

# CITY OF LOYALTON

COUNTY OF SIERRA  
605 SCHOOL STREET  
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OFFICE OF THE MAYOR

## AGENDA FOR THE SPECIAL MEETING OF THE LOYALTON CITY COUNCIL 5:00 PM – CITY HALL AUDITORIUM 605 SCHOOL STREET APRIL 25<sup>TH</sup>, 2023 LOYALTON, CA.

AGENDA AND PACKET AVAILABLE ON CITY WEB SITE  
cityofloyalton.org

**NEXT ORDINANCE #425**  
**NEXT RESOLUTION #2-2023**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**ANNOUNCEMENTS:**

**STAFF REPORTS:**

**PUBLIC COMMENT:**

This is an opportunity for members of the public to address the Council on items which are not on the agenda. Please state your name for the record. Comments are limited to three minutes. Written comments should be submitted to the Board Clerk 24 hours prior to the meeting to allow for distribution. Under Government Code Section 54954.2 – Brown Act, the Council cannot take action on any item not on the agenda. The City Mayor may choose to acknowledge the comment or, where appropriate, briefly answer a question, refer the matter to staff, or set the item for discussion at a future meeting.

**A SPECIAL MEETING IS BEING HELD TO CONDUCT THE FOLLOWING BUSINESS:**

**PUBLIC HEARING:**

**Subject: Conditional Use Permit CUP 2023-01 and Variance V 2023-01 for installation and operation of a wireless communication facility located on a 0.61-acre lot, at the northwest corner of Lewis and Front Street (also known as Railroad Avenue), in the R-1, Residential Single Family Zoning District, Loyalton, CA Assessor's Parcel No. 017-111-022 which Verizon Wireless would like to lease from the City.**

**DISCUSSION AND POSSIBLE ACTION:**

1. Conduct Public Hearing and consider public comments.
2. Determine the project is exempt from the California Environmental Quality Act.
3. Approve Conditional Use Permit CUP 2023-01 and Variance V 2023-01 based on findings and subject to Conditions.

**Agenda Input of Upcoming Meetings**

**Council Member Closing Remarks**

**ADJOURNMENT**

# CITY OF LOYALTON

## CITY COUNCIL STAFF REPORT

MEETING OF: April 25, 2023

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**Subject:** Verizon Wireless Conditional Use Permit CUP 2023-01 and Variance V 2023-01 for installation and operation of a wireless communication facility at the northwest corner of Lewis and Front Street (also known as Railroad Avenue).

**From:** Gary Price, Contract Planner

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- Recommended Action:**
1. Conduct Public Hearing and consider public comments.
  2. Determine the project is exempt from the California Environmental Quality Act.
  3. Approve Conditional Use Permit CUP 2023-01 and Variance V 2023-01 based on findings and subject to conditions.
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### I. BACKGROUND

Epic Wireless on behalf of Verizon Wireless, has applied for City approval for installation and operation of a wireless communication facility. The project consists of installation and operation of a 100-foot-tall monopole (cell tower) and other related improvements on a residential parcel owned by the City located at the northwest corner of Lewis Street and Front/Railroad Avenue. The Conditional Use Permit would allow for construction and operation of the wireless facility located within a residential zoning district. The Variance would allow for a monopole structure (wireless communication facility structure) height of 100 feet whereas the Zoning Code restricts height to a maximum of 30 feet in this residential zoned area. The City Council is being asked to approve both land use entitlements to allow Verizon to move forward with obtaining a building permit and then construct the project.

### II. PROJECT DETAILS

*Environmental Setting:* The 0.61-acre project site is situated along the north side to Lewis Street between First Street to the west and Front Street/Railroad Avenue to the east on property owned by the City, and contains a variety of buildings and open space with the Senior Center building taking up the northwest side and a barn-storage structure located at the northeast corner of the site. The site is relatively flat, but drains to the south towards Smith neck Creek (see Attachment B, Aerial Photo of Site, and Attachment C, Site Photos). The vacant portion of the site, at the northeast corner of the site, is vacant and is fenced with a five-foot-tall chain link fence and is being used for City vehicle and equipment storage and, with the barn, is used as a public works yard. The proposed monopole would be located at the east side of the site approximately between the barn and Lewis Street, facing Front/Railroad Avenue (see Attachments E, Project Plans/Specifications). The project site is surrounded by a variety of things, including the railroad tracks to the east, a fire station to the south, and homes to the west and north.

*Project Details:* The proposed project consists of the installation of a new wireless communication facility within a 30' x 30' square fenced lease area also surrounded by a larger fenced area, on City property, including a 100-foot-tall monopole tower, several panel antennas, microwave dishes, and radios installed, and several equipment cabinets and a backup generator all within a fenced-in area at the base of the tower (see Attachment E, Project Plans and Specifications). The backup generator would be housed in a noise attenuation cabinet and only used during power outages and periodic testing (see Attachment G). Lighting for the facility controlled by a manual off and on switch would consist of LED lights that will only be used at dark or during maintenance. (see Attachment H). The project area would undergo some minor grading and would cover about 900 square feet. Access to the site would be through a chain-link security gate. Once constructed, Verizon would conduct periodic maintenance and backup generator testing.

### **III. ANALYSIS**

#### ***A. General Plan Consistency:***

The General Plan is the City's plan for future community development in the City providing formal policies and programs the City has adopted for future land uses. In accordance with State Planning Law, the City Council will need to determine that this project is consistent with the General Plan.

The project site is designated for Low Density Residential (LDR) land uses in the General Plan. Attachment I include the General Plan Land Use Map and excerpts from the General Plan. Since the project site is planned for residential use, the City Council will need to consider if the project is compatible with the residential nature of this residential neighborhood. In reviewing land use patterns in this neighborhood, even though the site and surrounding area are designated for residential land uses, most of the uses on the site and surrounding the site are not residential. To the west is the Senior Center, to the south is the Fire Department Station, and to the east is the railroad track area. There are residential uses to the north, but much of these uses are not directly visible to the project site due to the existing barn building.

Findings have been included regarding General Plan consistency in the staff recommended action to approve the project.

#### ***B. Regulatory Requirements:***

*Conditional Use Permit:* At the December 22, 2022, meeting, the City Council interpreted that wireless towers are subject to approval of a Conditional Use Permit in all zoning districts within the City in accordance with Section 12.08.22, Subsection 1-10-B of the Zoning Code.

Conditional Use Permits are issued at the discretion of the City Council if they are able to find the proposed land use, in this case a cell tower facility, is compatible with the neighborhood:

#### **Section 12.08.19-1 of the Zoning Code:**

*"A request for a "conditional use permit" may be granted, granted subject to conditions or denied by the City Council for any use for which a conditional use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the City Council, similar to and compatible with the conditional uses permitted in the zone district in which the subject property is situated."*



The project is located in the R-1, Single Family Zoning District. This site is also surrounded by residentially zoned property (see Attachment A-Vicinity/Zoning Map). The R-1 zone is intended for development and uses of lower density residential single-family homes which are consistent with the General Plan. Certain findings need to be made by the City Council to approve a Conditional Use Permit and for this cell tower facility as follows:

**Section 12.08.19-4-B of the Zoning Code:**

*“Approval of an application for a conditional use permit shall be based upon a written finding that the establishment, maintenance or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.”*

As noted in the General Plan Consistency section of this report, if the City Council can find that the project is consistent with the General Plan, then they should also be able to make these required findings from the Zoning Code (findings have been included in the staff recommended action to approve the project).

*Variance:* Being located in the R-1 Zoning District, structure heights are restricted to a maximum of 30 feet (12.08.05-5-D of the Zoning Code). Also, Section 12.08.1-11-B of the Zoning Code, “no building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Part for the zone district in which such building is located except as provided in this Part.” Therefore, since this monopole ~~structure~~ exceeds 30 feet in height, a variance is required. In accordance with Section 12.08.20-4, variances may be granted to prevent unnecessary hardships that could result from strict or literal interpretation of the Code as follows:

*“Variances may be granted in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Part. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.”*

To approve a variance the City will need to make the following findings (Section 12.08.20-4:

*A. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

*B. The adjustment authorized by the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated. The City Council shall impose such conditions as will assure continued compliance with this finding.*

*C. The variance does not authorize a use or activity, which is not otherwise expressly authorized by the zone district regulation governing the parcel of real property.*

Verizon’s proposed wireless communication facility requires a minimum height of 100’ and the

current R-1 zoning ~~only~~ allows for 30'. Since wireless communications cannot be provided at 30 feet in height, there appears to be justification for making these findings.

*Timing of Land Use Entitlements:* Section 12.08.19-6-A of the Code provides for a one-year approval to complete construction of the wireless facility:

*“Construction of the conditional use shall be commenced within 1 year from the date the approved conditional use permit is approved by the City Council or the conditional use permit shall expire and become void, unless a written request for extension is received by the City Clerk or designee at least 30 days prior to such expiration or abandonment. Upon receipt of written request for extension with application and fee set by City Council, the City Clerk or designee shall set the matter for public hearing before the City Council for determination.”*

Verizon has indicated interest in completing construction of the project sometime in 2024.

**C. Environmental Considerations:** The project appears to qualify as exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15303 of the CEQA Guidelines, as new construction of a small structure. This Class II exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures that include, but are not limited to the following:

*“... (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. ....  
(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.  
(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.....”*

The more significant potential impact from this project may be aesthetic impacts, whereas the monopole could impact a view corridor in the City. However, during the December meeting, the City Council did not find that such a structure would result in an adverse aesthetic impact to the environment. As noted in the Development Review/Neighborhood Appearance section of this report, the project’s visual simulations demonstrate minimal aesthetic impacts (see Exhibits D and E).

As required by CEQA, the City Council will need to concur with issuing a Notice of Exemption as part of the project approval.

**D. Development Review/Neighborhood Compatibility/Appearance:** In accordance with Section 12.08.17-4 of the Zoning Code, the project is subject to development review approval to consider project consistency with the General Plan and compliance with the Zoning Code. As previously noted in this report, the project appears to meet this criterion. During the December meeting, the City Council considered the options of using a fake tree (mono-pine) design versus a monopole. The consensus of the Council was to use a monopole. The Council noted that they would like to consider the color of this monopole later, so the application details show a brown versus white monopole in visual/photo simulations. The Conditions of approval for this project have been designed to allow the Council to make this determination.

***E. Other Considerations:***

***Backup Generator:*** The project includes a backup generator to be located in a sound attenuation enclosure. The enclosure would result in an exterior noise of 60 decibels (see Exhibit G). The generator would experience very limited operation; during power outages and periodic testing, so it is not expected to create a significant noise impact on the neighborhood. As referenced in Exhibit J, there are several noise policies/standards from the General Plan Noise Element. As referenced in Exhibit K, City Noise Regulations, the maximum ambient noise level for this zoning district is 40 and 60 decibels depending on neighborhood characteristics and time of day. Section 6.44.020, Special Noise Sources, Section F-Machinery, Equipment, Fans, and Air Condition allows for these components to exceed the ambient noise levels by five decibels. Given that there is a fire station across the street and the limited operation of this machine, it complies with the City's noise regulations.

Exhibit G also includes air quality certification that should be used to obtain air quality approval from the Northern Air Quality Management District.

Since the generator will store over 55 gallons of diesel fuel for operation a hazardous materials permit will need to be obtained from Sierra County Environmental Health Department. This storage and use are periodically inspected by the Fire Marshall.

***Frequency Emissions:*** Radiofrequency (RF) electromagnetic radiation (EMR) is the transfer of energy by radio waves. RF EMR is produced by both natural and artificial sources. Natural sources like the sun, the earth and the ionosphere all emit low level RF fields. Artificial sources of RF EMR are mainly used for telecommunications purposes. EMR from cellphone towers is largely comprised of high-frequency radio waves or microwaves. The adverse biological effects of EMR from cellphone towers have been observed in animals and humans. Being located in the middle of Loyalton and near many residences and those working in the vicinity, the Council may be concerned with the health risk of the proposed wireless facility.

According to an EMF report submitted by Verizon, the proposed wireless facility will not result in a hazardous or safety impact (see Exhibit H). The report indicates that "the proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance."

The Compliance Statement of this report states:

*"Based on information provided by Verizon Wireless and predictive modeling, the LOYALTON installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance."*

***Fencing:*** The project plans show the use of the existing perimeter chain link fencing in the yard and the 30' X 30" lease area, where the monopole and equipment is to be located would be surrounding by a six-foot-tall chain link fence with gate access. Being located across the street from the Fire Station and some other attractive development, the Council may be concerned with



the appearance of the City's storage yard in that debris, equipment, and materials are exposed to public view. Chapter 6.60 of the Municipal Code defines a nuisance within a residential neighborhood as an "accumulation of dirt, litter or debris including, but not limited to boxes, bins, containers, junk, trash, salvage, material, broken or discarded furniture, household equipment and furnishings, shopping carts or any other similar materials." In this case, the storage yard may not contain litter or debris, but some it may be considered to some as an eyesore. The introduction of the new equipment and the monopole should not negatively impact the appearance of the site. However, with this project, the City may have an opportunity to work with the applicant to shore up the perimeter fencing around the storage yard, and possibly install slats into it to help screen this yard from open public view. On the other hand, staff is unaware of anyone complaining about the appearance of this yard so this may be a mute issue.

*Lease Agreement:* Since the project is located on City owned property, the City Attorney is working on a lease agreement with Verizon, which will ultimately require City Council approval. Approval of the Conditional Use Permit will not result in approval of a lease. Due, primarily to the large backlog of leases Verizon has, the lease agreement will take some additional time to complete. A condition of approval includes requiring approval of a lease agreement before the building permit has been issued for the project. A lease will be brought to the City Council for consideration and approval at a future meeting.

*Abandonment:* If the wireless communication facility is ever abandoned or otherwise becomes non-operational, all structures and related equipment and improvements should be removed at the expense of the applicant. This requirement will be made a provision of the lease agreement.

#### ***F. Public Comments:***

*From Public Agencies:* Letters were circulated to various public agencies with the project plans on March 16, 2023, requesting comments by March 28, 2023. Other than a letter from the Sierra County Agricultural Commissioner that they have no comments, no written comments have been received (as of the date this report was prepared). Staff did reach out to Lee Brown, Sierra County Office of Emergency Services, to see if they might be interested in any measures to improve emergency services in the County and Loyalton. We are waiting to hear back on this.

*From Owners of Property:* A public hearing notice was sent to all property owners within a 300-foot radius of the project site to engage the public in this project. Staff will assemble these comments and provide any written comments to the City Council.

*From the Public at Large:* A public hearing notice was published in the newspaper at least ten days from this meeting to engage the public. Staff will assemble these comments and provide any written comments to the City Council.

**V. LEGAL REVIEW:** The City Attorney has reviewed this report and approves its publication.

#### **VI. ACTION:**

*Alternative Actions:* The City Council should open the public hearing, accept public comment and close the public hearing, consider the applicant's, staff and public comments and then either approve (based on findings and subject to conditions) or continue with direction to the applicant to provide additional information regarding the project. Staff recommends that the City Council concur that the project is exempt from environmental review in accordance with Section 15303 of the California Environmental Quality Act (CEQA) Guidelines as new construction of a small structure and approve the project based on findings and subject to conditions of approval as



noted below:

***Conditional Use Permit CUP 2023-01***

***Variance V 2023-01***

***Findings of Approval:***

1. On March 14, 2023, Dena Manas, Epic Wireless, filed applications, on behalf of Verizon Wireless, for Conditional Use Permit CUP 2023-01 and Variance V 2023-01 (project), to construct and operate a wireless communication facility a 100' tall monopole cell tower, backup power generator and other related equipment including but not limited to lighting, antennas, radios and microwave dishes in a 30' X 30' lease area located on a 0.61-acre lot, at the northwest corner of Lewis and Front Street (also known as Railroad Avenue), in the R-1, Residential Single Family Zoning District, Loyalton, CA Assessor's Parcel No. 017-111-022, Loyalton, CA.
2. Conditional Use Permit Application CUP 2023-013 was submitted in accordance with Section 12.08.22, Subsection 1-10-B, of the Zoning Code, based on an interpretation made by the City Council on December 20, 2022, that a wireless communication facility is subject to a conditional use permit in all zoning districts.
3. Variance Application V 2023-01 was submitted in accordance with Section 12.08.20 of the Zoning Code to allow the wireless communication facility monopole structure to exceed the maximum height of 30 feet (Section 12.08.05-5-D of the Zoning Code), being located in the R-1 Zoning District to 100 feet.
4. This project review includes an application for Development Review for the wireless communication facility, as described in more detail in the project application and staff report, in accordance with Section 12.08.17-4 of the Zoning Code to consider project consistency with the General Plan and compliance with the Zoning Code.
5. The applicant, Verizon Wireless, shall defend, indemnify and hold harmless the City, its agents, officers and employees, from any claim, action or proceeding brought against the City or its agents, officers, or employees, to attack, set aside, void, or annul the City's approval of this project or use and operation of the wireless communications facilities.
6. The project is exempt from environmental review in accordance with Section 15303 of the California Environmental Quality Act (CEQA) Guidelines since the project is considered a construction of a new small structure.
7. The project site is designated for Low Density Residential (LDR) land uses in the General Plan and the project, as conditioned by this approval, is consistent with the General Plan.
8. In accordance with Section 12.08.19-4-B of the Zoning Code, the City Council finds that under Conditional Use Permit CUP 2023-01 establishment, maintenance or operation of a wireless communication facility under the circumstances of the particular case, will not

be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

9. In accordance with Section 12.08.20-4, of the Zoning Code, the City Council finds that under Variance V 2023-01 for allowing a 100-foot-tall structure (wireless communication facility) whereas the Zoning Code restricts maximum height to 30 feet in this R-1, Zoning District is granted finding that a wireless communications facility is not functional for providing cellular public communication with 30-foot-tall monopole and therefore further finds that:
  - A. Due to this special circumstance applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
  - B. The adjustment authorized by the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated. The City Council shall impose such conditions as will assure continued compliance with this finding.
  - C. The variance does not authorize a use or activity, which is not otherwise expressly authorized by the zone district regulation governing the parcel of real property.
10. "Construction of the wireless communication facility shall be commenced within one year from the date the Conditional Use Permit is approved by the City Council or the Conditional Use Permit shall expire and become void, unless a written request for extension is received by the City Clerk or designee at least 30 days prior to such expiration or abandonment. Upon receipt of written request for extension with application and fee set by City Council, the City Clerk or designee shall set the matter for public hearing before the City Council for determination."
11. The applicant, Verizon Wireless, and the City of Loyalton, owner of the project site, are negotiating an agreement to lease a portion of the project site for the construction and operation of this wireless communication facility, and until such agreement is approved and fully executed, the Conditional Use Permit CUP 2023 and Variance V 2023-01 will not be operative; however, the applicant, Verizon Wireless, will still be required to complete construction of the wireless communication facility within one year from the date that the Conditional Use Permit is approved by the City Council or the Conditional Use Permit shall expire and become void, unless a written request for extension is received by the City Clerk or designee at least 30 days prior to such expiration or abandonment.
12. A noticed of public hearing was prepared, circulated and published for the April 25, 2023 City Council Meeting in accordance with the Zoning Code.

***Conditional Use Permit CUP 2023-01***

***Variance V 2023-01***

***Conditions of Approval:***

1. This project for Conditional Use Permit CUP 2023-01, Variance V2023-01, and associate Development Review, consists of construction and operation of a wireless communication facility including a 100' tall monopole, backup power generator and other related equipment, as described in more detail in the staff report and files for this project as maintained by the City of Loyalton, with the project being located at the northwest corner of Lewis and Front Street (also known as Railroad Avenue), in the R-1, Residential Single Family Zoning District, Loyalton, CA Assessor's Parcel No. 017-111-022, Loyalton, CA.
2. The applicant, Verizon Wireless, shall defend, indemnify and hold harmless the City, its agents, officers and employees, from any claim, action or proceeding brought against the City or its agents, officers, or employees, to attack, set aside, void, or annul the City's approval of this project or use and operation of the wireless communications facilities.
3. In accordance with the California Environmental Quality Act (CEQA), the City shall file a Notice of Exemption for the project with the Sierra County Clerk's Office and the California Office of Planning and Research.
4. Conditional Use Permit CUP 2023-01 will expire unless used within one year of this approval date of April 25, 2023, unless otherwise extended in accordance with Section 12.08.19-6 of the Zoning Code. Issuance of a building permit and moving forward with project construction and operation of the wireless communication facility constitutes use under this use permit.
5. The maximum height of the tower facility shall be one hundred (100') feet above the ground level; not including any antennas/components that may be required for public safety purposes.
6. Prior to construction, all permits shall be obtained, including, but not limited to (subject to verification by the City Planning Department, the following:
  - a. Building Permit from the City.
  - b. Hazardous Material Permit from Sierra County Environmental Health Department.
  - c. Air quality permit for the backup generator from the Northern Air Quality Management District. The backup generator is approved for use with this permit.
  - d. Antennae structure clearances from the Federal Communication Commission, the Federal Aviation Administration, Caltrans, if required.
  - e. Dust mitigation plan for addressing construction.
7. Prior to building permit issuance for the project by the City the following shall be submitted to and approved by the City Planning Department:
  - a. Exterior lighting plan that complies with the Zoning Code.
  - b. Written verification of sound attenuation enclosure for the backup generator and confirmation that use of the generator will comply with the City's noise regulations.

- c. Written confirmation by the applicant, Verizon Wireless, that the monopole and components will be painted with non-reflective paint Brown, White or other color as selected by the City Council.
  - d. An approved and fully executed lease agreement between the applicant, Verizon Wireless, and the City for construction and operation of the wireless communication facility on the project site.
8. If archaeological or paleontological resources are encountered during construction, all construction activity in the immediate area of the find(s) shall cease in accordance with State and Federal law until a qualified professional is retained to determine the significance of the resources and recommend mitigations to be completed by the permit holder, if necessary, subject to the approval of the City Planning Department.
9. Should human remains be discovered during project construction, all work in the vicinity of the discovery shall be halted in accordance with State and Federal law until the coroner, the Native American Heritage Commission, and any involved ancestors can evaluate the remains and propose mitigation measures, if necessary, that shall be implemented prior to resumption of work in the area. The proposed mitigation measures shall be submitted to the City Planning Department for review and approval prior to implementation.
10. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents.
11. The project shall be designed so it can accommodate equipment for public safety communication, such as for police and/or fire dispatch services (safety agencies). In the event that safety agencies determine that it/they would like to put equipment on the wireless communications facilities, the applicant/owner shall make reasonable efforts to be able to accommodate these improvements. Before the safety agencies are permitted to place any equipment on the ground or on the tower; (1) a collocation application and structural analysis must be completed by the safety agencies; (2) the safety agency must provide proof that the proposed equipment will not result in interference to the permit holder's equipment; and (3) a sublease agreement must be put in place with the applicant/owner in accordance with the lease between the applicant and the City.
12. No lighting for the monopole is authorized by this use permit, unless required by FAA, or other state or federal agency. If lighting is required the FAA or other state or federal agency, the proposed lighting measures shall be submitted to the City Planning Department for review and approval prior to installation.
13. The City Council may revoke or modify the permit in the future if the Council finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are not being complied with or have been violated.

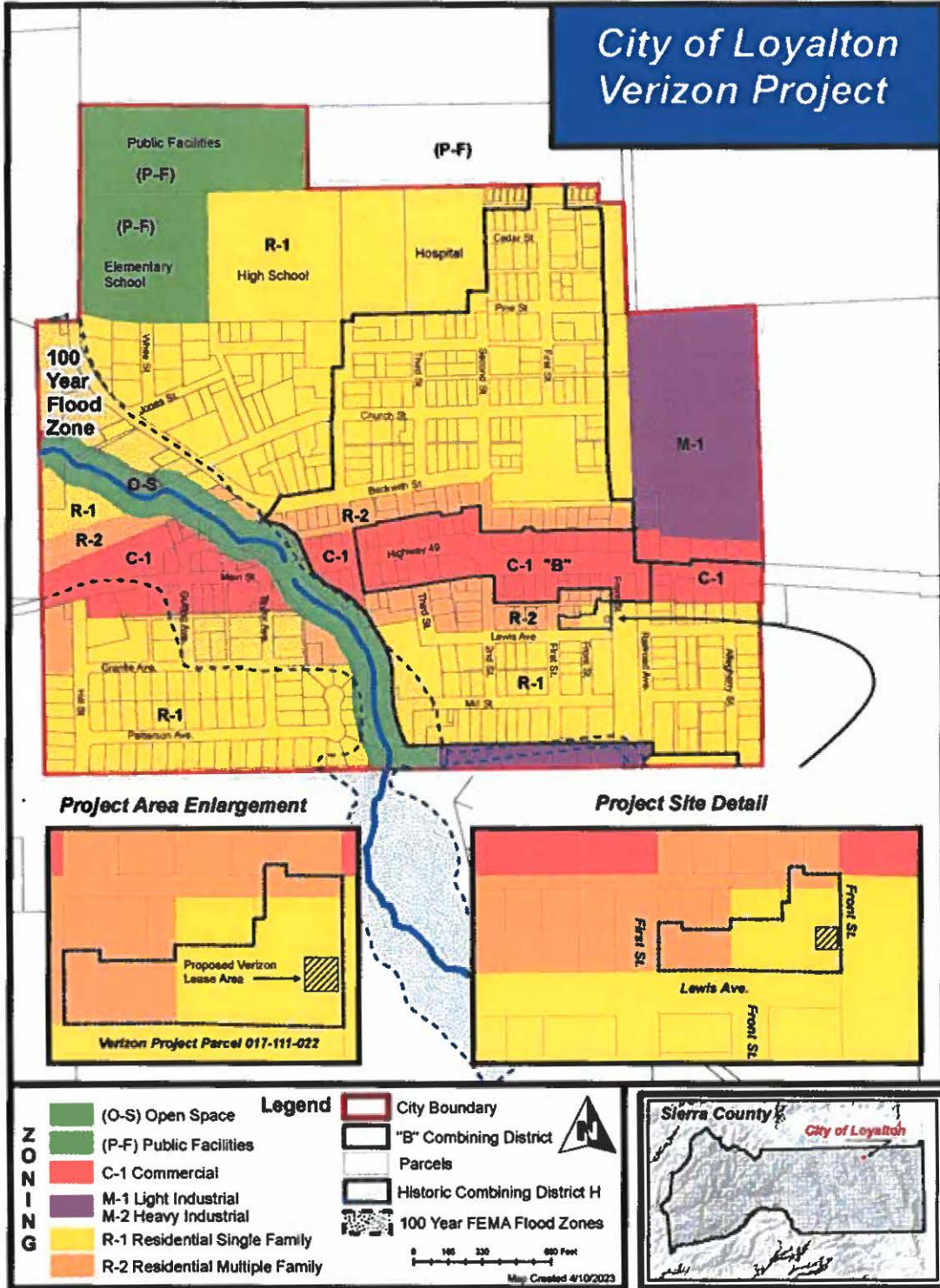


14. The wireless communication facility, antennae and related equipment may be inspected by the City (including from a structural engineer licensed by the State of California) to assess structure integrity and to recommend repairs as may be necessary to assure the public's health and safety. Improvements as recommended in the inspection shall be made by the applicant (permit holder) within 30 days of notification by the City. Costs associated with inspections and reporting shall be borne by the permit holder.
15. All conditions of Conditional Use Permit CUP 2023-01 and Variance V 2023-01 are necessary to protect the general health, safety, and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The City Council specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

**VI. ATTACHMENTS:**

- Exhibit A-Vicinity/Zoning Map
- Exhibit B-Aerial Photo of Site
- Exhibit C-Site Photos
- Exhibit D-Photo Simulations Brown
- Exhibit E-Photo Simulations White
- Exhibit F-Project Plans/Specifications
- Exhibit G-Backup Generator Details
- Exhibit H-Frequency Emissions Compliance Report
- Exhibit I-General Plan Excerpts
- Exhibit J-City Noise Regulations

**EXHIBIT A  
Vicinity/Zoning Map**

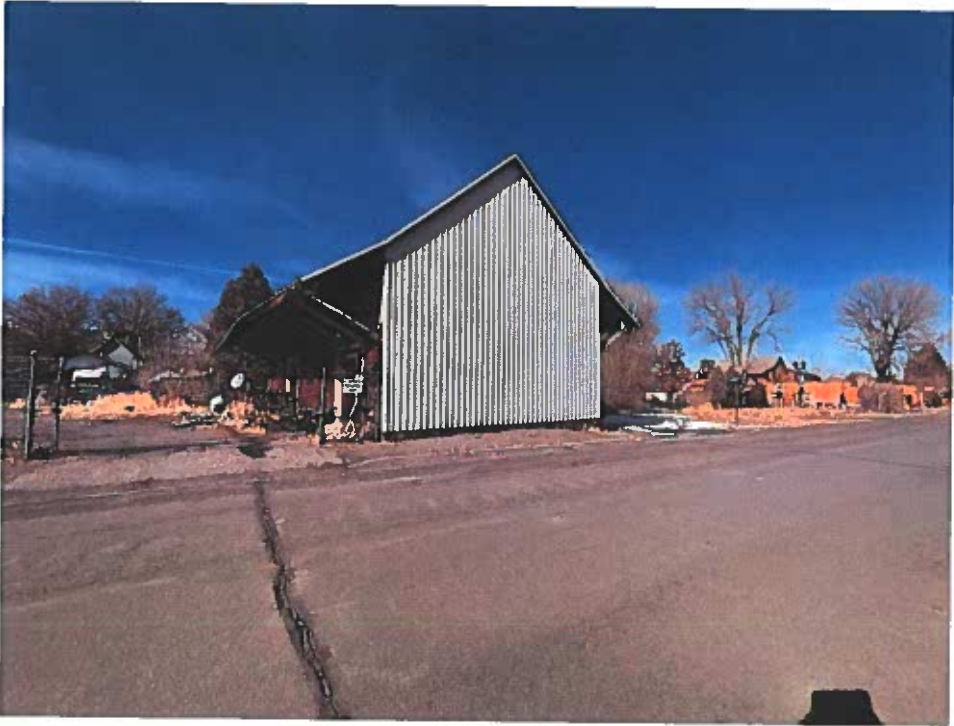


**EXHIBIT B**  
**Aerial Photo of Site**

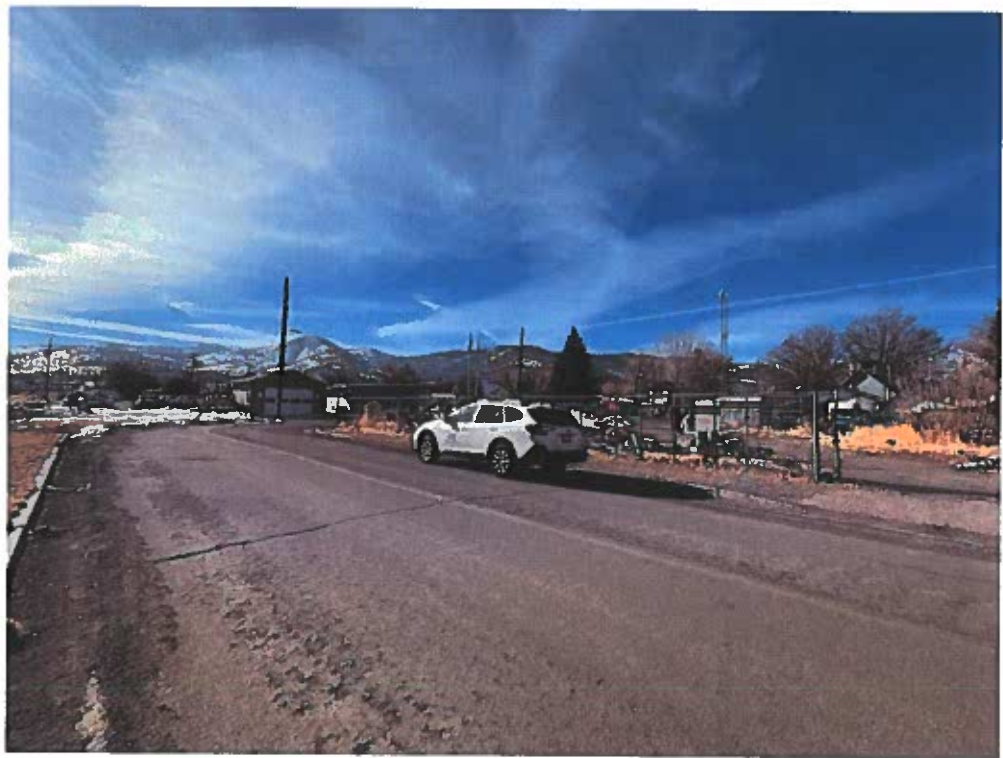


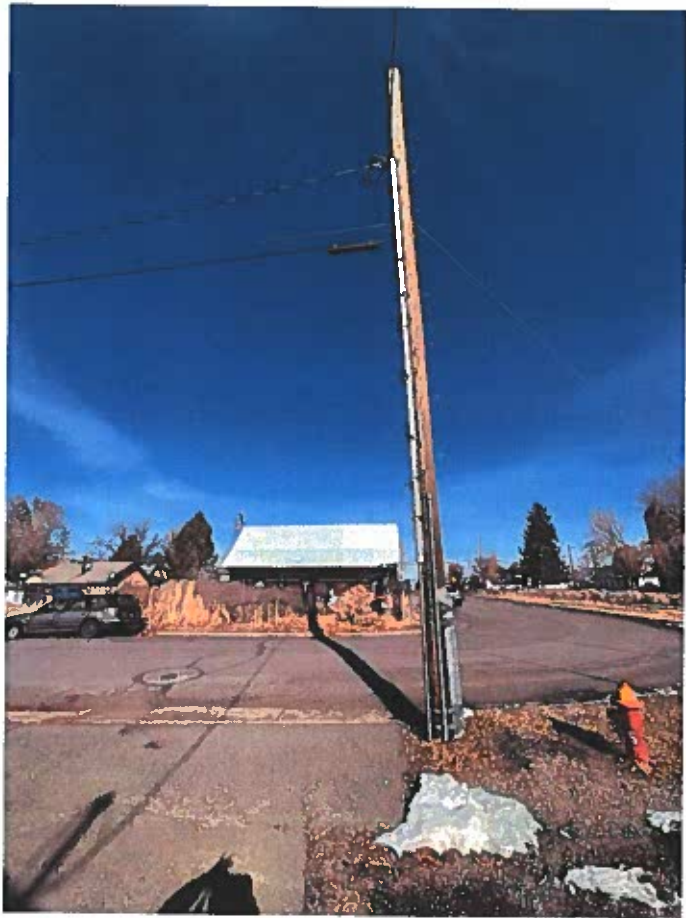
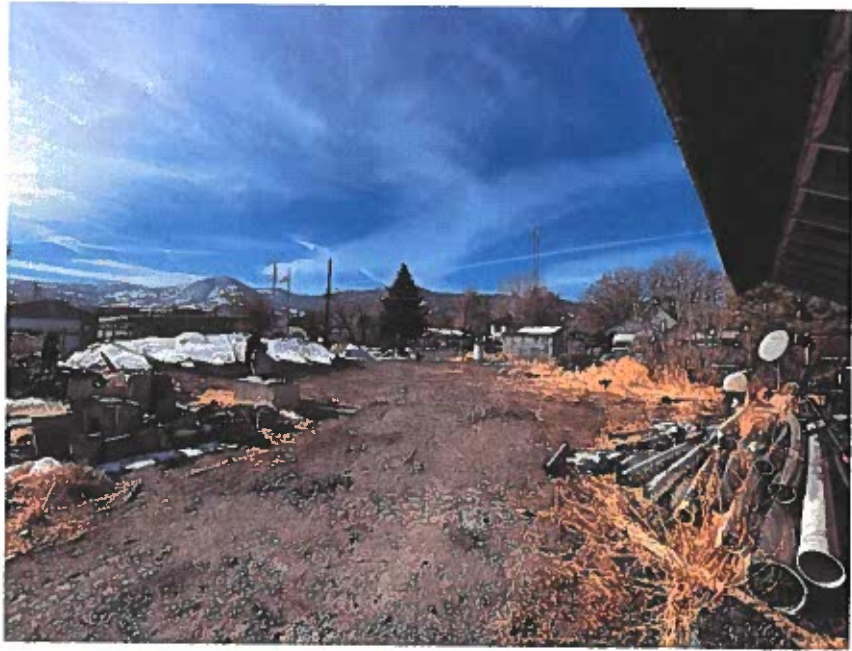


**EXHIBIT C**  
**Site Photos**



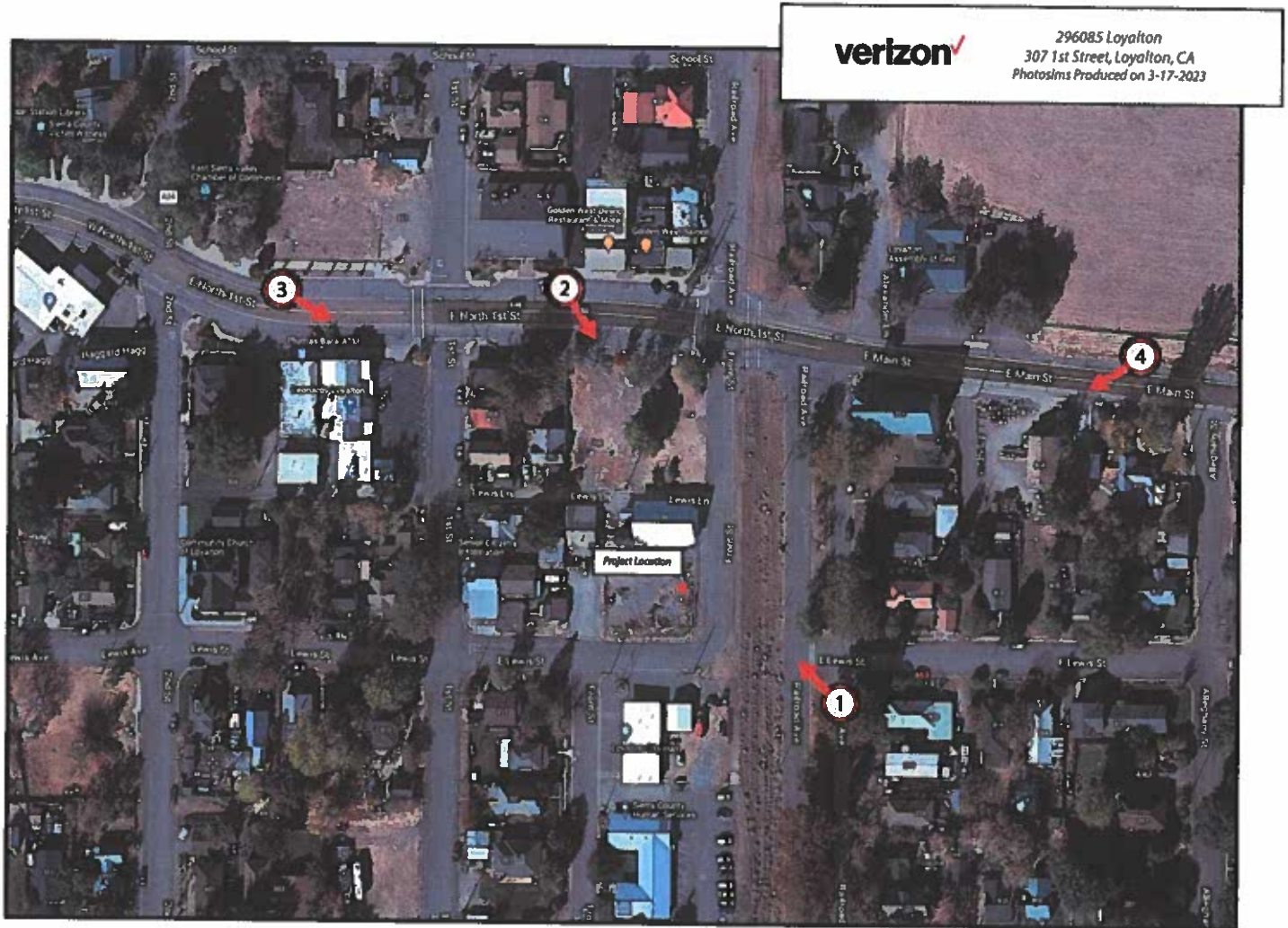








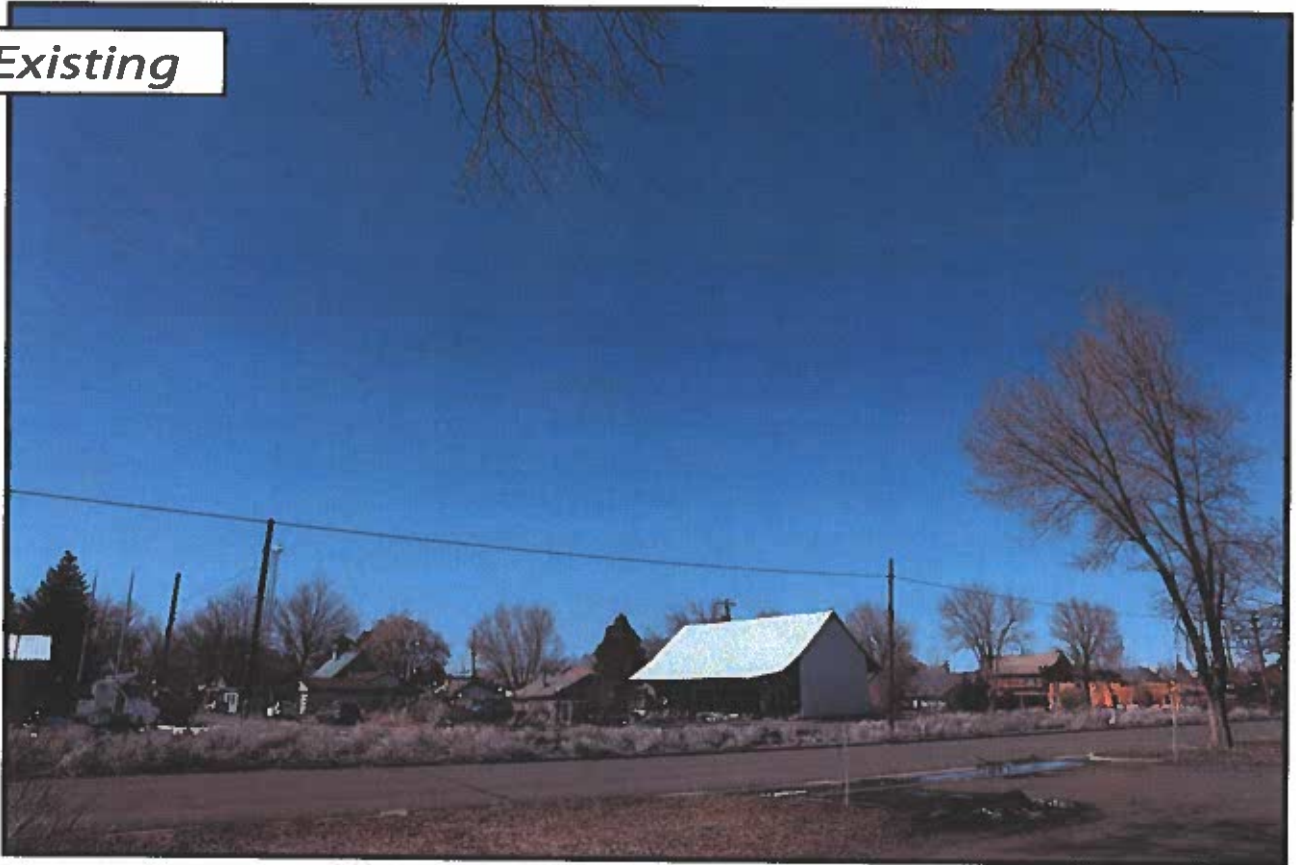
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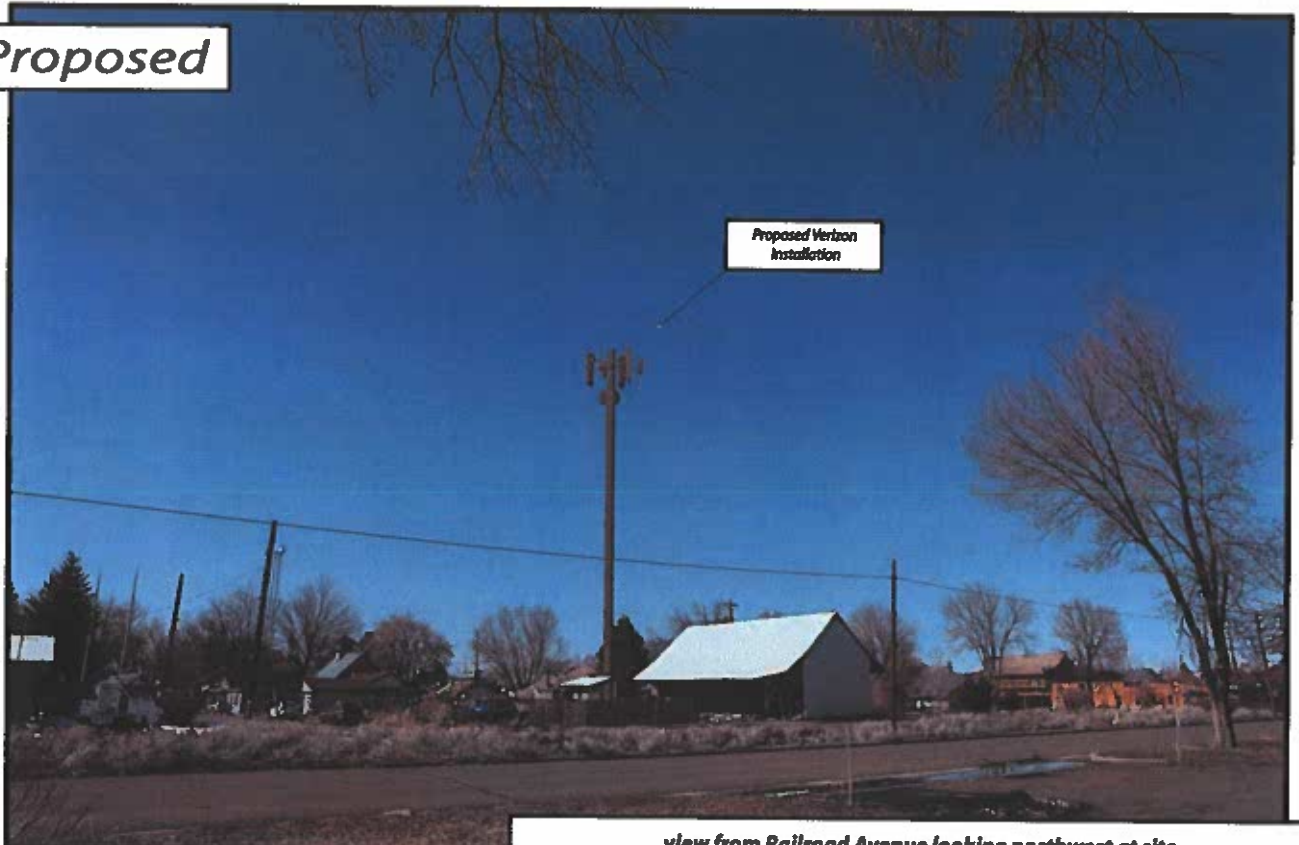
**AdvanceSim**  
Photo Simulation Solutions  
Contact (925) 282-0507

**Shot Point Map**

*Existing*



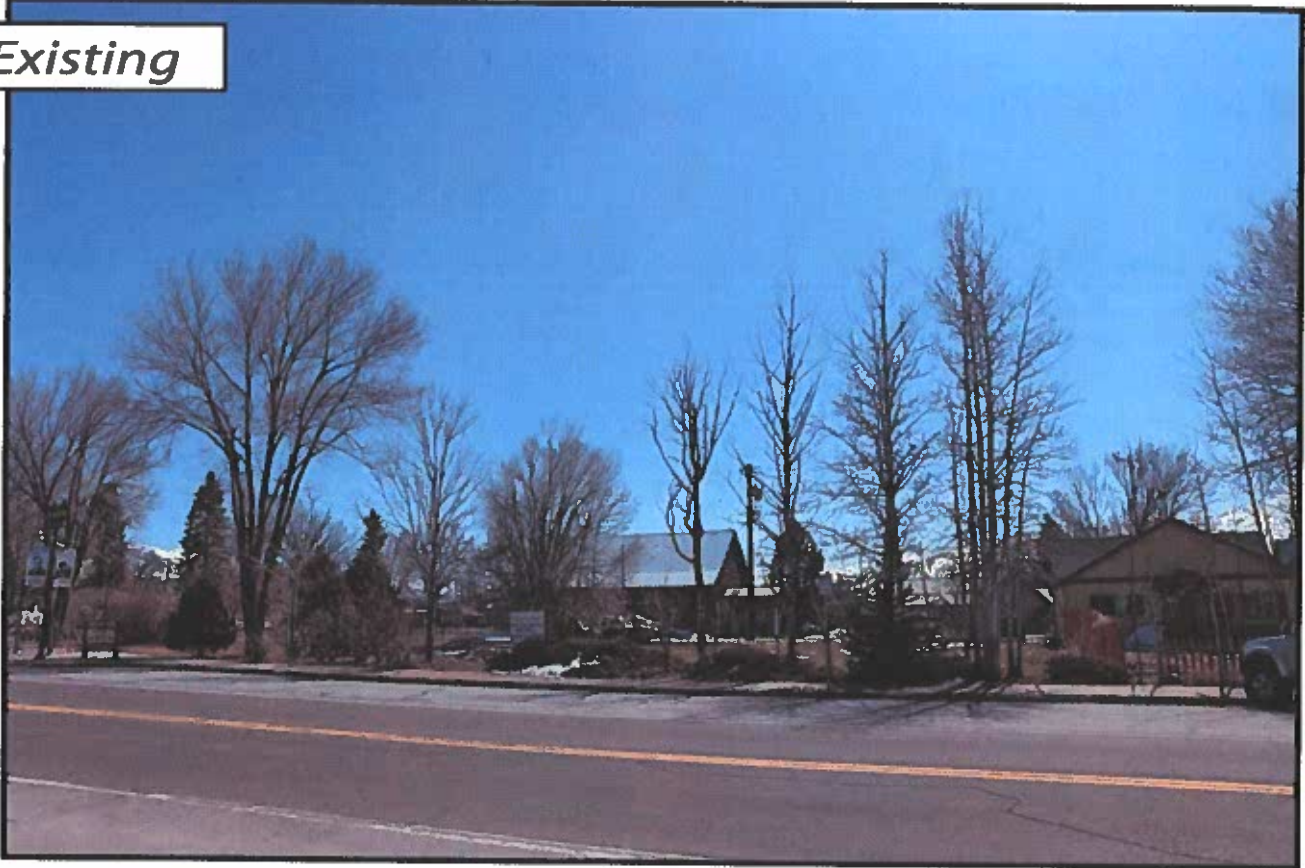
*Proposed*



*view from Railroad Avenue looking northwest at site*



*Existing*



*Proposed*



*Existing*



*Proposed*

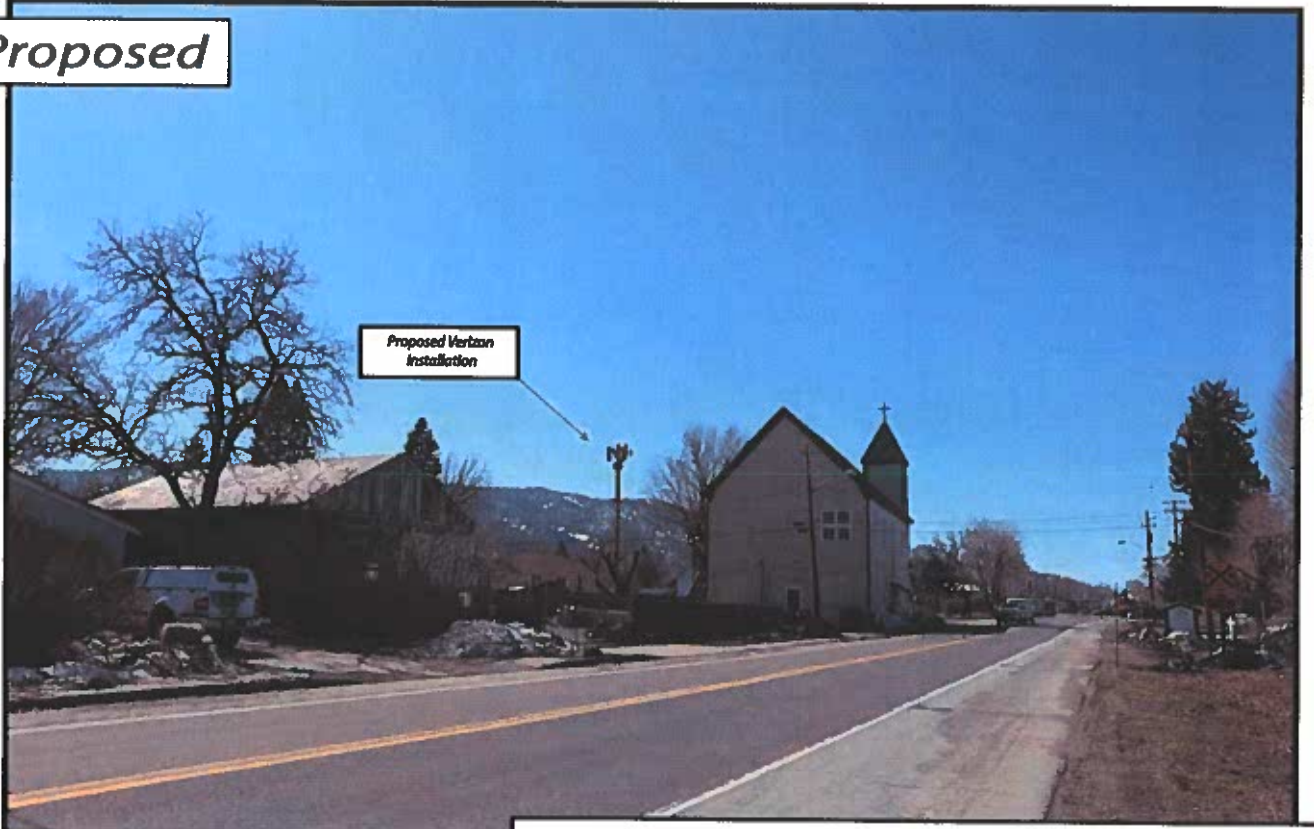




*Existing*



*Proposed*





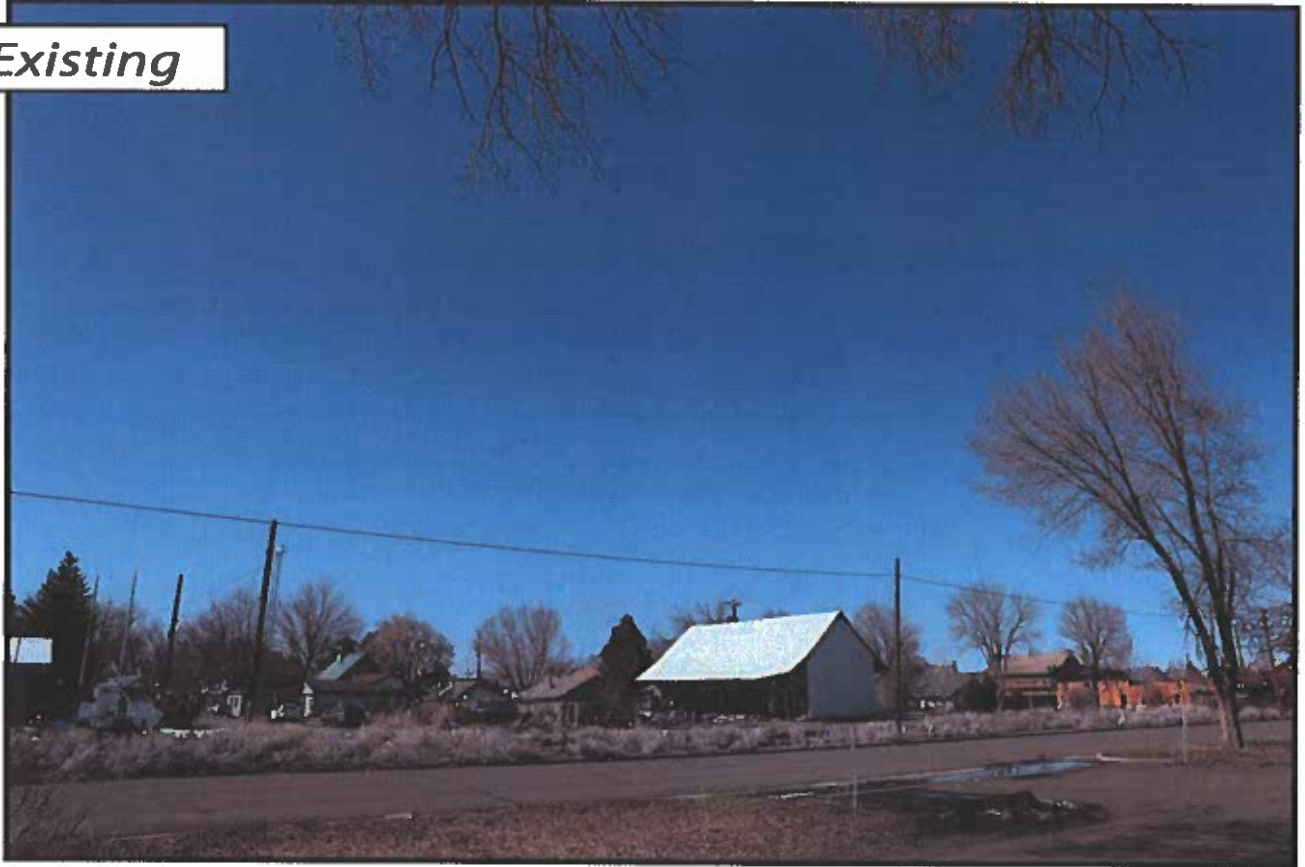
**EXHIBIT E**  
**Photo Simulations White**



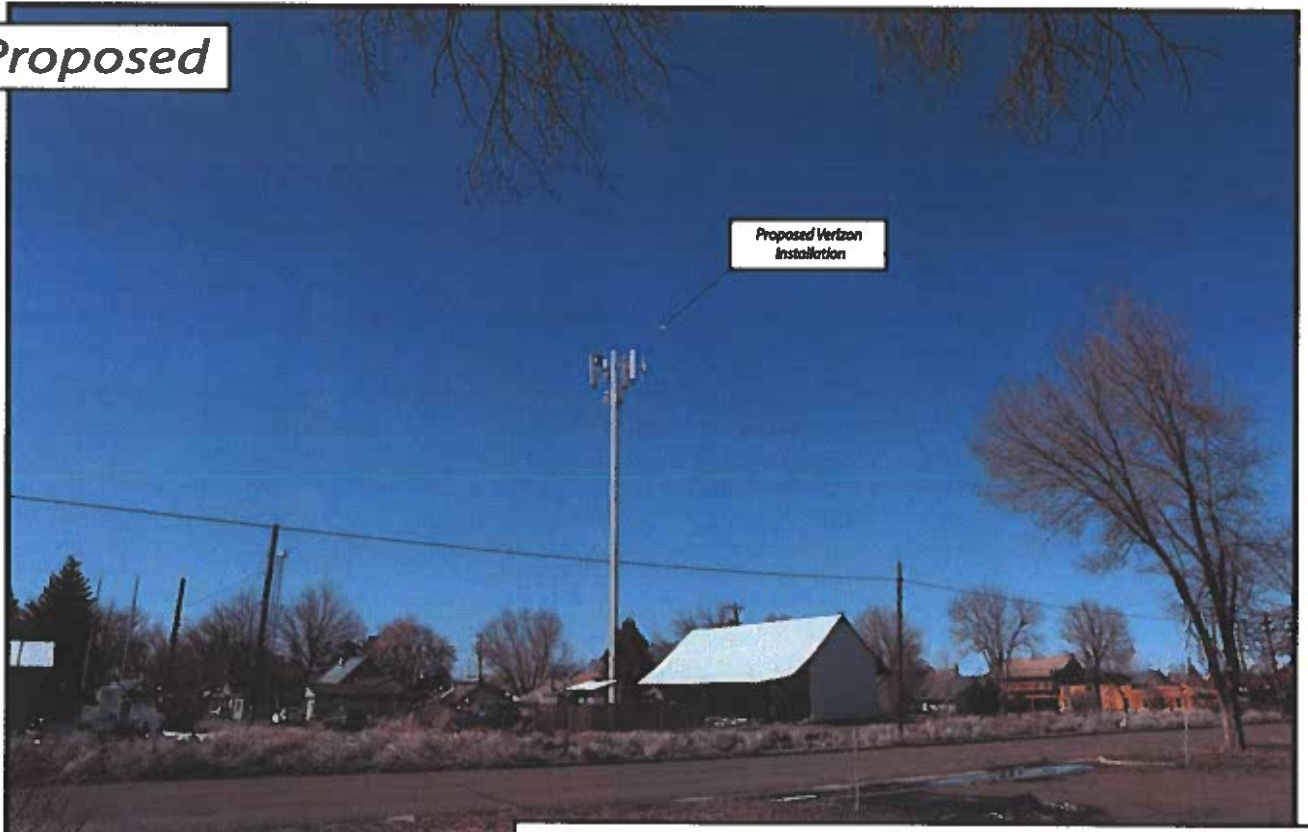
**AdvanceSim**  
Photo Simulation Solutions  
Contact | 825 | 202-8507

**Shot Point Map**

*Existing*



*Proposed*

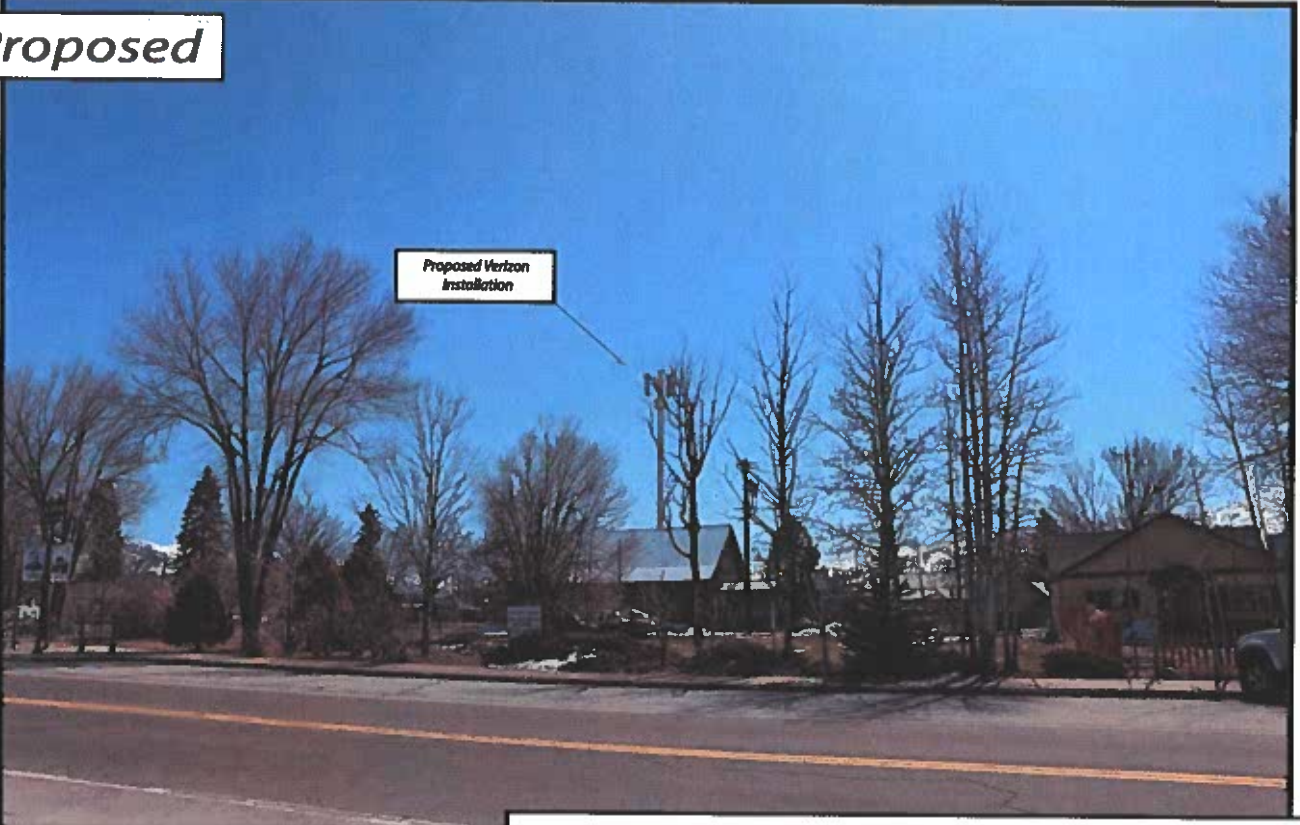




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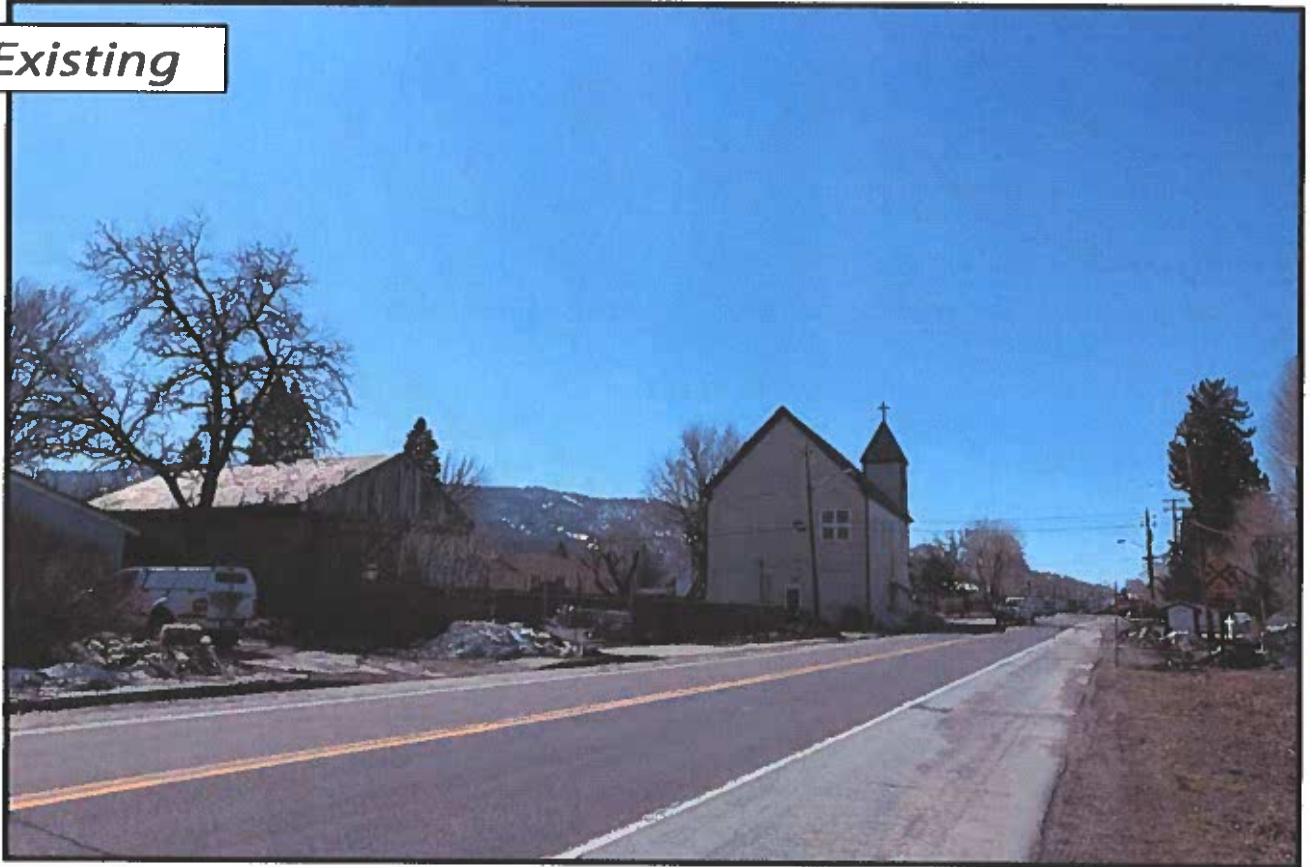


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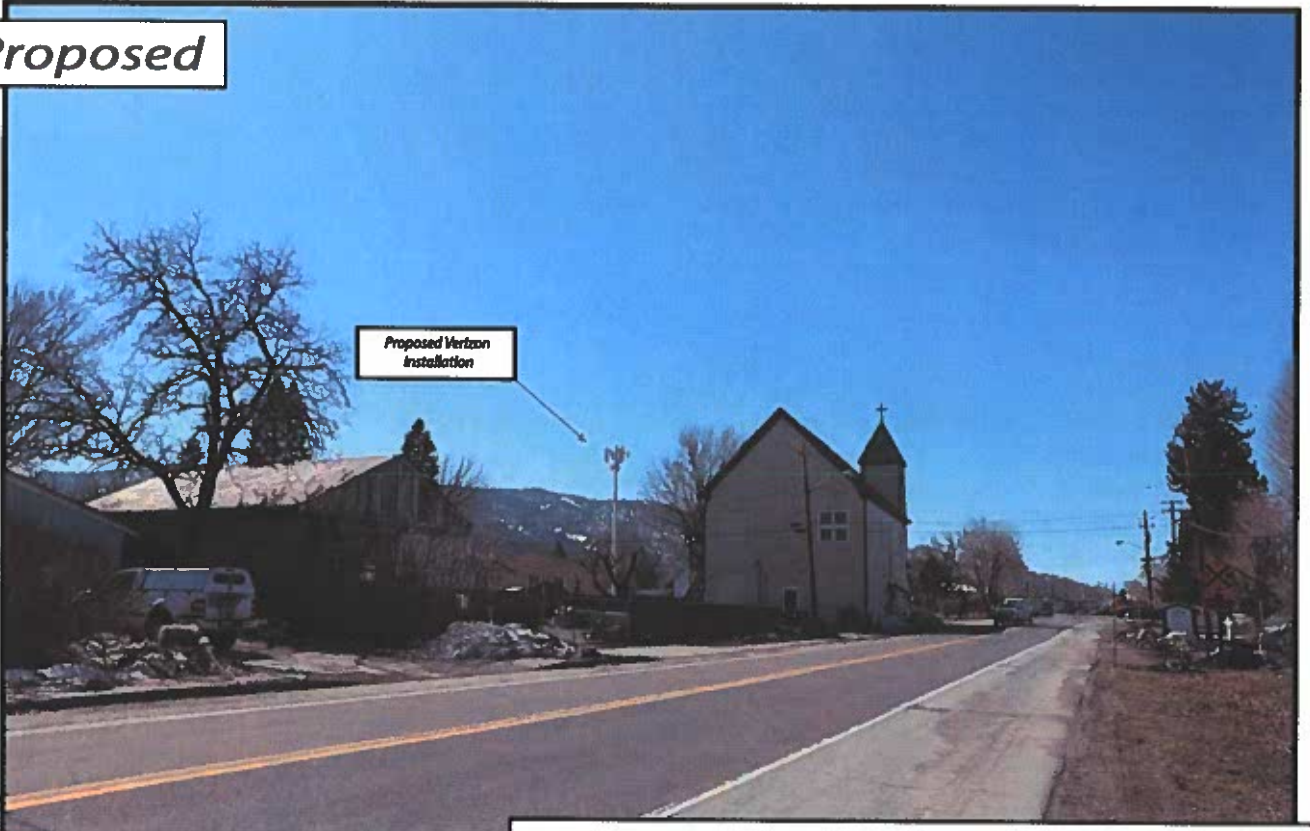




*Existing*



*Proposed*





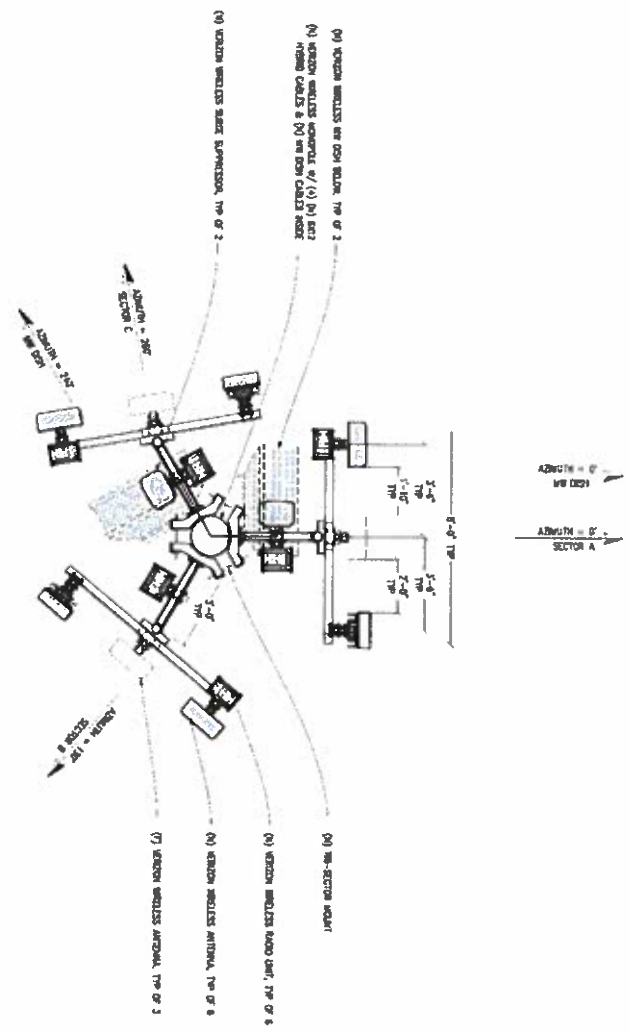








**ANTENNA PLAN**

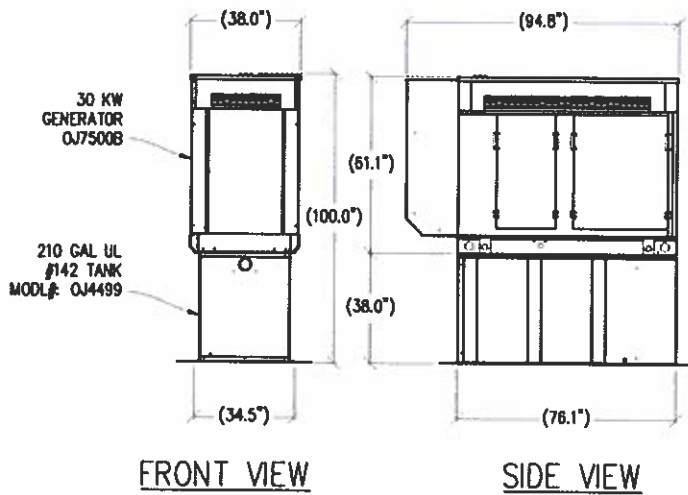


<p>296085</p> <p>LOYALTON</p> <p>2007 13<sup>TH</sup> STREET LOYALTON, CA 95611</p> <p>PROJECT NO. 296085</p> <p><b>verizon</b></p> <p>2700 ANTICOLL DRIVE, 5<sup>FLOOR</sup> SUNOLTA CREEK, CA 95608</p>	<p><b>EPIC</b></p> <p>ENGINEERING &amp; ARCHITECTURE</p> <p>2007 13<sup>TH</sup> STREET LOYALTON, CA 95611</p>	<p>DATE: 08/11/2010</p> <p>PROJECT: 296085</p> <p>CONTRACT NO.:</p> <p>CONTRACT DATE:</p> <p>CONTRACT DESCRIPTION:</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08/11/2010</td> <td>PRELIMINARY</td> </tr> <tr> <td>2</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>3</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>4</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>5</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>6</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>7</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>8</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>9</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>10</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>11</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>12</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>13</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>14</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>15</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> <tr> <td>16</td> <td>08/11/2010</td> <td>FOR CONSTRUCTION</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	08/11/2010	PRELIMINARY	2	08/11/2010	FOR CONSTRUCTION	3	08/11/2010	FOR CONSTRUCTION	4	08/11/2010	FOR CONSTRUCTION	5	08/11/2010	FOR CONSTRUCTION	6	08/11/2010	FOR CONSTRUCTION	7	08/11/2010	FOR CONSTRUCTION	8	08/11/2010	FOR CONSTRUCTION	9	08/11/2010	FOR CONSTRUCTION	10	08/11/2010	FOR CONSTRUCTION	11	08/11/2010	FOR CONSTRUCTION	12	08/11/2010	FOR CONSTRUCTION	13	08/11/2010	FOR CONSTRUCTION	14	08/11/2010	FOR CONSTRUCTION	15	08/11/2010	FOR CONSTRUCTION	16	08/11/2010	FOR CONSTRUCTION	<p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p>DATE: 08/11/2010</p> <p>BY: [Signature]</p>	<p><b>StreamLine Engineering</b></p> <p>1111 S. GARDEN STREET, SUITE 100 SUNOLTA, CA 95608 TEL: 916-486-1111 WWW.STREAMLINEENGINEERING.COM</p>	<p>PROJECT NO. 296085</p> <p>ANTENNA PLAN</p> <p>A-2.1</p>
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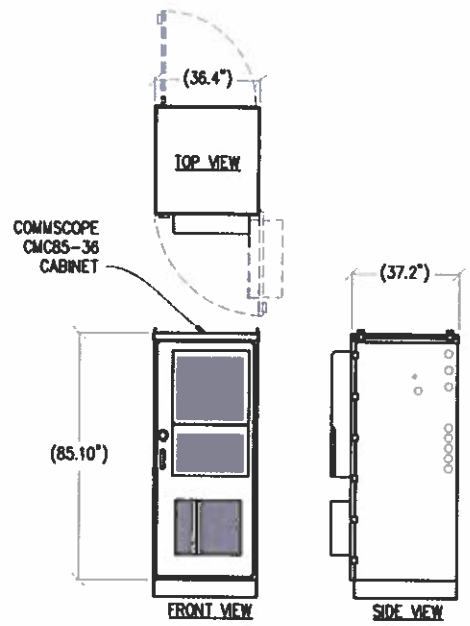








1 30KW GENERATOR DETAIL  
 $\frac{3}{8}" = 1'-0"$  MAX WEIGHT: 3,119 LBS



2 CABINET DETAIL  
 $\frac{3}{8}" = 1'-0"$  MAX WEIGHT: 2,352 LBS





## EXHIBIT G Backup Generator Details

**SD030 | 2.2L | 30 kW**  
INDUSTRIAL DIESEL GENERATOR SET  
EPA Certified Stationary Emergency

**GENERAC** INDUSTRIAL  
POWER

**Standby Power Rating**  
30 KW, 38 KVA, 60 Hz

**Prime Power Rating\***  
27 KW, 34 KVA, 60 Hz



\*EPA Certified Prime ratings are not available in the US or its Territories

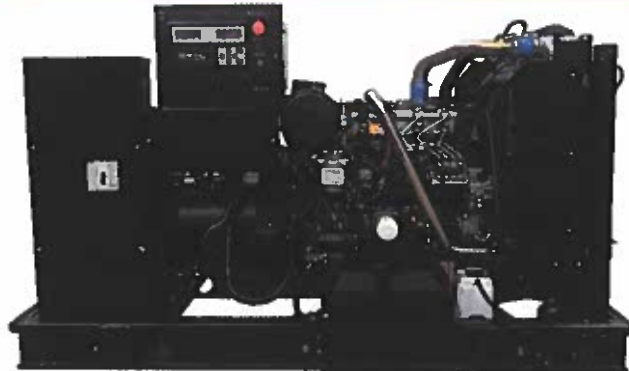


Image used for illustration purposes only

### Codes and Standards

Not all codes and standards apply to all configurations. Contact factory for details.

		UL2200, UL508, UL489, UL142
		CSA C22.2
		BS5514 and DIN 6271
		SAE J1349
		NFPA 37, 70, 99, 110
		NEC700, 701, 702, 708
		ISO 3046, 7837, 8528, 9001
		NEMA ICS10, MG1, 250, ICS6, AB1
		ANSI C62.41

### Powering Ahead

For over 50 years, Generac has provided innovative design and superior manufacturing.

Generac ensures superior quality by designing and manufacturing most of its generator components, including alternators, enclosures and base tanks, control systems and communications software.

Generac gensets utilize a wide variety of options, configurations and arrangements, allowing us to meet the standby power needs of practically every application.

Generac searched globally to ensure the most reliable engines power our generators. We choose only engines that have already been proven in heavy-duty industrial applications under adverse conditions.

Generac is committed to ensuring our customers' service support continues after their generator purchase.

SPEC SHEET

**SD030 | 2.2L | 30 kW**  
**INDUSTRIAL DIESEL GENERATOR SET**  
 EPA Certified Stationary Emergency



**STANDARD FEATURES**

**ENGINE SYSTEM**

- Oil Drain Extension
- Air Cleaner
- Fan Guard
- Stainless Steel Flexible Exhaust Connection
- Factory Filled Oil and Coolant
- Radiator Duct Adapter (Open Set Only)
- Critical Silencer (Enclosed Unit Only)
- Engine Coolant Heater

**Fuel System**

- Fuel Lockoff Solenoid
- Primary Fuel Filter

**Cooling System**

- Closed Coolant Recovery System
- UV/Ozone Resistant Hoses
- Factory Installed Radiator
- Radiator Drain Extension
- 50/50 Ethylene Glycol Antifreeze

**Electrical System**

- Battery Charging Alternator
- Battery Cables
- Battery Tray
- Rubber Booted Engine Electrical Connections
- Solenoid Activated Starter Motor

**ALTERNATOR SYSTEM**

- UL 2200 GEMprotect™
- Class H Insulation Material
- 2/3 Pitch
- Slowed Stator
- Brushless Excitation
- Sealed Bearing
- Rotor Dynamically Sym Balanced
- Amortisseur Windings (3-Phase Only)
- Full Load Capacity Alternator
- Protective Thermal Switch

**GENERATOR SET**

- Internal Genset Vibration Isolation
- Separation of Circuits - High/Low Voltage
- Separation of Circuits - Multiple Breakers
- Wrapped Exhaust Piping
- Standard Factory Testing
- 2 Year Limited Warranty (Stand-By Rated Units)
- 1 Year Limited Warranty (Prime Rated Units)
- Silencer Mounted in the Discharge Hood (Enclosed Unit Only)

**ENCLOSURE (If Selected)**

- Rust Proof Fasteners with Nylon Washers to Protect Finish
- High Performance Sound Absorbing Material (Sound Attenuation Enclosures)
- Gasketed Doors
- Stamped Air Intake Louvers
- Upward Facing Discharge Hoods (Radiator and Exhaust)
- Stainless Steel Lift Off Door Hinges
- Stainless Steel Lockable Handles
- RbnuCoat™ - Textured Polyester Powder Coat Paint

**FUEL TANKS (If Selected)**

- UL 142/ULC S601
- Double Wall
- Normal and Emergency Vents
- Skipped Top
- Skipped Bottom
- Factory Pressure Tested
- Rupture Basin Alarm
- Fuel Level
- Check Valve in Supply and Return Lines
- RbnuCoat™ - Textured Polyester Powder Coat Paint
- Stainless Steel Hardware

**CONTROL SYSTEM**



**Digital H Control Panel- Dual 4x20 Display**

**Program Functions**

- Programmable Crank Limiter
- 7 Day Programmable Exerciser
- Special Applications Programmable Logic Controller
- RS-232/485 Communications
- All Phase Sensing Digital Voltage Regulator
- 2-Wire Start Capability
- Date/Time Fault History (Event Log)
- Isochronous Governor Control
- Waterproof/Sealed Connections

- Audible Alarms and Shutdowns
- Not In Auto (flashing Light)
- Auto/Off/Manual Switch
- E-Stop (Red Mushroom Type)
- NFPA 110 Level I and II (Programmable)
- Customizable Alarms, Warnings, and Events
- Modbus® Protocol
- Predictive Maintenance Algorithm
- Sealed Boards
- Password Parameter Adjustment Protection
- Single Point Ground
- 16 Channel Remote Trending
- 0.2 msec High Speed Remote Trending
- Alarm Information Automatically Associated on the Display

**Full System Status Display**

- Power Output (kW)
- Power Factor
- MW Hours, Total, and Last Run
- Real/Reactive/Apparent Power
- All Phase AC Voltage
- All Phase Currents

- Oil Pressure
- Coolant Temperature
- Coolant Level
- Engine Speed
- Battery Voltage
- Frequency

**Alarms and Warnings**

- Oil Pressure
- Coolant Temperature
- Coolant Level
- Engine Overspeed
- Battery Voltage
- Alarms and Warnings Time and Date Stamped
- Snap Shots of Key Operation Parameters During Alarms and Warnings
- Alarms and Warnings Spelled Out (No Alarm Codes)

SPEC SHEET



**SD030 | 2.2L | 30 kW**  
**INDUSTRIAL DIESEL GENERATOR SET**

EPA Certified Stationary Emergency



**CONFIGURABLE OPTIONS**

**ENGINE SYSTEM**

- Oil Heater
- Critical Silencer (Open Set Only)
- Radiator Stone Guard
- Level 1 Fan and Bell Guards (Open Set Only)

**FUEL SYSTEM**

- NPT Flexible Fuel Line

**ELECTRICAL SYSTEM**

- 10A UL Listed Battery Charger
- Battery Warmer

**ALTERNATOR SYSTEM**

- Alternator Upcasing
- Anti-Condensation Heater
- Tropical Coating
- Permanent Magnet Excitation

**GENERATOR SET**

- Extended Factory Testing
- 8 Position Load Center
- Pad Vibration Isolation

**CIRCUIT BREAKER OPTIONS**

- Main Line Circuit Breaker
- 2nd Main Line Circuit Breaker
- Sturd Trip and Auxiliary Contact
- Electronic Trip Breakers

**ENCLOSURE**

- Weather Protected Enclosure
- Level 1 Sound Attenuation
- Level 2 Sound Attenuation
- Level 2 Sound Attenuation with Motorized Dampers
- Steel Enclosure
- Aluminum Enclosure
- Up to 200 MPH Wind Load Rating (Contact Factory for Availability)
- AC/DC Enclosure Lighting Kit
- Door Alarm Switch
- Enclosure Heater
- Damper Alarm Contacts

**WARRANTY (Standby Generators Only)**

- 2 Year Extended Limited Warranty
- 5 Year Limited Warranty
- 5 Year Extended Limited Warranty
- 7 Year Extended Limited Warranty
- 10 Year Extended Limited Warranty

**CONTROL SYSTEM**

- NFPA 110 Compliant 21 Light Remote Annunciator
- Remote Relay Assembly (8 or 16)
- Oil Temperature Indication and Alarm
- Remote E-Stop (Break Glass Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Flush Mount)
- 100 dB Alarm Horn
- Ground Fault Annunciation
- 120V GFCI and 240V Outlets
- Remote Communication - Modem
- 10A Engine Run Relay

**FUEL TANKS (Size On Last Page)**

- 8 in (203.2 mm) Fill Extension
- 13 in (330.2 mm) Fill Extension
- 19 in (482.6 mm) Fill Extension
- Overfill Protection Valve
- 5 Gallon Spill Box Return Hose
- 5 Gallon Spill Box
- Tank Risers
- Fuel Level Switch and Alarm
- 12" Vent System
- Fire Rated Stainless Steel Fuel Hose

**ENGINEERED OPTIONS**

**ENGINE SYSTEM**

- Coolant Heater Isolation Ball Valves
- Fluid Containment Pan

**CONTROL SYSTEM**

- Spare Inputs (x4) / Outputs (x4)
- Battery Disconnect Switch

**ALTERNATOR SYSTEM**

- 3rd Breaker System

**GENERATOR SET**

- Special Testing

**FUEL TANKS**

- UL 2085 Tank
- Stainless Steel Tanks
- Special Fuel Tanks
- Vent Extensions

SPEC SHEET

**SD030 | 2.2L | 30 kW**  
**INDUSTRIAL DIESEL GENERATOR SET**

EPA Certified Stationary Emergency



**APPLICATION AND ENGINEERING DATA**

**ENGINE SPECIFICATIONS**

General

Make	Perkins
EPA Emissions Compliance	Stationary Emergency
EPA Emissions Reference	See Emission Data Sheet
Cylinder #	4
Type	In-Line
Displacement - in <sup>3</sup> (L)	135 (2.22)
Bore - in (mm)	3.3 (84)
Stroke - in (mm)	3.0 (100)
Compression Ratio	23.3:1
Intake Air Method	Turbocharged
Cylinder Head	Cast Iron
Piston Type	Aluminum
Crankshaft Type	Forged Steel

Engine Governing

Governor	Electronic Isochronous
Frequency Regulation (Steady State)	± 0.5%

Lubrication System

Oil Pump Type	Gear
Oil Filter Type	Full Flow
Crankcase Capacity - qt (L)	11.2 (10.6)

Cooling System

Cooling System Type	Closed Recovery
Water Pump Type	Pre Lubed, Self Sealing
Fan Type	Pusher
Fan Speed - RPM	1,890
Fan Diameter - in (mm)	18 (457)

Fuel System

Fuel Type	Ultra Low Sulfur Diesel Fuel #2
Fuel Specifications	ASTM
Fuel Filtering (Microns)	5
Fuel Inject Pump	Distribution Injection Pump
Fuel Pump Type	Engine Driven Gear
Injector Type	Mechanical
Fuel Supply Line - in (mm)	0.31 (7.9) ID
Fuel Return Line - in (mm)	0.2 (4.8) ID

Engine Electrical System

System Voltage	12 VDC
Battery Charger Alternator	Standard
Battery Size	See Battery Index 01619/05BY
Battery Voltage	12 VDC
Ground Polarity	Negative

**ALTERNATOR SPECIFICATIONS**

Standard Model	K0005124Y21
Poles	4
Field Type	Revolving
Insulation Class - Rotor	H
Insulation Class - Stator	H
Total Harmonic Distortion	< 5% (3 Phase)
Telephone Interference Factor (TIF)	< 50

Standard Excitation	Brushless
Bearings	Single Sealed
Coupling	Direct via Flexible Disc
Load Capacity - Standby	100%
Prototype Short Circuit Test	Yes
Voltage Regulator Type	Digital
Number of Sensed Phases	All
Regulation Accuracy (Steady State)	± 0.25%

SPEC SHEET

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**OPERATING DATA**

**POWER RATINGS**

		Standby
Single-Phase 120/240 VAC @1.0pf	30 kW	Amps: 125
Three-Phase 120/208 VAC @0.8pf	30 kW	Amps: 104
Three-Phase 120/240 VAC @0.8pf	30 kW	Amps: 90
Three-Phase 277/480 VAC @0.8pf	30 kW	Amps: 45
Three-Phase 346/600 VAC @0.8pf	30 kW	Amps: 36

**MOTOR STARTING CAPABILITIES (skVA)**

skVA vs. Voltage Dip			
277/480 VAC	30%	208/240 VAC	30%
K0035124Y21	61	K0035124Y21	46
K0040124Y21	76	K0040124Y21	58
K0050124Y21	98	K0050124Y21	75

**FUEL CONSUMPTION RATES\***

Fuel Pump Lift - ft (m)	Diesel - gph (Lph)	
3 (1)	Percent Load	Standby
Total Fuel Pump Flow (Combustion + Return) - gph (Lph)	25%	1.0 (3.7)
	50%	1.4 (5.2)
	75%	2.0 (7.5)
	100%	2.8 (10.5)

\* Fuel supply installation must accommodate fuel consumption rates at 100% load.

**COOLING**

	Standby	
Coolant Flow	gpm (Lpm)	14.9 (56.2)
Coolant System Capacity	gal (L)	2.5 (9.5)
Heat Rejection to Coolant	BTU/hr (kW)	128,638 (136)
Inlet Air	scfm (m <sup>3</sup> /hr)	2,800 (4,757)
Maximum Operating Ambient Temperature	°F (°C)	122 (50)
Maximum Operating Ambient Temperature (Before Derate)	See Bulletin No. 0199280SSD	
Maximum Radiator Backpressure	in H <sub>2</sub> O (kPa)	0.5 (0.12)

**COMBUSTION AIR REQUIREMENTS**

	Standby
Flow at Rated Power scfm (m <sup>3</sup> /min)	88 (2.5)

**ENGINE**

		Standby
Rated Engine Speed	RPM	1,800
Horsepower at Rated kW**	hp	49
Piston Speed	ft/min (m/min)	1,181 (360)
BMEP	psi (kPa)	159 (1,096)

**EXHAUST**

		Standby
Exhaust Flow (Rated Output)	scfm (m <sup>3</sup> /min)	296.6 (8.4)
Max. Allowable Backpressure (Post Turbocharger)	inHg (kPa)	1.5 (5.1)
Exhaust Temp (Rated Output)	°F (°C)	892 (478)

\*\* Refer to "Emissions Data Sheet" for maximum BHP for EPA and SCAQMD permitting purposes.

Deration - Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions.

Please contact a Generac Power Systems Industrial Dealer for additional details. All performance ratings in accordance with ISO3046, BS5514, ISO8528, and DIN6271 standards.

Standby - See Bulletin 0187500SSB

Prime - See Bulletin 0187510SSB

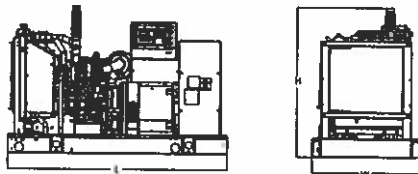


**SD030 | 2.2L | 30 kW**  
**INDUSTRIAL DIESEL GENERATOR SET**

EPA Certified Stationary Emergency

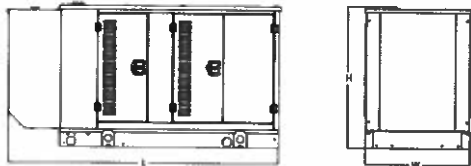


**DIMENSIONS AND WEIGHTS\***



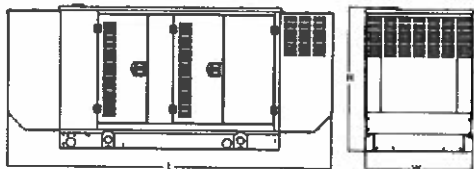
**OPEN SET (Includes Exhaust Flex)**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg)	
			Steel	Aluminum
No Tank	-	76.0 (1,930) x 37.4 (950) x 44.8 (1,138)	1,641	(745)
19	54 (204)	76.0 (1,930) x 37.4 (950) x 57.8 (1,468)	2,121	(963)
47	132 (501)	76.0 (1,930) x 37.4 (950) x 69.8 (1,773)	2,351	(1,067)
75	211 (799)	76.0 (1,930) x 37.4 (950) x 81.8 (2,078)	2,560	(1,162)
107	300 (1,136)	92.9 (2,360) x 37.4 (950) x 81.8 (2,078)	2,623	(1,190)



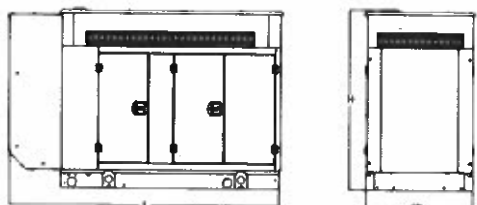
**WEATHER PROTECTED ENCLOSURE**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	94.8 (2,409) x 38.0 (965) x 49.5 (1,258)		
19	54 (204)	94.8 (2,409) x 38.0 (965) x 62.5 (1,588)	372 (170)	241 (110)
47	132 (501)	94.8 (2,409) x 38.0 (965) x 74.5 (1,893)		
75	211 (799)	94.8 (2,409) x 38.0 (965) x 86.5 (2,198)		
107	300 (1,136)	94.8 (2,409) x 38.0 (965) x 86.5 (2,198)		



**LEVEL 1 ACOUSTIC ENCLOSURE**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	112.5 (2,857) x 38.0 (965) x 49.5 (1,258)		
19	54 (204)	112.5 (2,857) x 38.0 (965) x 62.5 (1,582)	505 (230)	338 (154)
47	132 (501)	112.5 (2,857) x 38.0 (965) x 74.5 (1,893)		
75	211 (799)	112.5 (2,857) x 38.0 (965) x 86.5 (2,198)		
107	300 (1,136)	112.5 (2,857) x 38.0 (965) x 86.5 (2,198)		



**LEVEL 2 ACOUSTIC ENCLOSURE**

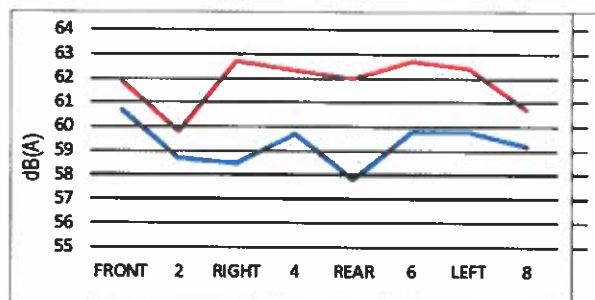
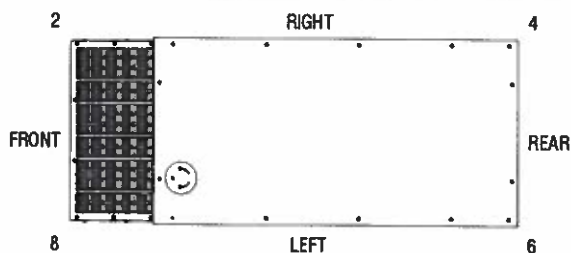
Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	94.8 (2,407) x 38.0 (965) x 61.1 (1,551)		
19	54 (204)	94.8 (2,407) x 38.0 (965) x 74.1 (1,881)	510 (232)	341 (155)
47	132 (501)	94.8 (2,407) x 38.0 (965) x 86.1 (2,186)		
75	211 (799)	94.8 (2,407) x 38.0 (965) x 98.1 (2,491)		
107	300 (1,136)	94.8 (2,407) x 38.0 (965) x 98.1 (2,491)		

\* All measurements are approximate and for estimation purposes only. Specification characteristics may change without notice. Please contact a Generac Power Systems Industrial Dealer for detailed installation drawings.

## LEVEL 2 SOUND ATTENUATED ENCLOSURE SD030 2.2L GENERAC

		60Hz NO-LOAD, dB(A)									DISTANCE: 7 METERS	
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)										dB(A)	
	31.5	63	125	250	500	1,000	2,000	4,000	8,000			
1, FRONT	21	42	50	59	53	52	49	46	36		61	
2	20	37	48	56	53	54	49	45	37		59	
3, RIGHT	19	41	52	55	52	52	49	48	38		59	
4	18	53	48	56	54	51	49	44	34		60	
5, REAR	16	54	49	52	51	50	47	41	31		58	
6	17	55	47	55	52	54	49	45	38		60	
7, LEFT	21	54	50	54	53	53	50	46	38		60	
8	20	46	47	52	55	55	50	44	38		59	
AVERAGE	19	48	49	55	53	53	49	45	36		59	

		60Hz FULL-LOAD, dB(A)									DISTANCE: 7 METERS	
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)										dB(A)	
	31.5	63	125	250	500	1,000	2,000	4,000	8,000			
1, FRONT	23	54	52	60	54	52	49	46	36		62	
2	21	48	49	55	55	54	49	46	38		60	
3, RIGHT	20	50	59	59	54	52	50	50	37		63	
4	20	59	49	58	55	52	48	46	35		62	
5, REAR	21	60	51	55	54	51	47	41	31		62	
6	20	60	49	58	53	53	52	46	38		63	
7, LEFT	20	59	55	55	52	54	51	47	39		62	
8	21	54	51	54	55	55	50	45	37		61	
AVERAGE	21	56	52	57	54	53	49	46	36		62	



- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are  $\pm 2$  dB(A)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2022 MODEL YEAR  
CERTIFICATE OF CONFORMITY  
WITH THE CLEAN AIR ACT**

**OFFICE OF TRANSPORTATION  
AND AIR QUALITY  
ANN ARBOR, MICHIGAN 48105**

**Certificate Issued To:** Perkins Engines Co Ltd  
(U.S. Manufacturer or Importer)  
**Certificate Number:** NPKXI.02.2TCC-027

**Effective Date:**  
09/29/2021  
**Expiration Date:**  
12/31/2022

**Byron J. Bunker, Division Director**  
Compliance Division

**Issue Date:**  
09/29/2021  
**Revision Date:**  
N/A

**Model Year:** 2022  
**Manufacturer Type:** Original Engine Manufacturer  
**Engine Family:** NPKXI.02.2TCC

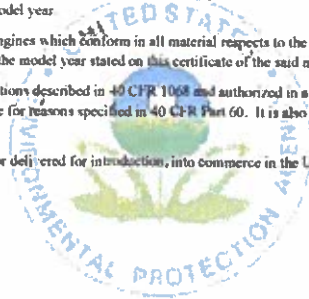
**Mobile/Stationary Indicator:** Stationary  
**Emissions Power Category:** 19-4kW<37  
**Fuel Type:** Diesel  
**After Treatment Devices:** No After Treatment Devices Installed  
**Non-After Treatment Devices:** No Non-After Treatment Devices Installed

Pursuant to Section 111 and Section 213 of the Clean Air Act (42 U.S.C. sections 7411 and 7547) and 40 CFR Part 60, and subject to the terms and conditions prescribed in those provisions, this certificate of conformity is hereby issued with respect to the test engines which have been found to conform to applicable requirements and which represent the following engines, by engine family, more fully described in the documentation required by 40 CFR Part 60 and produced in the stated model year.

This certificate of conformity covers only those new compression-ignition engines which conform in all material respects to the design specifications that applied to those engines described in the documentation required by 40 CFR Part 60 and which are produced during the model year stated on this certificate of the said manufacturer, as defined in 40 CFR Part 60.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 1068 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate for reasons specified in 40 CFR Part 60. It is also a term of this certificate that this certificate may be revoked or suspended or rendered void *ab initio* for other reasons specified in 40 CFR Part 60.

This certificate does not cover engines sold, offered for sale, or introduced, or delivered for introduction, into commerce in the U.S. prior to the effective date of the certificate.





## Exhibit H Radio Frequency Emissions Report



**WATERFORD**

### Radio Frequency Emissions Compliance Report For Verizon Wireless

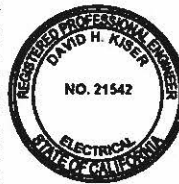
Site Name: LOYALTON	Site Structure Type: Monopole
Address: 307 1st Street Loyalton, CA 96118	Latitude: 39.675067
Report Date: March 24, 2023	Longitude: -120.240811
	Project: New Build

#### Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the LOYALTON installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

#### Certification

I, David H. Kiser, am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



David H. Kiser, P.E.  
Registered Professional Engineer (Electrical)  
State of California, 21542, Expires 6/30/2024  
Date: 2023-March-28

#### General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Table 1: FCC Limits

Frequency (MHz)	Limits for General Population/ Uncontrolled Exposure		Limits for Occupational/ Controlled Exposure	
	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4\pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left(\frac{180}{\theta_{BW}}\right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P<sub>in</sub> is the power input to the antenna, θ<sub>BW</sub> is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. In the analysis presented herein, predicted exposure levels are based on all beams at full utilization (i.e. full power) simultaneously focused in any direction. As this condition is unlikely to occur, the actual power density levels at ground and at adjacent structures are expected to be less than the levels reported below. These theoretical results represent maximum-case predictions as all RF emitters are assumed to be operating at 100% duty cycle.

## Analysis

Verizon Wireless proposes the following installation at this location:

- (N) MONOPOLE
- (6) (N) AND (3) (F) ANTENNAS
- (2) (N) MW DISHES
- (6) (N) RADIOS AND ANTENNAS

The antennas will be mounted on a 100-foot Monopole with centerlines at 96 & 98.7 feet above ground level. Proposed antenna operating parameters are listed in Appendix A. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. Microwave and omnidirectional antennas have been installed at this site by other wireless operators. Operating parameters for these antennas considered in this analysis are also listed in Appendix A.



Figure 1: Antenna Locations





Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all Verizon Wireless operations is 13.25% of the FCC General Population limits. Based on the operating parameters in Appendix A, the cumulative power density level at this location from all antennas is 13.288% of the FCC General Population limits. Incident at adjacent buildings depicted in Figure 1, the maximum predicted power density level resulting from all Verizon Wireless operations is 18.26% of the FCC General Population limits. Based on the operating parameters in Appendix A, the cumulative power density level at this location from all antennas is 18.275% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

**Appendix A: Operating Parameters Considered in this Analysis**

Antenna #	Carrier	Manufacturer	Pattern	Band (MHz)	Mech Az (deg)	Mech DT (deg)	H BW (deg)	Length (ft)	TPO (W)	Channels	Loss (dB)	Gain (dBd)	ERP (W)	EIRP (W)	Rad Center (ft)
1	Verizon	JMA	MX12FIT865-01 02DT	700	0	0	62	8	40	4	0	10.75	1902	3120	96
1	Verizon	JMA	MX12FIT865-01 02DT	850	0	0	51	8	40	4	0	11.95	2507	4113	96
1	Verizon	JMA	MX12FIT865-01 02DT	1900	0	0	66	8	20	4	0	13.85	1941	3185	96
1	Verizon	JMA	MX12FIT865-01 02DT	2100	0	0	64	8	40	4	0	14.05	4066	6670	96
1	Verizon	JMA	MX12FIT865-01 02DT	2100	0	0	64	8	20	4	0	14.05	2033	3335	96
2	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	0	0	11	2.8	320	1	0	23.55	72469	118681	98.7
3	Verizon	JMA	MX12FIT865-01 02DT	700	130	0	62	8	40	4	0	10.75	1902	3120	96
3	Verizon	JMA	MX12FIT865-01 02DT	850	130	0	51	8	40	4	0	11.95	2507	4113	96
3	Verizon	JMA	MX12FIT865-01 02DT	1900	130	0	66	8	20	4	0	13.85	1941	3185	96
3	Verizon	JMA	MX12FIT865-01 02DT	2100	130	0	64	8	40	4	0	14.05	4066	6670	96
3	Verizon	JMA	MX12FIT865-01 02DT	2100	130	0	64	8	20	4	0	14.05	2033	3335	96
4	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	130	0	11	2.8	320	1	0	23.55	72469	118681	98.7
5	Verizon	JMA	MX12FIT865-01 02DT	700	260	0	62	8	40	4	0	10.75	1902	3120	96
5	Verizon	JMA	MX12FIT865-01 02DT	850	260	0	51	8	40	4	0	11.95	2507	4113	96
5	Verizon	JMA	MX12FIT865-01 02DT	1900	260	0	66	8	20	4	0	13.85	1941	3185	96
5	Verizon	JMA	MX12FIT865-01 02DT	2100	260	0	64	8	40	4	0	14.05	4066	6670	96
5	Verizon	JMA	MX12FIT865-01 02DT	2100	260	0	64	8	20	4	0	14.05	2033	3335	96
6	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	260	0	11	2.8	320	1	0	23.55	72469	118681	98.7
7	Unknown	ANDREW	VHLP4-11	11000	0	0	1.5	4	0.2	1	0	38.7	1462	2399	67.9
8	Unknown	ANDREW	VHLP4-11	11000	240	0	1.5	4	0.2	1	0	38.7	1462	2399	67.9
9	Unknown	ANDREW	DB638NSE-C	450	0	0	360	16.8	16	1	0	8	100	184	80

Notes: Table depicts recommended operating parameters for Verizon Wireless proposed operations. Colocated antenna parameters based on industry standards.



**EXHIBIT I**  
**General Plan Excerpts**

In considering this project, the City Council should consider certain provisions of the General Plan. In accordance with State Planning Law, the project must be found to be consistent with the General Plan.

*Land Use Element:*

The project site is located in Low Density Residential (LDR) Land Use District as referenced in the General Plan Land Use Map (see attached). The following are related policies from the General Plan Land Use Element that seem pertinent to this project:

RP-1 Single-family residential areas must be protected from decline by maintaining streets, infrastructure and services.

RP-2 Encourage new development to be generally consistent with the historic scale, appearance, and “small town” character of Loyalton.

RP-3 Protect existing residential areas from intrusion of incompatible land uses and disruptive traffic to the extent reasonably possible.

RP-4 Promote, in areas where different land uses abut one another, land use compatibility by using buffering techniques such as landscaping, setbacks, and screening.

GP-9 The City should strive to protect and promote the character and value of existing neighborhoods and historical structures.

GP-10 Discourage development that results in land use incompatibility.

*Circulation Element:*

UP-2. Encourage state-of-the-art electronic communication connections for all new development.

UI-1. Coordinate development planning with utility providers.

UI-3. Allow co-location of wireless communication facilities where sites are available.

*Open Space and Conservation Element:*

SRP-1. Encourage preservation and enhancement of views of the Sierra Nevada to the extent possible.

SRI-2. Review development applications for discretionary actions to determine aesthetic impacts

and visual compatibility with surrounding property.

**SRI-3** Encourage protection and preservation of the nighttime environment by adhering to the standards set forth by the International Dark-Sky Association (IDA).

*Noise Element:*

In relation to the proposed backup generator:

**NP-1.** Ensure retention of acceptable sound levels in all residential neighborhoods.

**NP-2.** Avoid placing high noise-generating land uses adjacent to residential development, schools, or similar noise-sensitive land uses.

**NP-3.** Avoid placing noise-sensitive land uses near high noise-generating land uses.

**NP-4.** Consider and mitigate noise impacts in the development permitting process.

**NP-5.** Minimize noise levels throughout the City as much as practical.

**NI-6.** Require appropriate noise barriers or design features for projects, which significantly decrease noise levels.

**NI-7.** Require appropriate noise barriers or attenuation measures to protect noise-sensitive land uses developed near high noise generators.

## EXHIBIT K City Noise Regulations

6.40.100 – 6.44.010

### 6.40.100 Punishment for Violations

It shall be misdemeanor for any person during an emergency:

- (1) To willfully obstruct, hinder or delay any members of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.
- (2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, is such as it is of such a nature as to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof.
- (3) To wear, carry or display, without authority, any means of identification specified by the emergency agency of the state.
- (4) Such misdemeanor shall be punishable by a fine of not to exceed five-hundred dollars (\$500), or by imprisonment for not to exceed six months or both.

### CHAPTER 6.44 NOISE REGULATIONS

#### 6.44.010 General Provisions

##### A. Declaration of Policy

It is hereby declared to be the policy of the City to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed.

##### B. Definitions

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

- (a) Ambient Noise  
"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, ambient noise level is average over a period of 15 minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.
- (b) Decibel  
"Decibel" shall mean a unit of level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.
- (c) Emergency Work  
"Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger to work by private or public utilities when restoring utility service.



- (d) **Frequency**  
"Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.
- (e) **Hertz**  
"Hertz" shall mean the complete sequence of values of a periodic quantity which occurs during a period.
- (f) **Microbar**  
"Microbar" shall mean a unit of pressure commonly used in acoustics and equal to one (1) dyne per square centimeter.
- (g) **Period**  
"Period" of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.
- (h) **Periodic Quantity**  
"Periodic quantity" shall mean oscillating quantity, the values of which recur for equal increments of time.
- (i) **Person**  
"Person" shall mean a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.
- (j) **Sound Level**  
"Sound level" (noise level", in decibels (dB) is the sound measured with the A weighting and slow response by a sound level meter.
- (k) **Sound Level Meter**  
"Sound level meter" shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound level which satisfies the pertinent requirements in American Standard Specifications for sound level meters S1.4-1971 or the most recent revisions thereof.
- (l) **Motor Vehicles**  
"Motor vehicles" shall include, but not be limited to, mini-bikes and go-carts.
- (m) **Sound Amplifying Equipment**  
"Sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment," as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
- (n) **Sound Truck**  
"Sound truck" shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

- (o) **Commercial Purpose**  
 "Commercial purpose" shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
- (p) **Noncommercial Purpose**  
 "Noncommercial purpose" shall mean the use, operation, or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

C. **Sound Level Measurement Criteria**

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting.

D. **Ambient Base Noise Level**

Where the ambient noise level is less than designated in this section the respective noise level in this section shall govern.

Zone	Time	Sound Level A, decibels		
		Community Environment Classification		
		Very Quiet (rural, suburban)	Quiet (suburban)	Slightly Noisy (suburban, urban)
R1 and R2	10pm to 7am	40	45	50
R1 and R2	7pm to 10pm	45	50	55
R1 and R2	7am to 7pm	50	55	60
R3 and R4	10pm to 7am	45	50	55
R3 and R4	7am to 10pm	50	55	60
Commercial	10pm to 7am		55	60
Commercial	7am to 10pm		60	60
M1	anytime		70	70
M2	anytime		75	75

E. **Violation: Misdemeanors**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding Five Hundred and no/100ths Dollars (\$500.00) or be imprisoned in the City or County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

F. **Violations: Additional Remedies: Injunctions**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance cause discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be, a

public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

G. Severability

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are hereby declared to be severable.

6.44.020 Special Noise Sources

A. Radios, Television Set, and Similar Devices

(a) Use Restricted

It shall be unlawful for any person within any residential zone of the City to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day) in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

(b) Prima facie violation

Any noise level exceeding the ambient base level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

B. Hawkers and Peddlers

It shall be unlawful for any person within the City to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

C. Drums

Use restricted

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

D. Schools, Hospitals and Churches

It shall be unlawful for any person to create any noise on any street, sidewalk, or public adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church, or hospital.

E. Animals and Fowl

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry, or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

F. Machinery, Equipment, Fans, and Air Conditioning

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels.

6.44.030 Construction

A. Construction of Buildings and Projects

It shall be unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to operate equipment or perform an outside construction or repair work on buildings, structures, or projects or to operate any pile drive, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort of annoyance unless beforehand a permit therefor has been duly obtained from the Loyalton City Council. No permit shall be required to perform emergency work as defined in section 6.44.010 B. of this chapter.

B. Motor Driven Vehicles

It shall be unlawful for any person to operate any motor driven vehicle within the City in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this section.

6.44.050 Amplified Sound

A. Purpose

The Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

B. Registration: Required

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use, or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound addresses, lectures, or transmitting music to any



persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property without first filing a registration statement and obtaining approval thereof as set forth in this section.

C. Registration: Requirements and Duties

(a) Registration statements: Filing

Every user of sound amplifying equipment shall file a registration statement with the City Clerk seven (7) days prior to the date on which the sound amplifying equipment is intended to be used, which statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound amplifying equipment;
- (2) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound amplifying equipment;
- (3) The license and motor number if a sound truck is to be used;
- (4) A general description of the sound amplifying equipment which is to be used; and
- (5) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

(b) Registration Statements: Approval

The City Council shall return to the applicant an approved certified copy of the registration statement unless he finds that:

- (1) The condition of the motor vehicle movements are such that in the opinion of the City Council use of the equipment would constitute a detriment to traffic safety; or
- (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
- (3) The registration statement required reveals that the applicant would violate the provisions set forth in section B. of Section 6.44.050 or any other provisions of this Code.

(c) Disapproval

In the event that the registration statement is disapproved, the Council shall endorse upon the statement their reasons for disapproval and return it forthwith to applicant.

D. Appeals

Any person aggrieved by disapproval of a registration statement may appeal by complying with the provisions of Chapter 1.24 of Part 1 General Provisions of this Code relating to appeals.

E. Fees

Prior to the issuance of the registration statement, a fee in the amount of \$5.00 per day, or any portion thereof, shall be paid to the City, if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound amplifying equipment for noncommercial purposes.

**F. Regulations**

The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

- (a) The only sounds permitted shall be either music or human speech, or both.
- (b) The operation of sound amplifying equipment shall only occur between the hours of 8:00 a.m. and 5:00 p.m. each day except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 6:00 p.m.
- (c) Sound level emanating from sound amplifying equipment shall not exceed (15) decibels above the ambient base noise level.
- (d) Notwithstanding the provisions of subsection (c) of this section, sound amplifying equipment shall not be operated within 200 feet of churches, schools, hospitals, or City buildings.
- (e) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

**6.44.060 General Noise Regulations**

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any person of normal sensitiveness residing in the area.

The standard which shall be considered in determining whether a violation of the provision of this section exists shall include, but not be limited to, the following:

- (a) The level of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural, or unnatural;
- (e) The level and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent, or constant; and
- (l) Whether the noise is produced by a commercial or non-commercial activity.