Washoe County
Board of Adjustment

Appeal WBLD17-101171
Richard Stone, 4765 Giles Way, Washoe Valley NV 89704
Agenda Item 9A
5 October 2017
My Wife and I Are Both Federally Licensed Amateur Radio Operators

### Amateur License - KD6BQ - STONE, RICHARD E

<table>
<thead>
<tr>
<th>Call Sign</th>
<th>KD6BQ</th>
<th>Radio Service</th>
<th>HA - Amateur</th>
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<tbody>
<tr>
<td>Status</td>
<td>Active</td>
<td>Auth Type</td>
<td>Regular</td>
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<tr>
<td>Dates</td>
<td>Grant: 08/26/2014, Expiration: 09/09/2024, Cancellation</td>
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**Licensee Information**

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<th>FRN</th>
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<th>Type</th>
<th>Individual</th>
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**Licensee Name**

STONE, RICHARD E
4765 Giles Way
Washoe Valley, NV 89704
ATTN ARS KD6BQ Richard E Stone

### Amateur License - N6CTJ - Stone, Brenda G

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**Licensee Name**

Stone, Brenda G
4765 Giles Way
Washoe Valley, NV 89704

### Amateur Data

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Group</td>
<td>B</td>
<td>Prev. Call Sign</td>
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<tr>
<td>Eligibility Code</td>
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**Trustee/Custodian (for Non-Individuals Only)**

<table>
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<tr>
<th>Name</th>
<th>Call Sign</th>
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</table>
Location of Amateur Radio Station
Aerial view of neighborhood
Distances to Nearest Neighbors

4765 Gies Way

448 feet

393 feet
Why Does Federal and State Law Specifically Support Rights of Amateur Radio?
Nevada ARES Team Honored

03/17/2017

Washoe County, Nevada, ARES was among the disaster response groups honored by the Washoe County Board of Commissioners on February 21. A Board proclamation recognizes the efforts of these groups in two recent disasters — October’s Little Valley Fire and January’s floods and blizzard. The commissioners said that the region relied on a multi-tiered emergency response system to protect lives and property during the two emergencies. Other agencies honored included the American Red Cross, Washoe County Citizen Corps, Volunteer Organizations Active in Disasters, and The Salvation Army. A video showed how County staff responded to the extensive flooding in January that caused millions of dollars in damage. — www.arrl.org

The Washoe County Proclamation Ceremony
February 21, 2017
Ham radio operators are saving Puerto Rico one transmission at a time

By Paul P. Murphy and Michelle Krupa, CNN

Updated 4:18 PM ET, Wed September 27, 2017

Leyla Santiago
CNN Correspondent
Nevada Recognizes Emergency Support of Amateur Radio

**Organization Plates**

```
<table>
<thead>
<tr>
<th>Plate Image (Click for a larger image)</th>
<th>Name and Group</th>
<th>Standard Initial/Annual Fee</th>
<th>Personalized Initial/Annual Fee</th>
<th>Availability</th>
</tr>
</thead>
</table>
| ![Amateur Radio Plate](image)          | Amateur Radio  | $37/$10                     | Personalized Not Available      | Custom-Ordered Application SP 7  
|                                        |                |                             | Waiver Application SP 50        |              |
```

Exact requirements are listed on each plate's application.

Payment Authorization Form (VP 205) Deduct $.50 from the initial fee for motorcycle plates.

Annual fee is waived if operator agrees to assist during emergencies.
Section 110.324.20 Private Communication Antennas:

General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

(a) Height. The *retractable* height of a private communication antenna is limited to the height limitation of a main structure allowed in the regulatory zone in which the antenna is erected with a bonus of up to ten (10) feet.
Planning’s Interpretation Defies Standard Statutory Interpretation

• The Staff interpretation (“45 feet is maximum regardless of whether the antenna is retractable or not”) makes the word “retractable” superfluous.

• Staff cannot ignore a word. Ordinances "must be construed as a whole and not be read in a way that would render words or phrases superfluous or make a provision nugatory." *Butler v. Nevada*

• Nevada "avoids statutory interpretation that renders language meaningless or superfluous." *Karcher Firestopping v. Meadow Valley Contr.*
Previous Permits

• Permits that I know of allowing towers exceeding 45 feet that retract to less than 45 feet, without an administrative permit required.
  -- Craig M. Sande MD, Permit# 04-1828
  -- Richard P. Hallman, Permit# 04-3872
  -- Ira P. Stoler, Permit# 15-0512
• All granted after the effective date of 110.324.20 (07/23/2004)
• Each says the permit was approved without an Administrative Permit -- though the total height exceeded 45 feet -- because it was retractable to less than 45 feet.
Why Are The Previous Permits Important Here?

These permits demonstrate two things:

1. The new interpretation is different than the historical one, yet the code has not changed
2. Since it was not needed before for the same type of Amateur Radio installation, an Administrative Permit can NOT now represent “the minimum practicable regulation”.
Administrative Permit Process is Preempted -- Void

• Nevada and Federal law require “minimum practicable regulation”

• The 3 previous permits prove that something less than an Administrative Permit (Section 808) is practicable
Request to Board

• Grant a building permit - for the project as originally applied for.
• Permission to raise the tower to its maximum height when needed.
Thank You