



Planning Commission Staff Report

Meeting Date: January 7, 2020

Agenda Item: 8C

STAFF REPORT CASE NUMBER: WDCA19-0005 (Emergency Communication Facilities)

BRIEF SUMMARY OF REQUEST: Amending the Development Code to adding a new section in Article 324 to establish standards for emergency communication facilities

STAFF PLANNER: Planner's Name: Trevor Lloyd
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APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA19-0005 (Emergency Communication Facilities) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 324, to add new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers of the Washoe County Code to establish placement standards regulating emergency service communication facilities which are owned and operated by governmental agencies; and other matters necessarily connected therewith and pertaining thereto.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect. If approved, the amendments would include the removal of a special use permit requirement for government entities for certain monopoles or lattice towers operated for purposes of emergency communications systems.

- ◆ Location: County wide
- ◆ Dev Code: Authorized in Article 818
- ◆ Comm. District: All Commissioners

STAFF RECOMMENDATION

INITIATE

INITIATE AND RECOMMEND APPROVAL

DO NOT INITIATE

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission initiate Development Code Amendment WDCA19-0005, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions with Findings on Page 5)

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Development Code Amendments

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

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

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

The Board hears all amendments recommended for approval, and amendments denied by the PC upon appeal. The Board will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing.

Background

Development Code Article 324, *Communication Facilities*, provides the standards and requirements for the placement of communication facilities including wireless communication facilities. Washoe County Technology Services plans placement of multiple communication facilities throughout Washoe County in order to improve the County's emergency communications system. The purpose of this code amendment is to allow for the expedited approval for the placement of emergency communication facilities which are owned and operated by governmental agencies by exempting these facilities from requiring a special use permit under certain situation.

Amendment Evaluation

The proposed code amendment will allow for the placement/erection of monopoles and lattice towers for the purpose of transmitting emergency communications without requiring the approval of a special use permit. This exemption will only apply to new monopoles and lattice towers that are owned and operated by governmental agencies and such monopole or lattice tower must be located either at one of the following established communications sites (McClellan Peak, Chimney Peak, Fox Mountain, Marble Bluff, Mt. Rose Knob, Pah Rah Peak, Peavine Peak(s), Poito Mountain, Red Peak, Slide Mountain and Virginia Peak) or located over 2,000 feet from either a paved road or from an existing residence. Also, the new monopole must not be located on or immediately adjacent to a protected ridgeline as identified on an area plan's development suitability map.

Proposed Amendment

Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows (text in bold is new language):

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:

- (e) Monopole Antenna. The placement of a monopole antenna shall comply with the following criteria:
 - (11) **No special use permit shall be required for the placement of a new monopole structure that is owned and operated by a governmental agency for the purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:**
 - (i) **The new monopole is located at one of the established communications sites listed in section 110.324.50(f).**
 - (ii) **The new monopole is located over 2,000 feet from either a paved road or from an existing residence. Also, the new monopole will not be located within 200 feet from a protected ridgeline as identified on an area plan's development suitability map.**
- (f) Lattice Towers. Lattice towers may only be located at an established communication site as of January 1, 2004. These 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."

- (9) **No special use permit shall be required for the placement of a new lattice tower that is owned and operated by a governmental agency for the purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:**
- (i) **The new lattice tower is located at one of the established communications sites listed in this section.**
 - (ii) **The new lattice tower is located over 2,000 feet from either a paved road or from an existing residence. Also, the new lattice will not be located within 200 feet from a protected ridgeline as identified on an area plan's development suitability map.**

Findings

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

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

Staff comment: The Master Plan establishes policies governing uses for development in Washoe County. The Development Code is used to help implement the policies of the Master Plan. This amendment does not conflict with any of the policies or action programs of the Master Plan.

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

Staff comment: The proposed Development Code amendment for emergency communication facilities will not adversely impact public health, safety or welfare. This amendment will help support public health safety and welfare of Washoe County residents.

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

Staff comment: The proposed amendment responds to a change of conditions and will help provide emergency communications for a growing population in Washoe County.

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

Staff comment: The Conservation Element and the Population Element are not impacted by this proposed amendment.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing. A public workshop was held on December 12, 2019 for this application.

Recommendation

It is recommended that the PC initiate and subsequently recommend approval of WDCA19-0005, to amend the Development Code within 406, *Building Placement Standards*, as described in this staff report. The following motions are provided for the PC's consideration:

Motions

Initiation

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 324, *Communication Facilities*, as described in the staff report for WDCA19-0005.

Amendment

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0005, to amend Washoe County Code Chapter 110 within Article 324, *Communication Facilities*, as described in the staff report for this matter. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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

Appeal Process

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

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), WITHIN ARTICLE 324, COMMUNICATION FACILITIES, BY ADDING NEW LANGUAGE IN SECTION 110.324.50(E), MONOPOLE ANTENNA, AND SECTION 110.324.50(F), LATTICE TOWERS, TO ESTABLISH PLACEMENT STANDARDS REGULATING EMERGENCY SERVICE COMMUNICATION FACILITIES WHICH ARE OWNED AND OPERATED BY GOVERNMENTAL AGENCIES; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-02

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) within Article 324, Communication Facilities, on January 7, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA19-0005, came before the Washoe County Planning Commission for a duly noticed public hearing on January 7, 2020; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA19-0005:
 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the

requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

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

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

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

ADOPTED on January 7, 2020.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: Amends the Washoe County Code at Chapter 110 (Development Code), within Article 324, Communication Facilities, by adding new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers, to establish placement standards regulating emergency service communication facilities which are owned and operated by governmental agencies.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), by adding new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers, to establish placement standards regulating emergency communication facilities which are owned and operated by governmental agencies; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 324 of the Washoe County Code Chapter 110 (Development Code) in order to amend Section 110.324.50(e) & (f) to allow for emergency communication facilities which are owned and operated by governmental agencies without the requirement for a special use permit.

- B. The Planning Commission held a duly noticed public hearing for WDCA19-0005 on January 7, 2020, and adopted Resolution Number 20-02 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 Commission desires to adopt this Ordinance; and,
- D. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS; therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.324.50 of the Washoe County Code is hereby amended to read as follows:

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:

- (e) Monopole Antenna. The placement of a monopole antenna shall comply with the following criteria:
 - (11) **No special use permit shall be required for the placement of a new monopole structure that is owned and operated by a governmental agency for the purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:**
 - (i) **The new monopole is located at one of the established communications sites listed in section 110.324.50(f).**
 - (ii) **The new monopole is located over 2,000 feet from either a paved road or from an existing residence. Also, the new monopole will not be located on or adjacent to a protected ridgeline as identified on an area plan's development suitability map.**
- (f) Lattice Towers. Lattice towers may only be located at an established communication site as of January 1, 2004. These 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."
 - (9) **No special use permit shall be required for the placement of a new lattice tower that is owned and operated by a governmental agency for the**

purpose of providing emergency communication services, complies with all applicable requirements of this Article and meets one of the following location criteria:

- (i) The new lattice tower is located at one of the established communications sites listed in this section.**
- (ii) The new lattice tower is located over 2,000 feet from either a paved road or from an existing residence. Also, the new lattice will not be located on or adjacent to a protected ridgeline as identified on an area plan's development suitability map.**

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 officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT: December 12, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

ATTEST:

County Clerk

Chair
Washoe County Commission

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