



## ORDINANCE NO. \_\_\_\_\_

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

#### **AN ORDINANCE AMENDING SECTION A-II 42.5.1 OF CHAPTER II OF THE NEVADA COUNTY ADMINISTRATIVE CODE, PERTAINING TO PLANNING COMMISSION JURISDICTION, POWERS AND DUTIES**

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

#### SECTION I:

It is the purpose and intent of this Ordinance to make revisions to Section A-II 42.5.1 of Chapter II of the Nevada County Administrative Code that conform to Article 7 of Government Code Section 65403 for General Plan consistency review, while streamlining the Capital Improvement Plan (CIP) review and approval process. The CIP will continue to be reviewed annually by the Planning Agency in compliance with the provisions of Article 7 of Government Code Section 65403, with the review authority hereby transferred to the Planning Director as authorized under Nevada County Administrative Code Section A-II 42.4.

#### SECTION II:

Section A-II 42.5.1 "Planning Commission Jurisdiction, Powers and Duties" of Article 42 of Chapter II of the Nevada County Administrative Code, is hereby amended to read as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

#### SECTION III:

The Board of Supervisors hereby finds that this Ordinance is exempt from environmental review pursuant to Section 21065 of the California Environmental Quality Act (CEQA) because the amendment to Section A-II 42.5.1 of Chapter II of the Nevada County Administrative Code is not a "project" under CEQA. A "project" is defined as an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed amendment to Section A-II 42.5.1 of Chapter II of the Nevada County Administrative Code will not result in any direct or indirect physical changes in the environment and is therefore not a project.

#### SECTION IV:

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

#### SECTION V:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 14<sup>th</sup> day of January, 2021, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and the Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.