



Planning Commission Staff Report

Meeting Date: March 1, 2022

Agenda Item: 8C

DEVELOPMENT CODE AMENDMENT CASE
NUMBER:

WDCA21-0004 (Article 324)

BRIEF SUMMARY OF REQUEST:

Amending the Washoe Development Code (Article 324) by modifying standards related to emergency service communication facilities

STAFF PLANNER:

Julee Olander, Planner

Phone Number: 775.328.3627

Email: jolander@washoecounty.gov

CASE DESCRIPTION

Development Code Amendment Case Number WDCA21-0004 (110.324) – For hearing, discussion, and possible action to initiate an amendment to Washoe County Code 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.

If the proposed amendment is initiated, hold a public hearing and further possible action to deny or recommend approval of the proposed amendments; and if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- ♦ Location: County wide
- ♦ Dev Code: Authorized in Article 818
- ♦ Comm. District: All Districts

STAFF RECOMMENDATION

INITIATE

**INITIATE AND RECOMMEND
APPROVAL**

DO NOT INITIATE

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission initiate and recommend approval of WDCA21-0004, an amendment to Washoe County Code Chapter 110 (Development Code), Article 324, Communication Facilities, as reflected in the proposed ordinance contained in Attachment A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This initiation and recommendation for approval is based on all of the four findings in accordance with Washoe County Code Section 110.818.15(e)

(Motions with Findings on Page 7)

Staff Report Contents

Development Code Amendments	3
Background and Proposed Amendments	3
Proposed Amendments.....	4
Findings	6
Community Meeting & Public Notice	7
Recommendation.....	7
Motion.....	7
Appeal Process.....	8

Attachment Contents

Resolution and Proposed Ordinance.....	Exhibit A and Attachment A-1
Application	Exhibit B

Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The development code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the development code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The development code amendment process provides a method of review and analysis for such proposed changes. Development code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a development code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Discussion of Proposed Amendments

Washoe County Development Code, Article 324, Communication Facilities, provides the standards and requirements for communication facilities throughout Washoe County. This development code amendment proposes deleting two existing sections of code which primarily relate to placement standards for monopoles and lattice towers for emergency services communication facilities; and proposes adding a new section of code which provides that emergency services communication facilities may be located in any regulatory zone with an approved special use permit and which addresses other requirements for emergency services communication facilities.

Staff believe that the proposed amendments will provide better requirements for emergency services communication facilities, particularly where these facilities can be located.

On September 25, 2018, the Board of County Commissioners (BCC) agreed to replace the existing Land Mobile Radio (LMR) system with an updated system that utilizes nationally recognized technology, with specific requirements for emergency service communication facilities.

On April 28, 2020, the BCC adopted a code amendment which added new language to Article 324, Section 110.324.50(e)(11), Monopole Antenna and Section 110.324.50(f)(9), Lattice Towers. This amendment primarily concerned placement standards for new monopole and lattice towers which served as emergency services communication facilities. The placement standards established sites for emergency services communication facilities that are owned and operated by government agencies without the need of a special use permit. The established 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."

However, sites have now been identified for emergency services communication facilities that were not previously identified as established sites. The proposed code amendment will address non-

established sites for emergency services communication facilities that are owned and operated by government agencies and will provide requirements for these facilities. The proposed code amendments will allow emergency services communication facilities to be located in all regulatory zones with the approval of a special use permit and no longer requires these facilities to be confined to the established sites mentioned above. This update also removes the sections that were added in the 2020 code amendments. A new section, 110.324.53, has been created to address requirements for emergency services communication facilities.

Proposed Amendments

In order to provide requirements for emergency services communication facilities, Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to remove sections 110.324.50(e)(11) and 110.324.50(f)(9), which are included below:

110.324.50(e)

- (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.

110.324.50(f)

- (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.

Staff is further asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to add the following section of code:

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, and do not need to be located on sites 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) with a public safety grade lattice tower for the means of supporting growth in 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 communication facilities are exempt from other findings in Article 324; and must make the following findings for 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						
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-feet 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.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed development code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: The Master Plan establishes policies governing properties in Washoe County, which are then regulated through the development code. This amendment will provide additional standards for emergency services communication facilities. This update does not conflict with any of the policies or action programs of the Master Plan.

2. Promotes the Purpose of the Development Code. The proposed development code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the development code as expressed in Article 918, Adoption of Development Code.

Staff comment: The proposed development code amendment will allow the placement of emergency services communication facilities in non-established sites with the approval of a special use permit. The proposed development code amendment also establishes

requirements for these types of facilities. This amendment will further assist the public by providing the possibility of more emergency services communication facilities and will not adversely impact public health, safety or welfare. The proposed amendment will assist the community as it grows and provide the needed emergency services communication facilities throughout the community.

3. Response to Changed Conditions. The proposed development code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: The proposed amendment will provide requirements for emergency services communication facilities. As Washoe County has grown, additional emergency services communication facilities are needed and this amendment will better address the location of those facilities.

4. No Adverse Affects. The proposed development code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The proposed amendment will provide better requirements for emergency services communication facilities, particularly where these facilities can be located. The amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Community Meeting & Public Notice

A community meeting was held at the Washoe County complex on January 5, 2022, from 5:00 p.m. to 6:00 p.m. The meeting was held in person and by Zoom and had one attendee, with questions about the proposed changes and how the changes would impact the current requirements.

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA21-0004, to amend Washoe County Chapter 110 (Development Code) within Article 324. The following motion is provided for your consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA21-0004, to amend Washoe County Chapter 110 (Development Code), Article 324, Communication Facilities, as reflected in the proposed ordinance contained in Attachment A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed development code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed development code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a development code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

xc: Dave Solaro, Assistant County Manager
 Jennifer Gustafson, Deputy District Attorney
 Mojra Hauenstein, Planning and Building Director



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO 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.

Resolution Number 22-04

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to Washoe County Code Chapter 110 (Development Code), Article 324, regarding Emergency Service Communication Facilities, on March 1, 2022 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA21-0004, came before the Washoe County Planning Commission for a duly noticed public hearing on March 1, 2022; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA21-0004:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allows for a more desirable utilization of land within the regulatory zones; and
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on March 1, 2022.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Francine Donshick, Chair

DRAFT: February 10, 2022

WORKING COPY
INFORMATION ONLY

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

DRAFT: February 10, 2022

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 XX-XX 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-XX 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

DRAFT: February 10, 2022

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

DRAFT: February 10, 2022

- 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

DRAFT: February 10, 2022

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						
	50'	200'	400'	600'	1,000'	1,500'	2,000'
Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied)							
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

DRAFT: February 10, 2022

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

DRAFT: February 10, 2022

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

DRAFT: February 10, 2022

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

DRAFT: February 10, 2022

- (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, and do not need to be located on sites 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) with a public safety grade lattice tower for the means of supporting growth in 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

DRAFT: February 10, 2022

communication facilities are exempt from other findings in Article 324; and must make the following findings for 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						
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'

DRAFT: February 10, 2022

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-feet 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 2. 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 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

DRAFT: February 10, 2022

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
County Commission

ATTEST:

Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year _____.

Development Code Amendment Application

Section 110.324 Communication Facilities

Attachment C
Page 23

Submitted to Washoe County
December 8, 2021

ORIGINAL

Prepared for

Washoe County Technology Services

425 East Ninth Street

Reno, NV 89512

Prepared by



WDCA21-0004
EXHIBIT B

WOOD RODGERS

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

1361 Corporate Blvd • Reno, NV 89502 • Tel: 775.823.4068 • www.woodrogers.com

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Amendment of Section 110.324 Communication Facilities			
Project Description: A request to amend Section 110.324 of the Washoe County Development Code to add a section specific to Emergency Service Communication Facilities (lattice towers and monopoles) located throughout Washoe County.			
Project Address: N/A			
Project Area (acres or square feet): N/A			
Project Location (with point of reference to major cross streets AND area locator): This request is not specific to any one property or site.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name:		Name: Wood Rodgers, Inc	
Address:		Address: 1361 Corporate Blvd	
Zip:		Reno, NV Zip: 89502	
Phone:	Fax:	Phone: 775-823-5258	Fax:
Email:		Email: shuggins@woodrodgers.com	
Cell:	Other:	Cell: 775-250-8213	Other:
Contact Person:		Contact Person: Stacie Huggins	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Washoe County Regional/Technology Services		Name:	
Address: 1001 East Ninth Street		Address:	
Reno, NV Zip: 89512		Zip:	
Phone: 775-328-2348	Fax:	Phone:	Fax:
Email: QKorbulic@washoecounty.us		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Quinn Korbulic		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Development Code Amendment Application Supplemental Information

(All required information may be separately attached)

1. What section of the Washoe County Code (WCC) 110 of the Development Code is being requested to be amended?

The request is to amend Section 110.324 Communication Facilities to include a new subsection specific to Emergency Service Communication Facilities that allows new lattice towers and/or monopoles to serve government entities.

2. Provide the specific language you are seeking to delete and/or add to the Development Code?

Refer to proposed new language for "Emergency Service Communication Facilities" in Section 2 Project Description.

3. What is the purpose to amend the Development Code?

The current code Section 110.324 does not address emergency service communication facilities, as typically owned and operated by a government entity, and specifically used for transmitting or receiving emergency service communications. The intent of this code amendment is to create a new subsection within Section 110.324 with standards and requirements specific to new lattice towers and/or monopoles needed for Emergency Service Communication Facilities located throughout Washoe County.

4. Are there any negative impacts to amending this section of the Development Code?

This new subsection will not have a negative impact on the Development Code. This new section is needed to support replacement of the existing Land Mobile Radio system with current and nationally recognized technology.

While private communication facilities and wireless communication antennas are addressed in Section 110.324, standards specific to government entity owned and operated emergency service communication facilities is not included.

This new section will codify requirements specific to emergency service communication facilities owned and operated by a government agency.

Executive Summary

Applicant: Washoe County Technology Services/Regional Services

Request: This is a request to:
1) Amend Section 110.323 of the Washoe County Development Code to codify requirements specific to emergency service communication facilities.

Location: Throughout Washoe County

Project Request:

On September 25, 2018, the Board of County Commissioners authorized an agreement to replace the existing Land Mobile Radio (LMR) system with a system of current and nationally recognized technology with requirements specific to emergency service communication facilities. The new system will replace the current system that was designed and built in the early 2000's and no longer provides adequate radio coverage in areas that have been or are planned to be developed over the next 15 – 20 years. The LMR project will allow the Nevada Department of Transportation (NVDOT), Washoe County Regional Communication System (WCRCs) and NV Energy, to continue working together through the Nevada Shared Radio System (NSRS), a state-wide radio system, with infrastructure owned and maintained by each entity. The NSRS is only accessible on communication equipment used by key public service officials, public safety officials and private safety services statewide.

As a part of the new LMR system, new updated infrastructure such as communication facilities and/or antennas are necessary. On April 28, 2020, the Washoe County Board of County Commissioners adopted an ordinance amending Chapter 110.324 by adding new language to establish placement standards regulating emergency communication facilities which are owned and operated by Governmental Agencies. The amendment included the removal of a special use permit for government entities for certain monopoles or lattice towers operated for purposes of emergency communication systems, however, the amended code section limits the location of lattice towers to sites established as of January 1, 2004.

A number of the sites identified by Washoe County require lattice tower equipment but are not located on or at an established site and therefore are not permitted per the current code. At the risk of identifying a limited number or location of specific sites, Washoe County Regional Communications is proposing a new section that will allow lattice towers on non-established sites specific to Emergency Service Communication Facilities that are operated by a government agency.

A copy of the proposed code revisions is provided following the Findings below.

Findings

Washoe County Code Section 110.808.15(e) requires the Planning Commission to make at least one of the following findings of fact to recommend approval of the request. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

- 1) **Consistency with Master Plan.** The proposed Development Code amendment is in substantial compliance with her policies and action programs of the Washoe County Master Plan.

Response: *The Master Plan establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. This specific amendment is in substantial compliance with and consistent with appropriate Master Plan policies and will modify regulations addressing the placement of emergency service communication facilities, including antennas.*

- 2) **Promotes the Purpose of the Development Code.** The proposed Development Code amendment will not adversely impact the public health, safety or welfare and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Response: *The proposed amendment will not create adverse impacts to the public health, safety or welfare as the new code section provides specific criteria regarding aesthetics and permitting related to emergency service communication facilities owned or operated by government entities throughout Washoe County. The proposed amendment is in keeping with the original purpose of the Development Code as noted in Section 110.918 and promotes public health, safety and general welfare by updating the current interagency communication system with current and nationally recognized technology.*

This new technology will ensure statewide communications needed for daily operations, interagency communication, and emergency communication continue to be available. Because the current Development Code primarily focuses on private communication antennas or wireless communication facilities, a new code section with specific standards related to emergency service communication facilities, owned and operated by government entities, is needed.

- 3) **Response to Changed Conditions.** The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allows for a more desirable utilization of land within the regulatory zones.

Response: *On September 25, 2018, the Board of County Commissioners approved an agreement with Harris Corporation to replace the entire Land Mobile Radio (LMR) system with a system of current and nationally recognized technology. On April 28, 2020, the Washoe County Board of County Commissioners adopted an ordinance amending Chapter 110.324 by adding new language to establish placement standards regulating emergency communication facilities which are owned and operated by Governmental Agencies. The amendment included the removal of a*

special use permit for government entities for certain monopoles or lattice towers operated for purposes of emergency communication systems, however, the amended code section limits the location of lattice towers to sites established as of January 1, 2004. The proposed code amendment responds to the BCC approval and allows emergency service communication facilities (lattice towers and/or monopoles) on sites not previously established in Code that are owned and/or operated by government entities.

- 4) **No Adverse Affects.** The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population element of the Washoe County Master Plan.

Response: *The amendment relates to the use, location, aesthetics and permitting of emergency service communication facilities owned and operated by Government agencies and will not adversely affect the policies and action programs of the Conservation or Population element of the Washoe County Master Plan.*

Section 110.324.XX Emergency Service Communication Facilities: General. 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.

Emergency service communication towers (monopole or lattice) shall be permitted with approval of a special use permit in all regulatory zones including sites not identified as an “established site” per Section 110.324 (f).

- (a) **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.
- (b) **Exemptions.** The following uses shall be exempt from the requirements of 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 communications 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 site” that are located over 2,000 feet from either a paved road or from an existing residence.
 - (4) Replacement of existing governmental monopoles to public safety grade lattice tower for the means of supporting growth in the public safety communications.
- (c) **Findings.** In addition to the findings required for approval in Article 810, Special Use Permit, the following findings must be made for approval of all emergency service community facilities:
 - (1) The proposed emergency service communication antenna is necessary to meet the applicant’s and the public’s needs.
 - (2) The proposed emergency service communication antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.
- (d) **Location.** Emergency service communication facilities may be permissible in all regulatory zones with approval of a Special Use Permit.
- (e) **Right-of-Way.** Emergency service communication facilities may be permissible 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
 - (3) The facility complies with the provisions of this section.
- (f) **Height and Standards.** To the extent possible, antennas (monopole or lattice) shall be placed in accordance with Table 110.324.50.2 ANTENNA PLACEMENT STANDARDS. Antenna’s shall be located in a manner that either natural features, built features or a combination of both provide a complete background to the antenna as seen from the nearest roadway or occupied structure. In no case will the new antenna be located on or adjacent to a protected ridgeline as identified on an area plan development suitability map.

Table 110.324.50.2
ANTENNA PLACEMENT STANDARDS

Design Standards	Distance from Residential Property ¹						
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 antenna. Fencing shall be a minimum of 8-feet tall and constructed with chain link material with slats that provide at least 75 percent opacity; other similar screening may be approved if deemed acceptable by the Director of Planning and Building. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility protected from climbing by unauthorized persons.
- (h) **Antenna Types.** All antennas and antenna support structure types, as defined on Section 110.324.40, are permissible for use as emergency service communication facilities.