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**Sierra County  
Amendment to the Sierra County  
Wireless Telecommunications Facilities Siting Ordinance,  
Ordinance No. 2006-001**

**Ordinance No: 15-002**

**Passed: 3/10/2015**

**Effective Date: 30 days**

SIERRA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ORDINANCE No 15-002

AMENDING THE WIRELESS TELECOMMUNICATIONS FACILITY SITING ORDINANCE

WHEREAS, the Sierra County Board of County Commissioners met upon notice of a regular meeting, duly published, at the Sierra County Administrative Offices, 855 Van Patten, Truth or Consequences, New Mexico 87901, on March 17, 2015; and,

RECITALS

A. On February 2, 2006, the Board of County Commissioners of Sierra County adopted Ordinance 2006-01, the Wireless Telecommunications Facilities Siting Ordinance, in order to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Sierra.

B. In February of 2012, Congress passed HR 3660, the Middle Class Tax Relief Act and Job Creation Act of 2012. More specifically, Section 6409 of that Act contains wording that requires "eligible facilities" to be approved by local jurisdictions. "Eligible facilities" as it applies to Sierra County Ordinance 2006-01 are those facilities that do not require a public hearing. This would include applications for co-locations and modifications that do not increase the height of the tower.

C. To incorporate the intent of the Act and to streamline the process the Board of County Commissioners has determined that "eligible facilities" should be subject to an administrative review and approval process using the same guidelines as defined by the Wireless Facilities Ordinance.

D. It is the intent of the Board of County Commissioners to delegate its authority to allow for the "administrative review" as well as the authority to approve "eligible facilities" that meet Ordinance requirements to the County Manager in order to more incorporate the requirements of the Act.

**NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:**

1. Incorporation of Recitals. The foregoing recitals are incorporated by reference as a material part of the Ordinance Amendment as if the same were set out completely in the Ordinance Amendment.
2. Amendment. Ordinance 2006-01 shall be amended as set forth in this instrument, and, except as expressly amended by this instrument, shall remain in full force and effect as written.

3. Amendment to Paragraph 4(L) of Ordinance 2006-01. Paragraph 4(L) of this Ordinance is deleted in its entirety and the following Paragraph 4(L) is substituted in its place:

L) "Modification" or "Modify" means, the mounting of a proposed antenna on a tower that would increase the existing height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or the mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable. "Modification" or "Modify" does not include a change to an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station as provided herein.

4. Amendment to Paragraph 6 (A) of Ordinance 2006-01. Paragraph 6 (A) of the Ordinance is deleted in its entirety and the following paragraph 6 (A) is substituted in its place:

"All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The County Commission is the officially designated agency or body of the County to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Wireless Telecommunications Facilities. The County may at its discretion delegate or designate other official agencies of the County or others to accept, review, analyze, evaluate and make recommendations to the County Commission with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Wireless Telecommunications Facilities. The County Commission delegates its authority to the County Manager, or his/her designee, to accept, review analyze, and make "Administrative Approvals" with respect to the granting or not granting, or revoking special use permits for those facilities meet requirements of the Ordinance and that do not require a public hearing as defined by Section 16."

APPROVED, ADOPTED, AND ORDAINED on this 10<sup>th</sup> day of March 2015.

Board of County Commissioners  
Sierra County, New Mexico

Kenneth Lyon  
Kenneth Lyon, Chairman

Frances Luna  
Frances Luna, Vice-Chair

Sherry Fletcher  
Sherry Fletcher, Commissioner

Attest:

Connie Greer  
Connie Greer, Clerk

STATE OF NEW MEXICO } \$5  
County of Sierra

I HEREBY CERTIFY that this instrument was filed for record on the 12<sup>th</sup> day of MAR A.D., 20 15 at 11:55 o'clock A. M. and duly recorded in book 2 page 313-315  
Feb 8 0  
Connie Greer  
County Clerk, Sierra County, N. Mex  
By Joeth Gonzalez  
Deputy