



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

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

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

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

#### SECTION I:

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

#### SECTION II:

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

1. That the proposed amendments to the Zoning Ordinance are consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Code; and
2. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the Zoning Ordinance amendments are designed to ensure that communication facilities are developed and operated in a way that protects these factors; and
3. The proposed amendments have been determined to be 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), and 15308, and are also covered under Sections 15162 and 15168 related to previously certified environmental review. 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. As such, 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 and maintenance requirements, further regulatory protections and are also exempt as actions by a regulatory agency for the protection of the environment. Additionally, some facilities addressed in the amendments were previously analyzed in the February 2023 Program Environmental Impact Report, and no subsequent environmental review is required.

SECTION III:

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

SECTION IV:

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 May, 2026, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.