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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: AMENDS WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) ARTICLE 324 BY MODIFYING STANDARDS FOR EMERGENCY SERVICE COMMUNICATION FACILITIES OWNED AND OPERATED BY GOVERNMENTAL AGENCIES

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 324, by repealing sections 110.324.50(e)(11) and 110.324.50(f)(9) related to placement standards for new monopole antennas and lattice towers regulating emergency service communication facilities which are owned and operated by governmental agencies; and by adding a new section governing Emergency Service Communication Facilities which shall be permitted in all regulatory zones with an approved special use permit, and which addresses requirements for: a. General; b. Application; c. Exemptions; d. Findings; e. Right-of-Way; f. Height and Standards; g. Fencing; and h. Antenna Types; and all matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 324 of the Washoe County Development Code (Chapter 110) to repeal two sections related to placement standards for new monopole antennas and lattice towers regulating emergency service communication facilities in order to add a new section

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- governing emergency service communication facilities, as well as their locations throughout Washoe County; and
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 22-04 on March 1, 2022; and,
 - C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA21-0004 on March 1, 2022, and adopted Resolution Number 22-04 recommending adoption of this ordinance; and
 - D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
 - E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Sections 110.324.50(e)(11) and 110.324.50(f)(9) of the Washoe County Code are hereby repealed as indicated below

Section 110.324.50 Wireless Communication/Cellular Facilities Placement Standards. The following placement standards by type of antenna shall be complied with notwithstanding the preferred location and type of antenna enumerated in this section:

- (a) Facade Mounted Antenna. The placement of a facade mounted antenna shall comply with the following criteria:
 - (1) The antenna shall be architecturally integrated with its surroundings so that it appears to be an architectural feature of a building or other structure and its nature as a personal wireless service is not readily apparent.
 - (2) The antenna shall be placed above the pedestrian line-of-sight as viewed from the street or sidewalk that is nearest

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the antenna and deemed to be most parallel with the portion of the structure on which the antenna is mounted. Pedestrian line-of-sight shall be considered the horizontal view from a point five (5) feet, ten (10) inches above the nearest street or sidewalk.

- (3) To the extent possible, the antenna shall be placed on the side of a mechanical building or penthouse located on the roof of the structure.
 - (4) If it is not possible to comply with (3) above, then the antenna shall be integrated into the design of the building facade.
 - (5) The antenna shall be of a color that is compatible with the color of the facade on which it is being mounted.
 - (6) No portion of the antenna shall extend above the mid-point of a pitched or mansard roof.
- (b) Rooftop Mounted Antenna. The placement of a rooftop mounted antenna shall comply with the following criteria:
- (1) If a parapet exists on the structure on which the antenna is to be placed, the antenna shall be located behind the parapet.
 - (2) For all rooftop locations, the antenna shall be located to eliminate or minimize to the greatest extent the view of the antenna from the nearest streets that are adjacent to or closest to the parcel on which the antenna's structure is located.
 - (3) The antenna shall be of a color that minimizes its visual effect.
 - (4) The antenna(s) is limited to ten (10) feet in height above the highest point of the roof.
 - (5) If a pole is used to mount antennas, no more than six (6) antenna may be permitted on any one (1) pole.
- (c) Specialty Pole Mounted Antenna. The placement of a specialty pole mounted antenna shall comply with the following criteria:
- (1) The antenna shall not extend above the pole on which it is located more than one-third (1/3) the vertical length of the existing pole.
 - (2) When the antenna to be mounted on the specialty pole requires a separate supporting structure that is attached to the specialty pole, to the extent possible, the antenna and supporting structure shall be mounted in such a manner

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as to represent a visual extension of the existing specialty pole.

- (3) The antenna shall be of a color that is the same as the pole on which it is mounted.
 - (4) No more than six (6) antennas may be mounted on a specialty pole.
 - (5) The antenna supporting system may not exceed the limitations placed on the horizontal width of the antenna supporting system as provided in this article.
 - (6) The distance between two (2) specialty poles on which antenna are mounted or proposed to be mounted shall not be closer than one-quarter (1/4) mile unless the specialty poles are not within a line of sight of each other.
- (d) Commercial Signage Mounted Antenna. The placement of a commercial signage mounted pole antenna shall comply with the following criteria:
- (1) The antenna shall not extend above the top of the sign on which it is located more than one-third (1/3) the height of the sign face.
 - (2) The antenna shall be attached to the sign in such a manner as to represent, to the greatest extent possible, an extension of the existing sign, either vertically or horizontally.
 - (3) The antenna shall be of a color that is the same as the frame of the sign on which it is mounted.
 - (4) The antenna supporting system may not exceed the limitations placed on the horizontal width of the antenna supporting system as provided in this article.
 - (5) No more than six (6) antennas may be mounted on a pole.
- (e) Monopole Antenna. The placement of a monopole antenna shall comply with the following criteria:
- (1) Antennas shall be allowed with approval of a Special Use Permit in the High Density Rural (HDR), Medium Density Rural (MDR), Low Density Rural (LDR), Public/Semi-Public Facilities (PSP), General Commercial (GC), Neighborhood Commercial/Office (NC), Tourist Commercial (TC), Industrial (I), Parks and Recreation (PR), and Specific Plan (SP) regulatory zones. Antennas may be allowed with approval of a Special Use Permit in the Low Density Urban (LDU), Medium Density Urban (MDU), High Density Urban (HDU), Low Density Suburban (LDS), Medium Density Suburban (MDS), and High Density Suburban (HDS) regulatory zones when the antenna is

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proven by a technical review to be required to fill a "Significant Gap Coverage" as defined in Section 110.324.55. Antenna shall be limited to the building standard height for an allowed main structure plus up to ten (10) feet above that height.

- (2) Antennas shall be permitted with approval of a Special Use Permit in the General Rural (GR), General Rural Agricultural (GRA), and Open Space (OS) regulatory zones (see Open Space limitations within this article) with the placement standards depicted in Table 110.324.50.1, Antenna Placement Standards.
- (3) An additional twenty-five (25) percent pole height shall be granted if the monopole is a stealth design that may include a slim line pole, a tree or other proposed camouflaged design compatible with the surrounding area. The width of the supporting mechanism for the antenna may increase up to the additional twenty-five (25) percent to the extent that the camouflage conceals the array.
- (4) An additional ten (10) feet of height shall be granted when a collocation on an existing monopole is proposed.
- (5) To the extent possible, monopole mounted antennas shall be placed in a manner that either natural features, built features or a combination of both provide a complete background to the antenna and monopole as seen from the nearest roadway or occupied structure.

Table 110.324.50.1

ANTENNA PLACEMENT STANDARDS

| Design Standards | Distance from Residential Property | | | | | | |
|--|------------------------------------|------|------|------|--------|--------|--------|
| Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied) | 50' | 200' | 400' | 600' | 1,000' | 1,500' | 2,000' |
| Permitted Height of Pole | 45' | 50' | 60' | 70' | 80' | 90' | +100' |
| Supporting Mechanism for Antenna System | 2* | 2.5* | 3* | 4* | 5* | 6* | +7* |

Note: * = Specified number times diameter at base of pole equals allowed supporting mechanism for antenna system diameter.

Source: Washoe County Department of Community Development.

- (6) If the location of the monopole is in an area where a line of poles presently exists, the monopole and antenna shall

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be placed, to the extent possible, in line with the pattern of the other poles.

- (7) A monopole mounted antenna shall be of a color that blends with the background. Reflective materials are prohibited.
- (8) To the extent possible, a monopole shall be designed to replicate existing structures and natural features/vegetation in the immediate vicinity.
- (9) Fencing shall be erected around the monopole. In lieu of fencing, the monopole shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.
- (10) Monopole mounted antennas are restricted from being located in the following locations unless a "significant gap" (see Section 110.324.55) can be demonstrated with a technical review:
 - (i) Public trails as exist or are proposed on the adopted Regional Open Space Plan and as exist or are proposed on an adopted Washoe County Park District Master Plan and within one thousand (1,000) feet of a public trail as described in this section.
 - (ii) Floodways as designated on the adopted Washoe County Development Suitability maps.
 - (iii) Critical and Sensitive Stream Zones as identified in Article 418, Significant Hydrologic Resources.
 - (iv) Significant ridgelines as designated on the adopted Washoe County Development Suitability maps.
- (11) ~~No special use permit shall be required for the placement of a new monopole structure that is owned and operated by a governmental agency for the purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:~~
 - ~~(i) The new monopole is located at one of the established communications sites listed in section 110.324.50(f).~~
 - ~~(ii) The new monopole is located over 2,000 feet from either a paved road or from an existing residence. Also, the new monopole will not be located on or adjacent to a protected ridgeline as identified on an area plan's development suitability map.~~

- (f) Lattice Towers. Lattice towers may only be located at an established communication site as of January 1, 2004. These

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sites are commonly known as "McClellan Peak," "Chimney Peak," "Fox Mountain," "Marble Bluff," "Mt. Rose Knob," "Pah Rah Peak," "Peavine Peaks," "Poito Mountain," "Red Peak," "Slide Mountain," and "Virginia Peak."

- (1) New communication sites may be added with an amendment to the Development Code upon finding that the new communication site is needed to provide service within Washoe County and no established communication site can provide the required service.
- (2) The lattice tower shall be of a color that blends with the background. Reflective materials are prohibited.
- (3) The proposed tower may be added upon a showing that the proposed tower is required because the antenna is not able to be located on an existing tower or approved tower within the communications grid established, or to be established, by the communication provider because one of the following apply:
 - (i) The unwillingness of the owner of an existing tower to agree to collocation or to provide adequate space on the property for the equipment necessary to support additional communication antenna(s).
 - (ii) The lack of structural capacity for the antenna on an existing tower.
 - (iii) The new antenna would interfere with existing or other planned equipment on the existing tower.
 - (iv) Other unforeseen reasons which make it commercially impracticable or technically unfeasible to locate on an existing tower.
- (4) Notwithstanding subsections enumerated above, all communication providers shall first attempt to locate antenna arrays upon existing towers and structures, within six hundred (600) feet of the proposed site prior to being approved for a new tower installation. In the event that there is such a tower or structure within the distance of six hundred (600) feet, it will be incumbent upon the communication provider to demonstrate technological hardship which would discourage this cooperative land use.
- (5) Towers shall be designed to accommodate more than one (1) antenna array, and towers higher than eighty (80) feet must accommodate at least three (3) antenna arrays.
- (6) Fencing shall be erected around the tower. In lieu of fencing, the tower shall be secured with a commercial anti-climb device. The installation of the anti-climb device or

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security fencing shall assure the facility is protected from climbing by unauthorized persons.

- (7) If no permanent staff is assigned to the facility, development standards regarding parking, landscaping and screening are not required.
- (8) No signals, lights or signs shall be permitted on towers unless required by the Federal Communications Commission or Federal Aviation Administration.
- (9) ~~No special use permit shall be required for the placement of a new lattice tower that is owned and operated by a governmental agency for the purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:~~
 - ~~(i) The new lattice tower is located at one of the established communications sites listed in this section.~~
 - ~~(ii) The new lattice tower is located over 2,000 feet from either a paved road or from an existing residence. Also, the new lattice will not be located on or adjacent to a protected ridgeline as identified on an area plan's development suitability map.~~

- (g) Equipment Shelters and Cabinets. The placement of equipment shelters and cabinets for all wireless facilities shall comply with the following criteria:
 - (1) Equipment shelters and cabinets shall be of a color so as to blend with the surrounding natural and built background and siding shall be of natural materials or shall replicate the look of natural materials, including wood, stone, rock or split face block; and
 - (2) Landscaping requirements for sites shall comply with Section 110.412.40, Civic and Commercial Use Types.
- (h) Setbacks. All wireless communication facilities shall be erected in accordance with the setback requirements of the regulatory zone in which they are located (see Table 110.406.05.1, Standards).
- (i) Right-of-Way. A specialty pole mounted antenna shall be permitted in the right-of-way provided:
 - (1) A lease is executed by the responsible public body;
 - (2) The execution of the lease guarantees that placement will not impair public safety and will not impede other public uses of the right-of-way; and

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- (3) The facility complies with the provisions of this section.

SECTION 2. Chapter 110 of the Washoe County Code is hereby amended by adding a new section to Article 324 which shall read as follows:

Section 110.324.53 Emergency Service Communication Facilities.
An Emergency Service Communication Facility includes antennas mounted on structures, freestanding monopoles, and lattice towers and supporting equipment which is owned and operated by a governmental agency and used exclusively for emergency service transmitting or receiving communications.

- (a) **General.** Emergency service communication facilities shall be allowed in all regulatory zones with approval of a special use permit in accordance with Article 810, Special Use Permits, including those facilities located on sites not identified as an "established communication site" per section 110.324.50(f).
- (b) **Application.** In addition to the submittal requirements in Article 810, Special Use Permits, the applicant shall submit a statement explaining the purpose of the emergency service communication facility.
- (c) **Exemptions.** The following structures shall be exempt from the requirement to obtain a special use permit:
- (1) Antennas which are collocated on another tower or structure.
 - (2) New towers which are located at one of the following established communication sites: "McClellan Peak," "Chimney Peak," "Fox Mountain," "Marble Bluff," "Mt. Rose Knob," "Pah Rah Peak," "Peavine Peak(s)," "Poito Mountain," "Red Peak," "Slide Mountain" and "Virginia Peak."
 - (3) New towers not located at an "established communication site" that are located over 2,000 feet from either a paved road or from an existing residence.
 - (4) Replacement of existing governmental towers (monopole or lattice) to public safety grade lattice tower for the means of supporting growth in the public safety communications. The replacement tower cannot exceed the height of the existing tower by more than 10%.
- (d) **Findings.** The findings are as required for approval in Article 810, Special Use Permit; emergency service

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communication facilities are exempt from any other findings in Article 324. In addition the following findings must also be made for approval of all emergency service communication facilities:

- (1) The proposed emergency service communication facility is necessary to meet the applicant's and the public's needs.
 - (2) The proposed emergency service communication facility has adequate safety equipment and shall be constructed in such a way as to be visually compatible with uses in the general vicinity.
- (e) Right-of-Way. Emergency service communication facilities may be allowed in the public right-of-way provided:
- (1) A lease is executed by the responsible public body;
 - (2) The execution of the lease guarantees that placement will not impair public safety and will not impede other public uses of the right-of-way; and
 - (3) The facility complies with the provisions of this section.
- (f) Height and Standards. To the extent possible, emergency service communication facilities shall be placed in accordance with Table 110.324.53.1 Emergency Antenna Placement Standards.
- (1) Antennas and lattice towers shall be located in such a manner that either natural features, built features, or a combination of both provide a complete background to the facility as seen from the nearest roadway or occupied structure. In no case will the new emergency service communication facility be located on or adjacent to a protected ridgeline as identified on an area plan development suitability map.

Table 110.324.53.1

EMERGENCY ANTENNA PLACEMENT STANDARDS

| | |
|------------------|---|
| Design Standards | Distance from Residential Property 1 |
|------------------|---|

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| | | | | | | | |
|--|-----|------|------|------|--------|--------|--------|
| Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied) | 50' | 200' | 400' | 600' | 1,000' | 1,500' | 2,000' |
| Permitted Height | 50' | 60' | 70' | 80' | 90' | 100' | +140' |

1 = Distance measured from the fenced enclosure at the base of the new facility.

- (g) **Fencing.** Fencing shall be erected around the emergency service communication facility. Fencing shall be a minimum of 8-foot tall and constructed with chain link material with slats that provide at least 75 percent opacity; however, other similar screening may be approved if deemed acceptable by the Director of the Planning and Building division. In lieu of fencing, the facility shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall ensure that the facility is protected from climbing by unauthorized persons.
- (h) **Antenna Types.** All antennas and antenna support structure types, as defined in Section 110.324.40, are permissible for use as emergency service communication facilities.

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chair of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application

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thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2022.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2022.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, Chair
Washoe County Commission

ATTEST:

Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the 6th day of the month of May of the year 2022.