

SUMMARY: An ordinance amending Washoe County Code at chapter 110 Article 302, Allowed Uses, Article 304, Use Classification System, and Article 326, Wind Machines. The amendments will include the revision to the table of allowed uses to include the addition of new renewable energy use types and the amendments to the standards for wind machines. The proposed amendments would revise all aspects of Article 326 (Wind Machines) including but not limited to setbacks, noise, electromagnetic interference, wildlife impacts, meteorological towers, repair and removal of wind machines and submittal requirements for commercial wind machines and other matters related thereto.

BILL NO. 1623

ORDINANCE NO. 1443

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, ARTICLE 302, ALLOWED USES, ARTICLE 304, USE CLASSIFICATION SYSTEM, AND ARTICLE 326, WIND MACHINES. THE AMENDMENTS WILL INCLUDE THE REVISION TO THE TABLE OF ALLOWED USES TO INCLUDE THE ADDITION OF NEW RENEWABLE ENERGY USE TYPES AND THE AMENDMENTS TO THE STANDARDS FOR WIND MACHINES. THE PROPOSED AMENDMENTS WOULD REVISE ALL ASPECTS OF ARTICLE 326 (WIND MACHINES) INCLUDING BUT NOT LIMITED TO SETBACKS, NOISE, ELECTROMAGNETIC INTERFERENCE, WILDLIFE IMPACTS, METEOROLOGICAL TOWERS, REPAIR AND REMOVAL OF WIND MACHINES AND SUBMITTAL REQUIREMENTS FOR COMMERCIAL WIND MACHINES AND OTHER MATTERS RELATED THERETO.

SECTION 1. Section 110.302.05.4 of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.4

**TABLE OF USES (Industrial Use Types)**  
**(See Sections 110.302.10 and 110.302.15 for explanation)**

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Aggregate Facilities																		
Permanent	S <sub>2</sub>	-	-	-	-	-	-	-	-	-	-	-	S <sub>2</sub>	-	-	-	S <sub>2</sub>	-
Temporary	See Article 332																	
Custom Manufacturing	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	-	-	-	-	-	-	S <sub>2</sub>	-	S <sub>2</sub>	A	-	-	-	S <sub>2</sub>	-

Energy Production			--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--
Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>
General Industrial																		
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	A	--	--	--	S <sub>2</sub>	--
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Mining Operations	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--
Wholesaling, Storage and Distribution																		
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit.

Note: \* If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

SECTION 2. Section 110.304.30 of the Washoe County Code is hereby amended to read as follows:

**Section 110.304.30 Industrial Use Types.** Industrial use types include the on-site production of goods by methods not agricultural in nature, including certain accessory uses.

- (c) Energy Production. Energy production use type refers to the commercial production of electricity.
  - (1) Non-Renewable Energy Production. Non-Renewable energy production use type refers to the commercial production of energy utilizing any non-renewable source of energy.
  - (2) Renewable Energy Production. Renewable energy production use type refers to the commercial production of energy utilizing solar, geothermal, wind, hydroelectric, and biomass sources of energy.

SECTION 3. Section 110.326.05 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.05 Applicability.**

- (a) Private Wind Machines. A private wind machine consists of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principal use. A wind machine having a rated capacity of 100 kilowatts (kW) or less shall be considered a private wind machine for the purposes of these regulations. Not more than one wind machine shall be allowed per parcel of land

when the size of the parcel is less than one acre in size. Any wind machine or combination of wind machines having a rated capacity greater than twenty-five (25) kW up to 100 kW on a parcel, or any wind machine that is greater than 75 feet in height if located on a lot of five (5) acres or smaller, or any wind machine that is greater than 100 feet in height if located on a lot over five (5) acres, shall be required to obtain a special use permit from the Washoe County Board of Adjustment. Private wind machines are considered accessory uses as stated in Article 306, Accessory Uses, and are allowed in those land use designations specified in Article 302, Allowed Uses.

- (b) Commercial Wind Machines. Wind machines that have a rated capacity of more than 100 kW shall be considered commercial wind machines for the purposes of these regulations. Commercial wind machines may be grouped together into a wind energy facility consisting of one or more wind machines and other structures and buildings, including substations, electrical infrastructure, and other appurtenant structures and facilities. Commercial wind machines are considered a principle use on a parcel of land and are allowed in those land use regulatory zones specified in Article 302, Allowed Uses.

SECTION 4. Section 110.326.08 of the Washoe County Code is hereby amended to read as follows:

Section 110.326.08 Definitions

A-Weighted Sound Pressure Level (dBA). "A-Weighted Sound Pressure Level (dBA)" is defined as the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighted filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

Ambient Noise. "Ambient Noise" is defined as the composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.

Interference or Degradation. "Interference or Degradation" shall mean a significant and measureable reduction in the ability to communicate or receive data which cannot be mitigated by other means by the group interfered with by the wind machine.

Meteorological Towers. "Meteorological Towers" are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting wind machines, and include the tower, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers under this section do not include towers and equipment used by airports, Nevada Department of Transportation (NDOT), or similar applications to monitor weather conditions; such towers are exempt from the provisions of this article.

Public Roads. "Public Roads" are defined as roadways that are owned and/or maintained by the county, the state, or a local general improvement district (GID).

Shadow Flicker. "Shadow Flicker" is defined as alternating changes in light intensity caused by the moving blade casting shadows on stationary objects (Receptor), such as a residential dwelling which exceeds ten (10) hours a year. The dissipation of shadow intensity over the distance from a wind machine limits the classification of shadow flicker to ten (10) rotor diameters or 3,000 feet, whichever is greater.

Site Restoration. "Site Restoration" of a commercial wind energy facility shall mean the removal of all wind machines and all ancillary structures and equipment, excluding the wind machine foundations, and regrading and revegetation of all disturbed area.

Trail Easements. "Trail Easements" are defined as a Washoe County recorded easement for pedestrian, equestrian, bicycle or other similar public access uses.

LeqA. "LeqA" is defined as the equivalent or energy-averaged noise level.

Lmax. "Lmax" is defined as the highest root-mean-square (RMS) noise level measured over a given period of time.

L50. "L50" is defined as the noise level exceeded fifty percent (50%) of the time during a given period of time.

SECTION 5. Section 110.326.10 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.10 Information Requirements.** All permit applications for commercial wind machines shall include the information listed in this section in addition to that normally required by other articles in the Development Code. The applicant may appeal to the Director of Community Development for the consideration of waiving certain submittal requirements of this article in cases where the wind machine(s) are not used for power sales and are constructed to offset power demands on site.

- (a) Site Plan. A scaled site plan showing the following information:
- (1) Existing topography, trees and drainage channels;
  - (2) Direction of prevailing winds across the project site;
  - (3) Location of all existing structures within one mile of the proposed wind machine sites;
  - (4) Location and height above ground of all proposed wind machines and, existing and proposed above-ground utility lines;
  - (5) Location, height and direction of all radar and microwave stations that could be affected; and
  - (6) Preliminary dimensions, grading and alignment for all temporary and permanent road, power transmission and distribution line easements, structures, wind machine sites, substation(s), staging areas and other site work.
- (b) Distances to all dwellings, churches, schools, nursing homes, roads, access easements, trails, public and private airports and airstrips, parks, wetlands, and listed historic sites identified by the State Historic

Preservation Office (SHPO) within one (1) mile; and important bird and wildlife areas as identified in federal, state, and university databases, or other generally available documentation;

- (c) Standard drawings and photographs of the wind turbine structure, including the tower, base, turbine and blades;
- (d) A GIS map(s) and visual simulations, showing the impact of the topography upon visibility of the project from other locations, to a radius that shall be approved by the Washoe County Department of Community Development. The base map used shall be a published topographic map showing non-natural features, such as roads, towers, and buildings;
- (e) A regrading and revegetation program for temporary roads no longer needed after project construction;
- (f) A preliminary drainage, sediment collection and erosion control plan for all areas proposed to be disturbed on the parcel(s); and
- (g) Decommissioning plans prepared in conformance with Subsection 326.90(b), Removal of Wind Machines, below.
- (h) Provide location of all public and private airports within ten (10) miles of the nearest proposed wind turbine.
- (i) A current determination letter resulting from a Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration, for each proposed wind machine or tower.
- (j) A summary of the status of all FAA determinations with details on how any unresolved problems with aircraft safety are being addressed as well as a detailed description of any obstruction marking and lighting that will be required by the FAA.

SECTION 6. Section 110.326.15 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.15 Setbacks and Height.**

- (a) Setbacks from Adjacent Parcels – Private Wind Machines. Notwithstanding Section 110.402.10, Heights: Special Exceptions, of the Development Code, minimum setback for a private wind machine shall be:
  - (1) All private wind machines 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). Additionally, all private wind machines shall maintain a minimum setback of one (1) times the overall machine height including the uppermost extension of any blades, from any public roads and highways, railroads, trail easements, aboveground utility lines, and any existing residence on an adjoining property.

- (2) Private wind machines shall be allowed closer to a property line within any land use designation if the abutting property owner(s) grants written approval of the proposed setback. The written consent shall be signed and notarized by the owner of record of the adjoining property and shall detail the setback distance and the size and height of the proposed private wind machine. The written consent shall be recorded with the Washoe County Recorder, a conformed copy of which shall be submitted with the building permit application to construct the wind machine.
  - (3) Guy wire anchors may not extend closer than five (5) feet from any property line and shall be made clearly visible to a minimum height of six (6) feet.
  - (4) Private wind machines shall not be located within the front yard setback of any parcel of land nor within the front yard setback facing a street on a corner parcel of land.
- (b) Setbacks from Adjacent Parcels – Commercial Wind Machines. A minimum setback for each commercial wind machine is identified below. These setbacks may be reduced with the written consent of the owner(s) of the adjoining property(s):
- (1) Three (3) times the overall machine height, including the uppermost extension of any blades, from the property line of any nonparticipating residentially zoned property including any property within the General Rural Residential (GRR) regulatory zone.
  - (2) One (1) times the overall machine height, including the uppermost extension of any blades, from railroads; trail easements; aboveground utility lines; and public roads which are maintained by the county, state or a local GID.
  - (3) One (1) times the overall machine height, including the uppermost extension of any blades, from the property line of any privately owned non-residentially zoned properties.
  - (4) Thirty (30) feet from any undeveloped federally owned property unless greater setbacks are requested by that affected federal agency.
  - (5) One (1) mile from any existing off-site dwelling(s) or other occupied buildings within Washoe County.
- (c) Height Restrictions – Commercial Wind Machines. The overall height of Commercial wind machines, including the uppermost extension of any blades, shall not exceed 600 feet.

SECTION 7. Section 110.326.20 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.20 Tower and Facility Access.** All wind machine towers must comply with the following provisions:

- (a) The tower shall be designed and installed so that there shall be no exterior step, bolts, or a ladder on the tower readily accessible to the public for a minimum height of 12 feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed. Any guy wires shall be made clearly visible to a minimum height of six (6) feet; and
- (b) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

SECTION 8. Section 110.326.25 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.25 Rotor Safety.** Each wind machine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. The minimum distance between the ground and any protruding blades utilized on a private wind machine shall be fifteen (15) feet as measured at the lowest point of the arc of the blades.

SECTION 9. Section 110.326.30 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.30 Electromagnetic Interference.** To avoid interference, the owner(s) of any radar facility, television, radio, licensed Ham radio station, cellular telephone or microwave reception facility within a radius of five (5) miles from any commercial wind machine shall be notified in writing no less than forty-five (45) days prior to any public hearing, of a proposed project and shall be provided an opportunity to assess and determine any detrimental impact(s) on the operation of their facility. If degradation of television, radio, cellular telephone, radar microwave or licensed Ham radio reception occurs as the result of the wind machine and confirmation that the wind machine is the source of the interference, the owner/developer of the wind machine shall pay all reasonable costs to correct the television, radio, cellular telephone or microwave reception within 30 days of notification by Washoe County that a problem exists.

SECTION 10. Section 110.326.35 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.35 Utility Notification.** No wind machine that is connected to an electric utility equipment of any utility grid shall be operated until a net metering agreement or interconnection agreement has been made with the affected electric utility company(s), and the utility company or companies have approved the proposed method of interconnection. Off-grid systems shall be exempt from this requirement.

SECTION 11. Section 110.326.40 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.40 Noise.**

- (a) Commercial Wind Machine Noise Standards
  - (1) Noise Studies
    - (i) As part of the application submittal for a commercial wind machine, the applicant shall provide modeling and analysis

that will confirm that the facility will not exceed the maximum permitted noise levels.

- (ii) A post-construction noise study shall be conducted within six (6) months of the date when the project is fully operational. The post-construction measurements will be reported to the Washoe County Department of Community Development using the same format as used for the pre-construction sound studies. As with the pre-construction study, the post-construction study shall be conducted by an Independent Qualified Acoustical Consultant approved by the Washoe County Department of Community Development, but paid for by the applicant/owner/developer of the wind project. The post-construction noise study shall be performed according to the procedures in the most current version of American National Standards Institute (ANSI) S12.18. All noise levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type I sound meter. Any post-construction noise levels that exceed any of the limits set forth in item (ii) of this section will constitute proof that the wind machine(s) is non-compliant and must be rectified or shut down immediately.
- (iii) Noise studies shall not be required in the event that the placement of a wind turbine is located more than two (2) miles from any existing residence.

(2) Audible Noise Limit. No wind machine shall be located so as to generate post-construction sound levels that exceed 45 dBA at night or 50 dBA during the day as measured a minimum distance of 50-feet from any existing residence within one (1.0) mile from a wind machine. The appropriate value to use for the post-construction sound level is LeqA.

(3) Noise Setbacks. Setbacks greater than those set forth in Section 110.326.15, Setbacks and Heights, shall be imposed if necessary to meet the noise level requirements of this section.

- (b) Private Wind Machine Noise Standards. No wind machine shall create noise that exceeds a maximum of 55 dBA at any property line abutting a residential regulatory zone or 60 dBA at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

SECTION 12. Section 110.326.45 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.45 Roads.** Construction of roads for the installation and operation of wind machines shall be minimized. Existing roads in the area of the proposed wind machines shall be used to the maximum extent possible. Temporary roads used for initial installation shall be regraded and revegetated to a natural condition upon completion of construction of the wind machines.



SECTION 13. Section 110.326.50 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.50 Aesthetics and Maintenance.**

- (a) Appearance. Wind machines shall, subject to any applicable standards of the Federal Aviation Administration (FAA), be of a non-reflective, non-obtrusive color: off-white, white, light silver, tan, gray, or sand are permitted. The painting or coating shall be kept in good repair for the life of the wind machine.
- (b) Maintenance. Wind machines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industrial standards, and shall be free from rust.
- (c) Lubricants and Cooling Fluids. Waste or used lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site(s) of any commercial wind facility and shall not be allowed to accumulate.

SECTION 14. Section 110.326.55 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.55 Signs.**

- (a) Warning Signs. Signs warning of high voltage electricity or electric shock hazard shall be posted on stationary portions of each wind machine.
- (b) Advertising Signs. The only advertising sign allowed on a wind machine shall be a logo on the generator housing. Logos on commercial wind machines shall not exceed eight square feet in size.
- (c) Project Signs for Commercial Wind Machines. Each commercial wind machine shall have posted on the site in a visible, easily accessible location, two signs having no more than four (4) square feet in area, displaying a current address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. One sign shall be located at the service drive entrance to the site.

SECTION 15. Section 110.326.60 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.60 Wildlife Impact.**

- (a) Prior to approval of a building permit, the applicant for any commercial wind machine shall prepare and submit for review to the Nevada Department of Wildlife and the Washoe County Department of Community Development, a report that discusses the year-round use of the proposed project site by wildlife, and shall identify any anticipated impacts that may negatively affect wildlife or their habitat, and shall suggest mitigation measures that will compensate for any negative effects. The report shall be prepared by a qualified biologist familiar with the local wildlife species.

- (b) Prior to the operation of any commercial wind machine, the applicant shall prepare and submit for review to the Nevada Department of Wildlife and the Washoe County Department of Community Development a post-construction monitoring plan to investigate and document wildlife injury and mortality resulting from operation of the proposed project. The plan shall identify the methods used, which are expected to be consistent with current scientific practices. Post construction monitoring shall be performed by an independent third party contractor familiar with the methodology and procedures for conducting mortality studies and dead bird searches.
- (c) Where a project is subject to the National Environmental Protection Act (NEPA), such as projects located on federal lands, Washoe County will act as a cooperating agency, and will accept the requirements of the Environmental Assessment or Environmental Impact Statement as meeting Washoe County requirements for this section (110.326.60)

SECTION 16. Section 110.326.65 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.65 Lighting.** Wind machine towers shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

SECTION 17. Section 110.326.70 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.70 Shadow Flicker.** Wind machines shall be sited in such a manner to minimize shadow flicker on a roadway and on residences located off the property on which the wind machine is constructed. It shall be the responsibility of the owner/developer to modify operations to restrict shadow flicker on existing dwellings and/or existing occupied buildings. If necessary to minimize shadow flicker from crossing occupied structures, the wind machine may be required to be programmed to stop rotating during the time the wind machine shadow crosses these structures. Alternatively, the wind machine owner/operator may obtain a written easement or other written agreement that specifically allows shadow flicker to cross an occupied structure. This easement or agreement shall be recorded with the Washoe County Recorder, a conformed copy of which shall be submitted with the building permit application.

SECTION 18. Section 110.326.75 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.75 Ice Throw.** The potential ice throw or ice shedding from the proposed wind machine shall not cross the property lines of the site to strike adjacent residences or accessory buildings, nor impinge on any public right-of-way or access easement.

SECTION 19. Section 110.326.80 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.80 Waiver of Parking and Landscaping Regulations.** For commercial wind machines, the following requirements are waived:

- (a) Landscaping requirements, as contained in Article 412, Landscaping, of the Development Code, are hereby waived for the wind machines, transmission lines and all related electrical works. Landscaping for any maintenance building, control building or substation located more than one mile from any public local, collector, arterial road or highway, shall also be exempt from landscaping requirements.
- (b) Hard surface parking requirements as contained in Article 410, Parking and Loading, of the Development Code, are hereby waived for the wind machines sites, transmission lines, substations and all related electrical works. Instead, a parking surface consisting of decomposed granite or other material approved by the Engineering Division shall be used for the parking surface. The width of the required parking areas shall be approved by the Washoe County Department of Community Development and the Washoe County Engineering Division. The parking surface and parking construction requirements shall be determined by the Washoe County Engineering Division.

SECTION 20. Section 110.326.85 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.85 Roof Mounted Private Wind Machines.** Roof mounted wind machines shall be located so that in the event of failure, no part of the machine will fall across any parcel line and onto any adjacent building. Attachment of the wind machine to the building shall be in strict compliance with regulations of the Washoe County Department of Building and Safety.

SECTION 21. Section 110.326.90 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.90 Repair and Removal of Wind Machines.** Any wind machine found to be unsafe by an official of the Washoe County Department of Building and Safety shall be repaired by the owner to meet federal, state, and local safety standards, or, if not repaired, shall be removed in accordance with the provisions of this article within six (6) months of being notified by the Department of Building and Safety of the existence of an unsafe condition. Wind machines that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind machine.

- (a) For commercial wind machines, the applicant/developer shall submit a decommissioning plan at the time of application for a special use permit. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- (b) When a wind machine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind machine remaining stationary so that wind resources are not being

converted into electric or mechanical energy, or the wind machine is no longer connected to the public utility electricity system.

- (c) In the event a commercial wind machine owner fails to remove the wind machine tower and all associated and ancillary equipment, batteries, devices, structures or support(s) for that system, as required in this section, Washoe County shall have the authority to remove or authorize the removal of the tower and all associated elements of the project. If the performance security is not sufficient to cover the cost of the removal, additional costs associated with the removal shall be assigned as a lien on the personal property of the wind machine owner in question. If the performance security has expired or is not available, the County shall have the authority to have the tower removed and associated costs assigned as a lien on the personal property of the wind machine owner in question.

SECTION 22. Section 110.326.100 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.100 Meteorological Towers.** All meteorological towers provided for under this section shall comply with the following standards:

- (a) A temporary meteorological tower used to site wind machines shall be permitted under the same setback and access standards and requirements that apply to Private Wind Machines. No administrative or special use permit shall be required. Setbacks to property lines shall be equal to the height of the tower.
- (b) A permit for all temporary meteorological towers shall be valid for a maximum of five (5) years. Towers shall be removed within one (1) month after the five (5) year-year period has ended. Failure to remove the tower within the one (1) month period may result in a lien being placed against the property for the entire cost to Washoe County to remove and dispose of it; salvage value, if any, shall not be deducted from this amount. An extension of time of one (1) year may be permitted by the Director of the Department of Community Development upon submittal of a letter explaining the need for the extension.
- (c) A permit for a permanent, non-exempt meteorological tower shall require a special use permit from the Board of Adjustment as provided for under Article 810, Special Use Permits, of the Washoe County Development Code.
- (d) All meteorological towers shall comply with applicable requirements of the Federal Aviation Administration. Lighting, signage, aesthetics and maintenance shall comply with the requirements of this article.
- (e) Guy wires shall not extend closer than five (5) feet of a property line. Red navigation marker balls or other acceptable marker devices such as flags, reflectors, or bright colored coils shall be installed and maintained on guy wires that support a tower above 70 feet in height to mitigate potential hazards to aviation and to birds and bats.

- (f) Meteorological towers shall not be climbable for a minimum of twelve (12) feet above the ground, and shall be surrounded by a six (6) foot fence when not enclosed within fencing constructed for a residence.

SECTION 23. Section 110.326.105 of the Washoe County Code is hereby amended to read as follows:

**Section 110.326.105 Compliance with Regulations.** The audible noise limit, shadow flicker, maintenance, and ice throw standards are absolute; no variances to these standards may be given. Once wind machines are permitted, the owners have the option of compliance with these standards or discontinuation of operations. If the affected neighboring property owner does not allow such measurements to commence on their property it shall be deemed that the standard is being met. If the operation of the wind machine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind machines until compliance has been achieved.

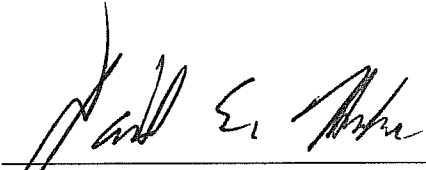
Proposed on the 25<sup>th</sup> day of May, 2010.  
Proposed by Commissioner Larkin  
Passed on the 22<sup>nd</sup> day of June, 2010.

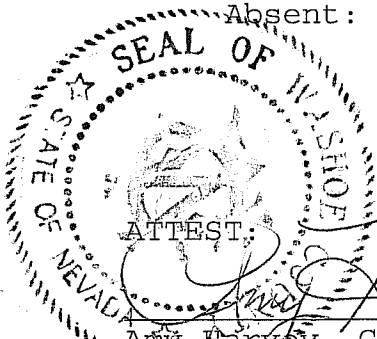
Vote:

Ayes: Humke, Weber, Larkin, Jung, Breternitz

Nays: none

Absent: none

  
\_\_\_\_\_  
David E. Humke, Chairman  
Washoe County Commission



  
\_\_\_\_\_  
Amy Harvey, County Clerk

This ordinance shall be in force and effect from and after the ~~22<sup>nd</sup>~~ day of July 26<sup>th</sup> 2010.

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STATE OF NEVADA  
COUNTY OF WASHOE


Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation 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: **07/19/2010 - 07/26/2010**, for exact publication dates please see last line of Proof of Publication below.

Signed:



**JUL 26 2010**

Subscribed and sworn to before me



**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1443 BILL NO. 1623 An Ordinance amending the Washoe County Code at Chapter 110, Article 302, allowed uses, Article 304, use classification system, and Article 326, wind machines. The amendments will include the revision to the table of allowed uses to include the addition of new renewable energy use types and the amendments to the standards for wind machines. The proposed amendments would revise all aspects of Article 326 (wind machines) including but not limited to setbacks, noise, electromagnetic interference, wildlife impacts, meteorological towers, repair and removal of wind machines and submittal requirements for commercial wind machines and other matters related thereto. (Bill No. 1623) PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, 75 Court Street, Reno, Nevada; and that said ordinance was proposed by Commissioner Larkin on May 25, 2010, and following a public hearing, was passed and adopted without amendment at a regular meeting on June 22, 2010, by the following vote of the Board of County Commissioners: Those Voting Aye: David Humke, Bonnie Weber, Bob Larkin, John Breternitz, Kitty Jung Those Voting Nay: None Those Absent: None This Ordinance shall be

1443 ✓

in full force and effect from and after July 26, 2010, i.e., the date of the second publication of such Ordinance by its title only. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: July 16, 2010 AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 712902 July 19, 26, 2010