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November 28, 2000

Rick McDowell
Storey County Building Department
PO Box 526
Virginia City NV 89440

Dear Rick;

Thank you for coming by today and leaving a copy of page 17 of the revised Storey County Building Codes. My wife informs me that your visit was at the behest of Ms Lydia Hammack, President of the HRPOA, concerning one of my amateur radio towers.

I am a bit confused and disappointed that my neighbors had to summon you to answer questions about activities on my property and in our neighborhood. I spoke with Ms Hammack at the Fire Station on November 7th when I was voting and there was no mention of any issues at that time. I am aware that there is disdain among some HRPOA Board members for my towers and former President Ed Detrich informed me (verbally) on several occasions that he thought they were eyesores, but that I was fully within my rights under our CC&R's to have them.

Confusion and disappointment aside, I would like to answer your questions. The main tower is on the highest point of our ten acres. The tower structure is 70' above its base and the highest antenna is 80'. The second tower is 45' above its base and the highest antenna is 55'. There is a third tower that is 33' above its base and the antenna on it is 36'. I refer to "above its base" because I am not sure what "above grade" means in the Codes. The FCC and FAA elevation measurements are calculated at Height Above Average Terrain (HAAT). In that context, the highest point on the highest tower is 80' HAAT. Since the property slopes to the north, the highest point on the second tower would be about 40' HAAT and the third tower 30' HAAT. Again, in FAA and FCC parlance, the highest object on the site determines obstruction height calculations, so the height of the second and third towers is not germane to those regulations. I hope this answers your questions. Now, I have several questions for you and the HRPOA.

1. I know your trip was in response to a complaint. Was your visit informational or is there some action that the Building Department expects me to take? Is the Building Department planning any action on this subject?
2. You mentioned that the Building Code was revised in July 1999, to include the tower height restriction. We've read the Comstock Chronicle every week since mid 1996 and don't recall any public mention of pending changes in this section. Was this change announced as a proposal and were hearings conducted in the affected neighborhoods? What caused the change to be adopted? What offensive activity did the change intend to remedy? If these questions are out of your province, please point me to the correct authority.

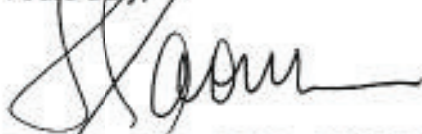
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3. I am neither an attorney nor an expert on preemption, but do not the CC&R's take precedent over the County Building Codes when there is a conflict? (The CC&R's do not limit antenna structure height). Also, are you aware that FCC Rule PRB-1 gives the FCC preemption over Federally Licensed radio stations? (My wife and I both hold valid amateur radio licenses issued by the FCC).
4. One of the reasons the amateur radio service exists is because of our expertise in providing emergency communication to the public in time of disaster. Is the HRPOA aware that my wife and I both have emergency communication experience and we are prepared to provide secondary and tertiary communications backup, should it be necessary? I have been involved in emergency communications for over 40 years and will be here for my neighbors, should the need arise. That is one of the reasons I have erected radio towers.
5. You mentioned to my wife that my larger tower would be "grandfathered" under the revised Code. Where is this provision specified? Since the subject of radio communication masts is being discussed, how are others in the County being notified of their compliance or non-compliance with the revised statutes?

Those are my questions. Let me close first with my position on the towers on my property. They exist to support an avocation that is totally benign to anyone in the Highlands. They are within the province of the rules of the FCC and FAA. They do not violate the CC&R's that we agreed to abide by when we moved here nearly four years ago. They are no more offensive than the telephone poles that litter the countryside. In fact, several neighbors have told me that they did not even notice them until someone pointed them out. Part of our hobby is ongoing design and experimentation to advance the state-of-the-art in radio wave propagation. All that said, I plan to continue to build, rebuild and experiment with antennas, as I have done for over four decades.

Second, I must question why my neighbors are spending your valuable time on such a trivial matter. I know that it is trivial because we live in a home (built by its previous owner) that has so many building code violations that we have already been forced to spend \$80,000 in repairs on a house that was five years old when we bought it. The owner/builder blatantly circumvented building codes that were in effect at the time it was constructed. The Storey County inspector (at the time) did not cite any of these critical violations and there has been no recourse for us but to "live with it" because the previous owner has no assets and the County cannot be held liable. In fact, as part of this ongoing odyssey, we will be seeking a permit shortly to replace the septic field lines because they are ineffective. We have been having the septic tank pumped every six months for nearly four years. The plumber has stated that the leech field could not have been installed to code. There is no evidence there was ever a perc test performed and yet we are spending time discussing innocuous radio towers. In order for us to ever move, we still have a costly list of structural repairs to perform, all of which should have been discovered during construction inspections. We accept our responsibility and would never offer the property for sale with any Code violations. Since we will never get our money out of the house, we will be living here for a very long time, being responsible citizens of Storey County and enjoying our hobby. Our hope is that the HRPOA will find more beneficial uses of your time and their energy.

Please feel free to drop by any time.
Yours truly,



Tom Taormina, CQMgr, CMC, CPCM

Cc: Lydia Hammack, HRPOA