NEVADA COUNTY ZONING ADMINISTRATOR
STAFF REPORT

APPLICANT: Epic Wireless
OWNER: Boreal Ridge Corp

PROJECT: Amended Permit (AP15-009) allowing the co-location to an existing communication tower by providing a new 20 foot by 20 foot lease area and extending the existing 90 foot tall tower 15 feet to allow for a new array, as well as new camouflage for the tower (mono-pine) located in Soda Springs at 10260 Soda Springs Road. The lease area also includes four equipment cabinets, a 30 kW backup diesel generator within a Level 2 acoustic enclosure with a 300 gallon fuel tank.

LOCATION: 10260 Soda Springs Road, at the Soda Springs Ski Resort in Eastern Nevada County.

ASSESSOR PARCEL NO.: 47-440-18

PROJECT PLANNER: Joseph Scarbrough, Assistant Planner (530) 265-1345

General Plan: FOR-40-Rec
GP Region/Center: Soda Springs Rural
Zoning: FR-40/Rec
Flood: Panel #0500 Zone D
ZDM #: 119
Lot Size: 24.44 acres
Date Filed: December 22, 2015
Farmland Design: Not Mapped
Prev. File Nos: U04-013

Water: Public
Sewage: Public
Fire: Truckee Fire District
Schools: Tahoe/Truckee United
Recreation: Truckee Donner
Sup. Dist.: V

ATTACHMENTS:
1. Recommended Conditions of Approval
2. Vicinity, Zoning and Public Notice Map
3. Site Plan and Tower Details
4. Photo Simulations

RECOMMENDATION:
1. Environmental Action: Find the Project is Categorically Exempt from Environmental Review Pursuant to California Environmental Quality Act Section 15301(b) (EIS16-008)
2. Project Action: Approval of the Amended Permit (AP15-009)

SITE DESCRIPTION:
The 24.44-acre parcel is located at the Soda Springs Ski Resort in Soda Springs. This particular site has been used since 2004 as a wireless communication facility serving phone transmissions over this portion of Soda Springs. The physical access to the site is via Soda Springs Road from
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Donner Pass Road. The facility in particular is located next to an existing maintenance building belonging to the Soda Springs Ski Resort. The local area is designated Forest 40/Recreation on the General Plan Land Use Maps, and is zoned FR-40/Recreation on the Nevada County Zoning Maps (Figure 1).

![Figure 1](image-url)

The existing tower site is located within the Soda Springs Ski Resort which provides recreational opportunities for the general public. This property has been used as a recreational resort since the 1930’s, primarily as a ski facility and was issued a Use Permit in 1966. The communication facility contains one service provider and one equipment shelter on grade.

**STAFF COMMENT:**

**Amended Permit – AP15-009**
The tower in question was originally permitted in 2004 by Use Permit U04-013 as a communication facility. The approved height of this tower was 90-feet which also included an equipment shelter.

Changes in the cellular phone industry which now include voice, text messaging, and high speed internet access have resulted in the need for a greater number of antennas to accommodate the volume of data that is transmitted by each carrier. With the technological advances, staff is currently experiencing a large number of antenna updates at the various cellular sites throughout the County. With the technology changes, the antennas have evolved from a single directional
antenna to up to four separate panel antennas (plus smaller radios) on each of the arrays. Additionally, for the remote tower locations such as this tower microwave antennas are also used to link the wireless data from the tower to a land line service. Given the size of these individual antennas (approximately 6 feet in length) there is also a need for a minimum vertical separation between the individual carriers to avoid any radio frequency cross-over. Thus, the height of the tower can sometimes become a limiting factor if cellular co-location is desired on the same tower.

As Verizon Wireless is currently not using the tower at the Soda Springs location, this project proposes to add 15-feet of tower height to the 90-foot tower to accommodate Verizon antennas on this tower, as well as a new 20 foot by 20 foot lease area (Figure 2). These improvements will also require utility trenching for a distance of approximately 100 feet within a proposed 6 foot wide utility easement. The utility trenching will require work within the right of way of County maintained Soda Springs Road, which requires an encroachment permit with the Public Works Department, and has been included as a Condition of Approval. Section L-II 3.8.C.2 states that all new towers or height additions to existing towers require an Amended Permit.

The additional tower height (15-feet) will not create a visual impact given the existing tower has been in this same location for a number of years, and the addition of 15 feet is not considered to be a significant expansion (Figure 3). Also, the tower will be camouflaged with a conifer monopine exterior that will help the tower blend with other conifers in the vicinity.
None of the reviewing agencies have identified any unusual or specific site concerns with this proposal. As such, staff is recommending new conditions to ensure the compatibility and structure stability of the tower addition will remain consistent with the existing facility. Staff will also incorporate the applicable provisions from the 2004 Use Permit to ease in all subsequent reviews of this one facility. Doing so will ensure the approval of this Amended Permit will remain consistent with Section L-II 3.8 of the Nevada County Zoning Ordinance.

**Noise**

Hammett & Edison, Inc. prepared a noise assessment for the proposed project in which they evaluated the potential temporary, permanent, and intermittent noise impacts of the equipment cabinet cooling system and standby diesel generator upon sensitive receptors. The project includes the installation of outdoor equipment cabinets and associated air conditioning systems within the lease area. The distance from the facility to the nearest adjacent parcel would be approximately 105 feet to the east and 175 feet to the west, and much greater distances to the north and south. The noise study indicates that the equipment cabinets would generate noise levels of 40.9 dBA at the nearest parcel boundary during daytime hours, well are below the County’s limit of 55 dBA. The noise study indicates that the equipment cabinets would generate noise levels of 39.6 dBA during nighttime hours which is also below the standard of 40 dBA. The ongoing operation of the cellular tower site would therefore not alter the existing ambient noise levels within the local area.

A 30-kW backup generator is also proposed for use during extended power outages. The generator would operate only during emergencies (power outages) and brief periods for periodic
maintenance, generally once per week during daytime hours for a duration of approximately 15 minutes. The generator will also be equipped with a Level 2 Acoustic Enclosure to further mitigate any potential noise impacts. The generator would result in daytime noise levels of 41.4 dBA at the nearest parcel, again well below the County requirement. Since the project generator would only operate during daytime hours for brief periods required for testing and maintenance, and because generator noise is exempt during emergency operations (LUDC Sec. L-II 4.1.7.D.8), noise from the generator would be subject to the County maximum daytime noise level standard of 75 dB Lmax.

Construction noise and any potential ground vibration during the construction activities associated with this site could impact nearby parcels. Construction disturbance is short-term and would not impact sensitive residential receptors on a lasting basis. Nevertheless, in an effort to provide some degree of predictability for surrounding parcels, Condition A.14 requires construction to occur during the hours of 7AM to 7 PM, Monday through Friday.

The operational components of the project would not exceed County standards, and restricting construction activity to the hours of 7AM to 7PM Monday through Friday would ensure that noise impacts on nearby residential sensitive receptors are minimized. The project is therefore anticipated to comply with the County’s Noise Ordinance.

Environmental Review – EIS16-008
None of the reviewing agencies have identified any physical issues or impacts with the proposed project. This project qualifies as being categorically exempt from environmental review, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(b), since it involves the negligible expansion to this existing utility structure. Specifically CEQA Guidelines Section 15301(b) is a Class 1 exemption which allows the alteration of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. In terms of aesthetics, while the existing tower can be viewed from Soda Springs Road, this site has been previously approved and operated since 2004, and there are no views from Interstate 80. Additionally, the applicant is proposing to reestablish the conifer materials on the tower which have deteriorated since its installation. The mono-pine design will aid in the tower’s ability to blend in with existing conifers to the south along the ridgeline.

General Plan and Zoning Consistency
The property is designated Forest 40/Recreation on the Nevada County General Plan Land Use maps and is similarly zoned FR-40/Rec (Forest – 40 acre density/Recreation). Chapter II of the Land Use and Development Code strongly encourages cellular towers to permit the co-location of other devices on the existing communication tower structures. As this project is making use of an existing facility, and will be providing a minor addition to the tower’s height and associated equipment thereby permitting additional co-location opportunities, the project is thereby consistent with the Design Standards and requirements of the Communication Towers and Facilities Ordinance.
Summary
The project proposes a minor 15-foot addition to the existing communication tower to accommodate the co-location for an additional cellular phone carrier at the site. Permit approval will avoid the need to construct an additional tower on the property. The additional ground-mounted equipment will be installed upon a raised platform within a new lease area. The new communication devices will fit atop the extended tower structure. As such, the minor additions to this site will allow the project to qualify as a Class 1 categorical exemption from environmental review per the CEQA Guidelines. Staff has received no objection to this proposal and therefore recommends the Zoning Administrator approve this project allowing for co-location opportunities with the extension of the existing tower for a new array, a new 20 foot by 20 foot lease area with associated equipment.

RECOMMENDATION:
Staff recommends the Zoning Administrator take the following actions:

I. Find this project Categorically Exempt from environmental review pursuant to Section 15301(b) of the California Environmental Quality Act (CEQA) Guidelines. CEQA Guidelines Section 15301(b) is a Class 1 exemption which allows the alteration of existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

II. Approve Amended Permit AP15-009, to allow a new 20 foot by 20 foot lease area and extending the tower 15 feet to allow for a new array, as well as new camouflage for the tower (mono-pine) with the lease area containing four equipment cabinets and a 30 KW backup diesel generator within a Level 2 acoustic enclosure with a 300 gallon fuel tank, subject to the conditions shown in Attachment 1, or as may be modified at the public hearing, and making the following findings A-G, pursuant to Section L-II 5.6.G. and as found in Section L-II 5.5.2.C. of the Nevada County Land Use and Development Code:

A. That the project is consistent with the Goals, Objectives and Policies of the Nevada County General Plan, specifically is in keeping with the intent of Policy 3.27 which directs the County Codes to require the applicable setbacks and visual compatibility of telecommunication facilities;

B. That the use is compatible with the FR-40 “Forest – 40 acre density” and REC “Recreation” Zoning Districts, where telecommunication facilities are conditionally permitted within the rural regions of the County;

C. That the proposed tower addition will permit this existing facility to conform to our co-location standards and conform to the current provisions of the Communication Towers and Facilities provisions within the Zoning Ordinance;

D. That the 24.44-acre parcel is adequate in size and shape and location to accommodate the proposed use and all facilities needed for that use, including adequate seasonal access, sufficient vegetation clearance, and substantial setbacks;
E. That the proposed expansion is compatible with, and will not be detrimental to, existing and anticipated future uses onsite, on abutting property, and in the nearby surrounding rural areas;

F. That the proposed tower addition will not be detrimental to the environment as it will make use of the existing facility and improvements, is compatible with the adjoining communication facilities, and will not require the need for any mitigation to offset adverse environmental impacts; and

G. That the conditions provided in this decision are deemed necessary to protect the public health, safety, and general welfare of the citizens of Nevada County.

Respectfully submitted,

[Signature]

Tyler Barrington
Principal Planner
EPIC WIRELESS/VERIZON WIRELESS AMENDED PERMIT

CONDITIONS OF APPROVAL
AP15-009 & EIS16-008

A. PLANNING DEPARTMENT

1. Amended Permit (AP15-009) allowing the co-location to an existing communication tower by providing a new 20 foot by 20 foot lease area and extending the existing 90 foot tall tower 15 feet to allow for a new array, as well as new camouflage for the tower (mono-pine) located in Soda Springs at 10260 Soda Springs Road. The lease area also includes four equipment cabinets, a 30 KW backup diesel generator within a Level 2 acoustic enclosure with a 300 gallon fuel tank.

2. Pursuant to the requirements of the Land Use and Development Code, the applicant is hereby notified that this use permit is not valid until the expiration of the ten (10) day appeal period from the date of the Zoning Administrator’s final action on the project, July 25, 2016.

3. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (July 25, 2016) (i.e. Final Project Action), unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Zoning Administrator pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.

4. Prior to permit finalization, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project building permit.

5. Prior to issuance of building permits, improvement plans shall include a note that the communication tower 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.

6. All outdoor light fixtures shall be located within the lease area. Fixtures shall be fully shielded and directed downward to prevent light trespass and to prevent the light source of lens from being visible from adjacent residential uses and roadways. Improvement plans shall depict the location, height and positioning of all light fixtures and shall provide a description of the type and style of lighting proposed. Fixtures shall have high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited. Lighting shall be turned off between 11PM and sunrise, and shall incorporate dimmers, occupancy sensors or time controls.
7. A permanent, weatherproof, facility identification sign, no more than 12 inches by 24 inches in size, identifying the facility operator and a 24-hour phone number, shall be placed on the fence 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. Signage shall be limited to required address and facility identification signs and emergency and safety hazard signage as contained herein.

8. Pursuant to Land Use and Development Code Sec. L-II 3.8.G, prior to issuance of improvement and building permits, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to maintain the facility as approved and notify the County of intent to vacate the site, agreeing that the applicant will remove all facilities within 12 months unless the site is occupied by a successor; or the applicant shall provide a cash bond equal in cost to removing the tower and associated facilities.

9. Pursuant to Land Use and Development Code Sec. L-II 3.8.F.5, the applicant shall include a note on all improvement plans as follows: “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. 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.”

10. The facility shall comply with all Federal Communications Commission regulations concerning radio frequency emissions.

11. If direct impacts to Soda Springs Road occur as a result of the construction of the communication tower facility, the applicant shall be responsible for improving the roadway to pre-construction conditions.

12. The tower structure, complete with the 15-foot addition, shall be designed to accommodate the co-location of all of the existing and proposed devices associated with the antennas, transmitters, cables, array structures, and radios on this tower. Prior to the issuance of the building permits to extend this tower and add the new antennas, the applicant shall submit the final report by their structural engineer (licensed by the State of California) that certifies the proposed tower is designed to withstand the maximum forces expected from wind, earthquakes, and ice after the tower is fully loaded with the approved equipment. This report shall conform to the requirements of Section L-II 3.8.D.6 of the Nevada County Land Use and Development Code.

13. Building, altering, replacing, or operating any source of air contaminants, whether portable or stationary (but not mobile), requires an Authority to Construct permit from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with CARB under the Portable Equipment
Registration Program. The applicant shall contact Joe Fish of NSAQMD at (530) 274-9360 x103 (or email at joe@myairdistrict.com) in order to determine whether or not the generator's engine requires permitting from the NSAQMD. The results of that contact shall be documented and provided to the Planning Department prior to issuance of any improvement permits, and an Authority to Construct permit obtained if applicable.

14. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday. These limited hours of operation shall be noted on grading and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

15. This project shall comply with Land Use and Development Code Section L-II 4.1.7, and shall not create noise impacts upon sensitive receptors as outlined within said section.

16. All conditions of approval and mitigation measures from the original Use Permit U04-013 shall continue to apply to this project as well.

17. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department a Defense and Indemnification Agreement, in a form approved by County Counsel. No further permits or approvals shall be issued for the project, including without limitation a grading permit, building permit or final map approval, unless and until the applicant has fully complied with this condition. The standard Defense and Indemnification Agreement shall be attached to the approval letter.

B. ENVIRONMENTAL HEALTH

1. The applicant and/or facility operator shall adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 – 25519 and 25100 – 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). The applicant and/or facility operator shall apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA). The applicant and/or facility operator shall secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations. Routine compliance inspections, conducted by NCDEH inspectors, will occur at the facility once every three years. Compliance inspections are typically unannounced inspections during regular business hours: Monday – Friday, 8:00am – 5:00pm.

C. BUILDING DEPARTMENT

1. Complete construction, site, grading and erosion control plans shall be submitted for review at time of building/grading permit submittal in conformance with the Nevada County Land Use and Development Code Chapter V.
2. 2 sets of wet stamped/signed complete structural calculations for the tower extension and antenna co-locations shall be submitted at time of building permit submittal. This area is in a special wind region and complete analysis of the special region shall be included in the structural calculations.

3. Complete electrical plans shall be included as part of the building permit submittal.

4. Approval shall be obtained from the Northern Sierra Air Quality Management District for the diesel generator installation prior to building permit issuance.

D. **DEPARTMENT OF PUBLIC WORKS**

1. The applicant shall obtain an encroachment permit from the Department of Public Works prior to any work within the County right-of-way.
Existing

Proposed

view from Donner Pass RQ2d looking southeast at site
20556-27 Soda Springs
10244 Soda Springs Road, Norden, CA
Photographs Printed on 9-21-2019