

Exhibit L - Staff Recommendation to County Commission, June 7, 2011

Storey County
110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City, NV 89440



Community Development
planning@storeycounty.org
(775) 847-0966 ~ Fax (775) 847-0935

**Storey County Community Development, Planning Division
Staff Recommendation Summary**

Meeting Date: June 7, 2011

Agenda Item: DISCUSSION / POSSIBLE ACTION: Approve, Amend, Ignore, Reject, or Remand the action recommended by the planning commission in regards to the Application for Special Use Permit (SUP Application No. 2011-010) of Thomas Taormina. Item continued from the May 3 meeting of the Board of County Commissioners.

Summary Notes:

At its May 3, 2011, hearing, the Board of Storey County Commissioners heard comment from county staff, the applicant and his counsel, and members of the public regarding SUP Application No. 2011-010 to maintain existing and install additional amateur "ham" radio antenna towers at property owned by Thomas and Midge Taormina. The Commission found that a timeline of actions leading to the application, planning commission hearing, and said Commission hearing was needed in order to arrive at a final decision. Staff was directed to develop the timeline and bring the SUP application back at later meeting.

Enclosed is the requested timeline and supporting documents outlining actions and events that have taken place approximately between 1997 and the present. Also enclosed are Findings of Fact and recommended conditions that accompanied the planning commission's advisory motion for approval.

Staff Recommendation:

As indicated in Staff Report No. 2011-010 to the Board of County Commissioners, May 3, 2011, staff brings forth five motions from which to choose. The first set, A and B, are in accordance with the advisory recommendation by the planning commission at its March 3, 2011, hearing, with minor staff amendments (explanation provided therein), and with stated findings under *Taormina v. Storey County* as well as federal, Nevada State, and Storey County regulations and rulings applicable to the installation and maintenance of amateur ham radio antenna towers exceeding 45 feet in height. The subsequent three motions, C, D, and E, offer alternatives in accordance with federal rulings that authorize the Governing Board to "attempt to negotiate a compromise with the applicant" in order to "reasonably accommodate" amateur radio antenna towers. The presented motions are as follows:

PROPOSED: MOTION A: Based on findings and compliance with all conditions and stipulations stated forth in this report, staff moves to recommend that the Board of Storey County Commissioners approve SUP Application No. 2011-010, as recommended by the planning commission, to **maintain the four (4) existing amateur ham radio antenna towers** in accordance with the limitations set forth hereby and **deny installation of any additional towers**. In addition to the planning commission's advisory recommendation, this motion would **allow the permit holder to move the permitted towers around the associated property**, so long as each device remains in compliance with the limitations of this special use permit, the applicable Storey County Building Code, and setbacks. Staff also moves to recommend that Condition #12 approved by the planning commission is amended to allow the use of a generator outside of a sound insulated building in accordance with the applicable zoning regulation during times of emergency power outages. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its current body mass (no monopole structures permitted).

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PROPOSED: MOTION B: Based on findings and compliance with all conditions and stipulations stated forth in this report, staff moves to recommend that the Board of Storey County Commissioners approve SUP Application No. 2011-010, as recommended by the planning commission, to **maintain four (4) existing amateur ham radio antenna towers and deny installation of any additional towers.** Staff also moves to recommend that Condition #12 approved by the planning commission is amended to allow the use of a generator outside of a sound insulated building in accordance with the applicable zoning regulation during times of emergency power outages. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its current body mass (no monopole structures permitted).

ALTERNATIVE: MOTION C: A possible alternative motion based on findings and compliance with all conditions and stipulations stated forth in this report is to approve SUP Application No. 2011-010 to **maintain three (3) of the four (4) existing amateur ham radio antenna towers and to remove one (1) of those existing towers** to be determined by the permit holder. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its current body mass (no monopole structures permitted).

ALTERNATIVE: MOTION D: A possible alternative motion is to approve Planning Case No. 2011-010 to **maintain all existing amateur ham radio antenna towers and install two additional monopole towers** in accordance with SUP Application No. 2011-010. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its current body mass (no monopole structures permitted).

ALTERNATIVE: MOTION E: A possible alternative motion is to approve SUP Application No. 2011-010 to **maintain all existing amateur ham radio towers which have received approved Storey County Building Permits (one 32' and one 40' tower) and deny those which have not been erected with an approved Building Permit.** This motion would constitute a denial of SUP Application No. 2011-010. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its current body mass (no monopole structures permitted).

Prepared by Austin Osborne, Senior Planner

Enclosures:

1. *Findings of Fact for SUP Application No. 2011-010*
2. *Recommended Conditions of Approval for SUP Application No. 2011-010*
3. *Timeline of Actions Prepared by Storey County Planning Division*
4. *Exhibits accompanying Enclosure 3 Above*
5. *Timeline of Actions Submitted by Applicant*