

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

Summary: To amend Washoe County Code, Chapter 110, Development Code, at Article 324, Communication Facilities, to clarify that the placement of a monopole antenna is an allowed use in the General Rural Agricultural regulatory zone with approval of a Special Use Permit.

BILL NO. 1776

ORDINANCE NO. 1591

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 324 *Communication Facilities* at Section 110.324.50(e), to include the General Rural Agricultural regulatory zone among the regulatory zones where wireless communication facility monopole antennas are allowed with a special use permit; to clarify that all new monopole antennas require the approval of a Special Use Permit; and to replace the master plan designations of Rural Residential, Suburban Residential, and Urban Residential with the corresponding regulatory zones of High Density Rural (HDR), Medium Density Rural (MDR), Low Density Rural (LDR), Low Density Suburban (LDS), Medium Density Suburban (MDS), High Density Suburban (HDS), Low Density Urban (LDU), Medium Density Urban (MDU), and High Density Urban (HDU).

WHEREAS:

- A. It is the intent of the Development Code to comply with Federal Law prohibiting local governments from creating a "barrier to entry" for new wireless cellular facilities; and,
- B. All regulatory zones in Washoe County therefore allow new monopole wireless antennas with approval of a Special Use Permit, subject to certain placement criteria; and,
- C. Ordinance 1475 created a new regulatory zone entitled General Rural Agricultural that was inadvertently not included among the regulatory zones where wireless communication facility monopole antennas are allowed with a special use permit; and,

- D. To ensure that a "barrier to entry" is not created, the General Rural Agricultural regulatory zone must be included in Article 324, *Communication Facilities*, as a regulatory zone where wireless communication facility monopole antennas are allowed with a special use permit; and,
- E. The Washoe County Planning Commission held a duly noticed public hearing for DCA 16-007 on December 6, 2016, and adopted Resolution Number 16-19 recommending adoption of this ordinance; and,
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and therefore 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. Section 110.324.50 *Wireless Communication/Cellular Facilities Placement Standards* is hereby amended to read as follows:

- (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 proven by a technical review to be required to fill a "Significant Gap in Coverage" as defined in Section 110.324.55. Antennas 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.

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 Chairman of the Board and the 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 it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on February (month) 14 (day), 2017 (year).

Proposed by Commissioner Berkbigler.

Passed February (month) 28 (day), 2017 (year).

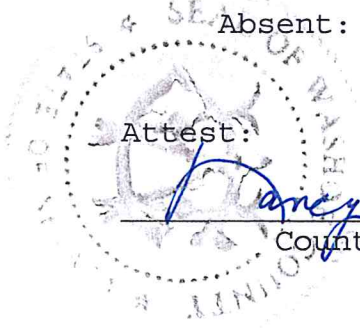
Vote:

Ayes: Commissioners Kitty Jung, Bob Lucey, Marsha Berkbigler

Nays: Commissioners none.

Absent: Commissioners Vaughn Hartung, Jeanne Herman.

Attest:


Darcy L. Parent

County Clerk

[Signature]

Chair of the Board

This ordinance shall be in force and effect from and after the 10th day of the month of March of the year 2017.

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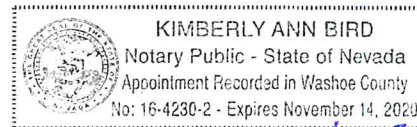
STATE OF NEVADA
COUNTY OF WASHOE

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 date: 03/03/2017 - 03/10/2017, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____

TS



**NOTICE OF ADOPTION WASHOE COUNTY
ORDINANCE NO. 1591 BILL NO. 1776 NOTICE IS
HEREBY GIVEN that typewritten copies of the
above-numbered and entitled ordinance**

Publish Dates:
03/03/17, 03/10/17

**NOTICE OF ADOPTION WASHOE COUNTY
ORDINANCE NO. 1591 BILL NO. 1776**
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 in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on February 14, 2017 by Commissioner Berkgigler and was passed and adopted without amendment at a regular meeting held on February 28, 2017 by the following vote of the Board of County Commissioners: AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 324 COMMUNICATION FACILITIES AT SECTION 110.324.50(E), TO INCLUDE THE GENERAL RURAL AGRICULTURAL REGULATORY ZONE AMONG THE REGULATORY ZONES WHERE WIRELESS COMMUNICATION FACILITY MONOPOLE ANTENNAS ARE ALLOWED WITH A SPECIAL USE PERMIT; TO CLARIFY THAT ALL NEW MONOPOLE ANTENNAS REQUIRE THE APPROVAL OF A SPECIAL USE PERMIT; AND TO REPLACE THE MASTER PLAN DESIGNATIONS OF RURAL RESIDENTIAL, SUBURBAN RESIDENTIAL, AND URBAN RESIDENTIAL WITH THE CORRESPONDING REGULATORY ZONES OF HIGH DENSITY RURAL (HDR), MEDIUM DENSITY RURAL (MDR), LOW DENSITY RURAL (LDR), LOW DENSITY SUBURBAN (LDS), MEDIUM DENSITY SUBURBAN (MDS), HIGH DENSITY SUBURBAN (HDS), LOW DENSITY URBAN (LDU), MEDIUM DENSITY URBAN (MDU), AND HIGH DENSITY URBAN (HDU). (BILL NO. 1776)

Those Voting Aye: Bob Lucey, Marsha Berkgigler and Kitty Jung
Those Absent: Vaughn Hartung and Jeonne Herman

This Ordinance shall be in full force and effect from and after March 10, 2017.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: March 1, 2017.

Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners

No 1967142

March 3, 10, 2017

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