications Facility installed and/or operated by a Wireless Provider.

C. Permitting Requirements.

- 1. Projects meeting the following criteria require a Use Permit approved by the Planning Commission, pursuant to Section 12.05.060, governing Use Permits of this Code.
  - a. All new communication facilities.
  - b. All collocations, equipment upgrades, structural modifications, base station expansions, antenna installations, antenna modifications, or tower height increases that do not comply with Eligible Facility Request requirements defined in this Section and 47 CFR § 1.6100(b)(3).
  - c. All other projects not covered by subsections C2, C3, C4, and C5
- 2. Except as provided in Subsections 3, 4 and 5 below, projects meeting the following criteria shall be subject to an Administrative Development Permit, pursuant to Section 12.05.051, governing Administrative Development Permits of this Code:
  - a. An expansion of an existing base station, equipment building, or structure that does not exceed 200 square feet or fifty (50%) percent of the square footage of the existing structure, whichever is greater. No more than one (1) such expansion shall be permitted.
  - b. Temporary communication facilities for special events.
  - c. Eligible Facilities Request as defined by this Section. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria. If any of the following is true, the application does not qualify as an Eligible Facilities Request.

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

1) Height:

- a) For towers other than towers in the public rights-of-way, it

- increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.
- b) For other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.
- 2) Width:
    - a) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
    - b) For other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
  - 3) Cabinets: For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
  - 4) Location: It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
  - 5) Concealment It would defeat the concealment elements of the eligible support structure.
  - 6) Conditions of Approval: It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.
3. The following are exempt from the permitting requirements of this Chapter:
    - a. Radio, or television antennae, or communication antennae for non- commercial entertainment and hobby use, accessory to a residence, if located on property within a residential or rural zoning district within the exclusive use or control of the antenna user, and which comply with the maximum height requirements of the zoning district.
    - b. A ground or building-mounted, receive-only, citizens band or two-way radio antenna, including any mast that is operated on a non- commercial basis if located on property within a residential or rural zoning district.
    - c. A ground, building, or tower mounted antenna, operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service if located on property within a residential or rural zoning district.
    - d. Minor antennae as defined by this Section, including:

- 1) Wireless internet transceivers that comply with 47 C.F.R. Part 15, as may be amended for applicability to wireless internet service providers, provided that:
  - a) Each antenna has a face area of six (6 sq. ft.) square feet or less;
  - b) Any point of an antenna is within twenty-four (24") inches of the supporting structure;
  - c) No more than one antenna may be placed on any one support structure elevation so as to be visible from a roadway; and
  - d) Where attached to a support structure, each antenna shall be finished in a muted color so as to blend with the support structure color.
- 2) Antennae added to existing towers which have a face area of six (6 sq. ft.) square feet or less, and where any point of the antenna is within twenty-four (24") inches of the supporting structure, are finished to match the tower and do not result in an increase in overall structure height.
- 3) Antennae which are affixed to, or located entirely within, a building, sign, light post, or a similar structure, if designed to be an integral part of, and compatible with the design of, the structure to which it is attached, such that the antenna is effectively concealed to blend with the surrounding natural and built environment. Such antennae may not be placed on a nonconforming structure nor exceed allowable height limits for the structure.
- e. New Small Cell Wireless Facilities as defined by this Section and Small Cell Wireless Facility colocations.
- f. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Planning Director with a copy of the current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- g. Facilities for wireless reading of water, gas, or electricity meters.
- h. Over-the-Air-Reception Devices ("OTARD") antennas, as defined by 47 C.F.R § 1.4000(a).
- i. Any facility legally entitled to an exemption pursuant to state or federal law or governing franchise agreement.
- j. The replacement of existing equipment with substantially similar equipment.
4. Emergency Deployment: In the event of a declared federal, state, or local emergency, or when otherwise warranted by conditions that the Planning Director deems to constitute an emergency, the Planning Director may approve the installation and operation of a temporary wireless communications facility (e.g., a cell on wheels or "COW"), which is subject to such reasonable conditions that the Planning Director deems necessary.
5. Emergency Standby Generators: The addition or replacement of an emergency standby generator for an existing communication facility shall be permitted through a building permit and shall not require the approval of land use entitlement. In addition to demonstration of compliance with the County site development standards, the building permit application must demonstrate the proposed generator is consistent with the following:

- a. The screening standards of Nevada County Code Section 12.04.111.
  - b. The noise standards of Nevada County Code Section 12.04.070.
  - c. All conditions of the existing land use entitlements for the communication facility.
  - d. All applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in the California Health and Safety Code. The fuel storage on site for a diesel generator requires an annual Environmental Health operating permit. This permit must be applied for prior to the final of the construction permit.
6. For any work in the public right-of-way, the applicant shall obtain an encroachment permit. Only applicants authorized to enter the public right-of-way pursuant to state or federal law or a franchise or other agreement with the County shall be eligible for a permit to install or modify a communications facility in the public right-of-way.
- D. Application Requirements.
- 1. All land use applications for new communication towers, communication facilities, or non-EFR projects, shall include the following information in addition to the requirements of the County applications:
    - a. Improvement to network. Provide a vicinity map of the geographic service area for the proposed communications facility, including the service area of all existing communication facilities in the local service network. Describe the coverage or capacity demand that the communication 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 qualified 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.
      - 1) The applicant shall provide the experience and education credentials of the engineers preparing network coverage and/or capacity data in compliance with California law, as well as a description of the software tools used.
    - b. Submit a list of existing communication facilities within the desired service range, information regarding co-location opportunities for every communication facility on the list, and evidence of negotiation for co- location on existing communication facilities where such opportunities exist.
    - c. If the proposed tower is part of a system requiring multiple communication facilities, provide a plan showing the location of all proposed communication facilities.
    - d. Visual Impact Analysis. Provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening and landscaping. The analysis shall include photo simulations, drone/balloon test, and other information as necessary to determine visual impact of the communication 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 and discussion of how the chosen plants, at maturity, will screen the site.
    - e. Structural elevations of the tower shall include any trees or other structures within twenty (20') feet, and their height.
    - f. Towers that are located a distance that is less than 100% of their height from a

property line, a habitable structure or other tower, shall include a report by a structural engineer licensed by the State of California, certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and concealment elements. The report shall describe the tower structure, specifying the number of and types of antennas it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed.

- g. Applicants shall submit their detailed procedures for reviewing and approving co-location requests from other carriers.
- h. 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 specific comparative analysis of how different sites would impact aesthetic values, and other environmental values.
- i. Notice of Application. The applicant shall provide evidence that a county-approved notice was sent to all landowners and residents within 1,000 feet of the proposed communication facility location within a 10-day period prior to application acceptance.
- j. A Radiofrequency Compliance Report that certifies the proposed communication facility, as well as any collocated facilities that contribute to the cumulative exposure, will comply with applicable federal RF exposure standards and exposure limits, including FCC uncontrolled public exposure limits. The Report 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 RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and 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 (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- k. Any other studies or information as determined to be necessary by the Planning Director in order to consider an application for a communication facility may be required.
- l. Applicant site plans shall include identification of all defensible required by Public Resource Code 4291.

- 2. All land use applications for projects requiring an Administrative Development Permit, as described in Section 12.03.080.C.2, shall include the requirements of 12.03.080.D.1.J in addition to the requirements of the County Administrative Development Permit application.

E. Locational Standards for New Communication Facilities.

- 1. Communication facilities shall be located to minimize their visibility and the number of distinct facilities present, as follows:
  - a. No new communication facility shall be placed on an exposed ridgeline or to

- silhouette against the sky unless the site is developed with existing communication facilities.
  - b. No new communication facility shall be installed in a location that is not developed with communication facilities or industrial or commercial uses unless it is effectively concealed to blend with the surrounding natural and built environment.
  - c. No new communication facility shall be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area unless it is effectively concealed to blend with the surrounding natural and built environment.
  - d. Towers shall be located so as to minimize visual impacts from any public trail, park or developed outdoor recreation area. A minimum fifty (50') foot setback from any such area shall be required.
2. Communication facilities shall be set back from property lines as shown in Table 12.03.080.E.2.
- a. The setback shall be measured from that part of the communication facility 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).
  - 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 facilities shall not be located anywhere that results in less than a 150% setback from the communication facility to a residentially zoned parcel, regardless of the zoning of the project parcel or the contiguous parcels.

Table 12.03.080.E.2.

Zoning District	Setback From Property Line
Residential	150% of Towers Height
Rural	150% of Towers Height
Commercial	150% of Towers Height
Industrial	Setback Standards of Table 12.02.050.E
Special Purpose	150% of Towers Height

- 3. Co-location of new antennas on existing towers is strongly encouraged. Where appropriate to minimize visual impacts, new towers will not be approved where co-location on existing towers is technically feasible, will provide the desired service coverage, and do not result in alterations that create a greater visual impact.
  - 4. The use of support structures that conceal the presence of antennas are strongly encouraged, including man-made trees, light poles, signs, clock towers, bell steeples or other similar structures.
- F. Design Standards. Communication facilities shall be designed to minimize visual impacts on the surrounding community and landscapes in accordance with the design standards in this section.
- 1. Wall mounted antennas shall not extend more than four feet from the face of the wall nor consume more than fifty (50 sq. ft.) square feet per building face, excluding mountings.
  - 2. Communication towers are not subject to the maximum building height established within each zoning district. No tower shall exceed 150 feet in a residential district as

defined in Nevada County Code Section 12.02.020.

3. The height of an existing communication tower shall not be increased by an amount that would result in a violation of the Locational Standards contained within subsection E of this Section.
4. The applicant shall employ screening and concealment design techniques in the design and placement of communication facilities and accessory equipment in order to ensure the communication facility is as visually inconspicuous as possible, to prevent the communication facility from dominating the surrounding area and to hide the communication facility from predominant views from surrounding properties and viewsheds, all in a manner that achieves compatibility with the community and background landscapes and structures. Communication facilities and accessory equipment shall be finished in non-glare colors and non-reflective surfaces and colors that minimize their visibility to the greatest extent possible.
5. The visible exterior surface of apparatuses to support communication facilities, such as vaults, equipment rooms and equipment enclosures, shall be designed to be visually compatible with structures typically found in the vicinity of the project site.
6. Fencing and screening of 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 communication facility and along the access or utility easements, shall be protected from damage during construction.
  - d. No razor wire or barbed wire shall be permitted on any chain link fencing.
7. Lighting for communication facilities shall be limited as follows:
  - a. All approved lighting shall be shielded or directed on site to minimize off-site light spill 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 when personnel are on site.
8. Signage shall be limited to required address and communication facility identification signs, emergency and safety hazard signage.
9. All co-located and multiple-user communication facilities shall be designed to promote communication facility and site sharing where feasible, including parking areas, access roads, utilities and equipment.
10. Towers designed as an integral part of the structure are strongly encouraged within all commercial and industrial districts.

G. Permit Requirements.

1. Owners of all approved towers shall be required to agree to allow future co- location by other carriers, and to provide an efficient process for handling co- location requests.
2. Prior to the issuance of any entitlement permit, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to:

- a. Maintain the communication facility as approved; and
    - b. Notify the County of intent to vacate the site, agreeing that the applicant will remove all communication facilities within twelve (12) months unless the site is occupied by a successor; or
    - c. Provide a cash bond equal in cost to removing the tower and associated facilities.
  - 3. A permanent, weatherproof, facility identification sign, no more than twelve (12") inches by twenty-four (24") inches in size, identifying the facility operator and a twenty-four (24) hour phone number, shall be placed on the fence, the equipment building, or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.
  - 4. Within 15 days after any project approval, the applicant shall sign and file with the Planning Department a Defense and Indemnity Agreement, in the form approved by County Counsel.
- H. Safety Standards: All communication facilities shall be designed by qualified, licensed persons to meet minimum standards for public safety, and shall comply with all applicable legal requirements, including the County Building and Fire Codes. All communication facilities should be proactively monitored and maintained to ensure compliance with the safety design.
- I. Operational Requirements:
- 1. Radio Frequency Monitoring Requirements:
    - a. Post-installation certification. Within 60 days of commencing operation of a communications facility, the permittee shall provide the director with a post-installation certification that the facility operates in compliance with the FCC's radio frequency exposure limits.
    - b. Post-modification certification. Within 60 days of modifying a permitted communications facility, the permittee shall provide the director with a post-installation certification that the facility operates in compliance with the FCC's radio frequency exposure limits.
    - c. FCC emission compliance. Records shall be maintained which demonstrate ongoing compliance with FCC exposure regulations and guidelines. Records shall be made available to County staff within 3 business days of the request.
  - 2. Maintenance: All communications facilities must be maintained in good condition by the lessee or owner, including ensuring the facilities are reasonably free of:
    - a. Dirt or grease;
    - b. Chipped, faded, peeling, or cracked paint;
    - c. Rust or corrosion;
    - d. Cracks, dents, or discoloration;
    - e. Missing, discolored, or damaged synthetic foliage or other concealment elements;
    - f. Graffiti, stickers, or advertisements;
    - g. Litter or debris including but not limited to synthetic foliage that has fallen off a monopine;
    - h. Broken or misshapen structural parts; and
    - i. Damage from any cause.
- J. Public Notice: When a Public Hearing is required by Title 12 Chapter 5 of the Nevada County Code for a project regulated by this Section, public notice shall be given consistent with Cal.

Gov't Code §§ 65090–65096 and shall be given to owners within one thousand (1,000') feet of the real property that is the subject of the hearing pursuant to Cal. Gov't Code § 65091(a)(3). This notice shall also be given to the owners of at least ten (10) parcels, in addition to the parcel which is the subject of the hearing.

\* \* \* \*

**Section 12.05.060 - Use Permits.**

F. *Planning Agency Level of Processing.*

1. New construction, or additions to existing construction, for uses that have been established pursuant to a use permit, that do not exceed four hundred (400) square feet, shall be allowed subject only to zoning compliance and building permit issuance, providing that the addition or new construction does not conflict with the mitigation measures, conditions or findings of any previously granted use permit for the subject site, and that no more than one (1) such project can be so approved in any five-year period.
2. The Zoning Administrator shall have the responsibility to make determinations on Use Permits as established by Table 5.2 of this Section, with the exception of those Use Permits listed below for which the Planning Commission shall have the responsibility to make determinations:
  - a. Mining and reclamation plans.
  - b. Mobile home parks.
  - c. Campgrounds and camps.
  - d. Commercial, industrial, and other nonresidential development of ten thousand (10,000) square feet or more of total gross floor area and/or outdoor storage/use area.
  - e. Communication facilities requiring a Use Permit as defined by Section 12.03.080

## Section 12.03.080 Communication Towers and Facilities

- A. Purpose.
1. To establish standards for the siting and design of communication facilities that promote the availability of adequate public services while ensuring compatibility with adjacent land uses.
  2. To assure compliance with the Federal Communications Commission's (FCC) legislative rules for Communication Facilities including those for Radio Frequency human exposure limits in 47 C.F.R. Part 1, Subpart I standards and those addressing State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities, in 47 C.F.R. Part 1, Subpart U.
  3. To establish clear guidelines, standards, and timeframes for the exercise of County authority to regulate communication facilities that comply with FCC rules regarding reasonable timeframes for issuing decisions on communication facility permits.
- B. Definitions.
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.
  2. Antenna facility: An antenna and associated antenna equipment.
  3. ~~Antenna, Minor--An antenna mounted or affixed to a structure, sign, light post or similar structure.~~ Antennas which have a face area of six (6 sq. ft.) square feet or less and are completely within twenty-four (24") inches of the supporting structure
  4. Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.
  5. Cell on Wheels (COW): A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is typically vehicle-mounted and contains a telescoping boom as the antenna support structure.
  6. CFR: Code of Federal Regulations.
  7. ~~Co-Location: Placement on a single tower or structure of one or more antennas or dishes, owned or used by more than one public or private entity.~~  
(1) Mounting or installing an antenna facility on a pre-existing structure; and/or  
(2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.  
(3) For Eligible Facilities Requests, mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes as provided in 47 C.F.R. §1.6100(b)(2).
  8. Communication Facility: A facility that transmits and/or receives electromagnetic signals by way of towers, antennas and microwave dishes, and which includes equipment buildings or structures, parking areas or other accessory development. It may include facilities staffed with employees in addition to other than occasional maintenance and installation personnel, minor antennas, vehicle or outdoor storage

yards, offices or broadcast studios. A Communication Facility can include a base station and a communication tower.

9. ~~Communication Tower - A support structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. It does not include ground or structure mounted satellite dishes that are less than ten (10') feet in diameter, citizens band radio antennas whose total height is less than twenty (20') feet, nor antennas operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.~~  
Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
10. Eligible Facilities Request: Any request for modification (co-location, removal or replacement of transmission equipment) of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - a. Co-location of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
11. FCC Shot Clock: the presumptively reasonable time frame within which the County must act on a wireless application, as defined by the Federal Communications Commission (FCC), shown below subject to amendment from the FCC. The shot clock begins when the applicant takes the first procedural step that the County requires.
  - a. Aggregate of 60 days:
    - 1) Standby emergency generators at previously permitted macro cell tower sites.
    - 2) Collocation of small wireless facilities using existing structures.
    - 3) Eligible Facilities Requests.
  - b. Aggregate of 90 days:
    - 1) Small wireless facilities using new structures.
    - 2) Collocation of facilities other than a small wireless facility using existing structures.
  - c. Aggregate of 150 days:
    - 1) All other applications, such as the development of a new facility using a new structure.
12. "Public Right of Way" or "Public ROW": the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate highway or other area not within the legal jurisdiction, or within the legal ownership or control of the County.
13. Small Cell Wireless Facility (SCWF): The same as defined in 47 C.F.R. §1.6002(l), as may be amended or superseded, which defines the term as follows:
  - a. The facilities—
    - 1) Are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. §1.1320(d), or
    - 2) Are mounted on structures no more than 10 percent taller than other adjacent structures, or
    - 3) Do not extend existing structures on which they are located to a height of



changes the physical dimensions of an eligible support structure if it meets any of the following criteria. If any of the following is true, the application does not qualify as an Eligible Facilities Request.

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- 1) Height:
  - a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.
  - b) For other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.
- 2) Width:
  - a) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  - b) For other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- 3) Cabinets: For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
- 4) Location: It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- 5) Concealment It would defeat the concealment elements of the eligible support structure.
- 6) Conditions of Approval: It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

3. The following are exempt from the permitting requirements of this Chapter:
  - a. Radio, or television antennae, or communication antennae for non-commercial entertainment and hobby use, accessory to a residence, if located on property within a residential or rural zoning district within the exclusive use or control of the antenna user, and which comply with the maximum height requirements of the zoning district.
  - b. A ground or building-mounted, receive-only, citizens band or two-way radio antenna, including any mast that is operated on a non-commercial basis if located on property within a residential or rural zoning district.
  - c. A ground, building, or tower mounted antenna, operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service if located on property within a residential or rural zoning district.
  - d. Minor antennae as defined by this Section, including, ~~but not limited to:~~
    - 1) ~~Wireless internet transceivers that comply with Federal Communications Commission Regulations, 47 C.F.R. Part 15, as may be amended for applicability to wireless internet service providers, provided that:~~
      - a) Each antenna has a face area of six (6 sq. ft.) square feet or less;
      - b) Any point of an antenna is within twenty-four (24") inches of the supporting structure;
      - c) No more than one antenna ~~support structure~~ may be placed on any one support structure building elevation so as to be visible from a roadway; and
      - d) Where attached to a building support structure, each antenna ~~and support structure~~ shall be finished in a muted color so as to blend with the building support structure color.
    - 2) Antennae added to existing towers which have a face area of six (6 sq. ft.) square feet or less, and where any point of the antenna is within twenty-four (24") inches of the supporting structure, are finished to match the tower and do not result in an increase in overall structure height.
    - 3) Antennae which are affixed to, or located entirely within, a building, sign, light post, or a similar structure, if designed to be an integral part of, and compatible with the design of, the structure to which it is attached, such that the antenna is effectively ~~camouflaged~~ concealed to blend with the surrounding natural and built environment. Such antennae may not be placed on a nonconforming structure nor exceed allowable height limits for the structure.
  - e. New Small Cell Wireless Facilities as defined by this Section and Small Cell Wireless Facility colocations.
  - f. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Planning Director with a copy of the current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
  - g. Facilities for wireless reading of water, gas, or electricity meters.
  - h. Over-the-Air-Reception Devices ("OTARD") antennas, as defined by 47 C.F.R § 1.4000(a).
  - i. Any facility legally entitled to an exemption pursuant to state or federal law or



- range, information regarding co-location opportunities for every communication facility on the list, and evidence of negotiation for co- location on existing ~~towers~~ communication facilities where such opportunities exist.
- c. If the proposed tower is part of a system requiring multiple communication facilities, provide a plan showing the location of all proposed ~~towers~~ communication facilities.
  - d. ~~A visual study from surrounding areas that includes a computerized photo simulation of the tower on the site.~~ Visual Impact Analysis. Provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening and landscaping. The analysis shall include photo simulations, drone/balloon test, and other information as necessary to determine visual impact of the communication 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 and discussion of how the chosen plants, at maturity, will screen the site.
  - e. Structural elevations of the tower shall include any trees or other structures within twenty (20') feet, and their height.
  - f. Towers that are located a distance that is less than 100% of their height from a property line, a habitable structure or other tower, shall include a report by a structural engineer licensed by the State of California, certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and ~~camouflaging~~ concealment elements. The report shall describe the tower structure, specifying the number of and types of antennas it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed.
  - g. Applicants shall submit their detailed procedures for reviewing and approving co-location requests from other carriers.
  - h. 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 specific comparative analysis of how different sites would impact aesthetic values, and other environmental values.
  - i. Notice of Application. The applicant shall provide evidence that a county-approved notice was sent to all landowners and residents within 1,000 feet of the proposed communication facility location within a 10-day period prior to application acceptance.
  - j. A Radiofrequency Compliance Report that certifies the proposed communication facility, as well as any collocated facilities that contribute to the cumulative exposure, will comply with applicable federal RF exposure standards and exposure limits, including FCC uncontrolled public exposure limits. The Report 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 RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and 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 (as

that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

- k. Any other studies or information as determined to be necessary by the Planning Director in order to consider an application for a communication facility may be required.
- l. Applicant site plans shall include identification of all defensible required by Public Resource Code 4291.

- 2. All land use applications for projects requiring an Administrative Development Permit, as described in Section 12.03.080.C.2, shall include the requirements of 12.03.080.D.1.J in addition to the requirements of the County Administrative Development Permit application.

E. Locational Standards for New Towers Communication Facilities.

- 1. Communication towers facilities shall be located to minimize their visibility and the number of distinct facilities present, as follows:
  - a. No new tower communication facility shall be placed on an exposed ridgeline or to silhouette against the sky unless the site is developed with existing communication facilities.
  - b. No new tower communication facility shall be installed in a location that is not developed with communication facilities or industrial or commercial uses ~~other public or quasi-public uses unless it blends with the surrounding, existing, natural and man-made environment so as to be effectively unnoticeable.~~ unless it is effectively concealed to blend with the surrounding natural and built environment.
  - c. No new tower communication facility shall be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area unless ~~it blends with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.~~ it is effectively concealed to blend with the surrounding natural and built environment.
  - d. ~~No tower shall be installed closer than two (2) miles from another readily visible, uncamouflaged or unscreened facility unless it is a co-located facility, is on a multiple-user site, or is designed to blend with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.~~
  - e. Towers shall be located so as to minimize visual impacts from any public trail, park or developed outdoor recreation area. A minimum fifty (50') foot setback from any such area shall be required.
- 2. Communication towers facilities shall be set back from property lines as follows shown in Table 12.03.080.E.2.
  - a. The setback shall be measured from that part of the communication facility 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).
  - 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 facilities shall not be located anywhere that results in less than a

150% setback from the communication facility to a residentially zoned parcel, regardless of the zoning of the project parcel or the contiguous parcels.

Table 12.03.080.E.2.

Zoning District	Setback From Property Line
Residential	150% of Towers Height
Rural	150% of Towers Height
Commercial	150% of Towers Height
Industrial	Setback Standards of Table 12.02.050.E
Special Purpose	150% of Towers Height

- d. ~~Towers shall be located so as to minimize visual impacts from any public trail, park or developed outdoor recreation area. A minimum fifty (50') foot setback from any such active area shall be required.~~
3. Co-location of new antennas on existing towers is strongly encouraged. Where appropriate to minimize visual impacts, new towers will not be approved where co-location on existing towers is technically feasible, will provide the desired service coverage, and do not result in alterations that create a greater visual impact.
  4. The use of ~~alternative~~ support structures that conceal ~~or camouflage~~ the presence of antennas are strongly encouraged, including man-made trees, light poles, signs, clock towers, bell steeples or other similar structures.
- F. Design Standards. Communication facilities shall be designed to minimize visual impacts on the surrounding community and landscapes in accordance with the design standards in this section.
1. Wall mounted antennas shall not extend more than four feet from the face of the wall nor consume more than fifty (50 sq. ft.) square feet per building face, excluding mountings.
  2. Communication towers are not subject to the maximum building height established within each zoning district. No tower shall exceed 150 feet in a residential district **as defined in Nevada County Code Section 12.02.020.**
  3. The height of an existing communication tower shall not be increased by an amount that would result in a violation of the Locational Standards contained within subsection E of this Section.
  4. ~~Communication towers and supporting equipment shall be finished and maintained in non-glare colors that minimize their visibility to the greatest extent possible. Equipment attached to the tower shall match the color of the tower. Colors that blend with background landscapes or structures will be required.~~  
The applicant shall employ screening and concealment design techniques in the design and placement of communication facilities and accessory equipment in order to ensure the communication facility is as visually inconspicuous as possible, to prevent the communication facility from dominating the surrounding area and to hide the communication facility from predominant views from surrounding properties and viewsheds, all in a manner that achieves compatibility with the community and background landscapes and structures. Communication facilities and accessory

equipment shall be finished in non-glare colors and non-reflective surfaces and colors that minimize their visibility to the greatest extent possible.

5. The visible exterior surface of apparatuses to support communication support facilities, i.e. such as vaults, equipment rooms and equipment enclosures, shall be designed to be visually compatible with structures typically found in the vicinity of the project site.
  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 communication facility and along the access or utility easements, shall be protected from damage during construction.
    - d. No razor wire or barbed wire shall be permitted on any chain link fencing.
  7. Lighting for communication facilities shall be limited as follows:
    - a. All approved lighting shall be shielded or directed on site to minimize off-site light spill 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 when personnel are on site.
  8. Signage shall be limited to required address and communication facility identification signs, emergency and safety hazard signage.
  9. All co-located and multiple-user communication facilities shall be designed to promote communication facility and site sharing where feasible, including parking areas, access roads, utilities and equipment.
  10. Towers designed as an integral part of the structure are strongly encouraged within all commercial and industrial districts.
- G. Permit Requirements.
1. Owners of all approved towers shall be required to agree to allow future co- location by other carriers, and to provide an efficient process for handling co- location requests.
  2. Prior to the issuance of any entitlement permit, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to:
    - a. Maintain the communication facility as approved; and
    - b. Notify the County of intent to vacate the site, agreeing that the applicant will remove all communication facilities within twelve (12) months unless the site is occupied by a successor; or
    - c. Provide a cash bond equal in cost to removing the tower and associated facilities.
  3. A permanent, weatherproof, facility identification sign, no more than twelve (12") inches by twenty-four (24") inches in size, identifying the facility operator and a twenty-four (24) hour phone number, shall be placed on the fence, the equipment building, or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.

4. Within 15 days after any project approval, the applicant shall sign and file with the Planning Department a Defense and Indemnity Agreement, in the form approved by County Counsel.
- H. **Safety Standards:** All communication facilities shall be designed by qualified, licensed persons to meet minimum standards for public safety, and shall comply with all applicable legal requirements, including the County Building and Fire Codes. All communication facilities should be proactively monitored and maintained to ensure compliance with the safety design.
- I. **Operational Requirements:**
1. **Radio Frequency Monitoring Requirements:**
- a. Post-installation certification. Within 60 days of commencing operation of a communications facility, the permittee shall provide the director with a post-installation certification that the facility operates in compliance with the FCC's radio frequency exposure limits.
  - b. Post-modification certification. Within 60 days of modifying a permitted communications facility, the permittee shall provide the director with a post-installation certification that the facility operates in compliance with the FCC's radio frequency exposure limits.
  - c. FCC emission compliance. Records shall be maintained which demonstrate ongoing compliance with FCC exposure regulations and guidelines. Records shall be made available to County staff within 3 business days of the request.
2. **Maintenance:** All communications facilities must be maintained in good condition by the lessee or owner, including ensuring the facilities are reasonably free of:
- a. Dirt or grease;
  - b. Chipped, faded, peeling, or cracked paint;
  - c. Rust or corrosion;
  - d. Cracks, dents, or discoloration;
  - e. Missing, discolored, or damaged synthetic foliage or other concealment elements;
  - f. Graffiti, stickers, or advertisements;
  - g. Litter or debris including but not limited to synthetic foliage that has fallen off a monopine;
  - h. Broken or misshapen structural parts; and
  - i. Damage from any cause.
- J. **Public Notice:** When a Public Hearing is required by Title 12 Chapter 5 of the Nevada County Code for a project regulated by this Section, public notice shall be given consistent with Cal. Gov't Code §§ 65090–65096 and shall be given to owners within one thousand (1,000') feet of the real property that is the subject of the hearing pursuant to Cal. Gov't Code § 65091(a)(3). This notice shall also be given to the owners of at least ten (10) parcels, in addition to the parcel which is the subject of the hearing.

## **Section 12.05.060 - Use Permits.**

- A. *Purpose.* To provide for those land uses that may be appropriate and compatible in a zoning district, depending on the design of the individual project and the characteristics of the proposed site and surrounding area. Such uses may either raise major land use policy issues or create serious problems for adjoining properties or the surrounding area if such uses are not properly designed and located. It is the intent of this Section to establish appropriate standards for permit processing and the location, design and operation of such land uses, to avoid their creating problems or hazards, to provide for the compatibility of such land uses with adjacent properties and the surrounding area, and to assure their consistency with the General Plan.
- B. *Conformance to Chapter.* Any Use Permit issued pursuant to this Section shall conform to the definitions and requirements of this Chapter.
1. *Conformance to Regulations.* Any Use Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district which provides regular services to the project has entered into a will-serve agreement with a developer and has certified to the building official that such agreement has been fulfilled.
  2. *Compliance Required.* No person shall fail to comply with any approved Use Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Use Permit for the parcel or parcels on which such structure or use is to be located.
  3. *Permit Time Limits.* See Section governing Permit Time Limits.
- C. *Use Permit Application Content.* A Use Permit application shall be filed with the Planning Department, signed by the owner of the property for which the Use Permit is sought or by the authorized representative of the owner. Filing shall be on forms provided by the Planning Department, accompanied by appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors.
- The application shall consist of maps, diagrams, plans, elevations, written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the project. Such information shall be adequate to evaluate the proposal and demonstrate compliance with the General Plan, zoning ordinance and other related chapters of the County Code.
- D. *Scope of Review.* Where the Planning Director considers the application for a Use Permit as incomplete, the applicant shall be so notified. Acceptance of an application does not constitute an indication of completeness or approval.
- E. *Notice and Hearing.* Following the acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

F. *Planning Agency Level of Processing.*

1. New construction, or additions to existing construction, for uses that have been established pursuant to a use permit, that do not exceed four hundred (400) square feet, shall be allowed subject only to zoning compliance and building permit issuance, providing that the addition or new construction does not conflict with the mitigation measures, conditions or findings of any previously granted use permit for the subject site, and that no more than one (1) such project can be so approved in any five-year period.
2. The Zoning Administrator shall have the responsibility to make determinations on Use Permits as established by Table 5.2 of this Section, with the exception of those Use Permits listed below for which the Planning Commission shall have the responsibility to make determinations:
  - a. Mining and reclamation plans.
  - b. Mobile home parks.
  - c. Campgrounds and camps.
  - d. Commercial, industrial, and other nonresidential development of ten thousand (10,000) square feet or more of total gross floor area and/or outdoor storage/use area.
  - e. Communication facilities requiring a Use Permit as defined by Section 12.03.080

G. *Findings for Approval or Denial.* The Planning Agency shall approve, approve with conditions or disapprove the application within thirty (30) days after the conclusion of a public hearing. Approval or conditional approval shall be granted only when findings can be made as found in Section governing "Development Permit."

H. *Amendments to Permit or Conditions.* Any use may be modified by an amendment to the Use Permit approved by the Planning Agency body having original jurisdiction to hear the Use Permit application whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing "Minor Changes to an Approved Project." An amendment is herein defined as any modification or expansion of the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Use Permit shall be limited to the effect of the proposed amendment as compared to the existing Use Permit, and finding shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Use Permit may not be approved which would extend the time for the development and the use of the property.

- I. *Appeals*. Appeals from the decision of the Planning Agency shall be pursuant to "Appeals" Section.

# ATTACHMENT 3

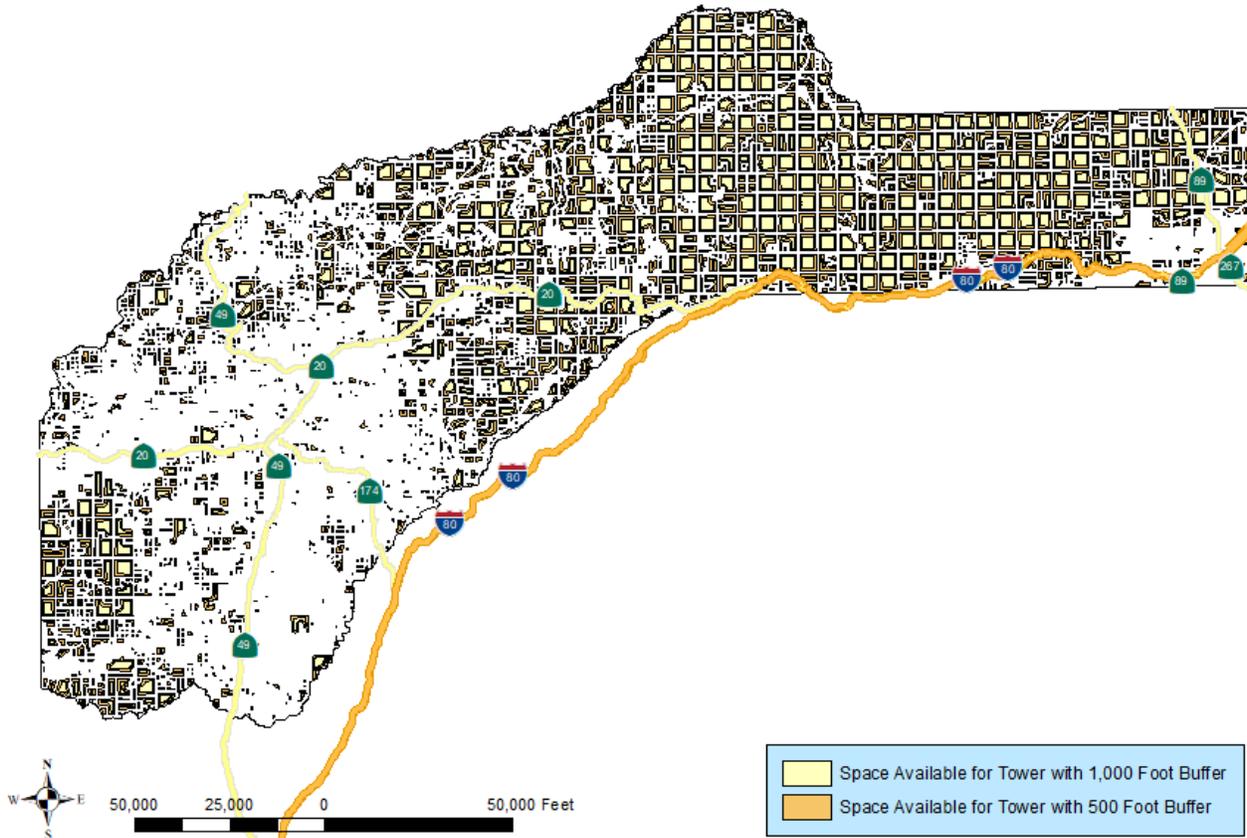


Figure 1: County Wide 500 and 1000 Foot Setbacks

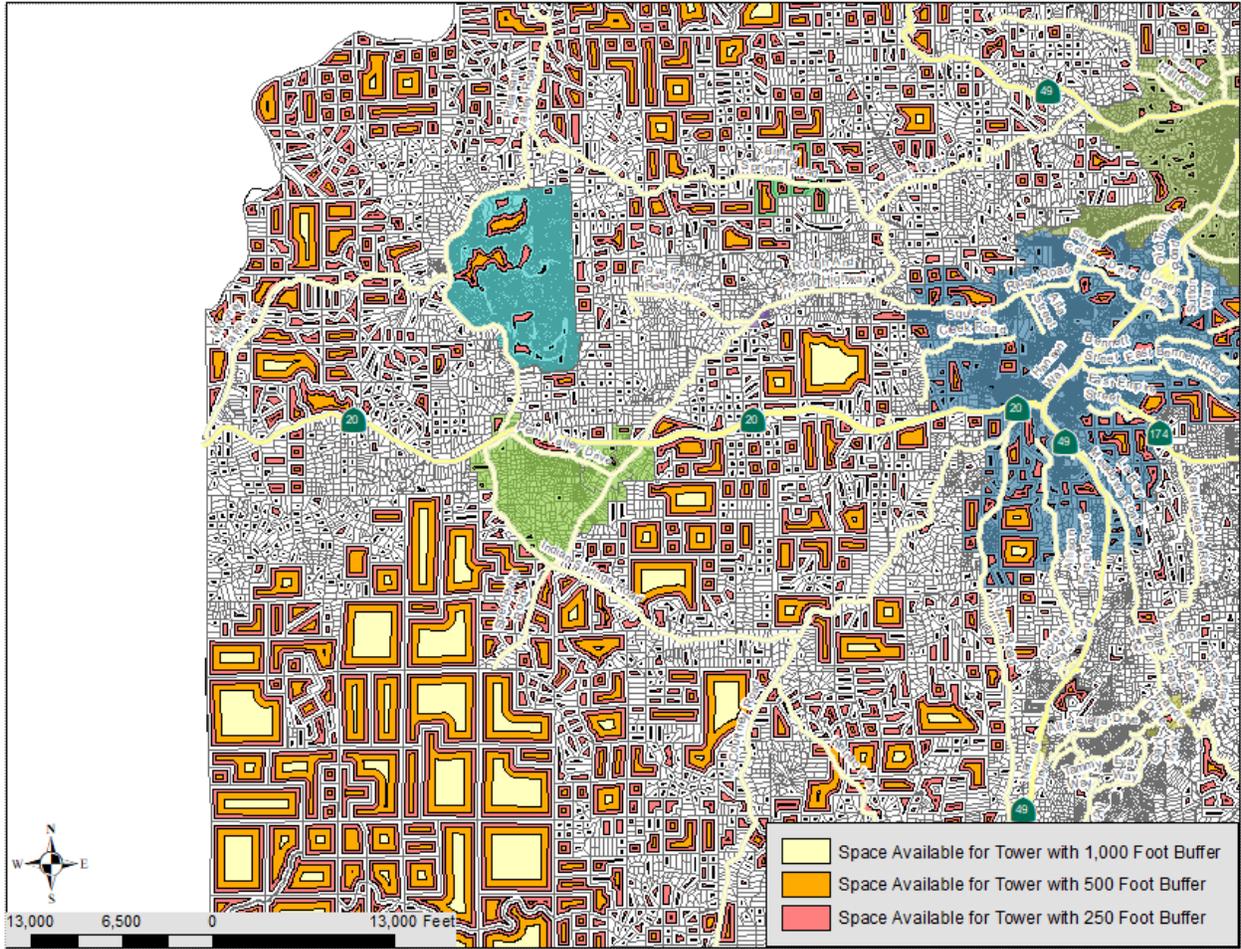


Figure 2: Penn Valley 250-foot setback

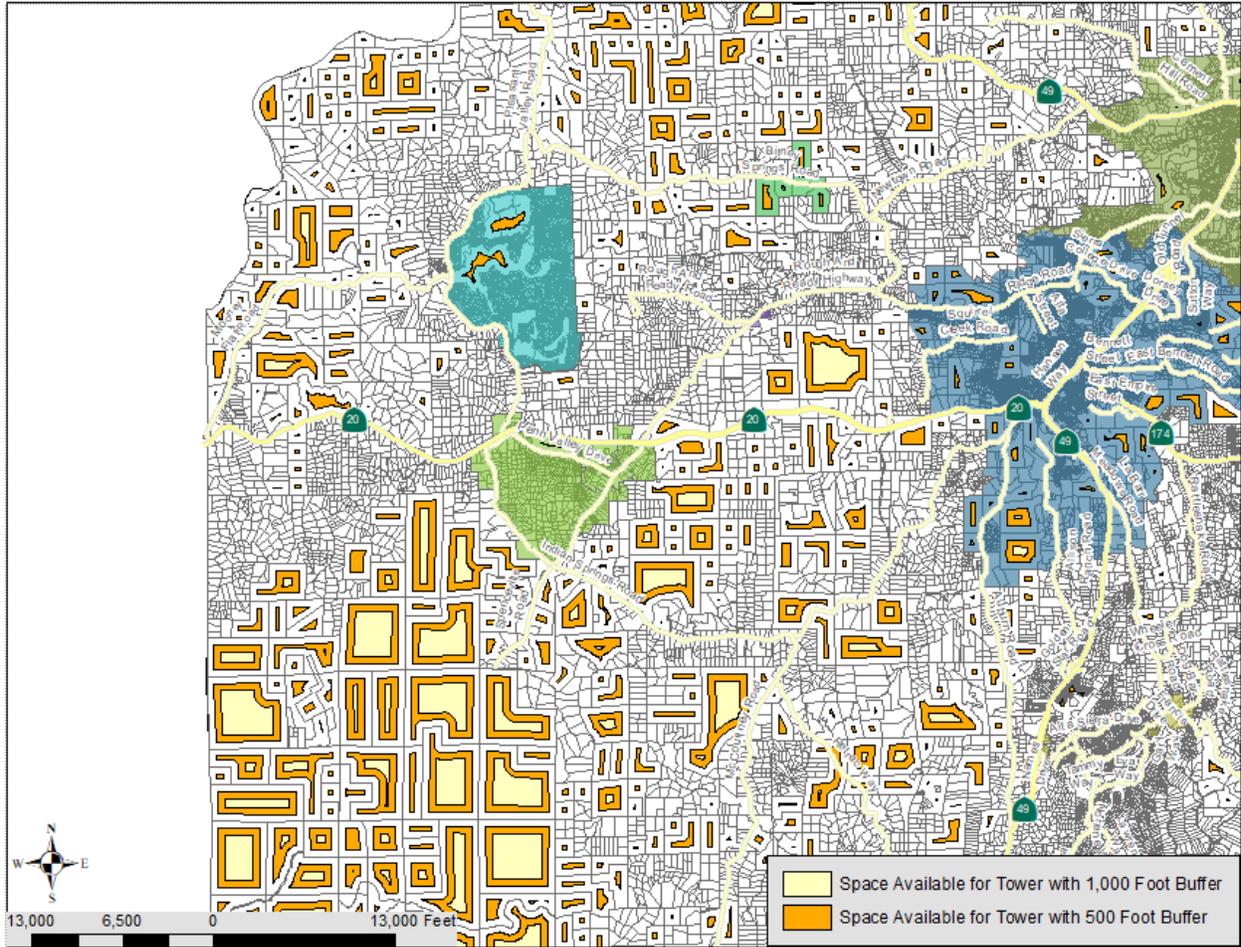


Figure 3: Penn Valley 500-foot setback

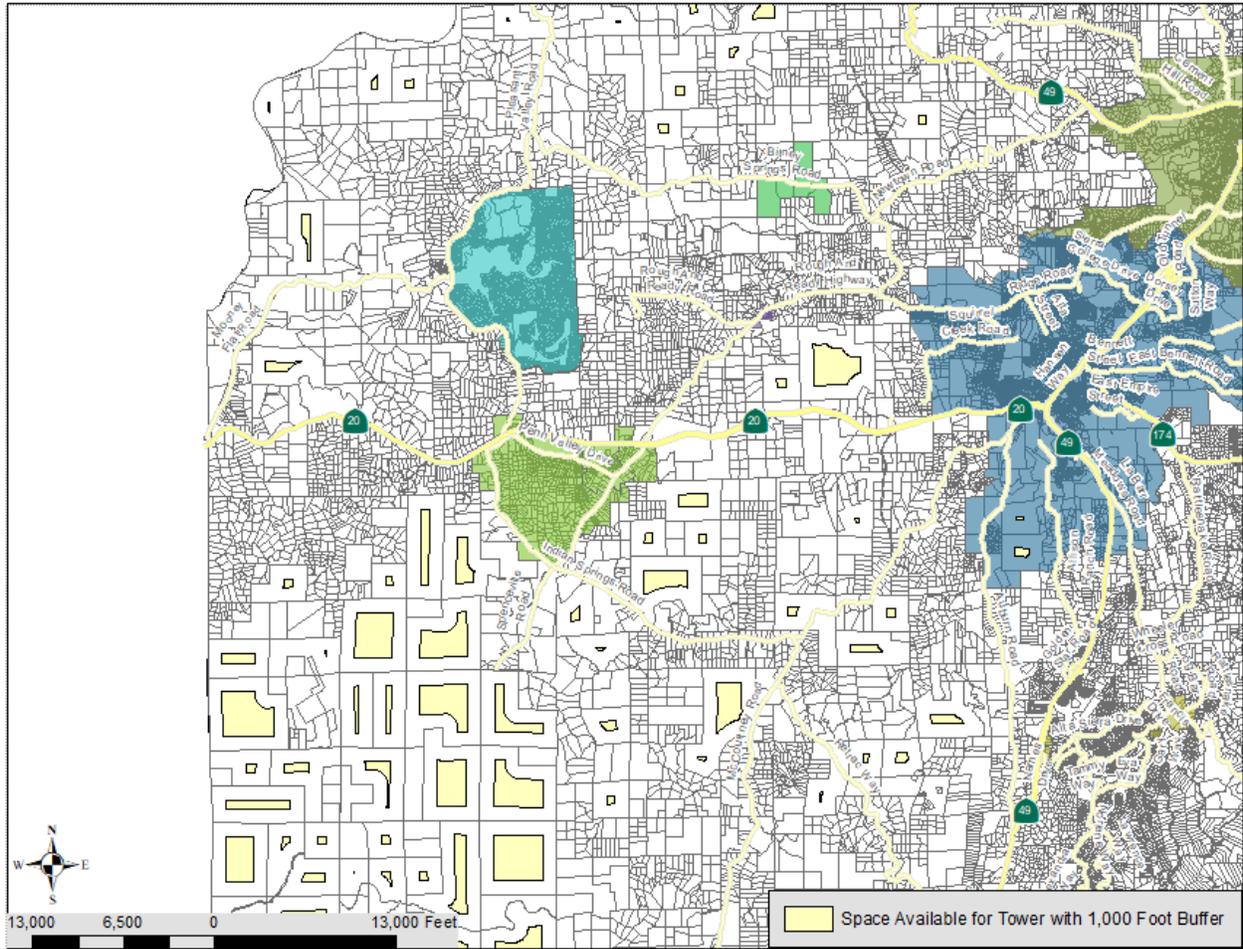


Figure 4: Penn Valley 1000-foot setback

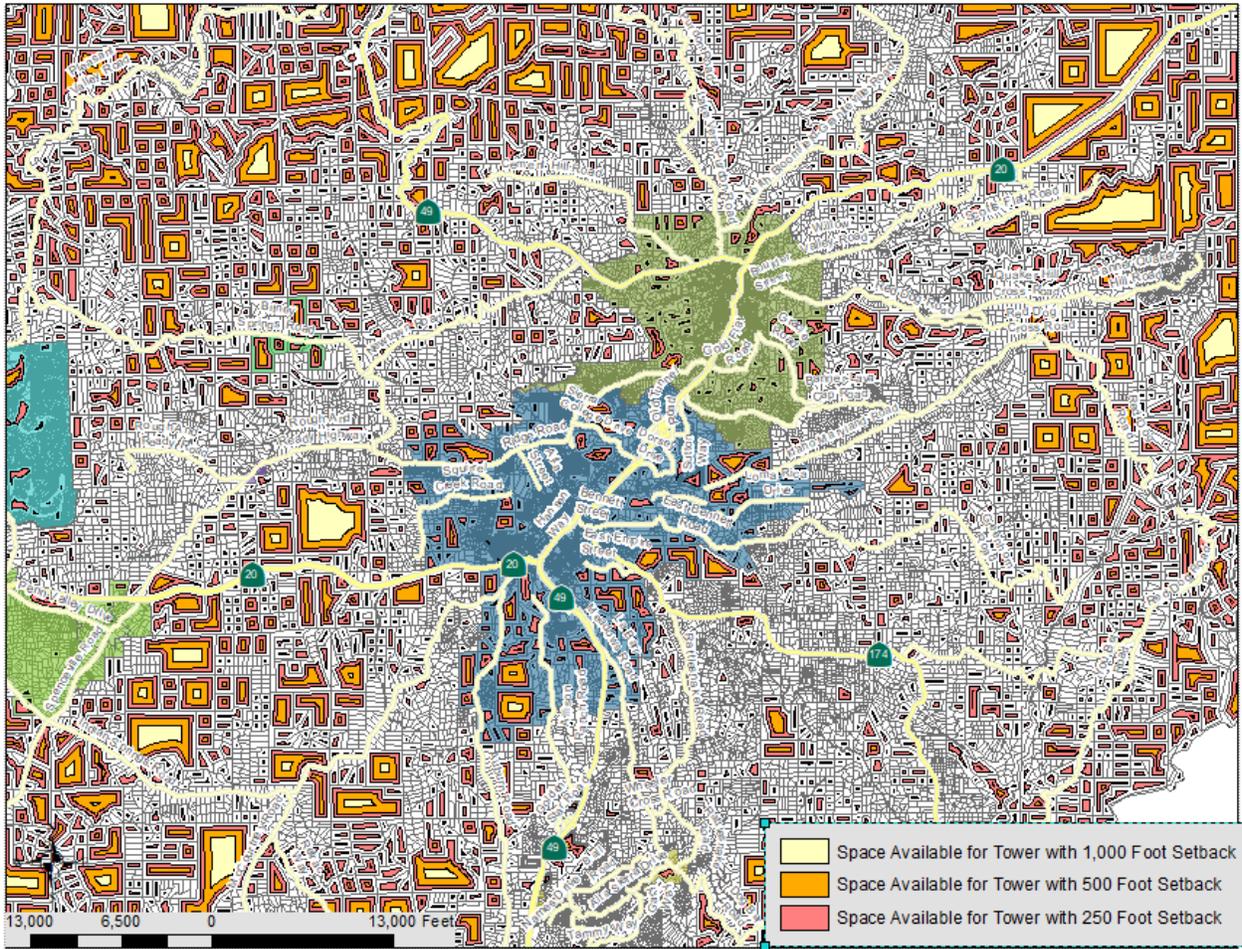


Figure 5: Grass Valley and Nevada City 250-foot setback

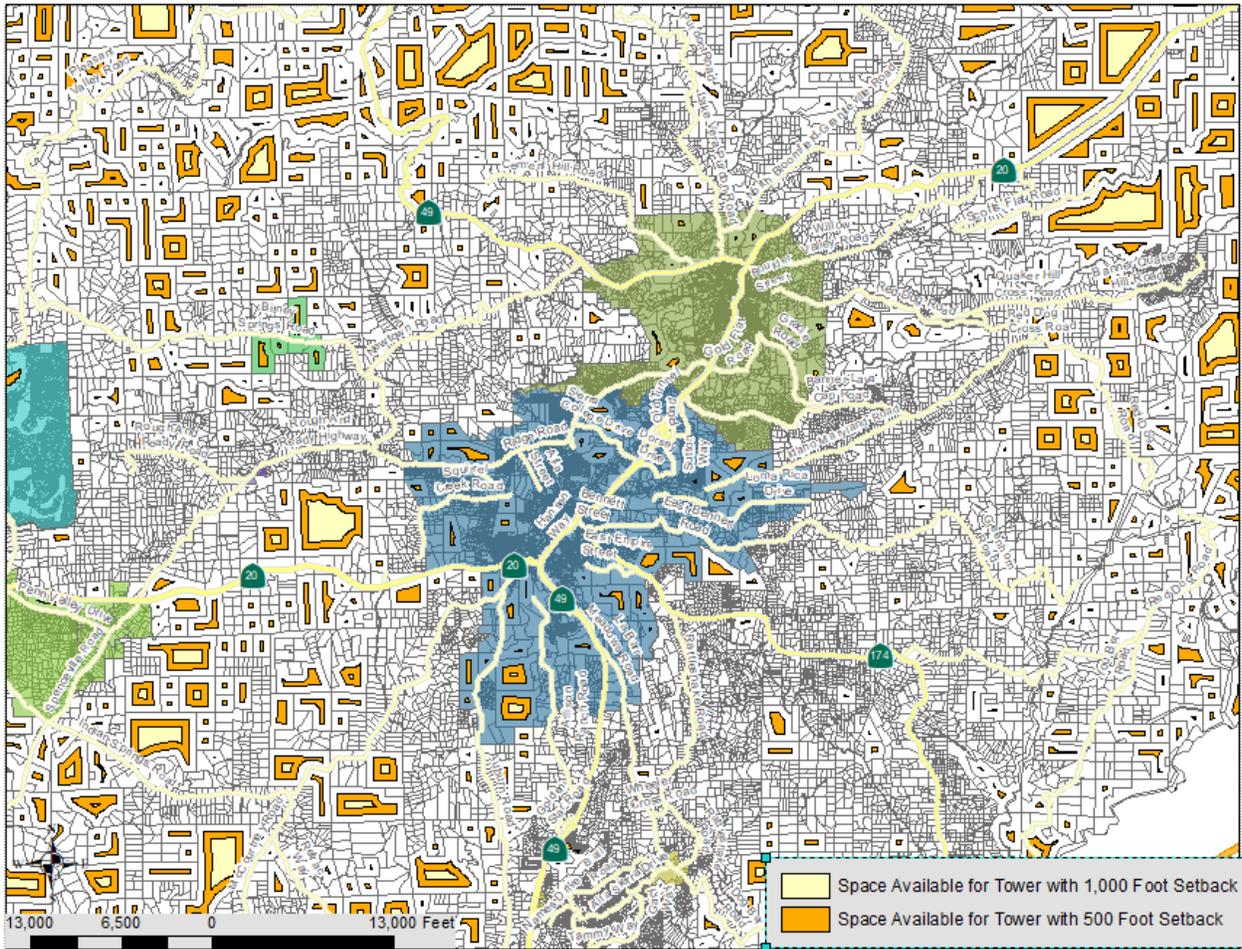


Figure 6: Grass Valley and Nevada City 500-foot setback

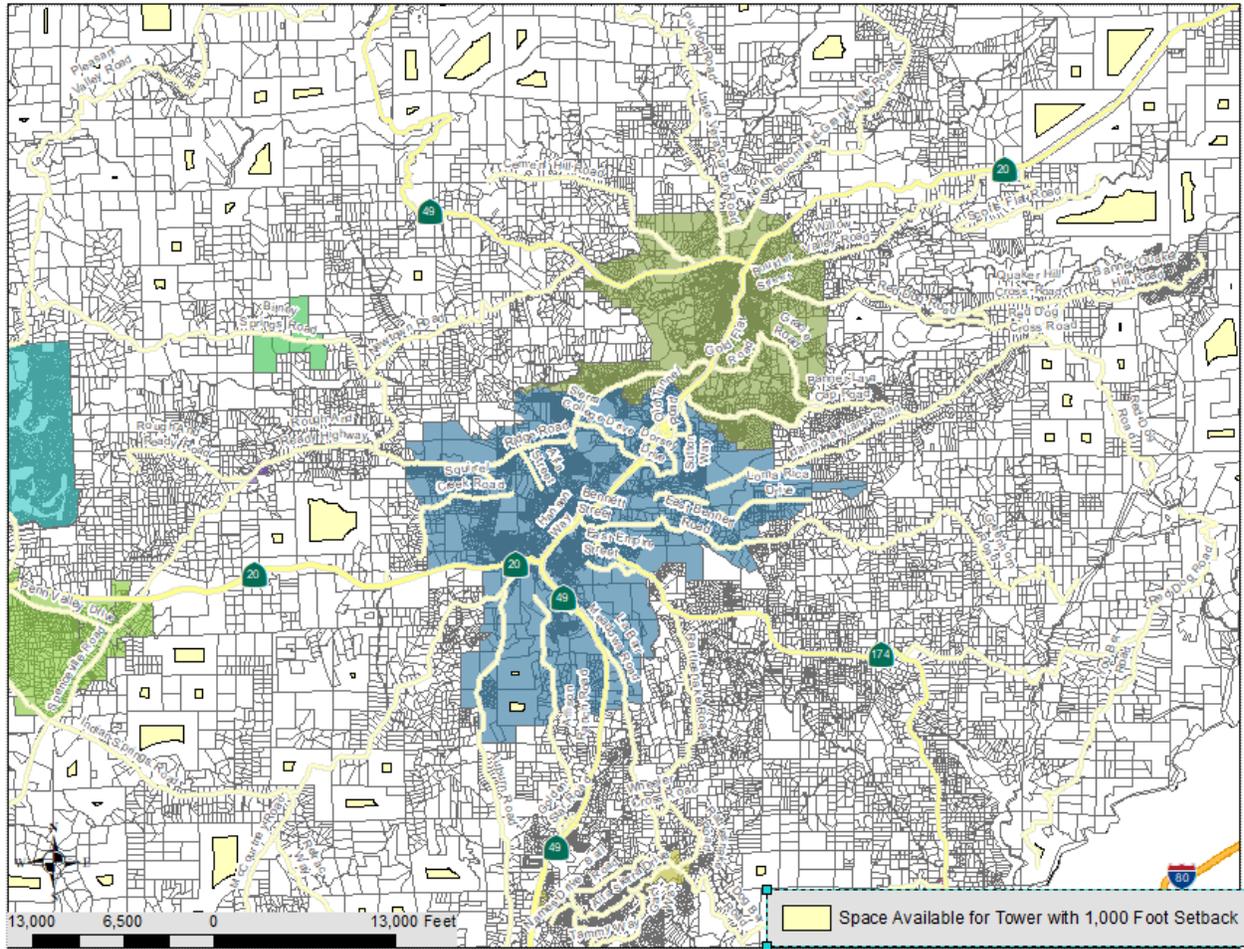


Figure 7: Grass Valley and Nevada City 1000-foot setback

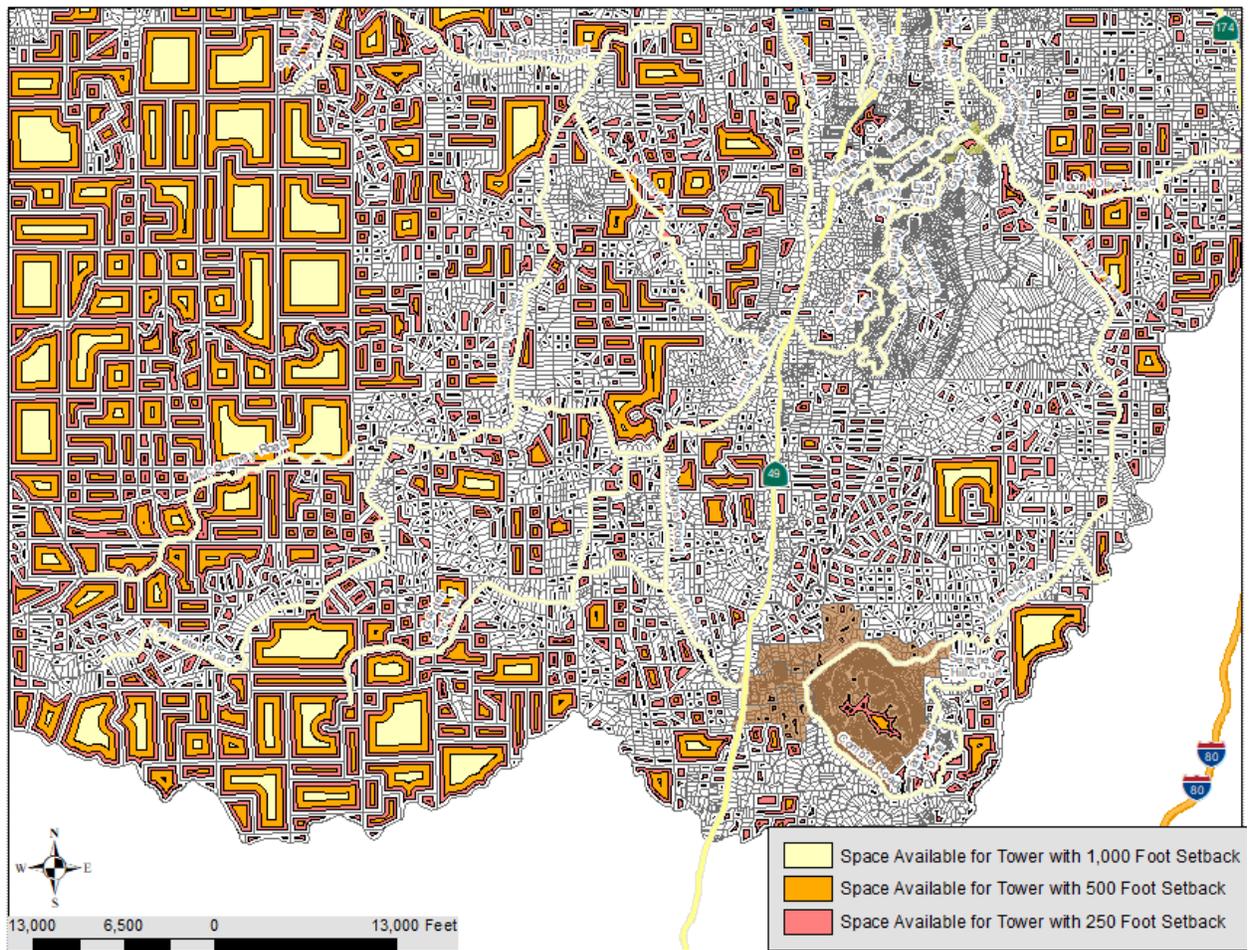


Figure 8: Southern Nevada County 250-foot setback

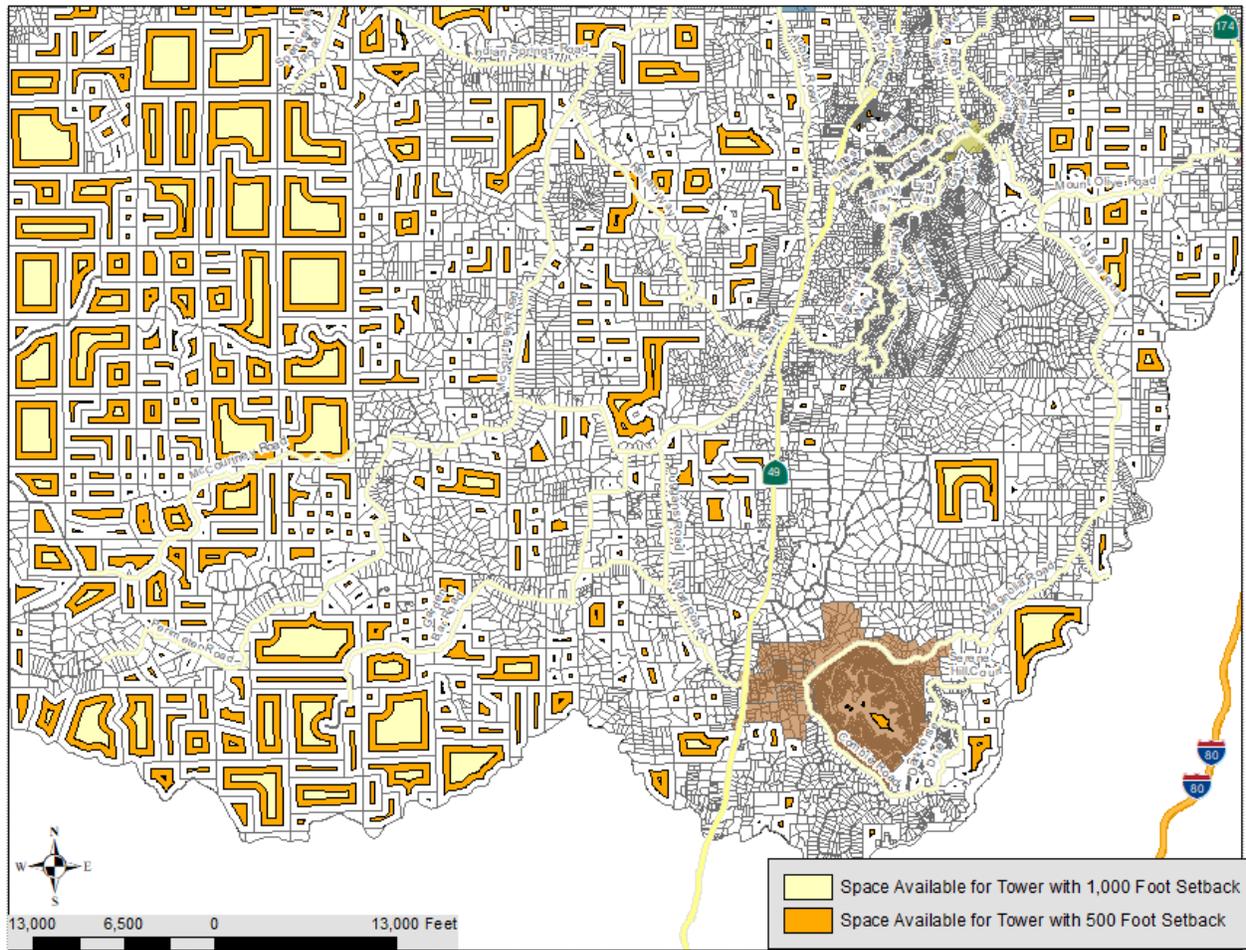


Figure 9: Southern Nevada County 500-foot setback

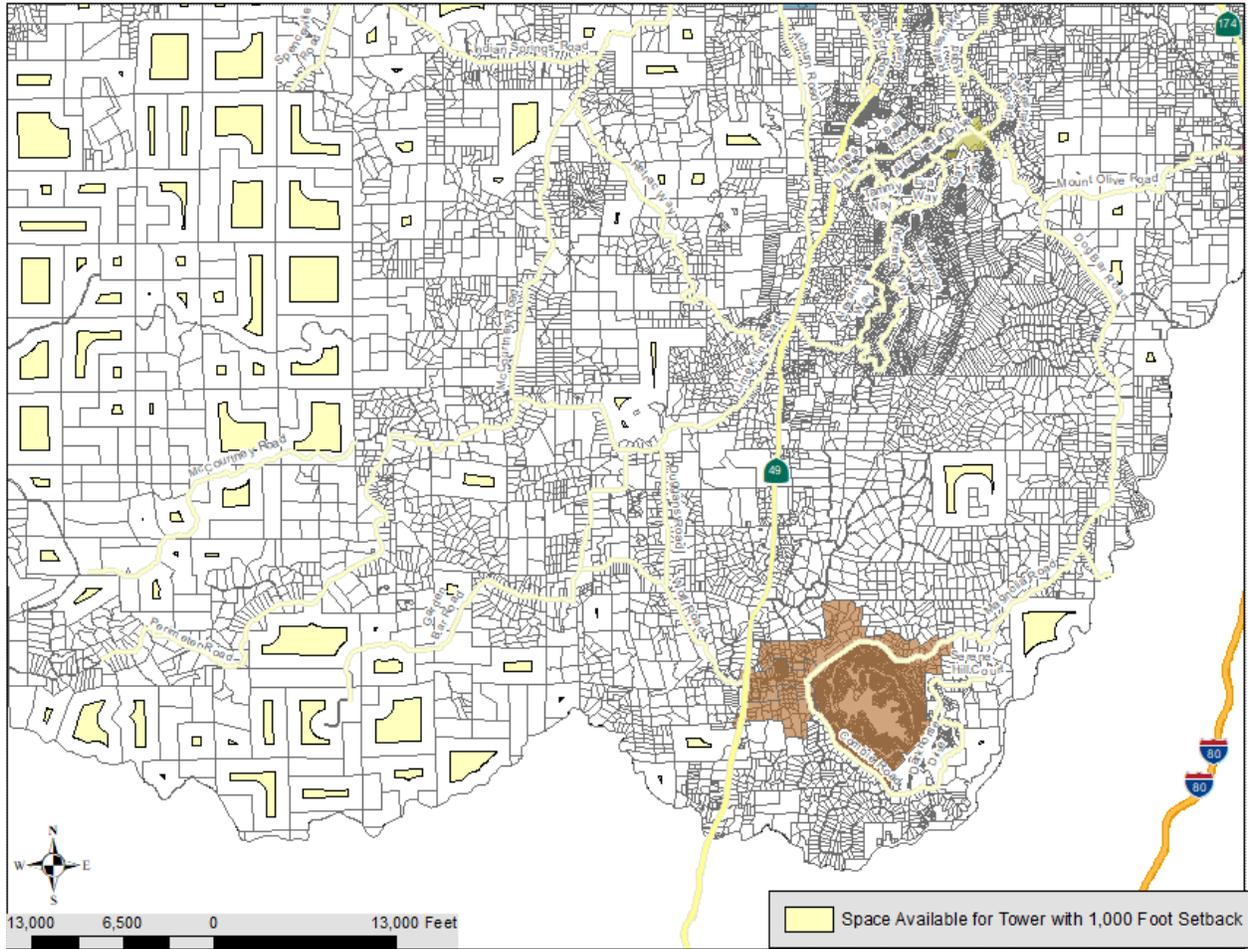


Figure 10: Southern Nevada County 1000-foot setback



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

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto: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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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 list

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

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

---

**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](http://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 ridgeling 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:** Re: Cell tower detritus  
**Date:** Wednesday, April 2, 2025 11:13:29 AM

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Hi David,

I think a great starting point is public education. If the members of the community knew how much physical pollution these towers caused I'm sure they would be less supportive of the camouflage.

If camouflage is a must, then I'd suggest the companies either clean up the litter themselves (which I'm pretty sure they won't), or an additional fee could be charged by the county so it can contract with clean up crews to do the work.

I'm looking forward to the next meeting.

Sean

Sent from my iPhone

On Apr 2, 2025, at 8:40 AM, David Nicholas  
<David.Nicholas@nevadacountyca.gov> wrote:

Hi Sean,

The litter from the degradation of the monopine foliage is not something I considered and I appreciate you bringing it to my attention. Hopefully we can address microplastic pollution with the cell tower ordinance update. It does not appear that there is currently biodegradable monopine foliage being produced, so a requirement to paint the towers to blend in with the environment may be the best option. However, I'm not sure what the public support of that would be compared to the requirements for monopine camouflage. If you think of any ideas to resolve the plastic pollution the towers create, please let me know.

Best regards,

***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

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

---

**From:** Sean Johnson <seanspuppet@gmail.com>  
**Sent:** Monday, March 31, 2025 9:31 PM  
**To:** David Nicholas <David.Nicholas@nevadacountyca.gov>  
**Subject:** Cell tower detritus

[You don't often get email from [seanspuppet@gmail.com](mailto:seanspuppet@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

[<image002.jpg>](#)

[<image003.jpg>](#)

[<image004.jpg>](#)

<image005.jpg>

<image006.jpg>

<image007.jpg>

<image008.jpg>

<image009.jpg>

<image010.jpg>

Sent from my iPhone

**From:** [Tiffany Ramirez](#)  
**To:** [David Nicholas](#)  
**Cc:** [Heidi Hall](#); [sue.Hoek@nevadacountyca.org](mailto: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

---

Some people who received this message don't often get email from [tiffany.anne.ramirez@gmail.com](mailto:tiffany.anne.ramirez@gmail.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

**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)<sup>1</sup> 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.<sup>2</sup>

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*

---

<sup>1</sup> Referenced in Section 12.05.060(G) regarding use permit findings.

<sup>2</sup> 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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from maxspencer1958@gmail.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from bathorpe@hughes.net. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](#)

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

**EXTERNAL EMAIL.** Links/attachments may not be safe.

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](mailto: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](mailto:Jodeana.Patterson@nevadacountyca.gov)*

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

**CONFIDENTIALITY NOTICE:** This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.

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

---

[You don't often get email from tofupage@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

-----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

[You don't often get email from jcborad@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

[You don't often get email from [chris.newsom1@gmail.com](mailto:chris.newsom1@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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/cm<sup>2</sup>) 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/cm<sup>2</sup>).





# 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

---

You don't often get email from [claire.palmgren@gmail.com](mailto:claire.palmgren@gmail.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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



CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

---

**From:** Carissa Cyr <[Carissa.Cyr@nevadacountyca.gov](mailto:Carissa.Cyr@nevadacountyca.gov)>  
**Sent:** Wednesday, August 6, 2025 8:16 AM  
**To:** All BOS Board Members <[AllBOSBoardMembers@nevadacountyca.gov](mailto:AllBOSBoardMembers@nevadacountyca.gov)>  
**Cc:** Erin Mettler <[Erin.Mettler@nevadacountyca.gov](mailto:Erin.Mettler@nevadacountyca.gov)>; Patrick Eidman <[Patrick.Eidman@nevadacountyca.gov](mailto:Patrick.Eidman@nevadacountyca.gov)>; Clerk of Board <[ClerkofBoard@nevadacountyca.gov](mailto: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](mailto:Carissa.Cyr@NevadaCountyCA.gov)

---

**From:** Clay Olson <[clayolson@gmail.com](mailto:clayolson@gmail.com)>

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

**To:** bdofsupervisors <[bdofsupervisors@nevadacountyca.gov](mailto:bdofsupervisors@nevadacountyca.gov)>

**Subject:** I object to this ordinance

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

[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](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, Sute 170  
Nevada County, CA 95959  
Email: [David.Nicholas@NevadaCountyCa.gov](mailto: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](mailto: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

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto:Patrick.Perkins@nevadacountyca.gov)>  
**Sent:** Thursday, July 10, 2025 6:59 AM  
**To:** Jodeana Patterson <[Jodeana.Patterson@nevadacountyca.gov](mailto: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](mailto:patrick.perkins@nevadacountyca.gov)

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

---

**From:** Kevin Nelson <[Kevin.Nelson@nevadacountyca.gov](mailto:Kevin.Nelson@nevadacountyca.gov)>  
**Sent:** Wednesday, July 9, 2025 3:57 PM  
**To:** Kidd Immel <[Kidd.Immel@nevadacountyca.gov](mailto:Kidd.Immel@nevadacountyca.gov)>; Patrick Perkins  
<[Patrick.Perkins@nevadacountyca.gov](mailto: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](mailto:kevin.nelson@nevadacountyca.gov)

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

---

**From:** Kidd Immel <[Kidd.Immel@nevadacountyca.gov](mailto:Kidd.Immel@nevadacountyca.gov)>  
**Sent:** Wednesday, July 9, 2025 3:38 PM  
**To:** Patrick Perkins <[Patrick.Perkins@nevadacountyca.gov](mailto:Patrick.Perkins@nevadacountyca.gov)>  
**Cc:** Kevin Nelson <[Kevin.Nelson@nevadacountyca.gov](mailto: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,

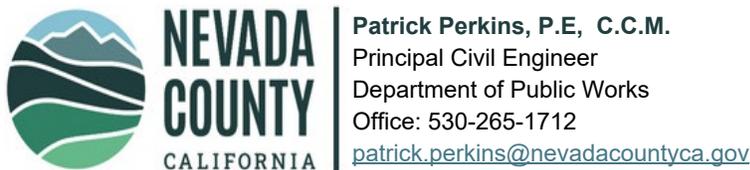


---

**From:** Patrick Perkins <[Patrick.Perkins@nevadacountyca.gov](mailto:Patrick.Perkins@nevadacountyca.gov)>  
**Sent:** Wednesday, July 9, 2025 1:16 PM  
**To:** Kidd Immel <[Kidd.Immel@nevadacountyca.gov](mailto:Kidd.Immel@nevadacountyca.gov)>; Kevin Nelson <[Kevin.Nelson@nevadacountyca.gov](mailto:Kevin.Nelson@nevadacountyca.gov)>  
**Subject:** FW: Cell Tower Ordinance 2025 Notice

Any dpw comments?

Thank you,



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

---

**From:** Jodeana Patterson <[Jodeana.Patterson@nevadacountyca.gov](mailto:Jodeana.Patterson@nevadacountyca.gov)>  
**Sent:** Wednesday, July 9, 2025 12:09 PM  
**Cc:** David Nicholas <[David.Nicholas@nevadacountyca.gov](mailto:David.Nicholas@nevadacountyca.gov)>; Tyler Barrington <[Tyler.Barrington@nevadacountyca.gov](mailto:Tyler.Barrington@nevadacountyca.gov)>; Brian Foss <[Brian.Foss@nevadacountyca.gov](mailto: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](mailto: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](mailto:Jodeana.Patterson@nevadacountyca.gov)

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

**CONFIDENTIALITY NOTICE:** This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.

**From:** [Derek Ramirez](#)  
**To:** [David Nicholas](#); [Planning](#)  
**Subject:** Comments on Cell Tower Ordinance 2025  
**Date:** Friday, August 8, 2025 1:43:13 PM  
**Attachments:** [Cell Tower Ordinances - Nevada County.pdf](#)

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Hello,

Please see attached document of comments regarding cell tower ordinance.

Thank you,  
Derek Ramirez

**From:** [Diana Monaghan](#)  
**To:** [Brian Foss](#); [David Nicholas](#); [Tyler Barrington](#)  
**Subject:** Community Safety  
**Date:** Wednesday, August 6, 2025 9:47:00 AM

---

Some people who received this message don't often get email from [diana.monaghan@gmail.com](mailto:diana.monaghan@gmail.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Dear Planning Department,

I wanted to reach out because I'm really concerned about fire safety when it comes to wireless telecom facilities. It feels like that's something that's easy to overlook, but honestly, it should be front and center in the ordinance considering the area where we live. I am concerned that improper considerations for fire safety will eventually lead to a further impact on resident's ability to get fire insurance (if there was ever a disaster).

If there's a fire, responders must know exactly where to go and what to do. That means the fire safety plan has to show where the alarm panel is and where all the safety documents are kept. It should also include emergency contacts and let people know who's responsible for what — that way there's no confusion in a stressful situation.

Another thing that really matters is all the equipment involved. The plan should point out where the signal-processing gear is, and list out the power components, like rectifiers, inverters, cabinets, and cables. Batteries are a big one too. There needs to be info about how many there are, what kind (like lithium-ion or lead acid), and what kind of exhaust or ventilation systems they've got in place. Fires caused by thermal runaway can be a serious threat if that's not managed properly.

Depowering is another thing that can't be missed. The plan should explain how to shut down the power safely, with marked locations for switches and disconnects — for AC boards, backup generators, UPS systems, HVACs, and any solar or alt-energy stuff. Fire crews need clear signs and maps showing how to do that quickly if needed.

To me, this isn't just about protecting the tower, it's about protecting people and the whole area. These things can be dangerous if they're not set up right, so putting solid fire safety rules in the ordinance just makes sense.

Thanks for listening, and I hope we see these protections added in. It'll go a long way toward keeping everyone safe.

Sincerely,

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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

[You don't often get email from gcameron@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from ckhl7612@gmail.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from hbconsulting@sbcglobal.net. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto: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

---

[You don't often get email from [jheiss@aput.net](mailto:jheiss@aput.net). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from [ingramlawoffice@gmail.com](mailto:ingramlawoffice@gmail.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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.

Get [Outlook for Android](#)

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

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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)<sup>1</sup> 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

---

<sup>1</sup> 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

---

[You don't often get email from [katherinerusshotfelter@gmail.com](mailto:katherinerusshotfelter@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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,

Llinda 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

---

You don't often get email from fgorsk8er@gmail.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

## 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".

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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](http://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](http://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.



Nevada County public comments on draft wcf ordinance

by Mark Graham

[Mark@KeepCellAntennasAway.org](mailto: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](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](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 \* 5<sup>1</sup> (citing *Sprint II*, 543 F.3d at 580)<sup>2</sup>. 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](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](mailto: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.

<u>Zoning District</u>	<u>Setback From Property Line</u>
Residential	<u>150% of Towers Height 1000 Feet</u>
Rural	<u>150% of Towers Height 500 -1000 Feet</u>

- 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,



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

---

You don't often get email from martymain49@gmail.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

You don't often get email from mike-wayne@sbcglobal.net. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto:moniquevalenzuela63@yahoo.com)  
**To:** [David Nicholas](#)  
**Subject:** Cell towers  
**Date:** Monday, July 21, 2025 7:31:58 PM

---

You don't often get email from moniquevalenzuela63@yahoo.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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,



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

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

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

From: K Taylor <[ktaylor.ca@gmail.com](mailto:ktaylor.ca@gmail.com)>  
Sent: Wednesday, July 9, 2025 6:06 PM  
To: David Nicholas <[David.Nicholas@nevadacountyca.gov](mailto:David.Nicholas@nevadacountyca.gov)>  
Cc: Lisa Swarthout <[Lisa.Swarthout@nevadacountyca.gov](mailto:Lisa.Swarthout@nevadacountyca.gov)>  
Subject: cell tower ordinance

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto: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](mailto: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

---

You don't often get email from kmensink@placer.ca.gov. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

---

[You don't often get email from wa6qfs@infostations.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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.

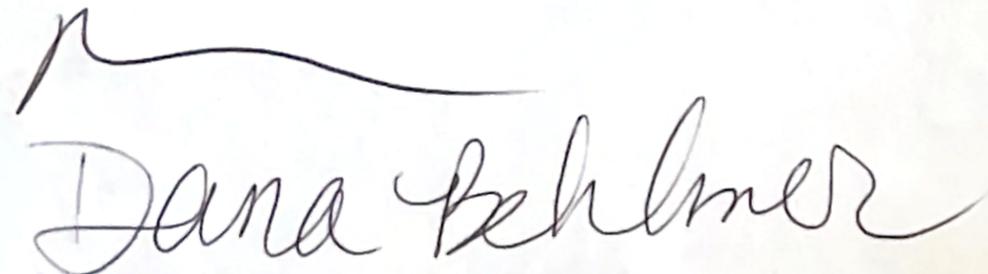
We count on planning ordinances that maintain and protect rural land use values (distancing from commercial facilities, long views and vistas, quiet use of our properties and minimal intrusion of cell towers that impair property values, and devalue the quality of life here).

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

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

---

**From:** sandra safran <[sandrasafran@mac.com](mailto:sandrasafran@mac.com)>  
**Sent:** Thursday, July 24, 2025 10:28 AM  
**To:** David Nicholas <[David.Nicholas@nevadacountyca.gov](mailto:David.Nicholas@nevadacountyca.gov)>  
**Subject:** Fwd: FAKE TREES

You don't often get email from [sandrasafran@mac.com](mailto:sandrasafran@mac.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't

recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Begin forwarded message:

**From:** sandra safran <[sandrasafran@mac.com](mailto:sandrasafran@mac.com)>

**Subject:** FAKE TREES

**Date:** July 24, 2025 at 10:25:45 AM PDT

**To:** "[DavidNicholas@nevadacountyca.gov](mailto:DavidNicholas@nevadacountyca.gov)"  
<[DavidNicholas@NevadaCountyCA.gov](mailto: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

---

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

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto: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

---

Some people who received this message don't often get email from [tiffany.anne.ramirez@gmail.com](mailto:tiffany.anne.ramirez@gmail.com). [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](#)

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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.

8

**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](mailto:Jodeana.Patterson@nevadacountyca.gov)>

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

**Cc:** David Nicholas <[David.Nicholas@nevadacountyca.gov](mailto:David.Nicholas@nevadacountyca.gov)>; Tyler Barrington <[Tyler.Barrington@nevadacountyca.gov](mailto:Tyler.Barrington@nevadacountyca.gov)>; Brian Foss <[Brian.Foss@nevadacountyca.gov](mailto: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](mailto: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](mailto:Jodeana.Patterson@nevadacountyca.gov)

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

**CONFIDENTIALITY NOTICE:** This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message.



**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,  
  
Paul B. Albritton

cc: Katharine Elliott, Esq.

**From:** [Vickie-addy.io](mailto:Vickie-addy.io)  
**To:** [David Nicholas](mailto:David.Nicholas)  
**Subject:** 5G and small cells  
**Date:** Thursday, August 7, 2025 4:48:33 AM

---

You don't often get email from calliegirl56@pm.me. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

**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

Sent with [Proton Mail](#) secure email.

**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 wesleyacdonald7@gmail.com. [Learn why this is important](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto:johannafinney)  
**To:** [David Nicholas; Planning](mailto:David.Nicholas@planning)  
**Cc:** [info@nevadacountyforsafetech.com](mailto:info@nevadacountyforsafetech.com); [reinettesenum@gmail.com](mailto:reinettesenum@gmail.com); [Cindy Sage, Owner](mailto:Cindy.Sage@owner); [Susan Nance](mailto:Susan.Nance); [Louise Jones](mailto:Louise.Jones); [denisemreynolds@yahoo.com](mailto:denisemreynolds@yahoo.com); [Kristin Phalen](mailto:Kristin.Phalen); [Derek Ramirez](mailto:Derek.Ramirez); [Tiffany Ramirez](mailto:Tiffany.Ramirez); [Loren Swift Merritt](mailto:Loren.Swift.Merritt); [scottmerritt4@gmail.com](mailto:scottmerritt4@gmail.com); [fgrsk8er@gmail.com](mailto:fgrsk8er@gmail.com); [Holly Beardsley](mailto:Holly.Beardsley); [freddieleigh@protonmail.com](mailto:freddieleigh@protonmail.com); [astarseven@gmail.com](mailto:astarseven@gmail.com); [mckeownkp@gmail.com](mailto:mckeownkp@gmail.com); [virgieryan@live.com](mailto:virgieryan@live.com); [reonne.haslett@gmail.com](mailto:reonne.haslett@gmail.com); [Fariha Husain](mailto:Fariha.Husain); [Vanessa Shinmoto](mailto:Vanessa.Shinmoto); [W. Scott McCollough](mailto:W.Scott.McCollough); [Miriam Eckenfels](mailto:Miriam.Eckenfels)  
**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](#)

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

Dear Mr. Nicholas and Planning Staff,

On behalf of [Nevada County for Safe Tech](#), 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](#) has retained [Stop5G Community Empowerment Consulting](#), a division of [Children's Health Defense](#), 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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](#)

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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

\*\*\*This form submission page is offered for the convenience of consulting agencies, developers, and their respective consultants. UAIC reviews all submissions received, but makes no guarantee that submission via this online form satisfies any particular consultation or notice requirement that exists under state or federal law.



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](http://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.



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](http://www.waterfordconsultants.com)

[www.rfis.com](http://www.rfis.com)

**From:** [myvoice@oneclickpolitics.com](mailto: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

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](http://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](mailto:info@oneclickpolitics.com)

**From:** [myvoice@oneclickpolitics.com](mailto: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

---

**CAUTION:** This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

**Do not click links or open attachments** unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

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](mailto:lmiller95949@yahoo.com)

Prepared by OneClickPolitics (tm) at [www.oneclickpolitics.com](http://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](mailto:info@oneclickpolitics.com)