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Reno Gazette-Journal

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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **07/16/04 - 07/23/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed:

Julia Ketcham



Tana Cicotti

JUL 26 2004

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1242 NOTICE IS HEREBY GIVEN THAT: Bill No. 1422, Ordinance No. 1242 entitled "An Ordinance amending provisions relating to Washoe County Code Chapter 110, Article 324, communications facilities, by removing restrictions regarding placement of private satellite dishes and updating standards for the placement of commercial satellite dishes in response to technological advances in the field; to update standards for the tower height of private communications antennas to provide consistency with wireless facilities; to provide new definitions where appropriate, to specify wireless facilities in order of placement preference; to establish development standards for wireless communication facilities (cellular facilities) in response to the 2003 legislative session changes to statutes prohibiting the issuance of discretionary permits for wireless facilities; to include specific permit submittal requirements to support administrative decisions for establishment of a communication site; to establish an appeal process of administrative decisions as mandated by State law in regard to wireless communication facilities; to provide a mechanism to recoup actual costs incurred by the County for expert technical review of wireless facilities, providing for property owner notice prior to issuance of building permit for all wireless facilities, providing for a mandated discretionary

permit for wireless monopoles and lattice towers, and other matters properly relating thereto.”
was adopted on July 13, 2004 by Commissioners Galloway, Humke, Sferrazza, Shaw and
Weber. This ordinance shall be in full force and effect from and after July 23, 2004.

Typewritten copies of the ordinance are available for inspection by all interested persons at the
office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY

HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners

No.433591 July 16, 23, 2004

SUMMARY: Amends Washoe County Code by removing restrictions for placement of private satellite dishes, updating standards for commercial satellite dish and private communication antennas placement and bringing development standards, review and notice for all wireless communication facilities and providing for a discretionary permit for monopoles and towers to bring wireless communications into conformance with Nevada Revised Statutes, and other matters properly relating thereto.

BILL NO. 1422

ORDINANCE NO. 1242

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATIONS FACILITIES, BY REMOVING RESTRICTIONS REGARDING PLACEMENT OF PRIVATE SATELLITE DISHES AND UPDATING STANDARDS FOR THE PLACEMENT OF COMMERCIAL SATELLITE DISHES IN RESPONSE TO TECHNOLOGICAL ADVANCES IN THE FIELD; TO UPDATE STANDARDS FOR THE TOWER HEIGHT OF PRIVATE COMMUNICATIONS ANTENNAS TO PROVIDE CONSISTENCY WITH WIRELESS FACILITIES; TO PROVIDE NEW DEFINITIONS WHERE APPROPRIATE, TO SPECIFY WIRELESS FACILITIES IN ORDER OF PLACEMENT PREFERENCE; TO ESTABLISH DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION FACILITIES (CELLULAR FACILITIES) IN RESPONSE TO THE 2003 LEGISLATIVE SESSION CHANGES TO STATUTES PROHIBITING THE ISSUANCE OF DISCRETIONARY PERMITS FOR WIRELESS FACILITIES; TO INCLUDE SPECIFIC PERMIT SUBMITTAL REQUIREMENTS TO SUPPORT ADMINISTRATIVE DECISIONS FOR ESTABLISHMENT OF A COMMUNICATION SITE; TO ESTABLISH AN APPEAL PROCESS OF ADMINISTRATIVE DECISIONS AS MANDATED BY STATE LAW IN REGARD TO WIRELESS COMMUNICATION FACILITIES; TO PROVIDE A MECHANISM TO RECOUP ACTUAL COSTS INCURRED BY THE COUNTY FOR EXPERT TECHNICAL REVIEW OF WIRELESS FACILITIES, PROVIDING FOR PROPERTY OWNER NOTICE PRIOR TO ISSUANCE OF BUILDING PERMIT FOR ALL WIRELESS FACILITIES, PROVIDING FOR A MANDATED DISCRETIONARY PERMIT FOR WIRELESS MONOPOLES AND LATTICE TOWERS, AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

Article 324, "Communication Facilities" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 15th day of JUNE, 2004.

Proposed by Commissioner HAMKE.

Passed on the 13th day of JULY, 2004.

Vote:

Ayes: GALLOWAY, HUMKE, SFERRAZZA, SHAW & WEBER

Nays: NONE

Absent: NONE

James M. Shaw
James M. Shaw, Chairman
Washoe County Commission

ATTEST

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 27th day of JULY, 2004

Article 324 COMMUNICATION FACILITIES

Sections:

110.324.00	Purpose
110.324.05	Exemptions
110.324.10	Commercial Satellite Dish Antennas: Ground Mounted
110.324.15	Commercial Satellite Dish Antennas: Roof Mounted
110.324.20	Private Communication Antennas: General
110.324.25	Private Communication Antennas: Front Yard
110.324.30	Private Communication Antennas: Additional Height
110.324.35	Commercial Antennas
110.324.40	Wireless Communication/Cellular Facilities: Definitions
110.324.45	Wireless Communication/Cellular Facilities Preferred Placement
110.324.50	Wireless Communication/Cellular Facilities Placement Standards
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110.324.60	Wireless Communication/Cellular Permitting Requirements
110.324.65	Denial Requirements
110.324.70	Appeals
110.324.75	Special Use Permit Required - Findings.
110.324.80	Assessments for Actual Costs Insured
110.324.85	Variances

Section 110.324.00 Purpose. The purpose of this article, Article 324, Communication Facilities, is to set forth the regulations for antenna systems and wireless communication facilities consistent with applicable directives and standards issued by the Federal Communication Commission (FCC), the Federal Aviation Administration (FAA) and contained within Nevada Revised Statutes (NRS). Health and safety concerns related to antennas and wireless communication facilities include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along rights-of-way, and discouraging access to attractive nuisances by unauthorized people. An additional intent of this article is to balance the need for a seamless, ubiquitous, and reliable personal wireless services network with the local interest in protecting public safety and maintaining high aesthetic standards. Aesthetic concerns related to antennae and wireless communication facilities include limiting visual clutter and assuring that aesthetic ramifications of placement are considered for neighborhoods, roadways, ridgelines, parks and public trail systems.

[Amended by Ord. 890, provisions eff. 11/29/93; Ord. 1004, provisions eff. 1/30/98.]

Section 110.324.05 Exemptions. The following antenna systems are exempt from this article:

- (a) Residential Television Reception Aerial Antennas. Television reception aerial antenna systems that are designed to receive locally transmitted television signals for personal use within a residential dwelling unit are exempt from the provisions of this article.

- (b) Small Diameter Satellite Dish Antenna Systems. Television, radio and internet reception satellite dish antenna systems that are thirty-six (36) inches or less in diameter are exempt from the provisions of this article.

[Added by Ord. 890, provisions eff. 11/29/93.]

Section 110.324.10 Commercial Satellite Dish Antennas: Ground Mounted. A satellite dish antenna may be mounted on the ground in non-residential regulatory zones in accordance with this section.

- (a) Satellite Dish Size. The satellite dish antenna shall not exceed thirty-six (36) feet in diameter.
- (b) Mounting Support Height. The satellite dish mounting support structure shall not exceed a height of seventeen (17) feet above the ground surface.
- (c) Motor Noise. Any driving motor shall be encased in protective guards and muffled against noise.
- (d) Screening. Screening is required for all satellite dish antennas that exceed ten (10) feet in diameter, located in non-residential regulatory zones adjacent to residentially zoned property. The required screening shall shield views of the satellite dish antenna from the adjacent residential parcels. The satellite dish antenna may be screened around the base of the antenna or along the common property line. A waiver from the screening requirement can be obtained pursuant to Article 804, Variances, if the satellite dish antenna is sufficiently set back from the residential parcel to minimize its impact.
- (e) Front Yard Placement. A satellite dish antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this subsection:
- (1) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of the Director of Community Development;
 - (2) The applicant shall demonstrate that locating the satellite dish antenna in the area between the face of the building and the side or rear property line would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant;
 - (3) The applicant shall demonstrate that locating the satellite dish antenna in the required front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets;
 - (4) Location in the area between the face of the building and the side or rear property line prevents the commercial satellite dish antenna from receiving a complete signal; and
 - (5) Location of the satellite dish antenna in the area between the face of the building and the front property line does not visually impact surrounding properties.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 959, provisions eff. 7/26/96 Renumbered from 110.324.10 and amended by Ord. 890, provisions eff. 11/29/93.]

Section 110.324.15 Commercial Satellite Dish Antennas: Roof Mounted. A satellite dish antenna may be mounted on the roof of a building structure in non-residential regulatory zones in accordance with the provisions of this section.

- (a) Dish Size. In all non-residential regulatory zones, the dish shall not exceed thirty-six (36) feet in diameter.
- (b) Support Structure Height. The satellite dish antenna mounting support structure shall not exceed a height of seventeen (17) feet above the roof surface, regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line.
- (c) Screening. The base of the satellite dish antenna and driving motor shall be screened at the discretion of the Director or Community Development or his authorized representative.
- (d) FCC and FAA Regulations. The size and height of the satellite dish antenna shall be in compliance with all FCC and FAA regulations.
- (e) Minimal Visual Impact. The satellite dish antenna, including guy wires, supporting structures and accessory equipment, is located and designed so as to minimize the visual impact on surrounding properties and from public streets.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered from 110.324.15 and amended by Ord. 890, provisions eff. 11/29/93]

Section 110.324.20 Private Communication Antennas: General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) Height. The retractable height of a private communication antenna is limited to the height limitation of a main structure allowed in the regulatory zone in which the antenna is erected with a bonus of up to ten (10) feet.
- (b) Location. Private communication antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Private communication antennas may be placed in the front area of the parcel between the property line and the face of the building provided the setback from the front property line listed in this article is maintained, and if an administrative permit consistent with this article is obtained.
- (c) Setback. Private communication antennas shall maintain the setbacks of the regulatory zone in which they are located.
- (d) Commercial Anti-Climb Device or Security Fencing. Fencing shall be erected either around the entire side and rear of the property or around the private communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the non-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.

- (e) **Building Code.** All private communication antenna support structures require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.20 "Private Antennas: General" and amended by Ord. 890, provisions eff. 11/29/93]

Section 110.324.25 Private Communication Antennas: Front Yard. A private communication antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section.

- (a) **Application.** In addition to the submittal requirements as stated in Article 808, Administrative Permits, the applicant shall demonstrate that:

- (1) Locating the private communication antenna in the area between the face of the building and the front property line does not impair the required line-of-sight from adjacent driveways or streets;
- (2) Fencing shall be erected around the private communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the non-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons; and
- (3) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna.

- (b) **Administrative Permit Findings.** In addition to those findings required in Article 808, Administrative Permits, for placement of a private communication antenna in the front area of a parcel, the following findings shall be made:

- (1) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna;
- (2) Locating the private communication antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets; and
- (3) Mitigation has been provided for visual impacts to the neighborhood.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.25 "Private Antennas: Front Yard" and amended by Ord. 890, provisions eff. 11/29/93]

Section 110.324.30 Private Communication Antennas: Additional Height. A private communication antenna support structure may exceed the height restrictions within this article if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section:

- (a) **Application.** In addition to the submittal requirements in Article 808, Administrative Permits, the application shall state the reason why the additional height of the private communication antenna support structure is necessary.

- (b) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, the following findings must be made:
- (1) The height of the private communication antenna support structure is necessary to receive or transmit a signal that meets the applicant's needs; and
 - (2) The height of the private communication antenna support structure shall be in compliance with all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.30 "Private Antennas: Height" and amended by Ord. 890, provisions eff. 11/29/93]

Section 110.324.35 Commercial Antennas. Commercial antennas, excluding wireless communication facilities, but including satellite dishes, used for commercial broadcasting/receiving purposes are a principal use subject to the issuance of a special use permit and are classified under the commercial antennas use type in Article 304, Use Classification System. Where a commercial antenna is collocated with a wireless communication facility, the permitting process of the commercial antenna will take precedence. These antennas shall comply with the provisions of this section.

- (a) General. Commercial antennas are subject to the following provisions:
- (1) A commercial antenna shall be located a minimum distance from all property lines equal to forty (40) percent of the height of the antenna support structure [i.e. a one-hundred (100)-foot-tall commercial antenna shall be a minimum of $(0.40 \times 100 =)$ 40 feet from any property line];
 - (2) All commercial antennas require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code; and
 - (3) Fencing shall be erected either around the entire side and rear of the property or around the private communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the non-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.
- (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 commercial antenna, including if the antenna is to be used for new or existing service and the proposed access route for the antenna site.
- (c) Findings. In addition to the finding required for approval in Article 810, Special Use Permits, the Planning Commission shall make the following findings:
- (1) The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
 - (2) The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity; and

- (3) The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered from 110.324.35 and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1004, provisions eff. 1/30/98.]

Section 110.324.40 Wireless Communication/Cellular Facilities: Definitions. Wireless communication facilities, including antennas mounted on structures and freestanding monopoles and lattice towers and supporting equipment which are used for the commercial broadcasting/receiving of telecommunication transmissions that are regulated under the Telecommunications Act of 1996 are a principal use and are classified under the communication facilities use type in Article 304, Use Classification System. The following definitions apply to the regulation of wireless communication facilities contained in this article:

- (a) **Antenna.** An antenna is defined for the purposes of Sections 110.324.40 through 110.324.80 as a device that transmits and/or receives an electronic signal for the purposes of facilitating the communication of personal wireless services that has the meaning ascribed to it in 47 U.S.C. § 332(c)(7)(C) as that provision existed on July 1, 2003.
- (1) **Antenna Supporting Structure.** An antenna supporting structure is a structure that supports all radiating arrays and antennas for a communications system.
- (2) **Commercial Signage Mounted Antenna.** A commercial signage mounted antenna means a communications receiving and/or transmitting device that is attached to an on-site free-standing sign that has been lawfully erected.
- (3) **Facade Mounted Antenna.** A facade mounted antenna means a communications receiving and/or transmitting device that is attached to the side of a lawfully constructed structure. A lawfully constructed structure includes a building housing mechanical equipment, a utility service structure or a penthouse that is placed on the roof of a building.
- (4) **Lattice Tower Mounted Antenna.** A lattice tower mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing or guyed lattice structure that is erected for the purposes of supporting one (1) or more antennas.
- (5) **Monopole Mounted Antenna.** A monopole mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing pole that is erected for the purposes of supporting one (1) or more antennas.
- (6) **Rooftop Mounted Antenna.** A rooftop mounted antenna means a communications receiving and/or transmitting device that is attached to the roof of a lawfully constructed structure.
- (7) **Slim Line Pole.** A slim line pole is a ground mounted, free-standing communications receiving and/or transmitting device with flush mounted antenna.

- (8) Specialty Pole Mounted Antenna. A specialty pole mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing pole that is erected for another purpose, such as a flag pole, lamp post, or ball field backstop support.
- (b) Collocation. Collocation means siting antennas owned and/or operated by separate companies on the same antenna supporting structure, monopole, lattice tower or specialty pole. Collocation may include adding antenna to an existing facility by a separate company or the construction of a facility planned for the use of several separate companies.
- (c) Equipment Shelter/Cabinet. An equipment shelter/cabinet is an enclosure that houses supporting equipment for an antenna that is located on the same parcel or structure as the equipment shelter/cabinet.
- (d) Stealth Design. Stealth Design means a wireless communications facility's support structure, antennas or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible by virtue of being camouflaged as another common structure, for example, a clock tower, silo, church steeple or tree.
- (e) Wireless Communication Facility. A wireless communication facility means all antennas and antenna supporting equipment such as poles, shelters or cabinets.

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03.]

Section 110.324.45 Wireless Communication/Cellular Facilities Preferred Placement. As a policy of Washoe County, the following types and locations of antennas are preferred in descending order. In the case of antennas (d) through (j) the wireless carrier must certify that alternatives (a) through (c) were not available and present a justification in the application packet indicating why alternatives (a) through (c) were not chosen.

- (a) Facade Mounted Antenna. Facade mounted antenna on a building used for commercial or industrial purposes, a building located in a commercial or industrial regulatory zone (General Commercial-GC, Tourist Commercial-TC, Neighborhood Commercial/Office-NC, Industrial-I, Parks and Recreation-PR, Public/Semi-Public Facilities-PSP), or on a structure used for utility purposes in any regulatory zone.
- (b) Rooftop Mounted Antenna. Rooftop mounted antenna on a building used for industrial or commercial purposes, a building located in a commercial or industrial regulatory zone (General Commercial-GC, Tourist Commercial-TC, Neighborhood Commercial/Office-NC, Industrial-I, Parks and Recreation-PR, Public/Semi-Public Facilities-PSP), or on a structure used for utility purposes.
- (c) Collocation. Collocation of a new antenna on an existing facility in any land use designation.
- (d) Specialty Pole Mounted Antenna. Specialty pole mounted antenna on a pole used for public, utility or communication, other than wireless communication, purposes.

- (e) Facade Mounted Antenna. Facade mounted antenna on a building used for any purpose other than those in (a).
- (f) Rooftop Mounted Antenna. Rooftop mounted antenna on a building used for any purpose other than those in (b).
- (g) Specialty Pole Mounted Antenna. Specialty pole mounted antenna on a pole used for any purpose other than those in (d).
- (h) Commercial Signage Mounted Antenna. Commercial signage mounted antenna.
- (i) Slim Line Monopole Mounted Antenna. Monopole mounted antenna utilizing a slim line design.
- (i) Monopole Mounted Antenna. Monopole mounted antenna utilizing an antenna supporting structure.
- (k) Lattice Tower. Lattice tower mounted antenna within an established communication site.

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 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 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 in all Rural Residential, 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 in Urban Residential and Suburban Residential regulatory zones when the antenna is 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 in the General Rural (GR) and Open Space (OS) land use designations (see Open Space limitations within this article) with the placement standards depicted in Table 110.324.50.1 below:

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 = allowed supporting mechanism for antenna system diameter.

Source: Washoe County Department of Community Development.

- (3) An additional twenty-five (25) percent pole height shall be granted if the monopole is a stealth design that may include a slimline 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.

- (6) If the location of the monopole is in an area where a line of poles presently exists, the monopole and antenna shall 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 non-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 Steam Zones as identified in Article 418, Significant Hydrologic Resources.
 - (iv) Significant ridgelines as designated on the adopted Washoe County Development Suitability maps.
- (f) Lattice Towers. Lattice towers may only be located at an established communication site as of January 1, 2004. These 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 located antenna arrays upon existing towers and structures, within six hungred (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 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 non-climb devise or 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 Communication Commission or Federal Aviation Administration.
- (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 Landscaping, 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
 - (3) The facility complies with the provisions of this section.

Section 110.324.55 Significant Gap Coverage. A significant gap for purposes of this Article shall include a "white area" where no cellular service from any carrier is available. A wireless cellular facility shall be permitted at any location if the applicant can demonstrate by technical studies that:

- (a) The facility is for personal wireless service as defined by applicable federal statutes or regulations;
- (b) A facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of personal wireless service; and
- (c) That the facility and the location proposed is therefore eligible for the following increase in allowable height of a monopole:
 - (i) The height of the antenna shall be limited to the building standard height for an allowed main structure plus up to ten (10) feet above that height in any residential regulatory zone; or
 - (ii) Table 110.324.55.1 is applied.

Table 110.324.55.1

SIGNIFICANT GAP ANTENNA POLE HEIGHT

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'
Bonus Allowed	10'	15'	20'	25'	30'	35'	40'
Total Permitted Height of Pole	55'	65'	80'	95'	110'	125'	140'+

Source: Washoe County Department of Community Development

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03.]

[Added by Ord. 1004, provisions eff. 1/30/98.]

Section 110.324.60 Wireless Communication/Cellular Facilities Permitting Requirements.

- (a) Information Required Prior to Issuance of Any Permit. In addition to the requirements of the Building and Safety Department, the following information must be provided to the Department of Community Development before any permit can be issued for the construction and installation of a wireless communication/cellular facility:
- (1) Site plan.
 - (2) If the wireless facility is not within the County's preferences identified in subsections (a) through (c) of Section 110.324.45, (facade mounted, rooftop mounted or collocation on existing facility), a justification as to why these were either not available or not chosen.
 - (3) Map identifying alternate sites that were considered by the applicant, with a justification by a competent professional for the requested site.
 - (4) Type of antenna and support structure.
 - (5) Exact location of antenna and support structure.
 - (6) Exact location of equipment shelter and/or cabinet.
 - (7) Height of antenna and horizontal width of supporting mechanism for antenna system.
 - (8) Whether antenna is being collocated.
 - (9) Whether antenna and equipment shelter/cabinet is being codeveloped.
 - (10) Siting and screening of antenna(s) to minimize visual impact.
 - (11) Copy of the Federal Communication Commission (FCC) license or construction permit.
 - (12) Color palette.
 - (13) Certification by a competent professional that the facility complies with Federal Communications Commission regulations for radio frequency emissions and plan for periodic recertification of compliance.
 - (14) In the case of a request to locate in the public right-of-way, a certification that the facility meets all applicable requirements of Nevada and Washoe County for use of public right-of-way and a copy of the encroachment permit and lease agreement.
 - (15) A minimum of eight (8) panoramic, true color photographs. The photographs must display the north, south, east and west views of the site and views of the adjacent properties. The Director of Community Development shall determine the final choice of color for the structure from a color palette submitted by the applicant. The color chosen shall

blend with the background and surroundings and best meet the intent of this subsection.

- (16) Landscape plans.
 - (17) Property owner's assurance shall be provided which includes a document signed and acknowledged by the property owner, accompanied by a recordation fee in the amount shown on the County Recorder's fee schedule, assuring the removal of the wireless facility should the facility's use be discontinued for twelve (12) months. The document shall include the property owner's permission, under such circumstances, for the County to enter onto the property and remove the facility, if feasible, with the cost thereof to constitute a lien against the property. If such removal is not feasible, the County may obtain a court order requiring the removal.
- (b) Administrative Review of Application. Within ten (10) working days of receipt of the complete application, the Director of Community Development or his authorized representative shall review the complete application to determine whether it is in full compliance with the standards as enumerated in this article. In the event that the applicant requests a permit for a facility under Section 110.324.45, 110.324.50, 110.324.55 or other technical review requirement, the Director of Community Development or his authorized representative shall retain a technical expert within ten (10) working days to review the justification. Such technical review shall be completed within a timely manner by the technical expert but in no case more than thirty (30) days.
 - (c) Public Notice Required. Prior to the issuance of a building permit for any wireless facility, notice shall be provided in accordance with Section 110.808.25 (Special Use Permit) Notice.

Section 110.324.65 Denial Requirements. If upon review by the Director of Community Development or his authorized representative to permit construction of a facility for personal wireless service is denied, Director of Community Development or his authorized representative shall provide to the applicant a written explanation that identifies each procedure and standard that the applicant, application or facility for personal wireless service failed to meet. Further, the decision shall describe the documents relied upon by the Director of Community Development or his authorized representative in making the decision.

Section 110.324.70 Appeals. An action of the Director of Community Development or his authorized representative made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the decision by the Director of Community Development or his authorized representative may be made to the Board of County Commissioners within ten (10) days after the date of the mailing of the public notice of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal.

- (1) Appeals may be filed by the applicant or the applicant's authorized agent.
 - (2) Appeals may be filed by an aggrieved party based on the decision in fact of the Director of Community Development. The decision in fact for the approval or denial of a wireless cellular facility shall be published for a minimum of ten (10) working days prior to the issuance of a building permit on the Community Development website to provide the opportunity for residents to be aware of the decision and appeal in accordance with this section.
- (c) Contents of Appeal. An appeal shall be filed with the Director of Community Development, accompanied by the required filing fee. The appeal shall be in writing and state the basis of the appeal by citing specifically the inadequacy of the administrative decision. Such reasons shall be based upon the application and the standards established pursuant to this section. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing on the appeal of the administrative staff's final decision before the Board of County Commissioners within sixty (60) days of the date of the filing of the appeal with the Director of Community Development.
- (e) Notice of Hearing.
- (1) A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date.
 - (2) A notice setting forth the date, time and place shall be sent either by mail or, if requested, by electronic means, if receipt of such an electronic notice can be verified, to each member of the affected Citizen Advisory Board not less than ten (10) days prior to the hearing date. The notice shall describe the appeal and other pertinent information in such a manner that the appeal can be clearly identified.
- (f) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the appeal and any additional evidence relative to the application and may confirm, reverse or modify the appealed actions based upon its interpretation of the standards pursuant to this article and the evidence submitted. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. A final decision by the Board of County Commissioners shall be rendered within sixty (60) days of the appeal hearing. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for purposes of judicial review.
- (g) Effective Date. The decision of the Board of County Commissioners on an appeal of the administrative staff decision shall be effective immediately.

Section 110.324.75 Special Use Permit Required - Findings. Subsequent to review under Section 110.324.40 through 70, monopole antennas and lattice towers shall require the issuance

of a special use permit under the process enumerated in Article 810, Special Use Permits, by the Washoe County Planning Commission, subject to the findings enumerated below:

- (a) That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his authorized representative;
- (b) That public input was considered during the public hearing review process; and
- (c) That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Section 110.324.80 Assessment for Actual Costs Incurred. If the Director of Community Development, his authorized representative, or the Board of County Commissioners must retain a technical expert to evaluate justifications or technical information submitted by an applicant under this Article, the Director of Community Development shall be authorized to assess the applicant for the actual costs incurred in retaining such expert. The costs shall be reimbursed to the county prior to issuance of the decision of the Director or Community Development or his authorized representative, or in the case of the applicant's appeal to the Board of County Commissioners, prior to the issuance of a building permit.

Section 110.324.85 Variances. Any variance requested to the standards enumerated in this article shall be reviewed and approved by the Washoe County Planning Commission.

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03.]

[Article 324 entitled "Antennas" renamed to "Communication Facilities" by Ord. 1004, provisions eff. 1/30/98.]