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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: **10/31/03 - 11/07/03**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

NOV 7 2003

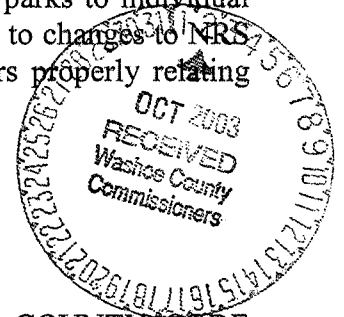

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-74250-2 - Expires May 16, 2006
Tana Cicotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1220 NOTICE IS HEREBY GIVEN THAT: Bill No. 1400, Ordinance No. 1220 entitled AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATION FACILITIES, BY ADDING A DEFINITION OF PERSONAL WIRELESS SERVICES, BY PERMITTING PERSONAL WIRELESS SERVICES FACILITIES ON COUNTY AND STATE OWNED STRUCTURES AND LAND, BY ELIMINATING THE REQUIREMENT FOR A SPECIAL USE PERMIT AND SUBSTITUTING REVIEW AND APPROVAL OF CERTAIN PERSONAL WIRELESS SERVICES FACILITIES BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, BY FURTHER DEFINING STANDARDS FOR APPROVAL OF CERTAIN PERSONAL WIRELESS SERVICES FACILITIES, BY ENUMERATING THAT DENIAL OF APPLICATIONS MUST BE IN WRITING AND MUST IDENTIFY THE STANDARDS WHICH WERE NOT COMPLIED WITH, BY ENUMERATING THAT A DENIAL OF A PERSONAL WIRELESS FACILITY MAY NOT BE BASED ON THE ENVIRONMENTAL EFFECT OF RADIO FREQUENCIES EMANATING FROM SAID FACILITIES, BY ENUMERATING THE PROCEDURES FOR APPEALING THE DECISION OF DENIAL OF

THE DIRECTOR OF COMMUNITY DEVELOPMENT; TO AMEND ARTICLE 604, DESIGN REQUIREMENTS, BY ADDING PROVISIONS THAT PROHIBIT CHANGES IN DENSITY, SPACE SIZE, SETBACKS, AND USES SHOULD A MANUFACTURED HOME PARK BE CONVERTED TO INDIVIDUALLY OWNED LOTS; TO AMEND ARTICLE 608, TENTATIVE SUBDIVISION MAPS, BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; TO AMEND ARTICLE 612, DIVISION OF LAND INTO LARGE PARCELS, BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; AND OTHER MATTERS PROPERLY RELATING THERETO. was adopted on October 28, 2003 by Commissioners Galloway, Humke, Shaw and Weber. Commissioner Sferrazza voted against adoption. This ordinance shall be in full force and effect from and after November 7, 2003. 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.126026 Oct 31; Nov 7, 2003

SUMMARY: Amends Washoe County Code by adding provisions that conform regulations affecting wireless communication facilities, conversion of manufactured home parks to individual lots, definition of public utilities and dedication of easements for public utilities to changes to NRS 278, Planning and Zoning, enacted by the 2003 Legislature, and other matters properly relating thereto.



BILL NO. 1400

ORDINANCE NO. 1220

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATION FACILITIES, BY ADDING A DEFINITION OF PERSONAL WIRELESS SERVICES, BY PERMITTING PERSONAL WIRELESS SERVICES FACILITIES ON COUNTY AND STATE OWNED STRUCTURES AND LAND, BY ELIMINATING THE REQUIREMENT FOR A SPECIAL USE PERMIT AND SUBSTITUTING REVIEW AND APPROVAL OF CERTAIN PERSONAL WIRELESS SERVICES FACILITIES BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, BY FURTHER DEFINING STANDARDS FOR APPROVAL OF CERTAIN PERSONAL WIRELESS SERVICES FACILITIES, BY ENUMERATING THAT DENIAL OF APPLICATIONS MUST BE IN WRITING AND MUST IDENTIFY THE STANDARDS WHICH WERE NOT COMPLIED WITH, BY ENUMERATING THAT A DENIAL OF A PERSONAL WIRELESS FACILITY MAY NOT BE BASED ON THE ENVIRONMENTAL EFFECT OF RADIO FREQUENCIES EMANATING FROM SAID FACILITIES, BY ENUMERATING THE PROCEDURES FOR APPEALING THE DECISION OF DENIAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT; TO AMEND ARTICLE 604, DESIGN REQUIREMENTS, BY ADDING PROVISIONS THAT PROHIBIT CHANGES IN DENSITY, SPACE SIZE, SETBACKS, AND USES SHOULD A MANUFACTURED HOME PARK BE CONVERTED TO INDIVIDUALLY OWNED LOTS; TO AMEND ARTICLE 608, TENTATIVE SUBDIVISION MAPS, BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; TO AMEND ARTICLE 612, DIVISION OF LAND INTO LARGE PARCELS, BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1.

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.

SECTION 2.

Article 604, "Design Requirements" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit B which is attached and incorporated by reference.

SECTION 3.

Article 608, "Tentative Subdivision Maps" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit C which is attached and incorporated by reference.

SECTION 4.

Article 612, "Division of Land Into Large Parcels" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit D which is attached and incorporated by reference.

Proposed on the 14th day of OCTOBER, 2003.

Proposed by Commissioner SHAW.

Passed on the 28th day of OCTOBER, 2003.

Vote:

Ayes: HUMKE, SHAW, GALLOWAY & WEBER

Nays: SFERRAZZA

Absent: (NONE)

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

ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 7th day of NOVEMBER, 2003

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) Security fencing or other suitable methods will be provided to prevent climbing on the commercial antenna structure 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.

Section 110.324.45 Wireless Communication 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 Section 110.324.45 through 110.324.60 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) 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 or a penthouse that is placed on the roof of a building.
 - (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) 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.
 - (4) 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.
 - (5) 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.
 - (6) 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 lattice structure that is erected for the purposes of supporting one (1) or more antennas.
- (b) Wireless Communication Facility. A wireless communication facility means all antennas and attendant supporting equipment such as poles, shelters or cabinets.
 - (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) Collocation. Collocation means siting antennas owned and/or operated by separate companies on the same structure, monopole, lattice tower or specialty pole that exists at the time of collocation.
 - (e) Codevelopment. Codevelopment means new siting of wireless communication facilities owned and/or operated by separate companies on one (1) or more contiguous parcels of land. Codevelopment does not exclude the potential for collocation at the same time that codevelopment occurs or after the codevelopment has occurred.

Section 110.324.50 Wireless Communication Facilities Placement Standards. The following placement standards must be met to establish a wireless communication facility:

- (a) General: Antennas. As a policy of Washoe County, the following types and locations of antennas are preferred in descending order:
 - (1) Facade 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, Office Commercial—OC, Industrial—I), or on a structure used for utility purposes.
 - (2) 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, Office pole mounted antenna on a pole used for public, utility or communication,

Commercial—OC, Industrial—I), or on a structure used for utility purposes.

- (3) Specialty pole mounted antenna on a pole used for public, utility or communication, other than wireless communication, purposes.
- (4) Facade mounted antenna on a building used for any other purpose.
- (5) Rooftop mounted antenna on a building used for any other purpose.
- (6) Specialty pole mounted antenna on a pole used for any other purpose.
- (7) Commercial signage mounted antenna.
- (8) Monopole mounted antenna.
- (9) Lattice tower mounted antenna.

(b) Placement Standards by Type of Antenna. The following placement standards by type of antenna shall be complied with notwithstanding the preferred location and type of antenna enumerated in this section:

- (1) Facade Mounted Antenna. The placement of a facade mounted antenna shall comply with the following criteria:
 - (i) 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) foot, ten (10) inches above the nearest street or sidewalk.
 - (ii) The antenna shall be placed on the side of the building so that any changes in facade on the side of the building is not interrupted by the placement of the antenna.
 - (iii) 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.
 - (iv) The antenna shall be placed on the side of the building so that the vertical alignment of the facade is not interrupted, or is minimally interrupted.
 - (v) The antenna shall be of a color that is compatible with the color of the facade on which it is being mounted.
 - (vi) To the extent possible, no portion of the antenna shall extend or shall only minimally extend above the roof line of the structure on which it is mounted as measured from the same point as the pedestrian line-of-sight enumerated in this section.
- (2) Rooftop Mounted Antenna. The placement of a rooftop mounted antenna shall comply with the following criteria:

- (i) If a parapet exists on the structure on which the antenna is to be placed, the antenna shall be located behind the parapet.
 - (ii) 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.
 - (iii) The antenna shall be of a color that minimizes its visual effect.
 - (iv) If a pole is used to mount antennas, no more than twelve (12) may be permitted on any one (1) pole.
- (3) Specialty Pole Mounted Antenna. The placement of a specialty pole mounted antenna shall comply with the following criteria:
- (i) 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.
 - (ii) 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.
 - (iii) The antenna shall be of a color that is the same as the pole on which it is mounted.
 - (iv) No more than twelve (12) antennas may be mounted on a specialty pole.
 - (v) 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) of a mile unless the specialty poles are not within a line of sight of each other.
- (4) Commercial Signage Mounted Antenna. The placement of a commercial signage mounted pole antenna shall comply with the following criteria:
- (i) 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.
 - (ii) 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.
 - (iii) The antenna shall be of a color that is the same as the frame of the sign on which it is mounted.
 - (iv) No more than twelve (12) antennas may be mounted on a pole.

- (5) Monopole and Lattice Tower Mounted Antenna. The placement of a monopole or lattice tower mounted antenna shall comply with the following criteria:
- (i) Antennas shall be mounted on a single monopole unless it can be demonstrated that a lattice pole is necessary for safety purposes and the lattice pole will not create a detracting visual effect.
 - (ii) To the extent possible, monopole and lattice tower 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.
 - (iii) No portion of a monopole or lattice tower mounted antenna shall be visible above the ridgeline of any natural feature as viewed from a public roadway or occupied structure that is within one (1) mile of the antenna's location unless it can be demonstrated that placing the monopole or lattice pole mounted antenna above the ridgeline will reduce the number of free-standing pole antennas needed to provide service.
 - (iv) If the location of the monopole or lattice tower mounted antenna 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.
 - (v) A monopole or lattice tower mounted antenna shall be of a color that blends with the background.
 - (vi) To the extent possible, a monopole or lattice tower that supports an antenna shall be designed to replicate existing structures and natural features/vegetation in the immediate vicinity.
- (c) General: Equipment Shelters/Cabinets. The placement of equipment shelters and cabinets 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.
 - (2) Equipment shelters and cabinets that serve antennas, other than monopole mounted antennas, shall be constructed or sided with material that is complementary to the structure on which the antenna is mounted. For monopole and lattice tower mounted antennas, the equipment shelters and cabinets shall be constructed or sided with material that is complementary to materials used in structures located in the immediate vicinity.
 - (3) To the extent possible, equipment shelters and cabinets shall be screened by presently built structures (e.g. behind parapet walls, existing signs, other mechanical facilities), screened by vegetation, placed below grade, or a combination of the above.

- (d) Restricted Locations. Monopole and lattice tower mounted antennas are restricted from being located in the following locations unless no other alternative location can be demonstrated to provide a clear and uninterrupted signal for either receiving or transmitting purposes:
- (1) 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 enumerated in this section.
 - (2) Parcels with an Open Space (OS) regulatory zone.
 - (3) Floodways as designated on the adopted Washoe County Development Suitability maps.
 - (4) Significant ridgelines as designated on the adopted Washoe County Development Suitability maps.
- (e) Retention Requirements. The following requirements must be met to retain an approved wireless communication facility:
- (1) On, or before, the expiration date of a lease, as identified in an application approved by the County, for the use of land to erect and maintain a wireless communication facility, the owner of the wireless communication facility shall demonstrate to the Director of Community Development that the wireless communication facility is still required as part of the service network that the owner operates in order to continue to use the wireless communication facility beyond the lease's expiration date. At a minimum, the owner shall demonstrate:
 - (i) That the current state of technology requires the wireless communication facility to remain at its location;
 - (ii) That another, currently located wireless communication facility cannot perform a similar function; and
 - (iii) That the owner of the wireless communication facility has ownership of the property or a valid lease for use of the property on which the facility is located.
 - (2) Failure to demonstrate that all of the above still exist, or when the ability to continue to locate an antenna on the land on which the antenna is located ceases, the owner shall remove the antenna and all appurtenances (e.g. poles, guy wires, equipment shelters and cabinets) within sixty (60) days of being notified of the owner's inability to continue to locate a wireless communication facility on the property.

Section 110.324.55 Wireless Communication Facilities: Setbacks. The following setbacks are required for wireless communication facilities:

- (a) Monopole and Lattice Tower Mounted Antenna Placed on a Parcel of Land. If a monopole or lattice pole mounted antenna is placed on a property in such a

manner that the height of the supporting pole is greater than the distance to any of the parcel's property boundaries, then the following shall be required:

- (1) The applicant shall justify the height of the proposed supporting pole; and
 - (2) If the height is approved, the applicant shall indemnify the County from any damages that may occur should the pole fall across any of the parcel's boundaries.
- (b) Monopole or Lattice Tower Mounted Antenna Placed in a Roadway Easement or Public Right-of-Way. A monopole or lattice pole mounted antenna shall be placed as far away as possible from the edge of the paved roadway. Further, the applicant shall indemnify the County from any damages that may occur should the pole partially or completely fall.

Section 110.324.60 Wireless Communication Facilities Permitting Requirements.

- (a) Information Required Prior to Issuance of Any Permit. In addition to the requirements of the Building and Safety Division of the Department of Community Development, the following information must be provided before any permit can be issued for the construction and installation of a wireless communication facility:
- (1) Type of antenna and support structure.
 - (2) Exact location of antenna and support structure.
 - (3) Exact location of equipment shelter and/or cabinet.
 - (4) Height of antenna.
 - (5) Whether antenna is being collocated.
 - (6) Whether antenna and equipment shelter/cabinet is being codeveloped.
 - (7) Siting and screening of antenna(s) to minimize visual impact.
 - (8) If the antenna is proposing to use a pole for support, the number of antennas that the pole could support.
 - (9) A map identifying alternative sites that were considered by the applicant with a justification for the selected site.
- (b) Building Permit, Only, Required. The following types and locations of antennas with supporting equipment shelters/cabinets shall require only the issuance of a building permit providing all of the criteria enumerated in Section 110.324.50 is complied with:
- (1) Facade mounted antenna on a building used for industrial or commercial purposes or located in the following regulatory zones: Industrial (I), General Commercial (GC), Office Commercial (OC) and Tourist Commercial (TC); on a structure used for utility purposes and on a building owned by a local or by the state government.

- (2) Rooftop mounted antenna on a building used for industrial or commercial purposes or located in the following regulatory zones: Industrial (I), General Commercial (GC), Office Commercial (OC) and Tourist Commercial (TC); on a structure used for utility purposes and on a building owned by a local or by the state government.
 - (3) Specialty mounted pole antenna on a pole used for public, utility or communication, other than wireless communication, purposes.
 - (4) An equipment shelter/cabinet that is greater than one hundred twenty (120) square feet, equal to or less than three hundred fifty (350) square feet or twenty-one (21) percent of the total area of the parcel on which it is located, whichever is less, and which does not exceed twelve (12) feet in height.
- (c) Director of Community Development Approval Required: Findings.
- (1) The following types and locations of antennas with supporting equipment shelters/cabinets shall require the written approval of the Director of Community Development or his authorized representative:
 - (i) Facade mounted antenna on a building used for any other purpose or in any other regulatory zone than enumerated in subparagraph 110.324.60(b)(1) of this section which is deemed to be integrated with the architecture of the building on which it is located.
 - (ii) Rooftop mounted antenna on a building used for any other purpose or in any other regulatory zone than enumerated in subparagraph 110.324.60(b)(2) of this section which is deemed to be integrated with the architecture of the building on which it is located.
 - (iii) Specialty mounted pole antenna on a pole used for any other purpose than enumerated in subparagraph 110.324.60(b)(3) of this section.
 - (iv) Commercial signage mounted antenna.
 - (v) New monopole and lattice tower mounted antenna.
 - (vi) Codevelopment of a new site.
 - (vii) Collocation at an existing site when an increase in the tower height is proposed.
 - (viii) When a new equipment shelter/cabinet exceeds three hundred fifty (350) square feet or twenty-one (21) percent of the total parcel area on which the shelter/cabinet is located, whichever is greater, and/or is greater than twelve (12) feet in height.

- (viii) A facility that meets the standards enumerated in this article for the type of facility proposed on any property owned by a public utility or by a local government or the state government.
- (2) If the application is denied by the Director of Community Development, the reasons and specific sections on which the denial was based shall be provided in writing to the applicant. The Director may not deny an application based on the environmental effects of radio frequency emissions of a personal wireless service's facility that complies with the regulations of the Federal Communications Commission concerning such emissions.
- (3) Appeal. A denial of an application by the Director of Community Development may be appealed to the Board of County Commissioners. The appeal provisions enumerated in Article 810, Special Use Permit, shall be used for the processing of the appeal except that the notice provisions shall not be required.
- (d) Financial Assurance. An applicant for any permit to be issued for the location of a wireless communication facility shall provide to the County, at the time that the permit is issued, a financial assurance in an amount that is fifty (50) percent of the value of the building permit as issued by the Building and Safety Department. The financial assurance shall be in a form determined by the County. The purpose of the financial assurance is for the reclamation of the site on which the antenna was formerly located should the owner fail to perform a satisfactory reclamation of the site. Satisfactory reclamation of a site will result in the return of the financial assurance to the owner.
- (e) Exempt Uses. The placement of a new antenna and equipment shelter/cabinet is exempt from the requirement of any permit when the antenna is being placed on an existing support that does not require any additional height and/or a new equipment shelter/cabinet that does not exceed one hundred twenty (120) square feet and does not exceed twelve (12) feet in height.
- (f) Variances. Any variance requested to the standards enumerated in Section 110.324.45 through 110.324.60 shall be reviewed and approved by the Washoe County Planning Commission.

Article 604

DESIGN REQUIREMENTS

[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93; Ord. 908, provisions eff. 10/15/94. Section 110.604.60 entitled "Open Space and Recreational Trails" repealed by Ord. 949, provisions eff. 5/1/96.]

Sections:

110.604.00	Purpose
110.604.05	Applicability
110.604.10	Streets
110.604.15	Setbacks
110.604.20	Intersections
110.604.25	Pedestrian Circulation and Access
110.604.30	Utilities
110.604.35	Street Lighting
110.604.40	Energy Conservation
110.604.45	Existing Vegetation
110.604.50	Snow Storage
110.604.55	Subdivisions Adjacent to Public Land
110.604.60	Conversion of Manufactured Home Park Spaces to Individually Owned Lots

Section 110.604.00 Purpose. The purpose of this article, Article 604, Design Requirements, is to set forth subdivision design requirements.

Section 110.604.05 Applicability. The design requirements within this article shall apply to all tentative subdivision maps, parcel maps and division into large parcels.

Section 110.604.10 Streets. Streets within the subdivision shall be designed in conformance with Article 436, Street Design Standards.

Section 110.604.15 Setbacks. Setback requirements shall be in conformance with this section.

- (a) **Front Yard Setback Requirements.** A lot shall have a front yard setback as stated in Article 406, Building Placement Standards.
- (b) **Minimum Building Setback Requirements.** No building in any regulatory zone shall be constructed or altered closer than fifty (50) feet to the centerline of any major arterial, or forty (40) feet to the centerline of any minor arterial, or thirty (30) feet to the centerline of any through street.

Section 110.604.20 Intersections. Intersections within the subdivision shall be designed in conformance with Article 436, Street Design Standards.

Section 110.604.25 Pedestrian Circulation and Access. In all subdivisions, a plan for pedestrian circulation and access in conformance with the appropriate area plan of the Washoe

County Comprehensive Plan shall be prepared and implemented to the satisfaction of the County Engineer.

Section 110.604.30 Utilities. All public utilities shall be placed underground, except in the case where underground placement of utilities is shown to not be feasible, in which case the County Engineer may approve exceptions to this requirement.

Section 110.604.35 Street Lighting. Street lights are required for major street intersections or hazardous street intersections. Major street intersections are those intersections having at least one intersecting street with a minimum designed vehicular speed limit of forty-five (45) miles per hour. Hazardous intersections are those intersections determined to be hazardous by the traffic-control committee because of detrimental physical characteristics. All street lighting shall be luminaires in accordance with local utility standards, and as determined appropriate by the County Engineer to be required. Light poles shall be either wooden or metal, or other material, as required by the County Engineer.

Section 110.604.40 Energy Conservation.

- (a) **Design.** The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
 - (1) Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
 - (2) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- (b) **Considerations.** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, contour, configuration of the parcel to be divided and other design and improvement requirements. This provision shall not result in reducing allowable densities, or the percentage of a lot which may be occupied by a building or structure under applicable plans in force at the time the tentative map is filed.
- (c) **Exceptions.** The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.
- (d) **Definitions.** For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Section 110.604.45 Existing Vegetation. The subdivision shall be designed to preserve the greatest practicable amount of existing vegetation, including trees with a trunk caliper of eight (8) inches or greater. Native or ornamental trees required to be preserved, as shown on the tentative map, shall not be damaged. Trees and other vegetation damaged, destroyed, or removed without prior authorization of the Director of Community Development shall be replaced by the subdivider. The size and species of the replacement vegetation shall be in accordance with the provisions of Article 412, Landscaping.

Section 110.604.50 Snow Storage. Site plans, parcel maps, and tentative maps shall provide snow storage areas appropriate for the elevation and historic snowfall amounts.

Section 110.604.55 Subdivisions Adjacent to Public Land. When shown to be in the public's best interest, any site plan, parcel map, and tentative subdivision map adjacent to publicly owned land shall provide access easements of an appropriate width to the public land. Said easements shall be offered for dedication to an appropriate public agency.

Section 110.604.60 Conversion of Manufactured Home Park Spaces to Individually Owned Lots. Should a tentative subdivision map be approved pursuant to Article 606, Parcel Maps, or Article 608, Tentative Subdivision Maps, for the conversion of existing manufactured home park spaces to individually owned lots, the approval may not alter the existing density, uses, space sizes, setbacks or other similar restrictions as existed when the property was used as a manufactured home park. An approval may impose reasonable conditions to address health and safety concerns.

- (f) Contours. Contours at five (5) foot intervals, or where, in the opinion of the County Engineer or the Director of Community Development, topography is a major factor in the subdivision design at two (2) foot contour intervals;
- (g) Land Uses. Existing and proposed land uses, existing regulatory zone designations;
- (h) Landmarks. Indication of prominent landmarks, areas of unique natural beauty, rock outcroppings, vistas and natural foliage which will be deciding considerations in the design of the subdivision;
- (i) Rights-of-Way. The width of right-of-way, proposed name and approximate grade of each highway, street, alley or public way within the proposed subdivision and approximate radius of all curves and diameter of each cul-de-sac;
- (j) Numbering Blocks. All blocks shall be numbered and block numbers shall be consecutive and shall begin with the number "one" or the letter "A";
- (k) Yards. The yards that are proposed for each lot in the subdivision shall be designated on the map;
- (l) Easements. The width, type and approximate locations of all existing or proposed road easements, sight triangles easements that preserve safe sighting at street intersections, slope and curve easements, conservation easements, open space easements, recreation or trail easements, drainage easements, , irrigation ditch easements, or public utility easements for water, sewer, gas, electric, telecommunications and franchised community antenna television (where franchised service is permitted) services, whether for public or private purposes;
- (m) Public Use Lands. Location and size of any land to be reserved or dedicated for parks, recreation areas, common open space area, schools or other public uses;
- (n) Flooding Potential. If any portion of the land within the boundary of the subdivision is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps or as shown by a Nevada registered engineer's hydrologic analysis for the 100-year storm, that fact and the land so affected shall be clearly shown on the map by a prominent note on each sheet;
- (o) Flood Elevation. Information indicating the 100-year flood elevation as well as width and direction of flow of each water course within the boundaries of the subdivision;
- (p) Septic Tanks. If septic tanks are proposed, consistency with FEMA requirements as set forth in Article 416, Flood Hazards;
- (q) Existing Structures. The location and outline of each existing building or structure which is not to be moved in the development;
- (r) Vicinity Map. Vicinity map showing the proposed subdivision in relation to the surrounding area;

- (s) Dimensions and Acreage of Lots. Dimensions of each lot. Accurate measurements in square feet or acreage of the amount of land utilized in streets, parking, building site, and open space and/or recreation;
- (t) Date, North Point and Scale. Date, north point, scale and number of sheet in relation to the total number of sheets;
- (u) Snow Storage Areas. Location of snow storage area sufficient to handle snow removed from public and private streets, if applicable;
- (v) Potential Hazards. All known potential hazards including, but not limited to, earth slide areas, Holocene era geologic faults, avalanche areas or otherwise hazardous slopes shall be clearly designated on the map;
- (w) Master Plan of Storm Drainage. Preliminary master plan of storm drainage system, including pipe sizes, detention/retention/infiltration areas, and the location and magnitude of the ten (10) and one hundred (100) year storm flows entering and leaving the site;
- (x) Preliminary Grading Plan. Preliminary grading plan showing areas of phased excavation and fill including the depth of excavation or height of fill from the natural grade, the amounts of material estimated to be excavated and/or used for fill, the destination of excavated material not to be used on site and how it is to be used at its end destination, origin of material to be imported and used for fill, and the location of any temporary material storage site(s);
- (y) Soil Erosion and Sediment Control Plan. Preliminary plan for soil erosion and sediment control; and
- (z) Phasing Plan. Preliminary plan for the phased recordation of lots, if said phasing is contemplated by the subdivider.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00.]

Section 110.608.15 Review Procedures. The review procedures for tentative maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Director of Community Development a complete application and the required supporting materials as outlined in the application packet.
- (b) Review. If the application is found to be complete, the Director of Community Development shall transmit one print of each tentative map to the County Engineer, any other public agency which may be affected by the proposed subdivision, and such other persons as the Director of Community Development may deem appropriate.
- (c) Action Required by the Planning Commission. The Planning Commission shall, within sixty (60) days after receipt of the complete tentative map application by the Director of Community Development, conduct a public hearing on the application and following the public hearing, approve, conditionally approve or deny the proposed map; said action being an affirmative vote of a majority of the full membership of the Planning Commission. At the public hearing, the Planning Commission may relieve the applicant of the requirement to provide an easement

for water, sewer, gas, electric, telecommunication and franchised community antenna television (where permitted to provide service) services if the applicant can demonstrate that there is not an essential nexus to the public purpose for the proposed dedication and the dedication would not be roughly proportional in nature and extent to the impact of the proposed development. Notice of the public hearing conducted by the Planning Commission shall be in accordance with the provisions of this article. Review time may be extended by mutual consent of the Director of Community Development and the applicant.

- (d) Appeal. Within ten (10) days after issuance of the decision, the decision of the Planning Commission may be appealed to the Board of County Commissioners by submitting the appropriate form and fee to the Director of Community Development.
- (e) Board of County Commissioners' Consideration of Appeals. Appeals of any Planning Commission decision shall be scheduled before the Board of County Commissioners within thirty (30) days of receiving the appeal. Action by the Board of County Commissioners on the appeal shall be by an affirmative vote of a majority of the full membership of the Board of County Commissioners. 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. The final action by the Board of County Commissioners shall be considered final for purposes of judicial review.
- (f) Time Limits. The time limits set forth in this section are suspended for a period, not to exceed one (1) year, during which the State of Nevada or the federal government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map.
- (g) No Guarantee of Final Map Approval. Approval by the Planning Commission or the Board of County Commissioners of a tentative map imposes no obligation on the part of the Planning Commission or the Board of County Commissioners to approve the final map or to accept any public dedication shown on the final map.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02.]

Section 110.608.16 Notice. Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
 - (1) All owners of real property that are the subject of the tentative subdivision map application;
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the tentative subdivision map application is located;
 - (3) All owners of real property within five hundred (500) feet of the property which is the subject of the tentative subdivision map application.

Article 612

DIVISION OF LAND INTO LARGE PARCELS

Sections:

110.612.00	Purpose
110.612.05	Requirement for Application
110.612.10	Contents of Tentative Map
110.612.15	Waiver of Requirement to File Tentative Map
110.612.20	Review Procedures for Tentative Map
110.612.25	Water Rights
110.612.30	Requirement for a Final Map
110.612.35	Contents of Final Map
110.612.40	Review Procedures for a Final Map
110.612.45	Recordation

Section 110.612.00 Purpose. The purpose of the article, Article 612, Division of Land into Large Parcels, is to prescribe rules and procedures for the regulation and approval of tentative and final maps for the division of land into large parcels.

Section 110.612.05 Requirement for Application. This article applies to division of land or the merger and re-subdivision of existing parcels if each proposed lot is forty (40) acres or larger in area, including roads and easements, or at least one-sixteenth (1/16) of a section as described by a government land office.

[Amended by Ord. 1088, provisions eff. 1/28/00.]

Section 110.612.10 Contents of Tentative Map. Tentative maps submitted pursuant to this section shall be prepared and certified by a professional land surveyor. The tentative maps shall be entitled "Tentative Map of Division into Large Parcels". The following information shall be shown on the tentative map:

- (a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided;
- (b) Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) All roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land;
- (d) Any easements for public utilities for water, sewer, gas, electric, telecommunications and franchised community antenna television (where franchised service is permitted) services which exist or which are proposed;

- (e) The location of any existing road or easement which the owner does not intend to dedicate;
- (f) The name and address of the owner of the land; and
- (g) The regulatory zone of the land for which the map has been submitted and all surrounding properties.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00.]

Section 110.612.15 Waiver of Requirement to File Tentative Map. The Director of Community Development may waive the requirement of filing the tentative map.

[Amended by Ord. 1041, provisions eff. 12/1/98.]

Section 110.612.20 Review Procedures for Tentative Map. The review procedures for tentative maps shall be as set forth in this section:

- (a) **Filing.** The subdivider shall submit an application to the Department of Community Development for action by the Director of Community Development.
- (b) **Review.** The Community Development staff shall review the submitted packet and accept or reject the application as complete within five (5) working days from the date of application.
- (c) **Action Required by the Director of Community Development.** The Director of Community Development shall, within sixty (60) days after the tentative map application has been filed, approve, conditionally approve or deny the tentative map. The Director of Community Development may, within sixty (60) days but not after the expiration of the sixty (60) day period, designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided if there is no master plan. The Director of Community Development shall make the following findings when approving the tentative map:
 - (i) Existing easements have been retained or, if relocated, are to the satisfaction of the person to whom the easement benefits; new easements have been provided that accommodate needed public utilities; or the requirement for certain easements have been waived because there is not an essential nexus to the public purpose for the proposed dedication and the dedication would not be roughly proportional in nature and extent to the impact of the proposed development.
 - (ii) Access to the property has been identified and is suitable to the passage of an emergency vehicle.
 - (iii) Water resources sufficient to support the additional development have been identified.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98.]