

Nevada County Communication Towers and Facilities Ordinance Update

Nevada County Board of Supervisors
April 14, 2026
Project Planner: David Nicholas



Outline

In this presentation, the following information will be provided:

- The background of the proposed communication tower ordinance amendment.
- A list of proposed amendments to the ordinance with information about why the amendments are proposed.
- Information about community engagement, coordination, and notification.
- Discussion about the projects alignment with the California Environmental Quality Act.
- A summary of the Planning Commission's Action

Background

- The County Planning Department was directed by the Board of Supervisors to update the Communication Towers and Facilities Ordinance (CTFO) to align it with modern standards, reduce the impacts of communication facilities, and promote County objectives to expand broadband services.
- The ordinance is meant to balance feasible development of communication facilities with concerns expressed by members of the community.
- The amendments strengthen the existing regulation and enhance compatibility with adjacent land uses while complying with FCC requirements.
- The CTFO is integrated into the rest of the County Code which continues to apply to the development of communication towers and facilities.

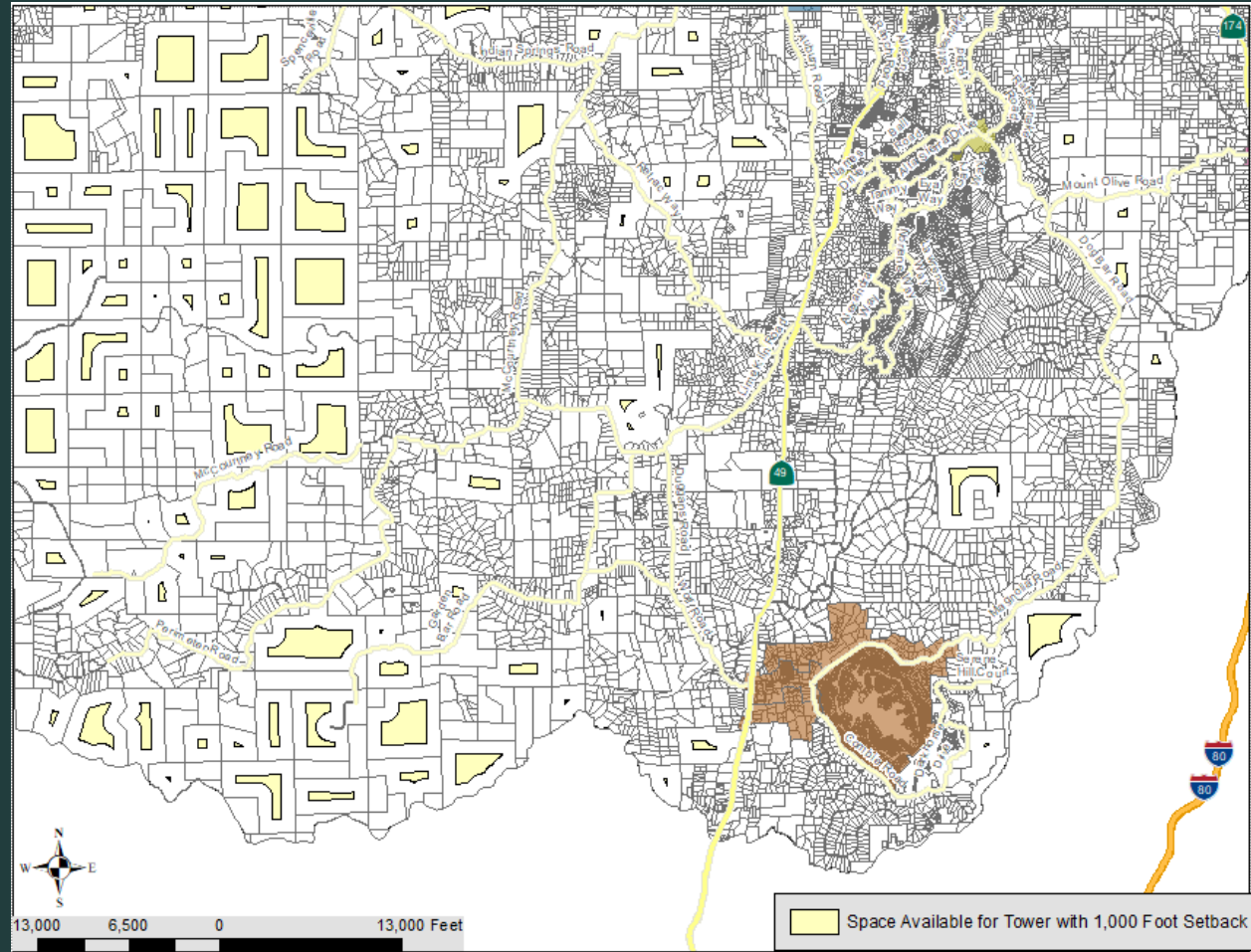
PROPOSED ORDINANCE

- Update to stated Ordinance Purposes.
- Update County definitions to match FCC (e.g., shot clock, Eligible Facilities Request, Small Cell Wireless Facility)
- Exempt Projects
 - Small Cell Wireless Facilities (SCWF) <3 cu ft antennas, <28 cu ft equipment
 - Replacement of existing equipment with similar equipment – still subject to RF exposure compliance
 - State/federally exempt facilities
 - Over-the-air reception devices (OTARDs) and wireless utility meters
- Emergency Deployments
 - Allow temporary Cells on Wheels during declared emergencies
 - Exempt emergency standby generators; review via building permits
- Application Requirements
 - Additional supporting information required: network improvements, visual impact, alternative sites, neighborhood notice, RF exposure reports, defensible space shown on site plans.

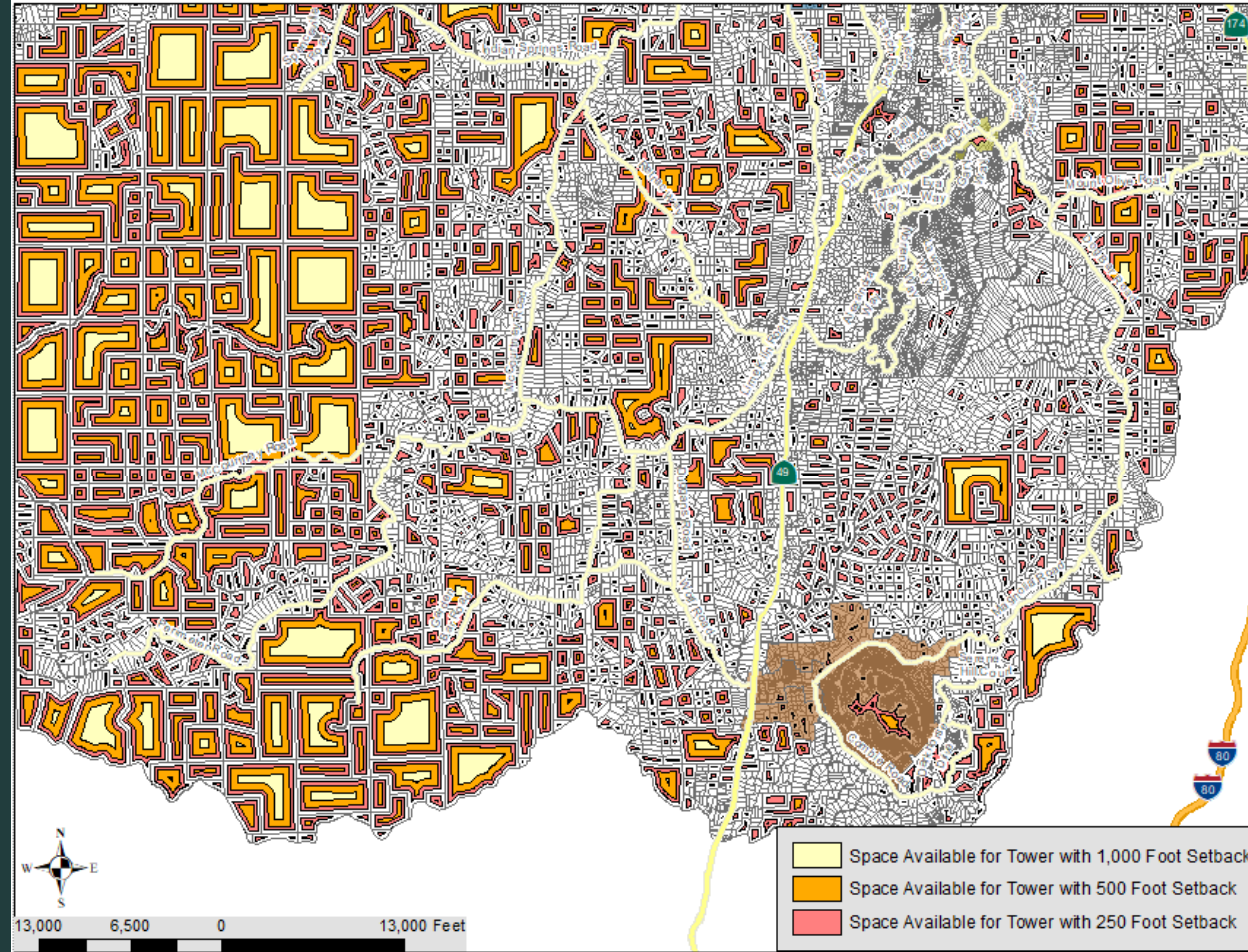
PROPOSED ORDINANCE

- “Effectively unnoticeable” updated to “effectively concealed” as a concealment standard
- Locational Standards and Setbacks
 - Setbacks increased from 100% to 150% of tower height (except industrial)
 - GIS analysis:
 - 250-ft setback → 12.21% of parcels feasible
 - 500-ft setback → 3.93% feasible
 - 1,000-ft setback → 1.23% feasible
 - 150% setback balances feasibility with public concern

Visualization of space for towers with setbacks of 1,000 feet



Visualization of space for towers with setbacks of 250 feet (about 150%)



PROPOSED ORDINANCE

- Post installation and modification radio frequency exposure verification.
- Communication facility maintenance requirement.
- 1000-foot Notice of Public Hearing radius for new communication facilities.
- Use Permits hearings at Planning Commission rather than Zoning Administrator.
- Clarified ADPs are required for Eligible Facilities Requests.
- Defense and Indemnification Agreement requirement.
- ADPs for temporary communication facilities needed for special events.
- Minor code cleanups for clarity and integration.

COMMUNITY ENGAGEMENT, COORDINATION, AND NOTIFICATION

- March 31, 2025 workshop at Eric Rood Administration Center.
 - Public concerns: larger setbacks, Planning Commission hearings, increased public notice, RF monitoring, cell site maintenance
- Draft amendments released July 9–August 8, 2025.
 - Outreach for the comment period included a variety of sources such as the local newspaper The Union, the County website, the County Facebook page, mailed notices, and the radio station KNCO
- 98 unique comments received.
- 1,942 bulk emails sent via OneClickPolitics
- Staff reviewed NC Safe Tech Ordinance; added feasible solutions to address key public concerns

ENVIRONMENTAL REVIEW

Amendments are exempt under multiple CEQA statutory and categorical exemptions:

- Amendments clarify existing rules and do not introduce new land uses beyond those already permitted under the zoning code.
- The amendments are largely administrative and regulatory in nature and would not result in a direct or reasonably foreseeable physical change in the environment.
- Certain provisions, including increased setbacks, maintenance requirements, and radio frequency exposure requirements are exempt as actions by a regulatory agency for the protection of the environment.
- Small cell wireless facilities were already analyzed in the 2023 Program EIR; no further review needed.

PLANNING COMMISSION ACTION

Public Hearing (Feb 26, 2026): Planning Commission reviewed amendments to communication tower regulations; unanimously recommended the Board of Supervisors adopt the amendments and consider the following changes:

- **Applicability:** Amendments apply to new and incomplete applications; complete applications are subject to previous ordinance.
- **RF Monitoring:** County may require radio frequency (RF) testing if no compliance report was prepared within the past 12 months.
- **Equipment Replacement:** Replacing antennas/equipment now subject to operational standards, including maintenance requirements and verification of compliance with FCC radio frequency exposure limits prior to finalization of the building permit.

Tower Removal / Decommissioning: No new standards added; existing agreements already require maintenance, notification, and removal within 12 months if vacated. If a facility is not maintained in compliance with its approvals, the County may pursue enforcement through the Code Compliance Division or through legal action, which is functionally similar to how a decommissioning requirement would be enforced.

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following action:

Project Action: Introduce, waive further reading, and adopt the Ordinance amending Section 12.03.080 – Communication Towers and Facilities and Section 12.05.060 – Use Permits, of the Nevada County Code (ORD25-2) making Finding A.

- A. The Board of Supervisors finds the project statutorily and categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15269(c), 15061(b)(3), 15301, 15302, 15303(d), 15304(e), 15308, 15162 and 15168. The amendments primarily clarify and strengthen existing regulations governing communication towers and facilities and do not authorize new land uses beyond those already permitted under the zoning code.



NEVADA COUNTY

CALIFORNIA

County	Setbacks	Explanation from Code
Butte County	1:1 setback	Except when specifically allowed below, all new telecommunication facilities shall be located on a parcel so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility.
El Dorado County	1.5x height for new facilities adjacent to residential zones/uses. Base zoning setbacks everywhere else.	Setbacks. Compliance with the applicable zone setbacks is required. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure. For towers (including monopoles), when the proposed facility is on a site that is adjacent to a site with an existing residential use or a site that is zoned for residential uses, a minimum setback shall be equal to 1.5 times the overall height of the telecommunications tower.
Placer County	Base zoning setbacks	All antennas shall meet the minimum setbacks for the zone district applied to the site. Exception: no setback is required for a cellular telephone antenna except where required as a land use permit condition of approval and shall not extend into any multi-purpose easement or public utility easement that is adjacent to any public roadways or streets.
Sierra County	Base zoning setbacks	Sierra's Wireless Telecommunication Facilities Siting Ordinance applies base-zone yard setbacks (front/side/rear) and other siting/performance standards.
Sutter County	1:1 setback	All new wireless telecommunication facilities shall be located so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility.
Yolo County	Base zoning setbacks but includes minimum parcel sizes based on facility type and zoning.	Construction of a wireless telecommunication facility may be approved in the following zoning districts, provided the facility meets setback requirements and other standards, as provided in Section 8-2.1102(e), below, as shown in Table 8-2.1102.
Yuba County	Base zoning setbacks	All wireless communication facilities shall meet the building setback standards of the district which they are to be located unless due to topography or other site constraints a waiver to the setback is approved by the decision-making authority.

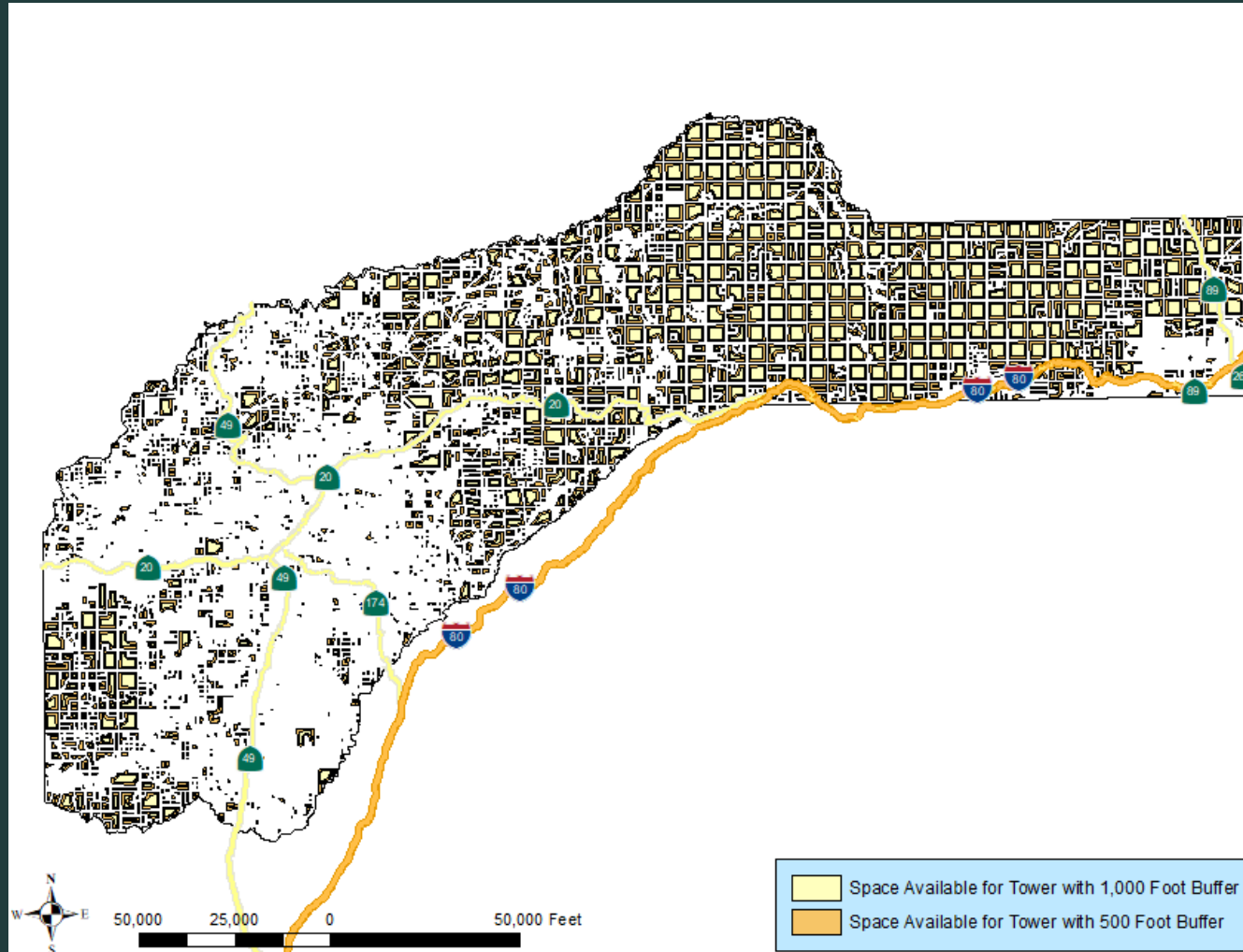


Figure 1: County Wide 500 and 1000 Foot Setbacks

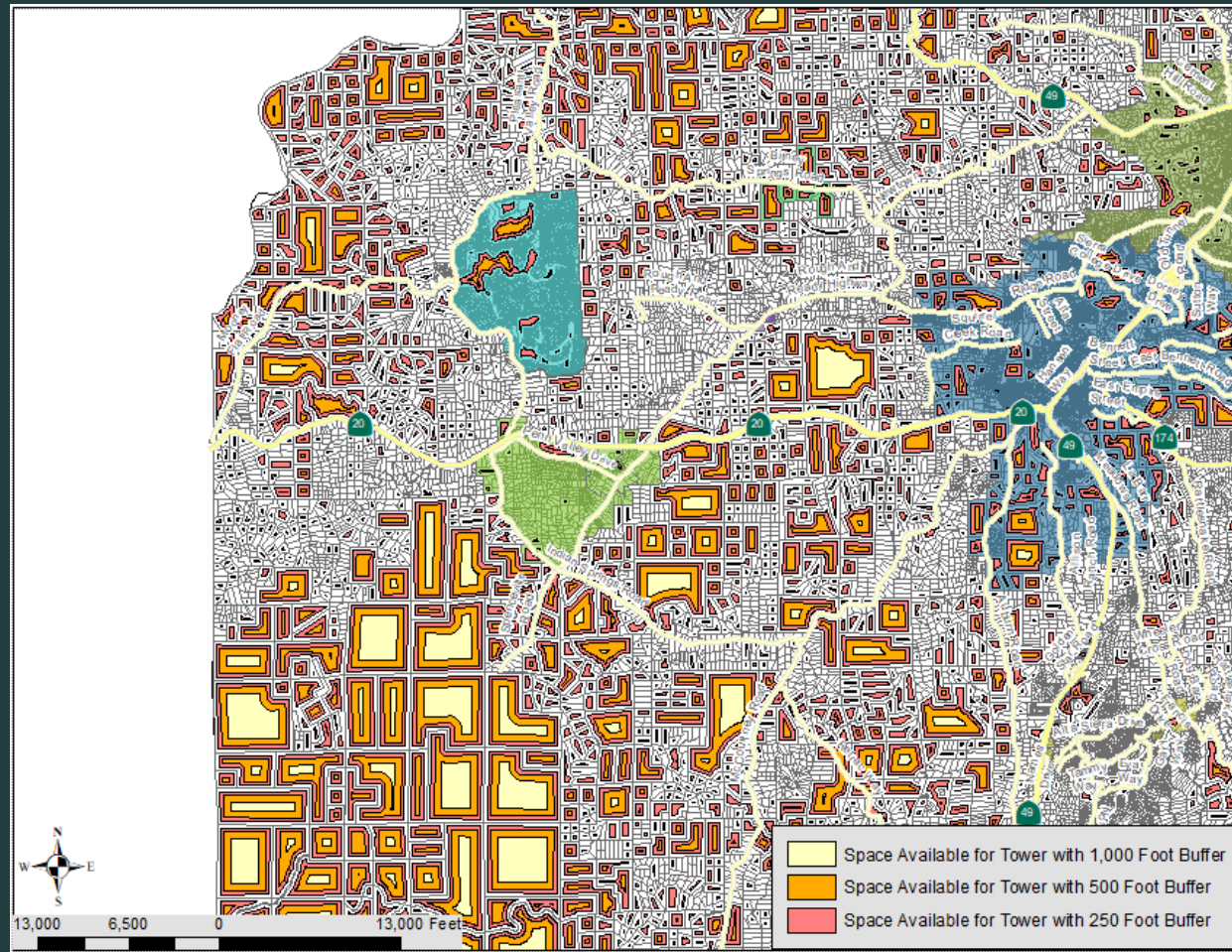


Figure 2: Penn Valley 250-foot setback

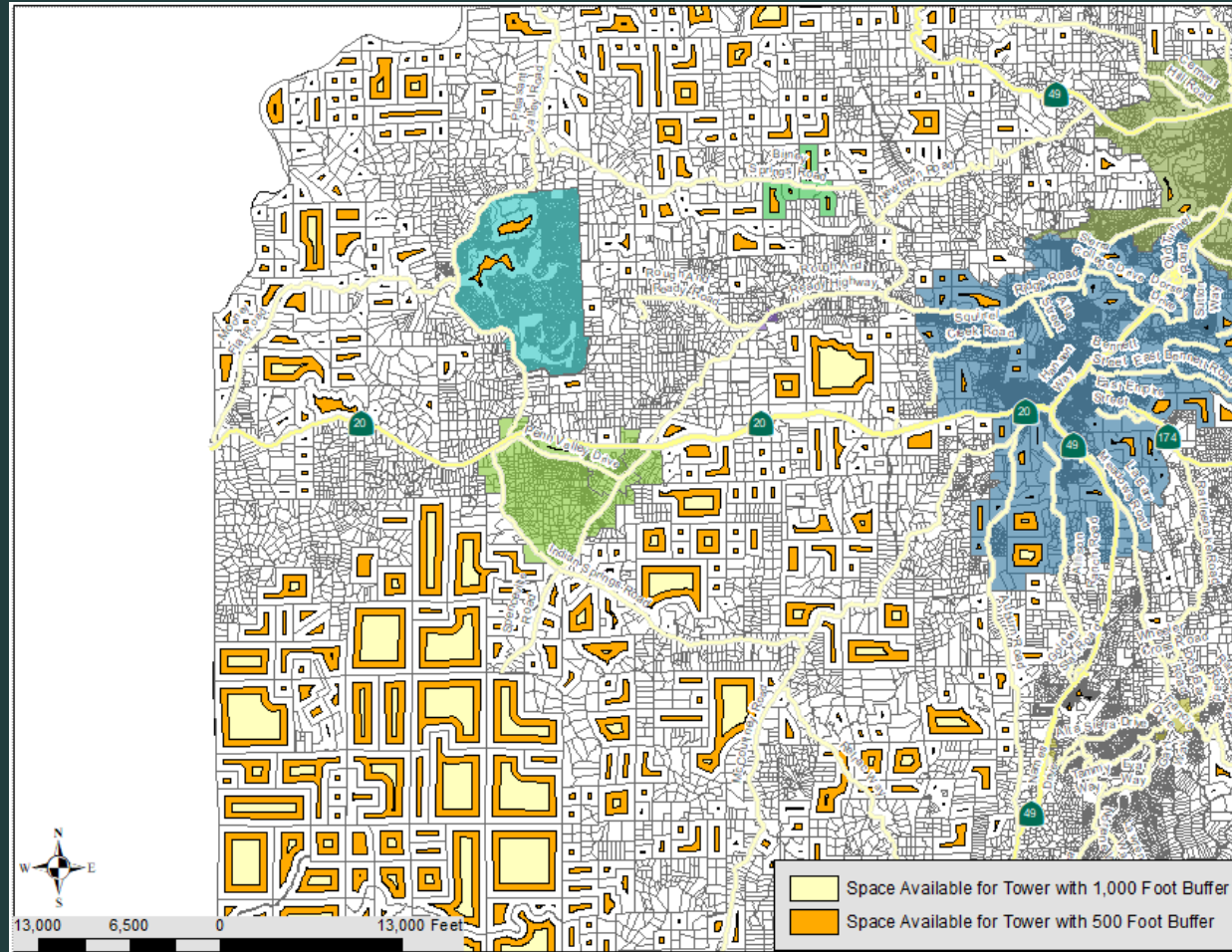


Figure 3: Penn Valley 500-foot setback

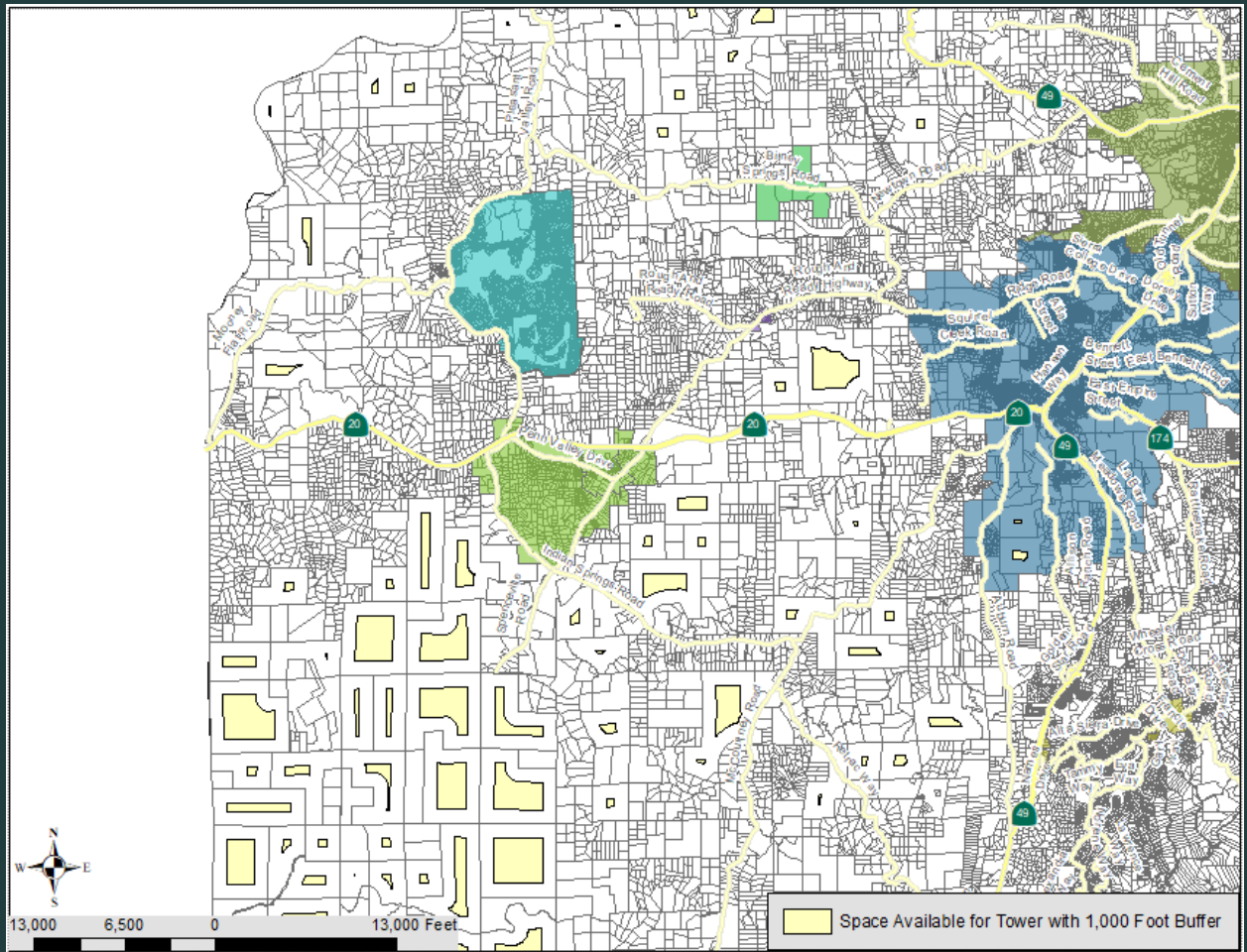


Figure 4: Penn Valley 1000-foot setback

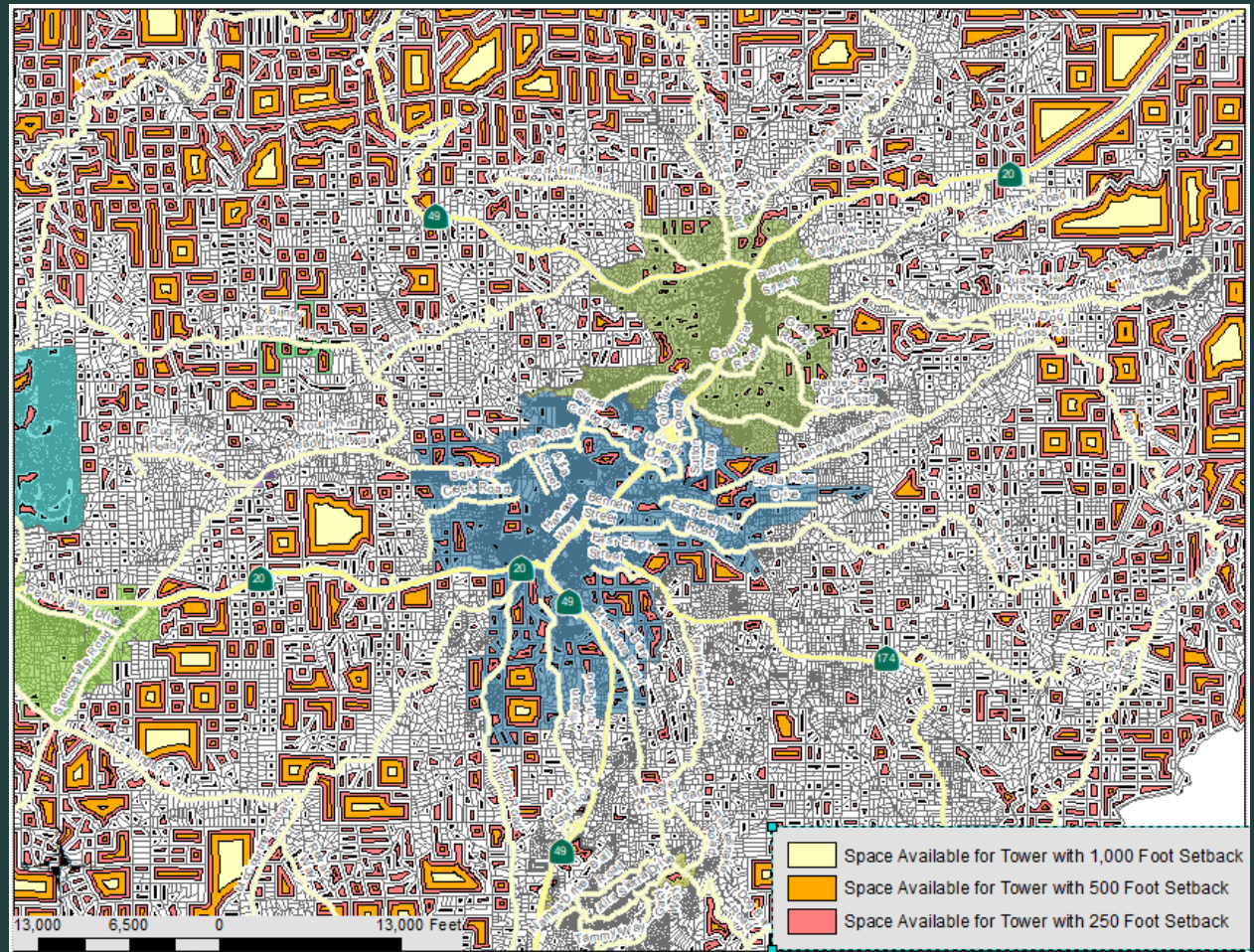


Figure 5: Grass Valley and Nevada City 250-foot setback

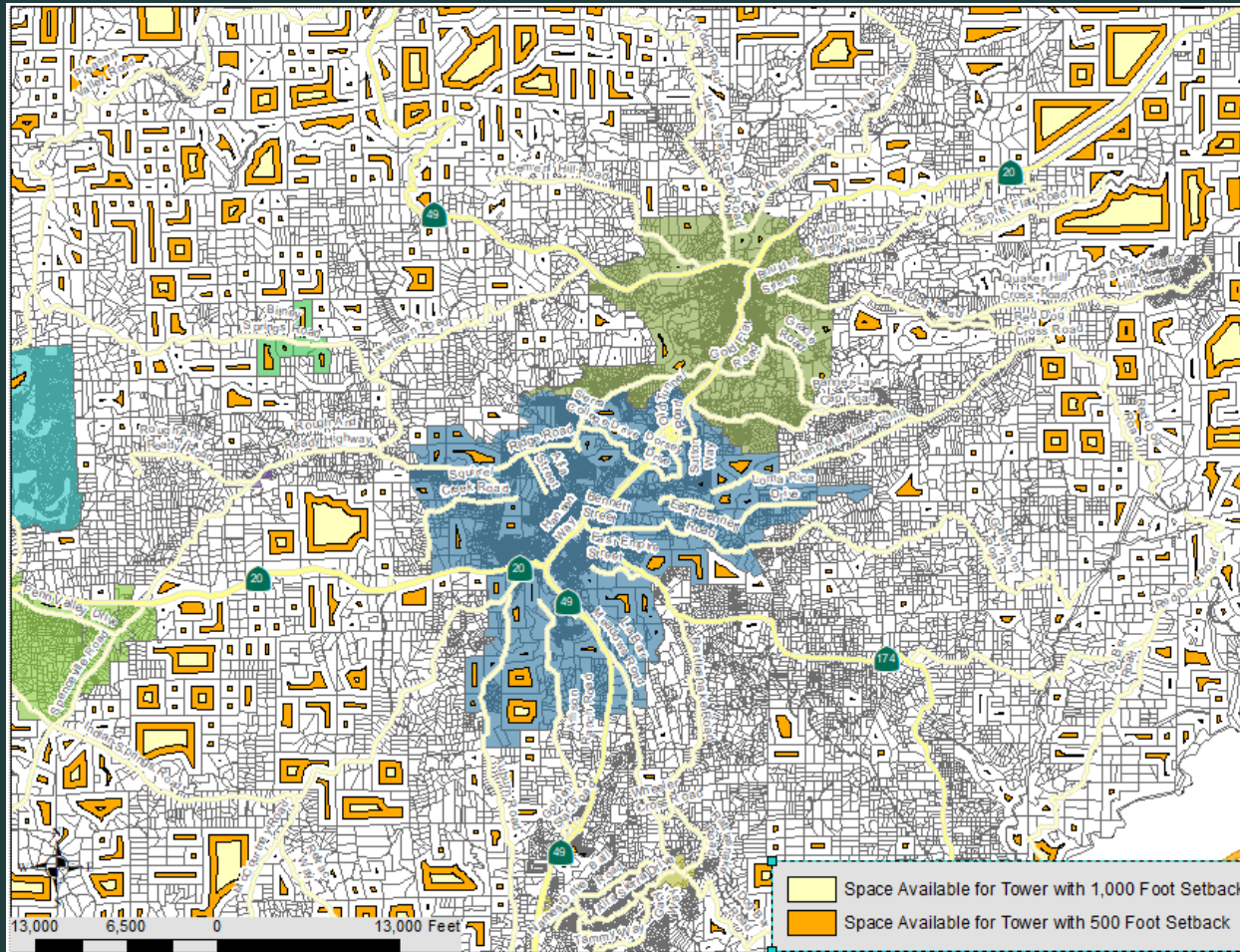


Figure 6: Grass Valley and Nevada City 500-foot setback

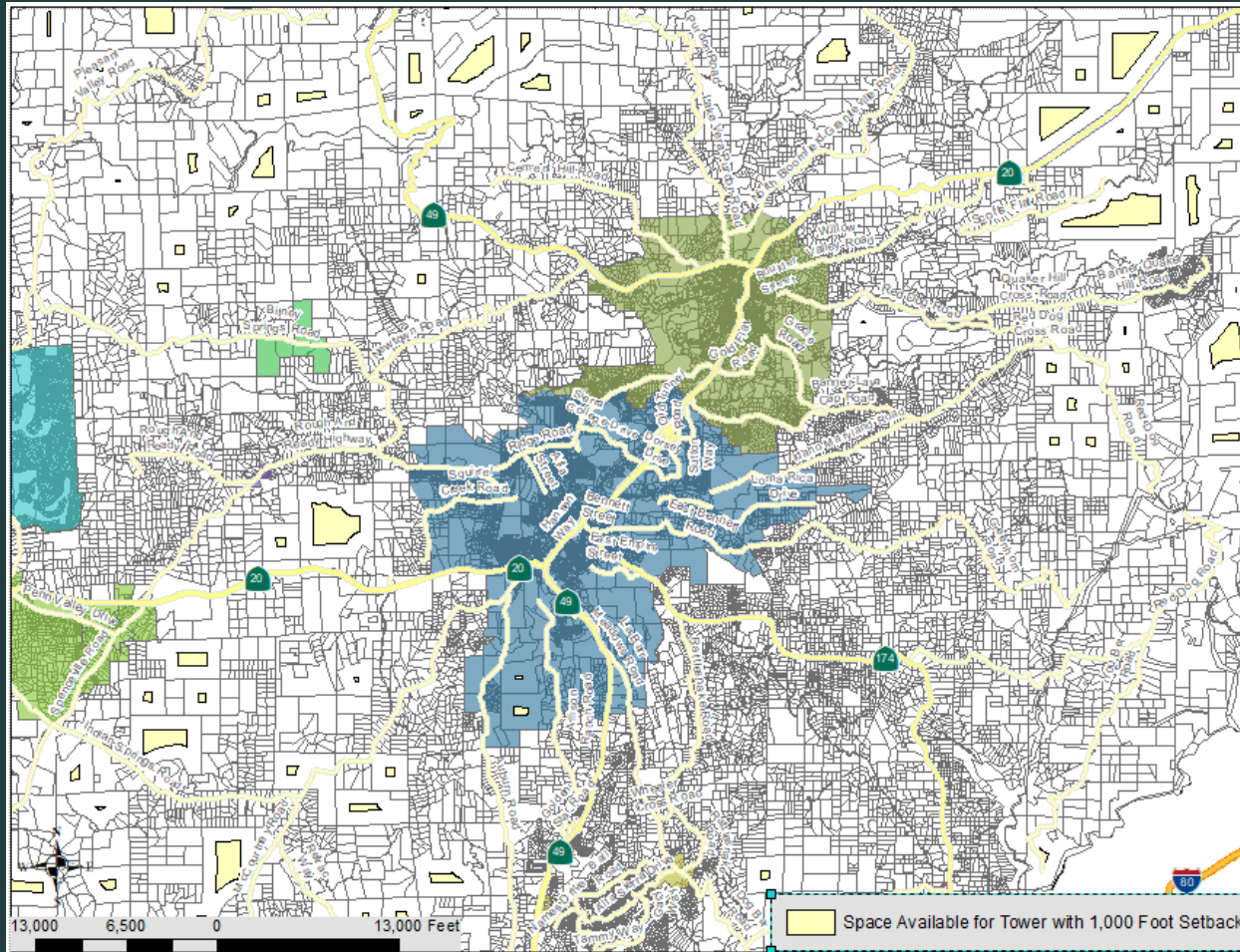


Figure 7: Grass Valley and Nevada City 1000-foot setback

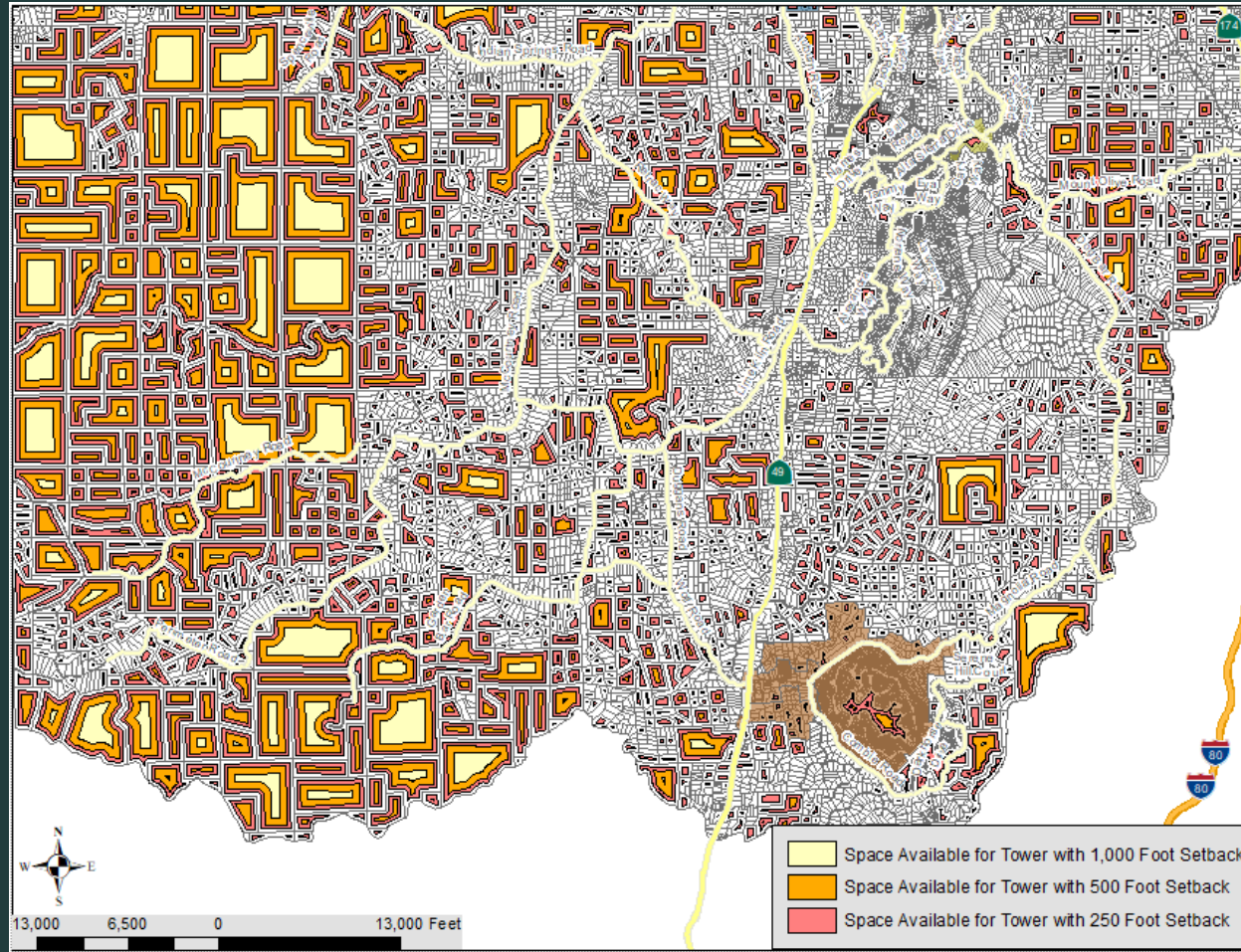


Figure 8: Southern Nevada County 250-foot setback

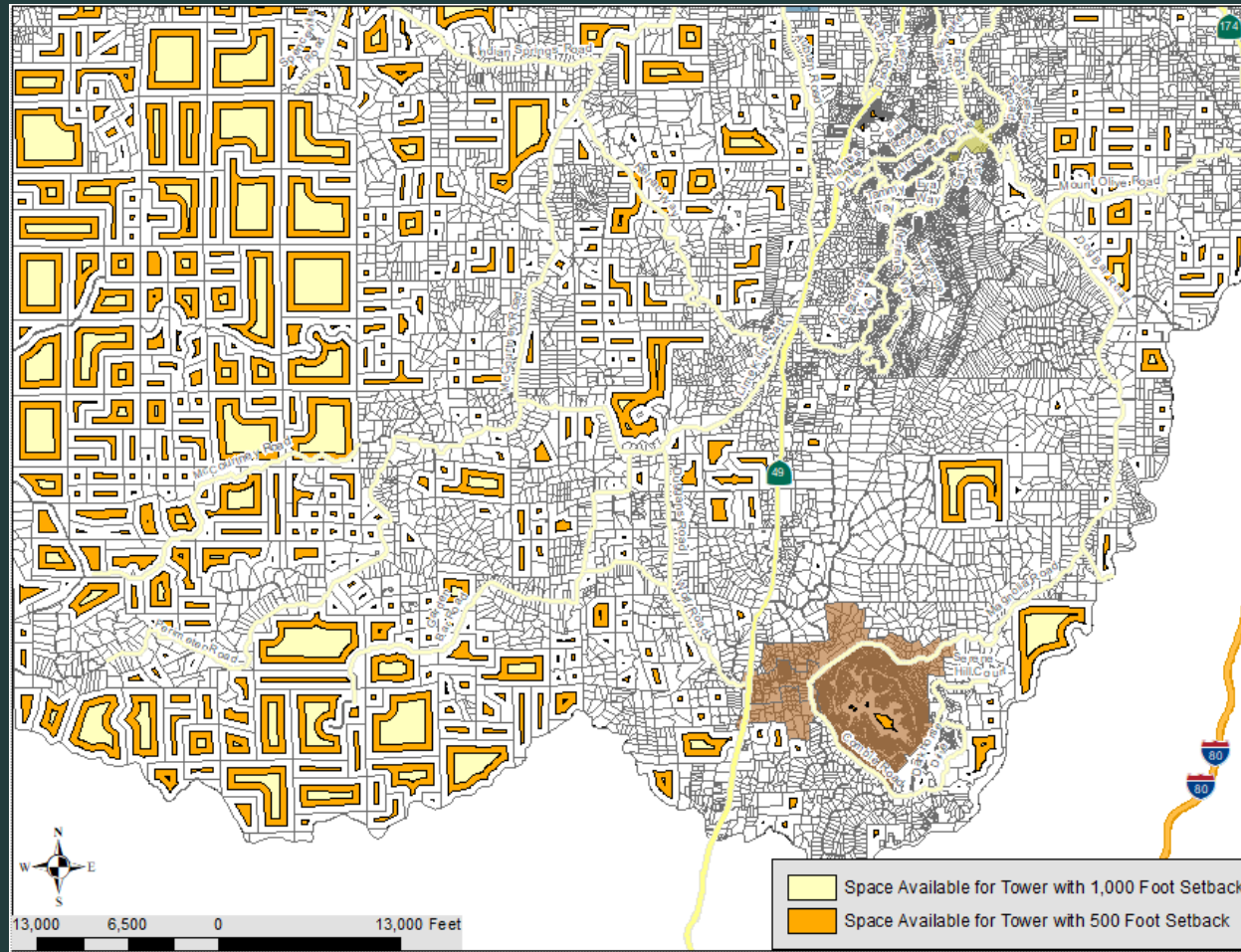


Figure 9: Southern Nevada County 500-foot setback

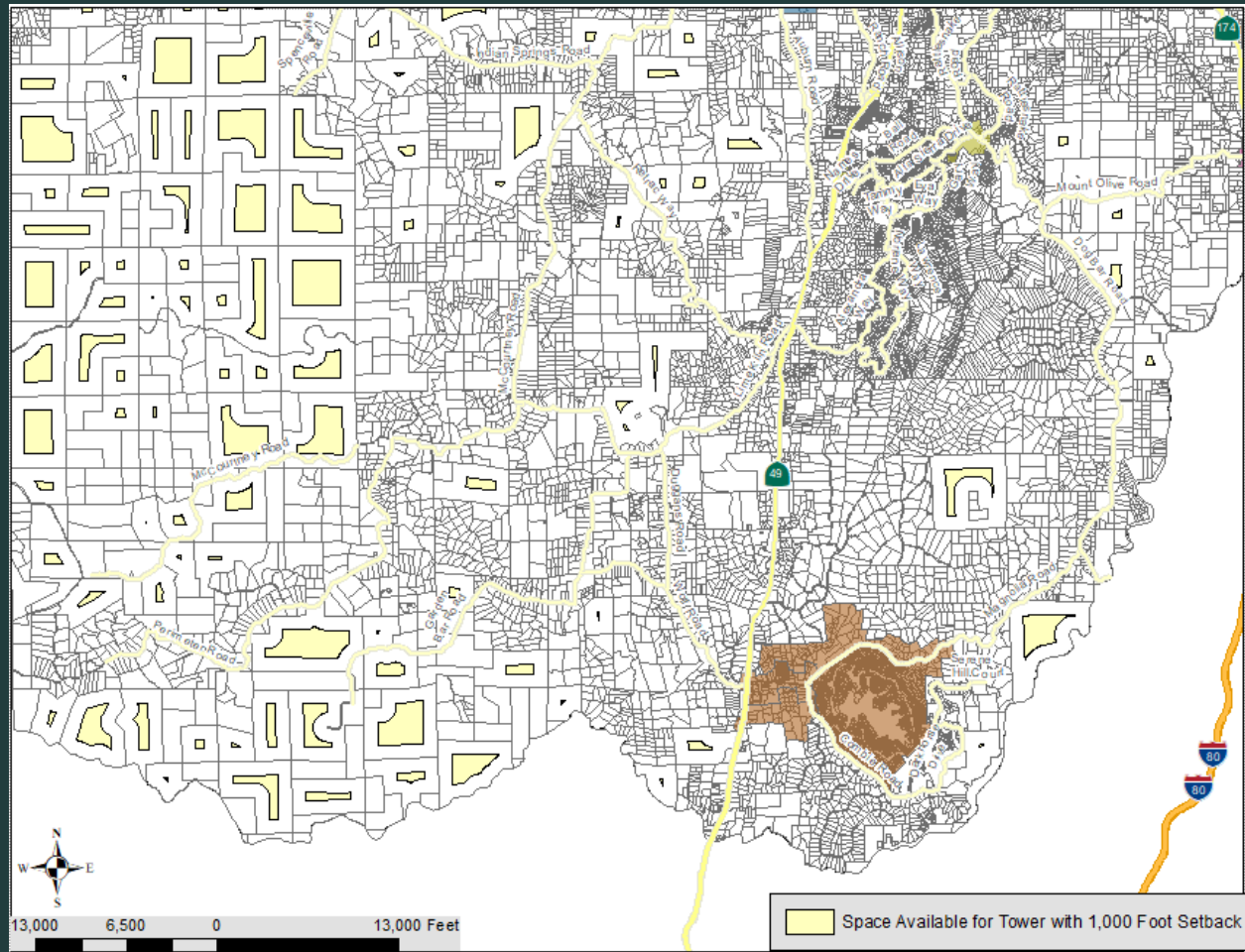


Figure 10: Southern Nevada County 1000-foot setback