



Board of Adjustment Staff Report

Meeting Date: June 5, 2014

Subject: Special Use Permit Case Number SB14-006
Applicant(s): AT&T Mobility
Agenda Item No.: 8.E.
Project Summary: To install a 120 foot tall mono-pine wireless facility
Recommendation: **Partial Approval with Conditions**
Prepared by: Trevor Lloyd - Senior Planner
Planning and Development Division
Washoe County Community Services Department
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Special Use Permit Case Number SB14-006 (Incline Village/Crystal Bay AT&T Mobility Wireless Facility) – To install a 120 foot tall mono-pine wireless facility for the purpose of providing wireless coverage in the surrounding area.

- Applicant: AT&T Mobility
- Property Owner: Washoe County
- Location: 625 Mt. Rose Highway, Incline Village
- Assessor's Parcel Number: 124-032-34
- Parcel Size: ±6.14
- Master Plan Category: Rural (R)
- Regulatory Zone: Public/Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 324, Communication Facilities; and Article 810, Special Use Permits

- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 16, T16N, R18E MDM, Washoe County, NV

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Special Use Permit

Special Use Permit. The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. The Board of Adjustment is authorized to issue special use permits under NRS 278.315 and Washoe County Code (WCC) Article 810. Certain notice requirements must be met, which are discussed in this report. In approving the special use permit, the Board must consider and make five Findings of Fact, which are discussed below. [WCC Section 110.810.30] The notice requirements and findings are discussed in this report. The Board of Adjustment is allowed to grant an approval of the special use permit that is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project, including conditions prior to permit issuance, prior to obtaining a final inspection and/or certificate of occupancy, prior to issuance of a business license, or ongoing “operational conditions” which must be continually complied with for the life of the project.

Conditions of Approval. The Conditions of Approval for this case are attached to this staff report as Exhibit A and will be included with the Action Order.

Variances. As a part of approval of a special use permit, the Board of Adjustment may also vary standards of the Development Code as they would apply to the Project. [See WCC Section 110.810.20 (e).] In so doing, the Board must make the five findings required for variances as set out in WCC Section 110.804.25.

Special Communications Facility requirements. The proposed facility is a “communications facility” under Article 324 of the County Development Code which imposes specialized requirements and provides that when approving a special use permit, the Board must adopt the three additional findings listed in WCC Section 110.324.75 which are discussed in this staff report.

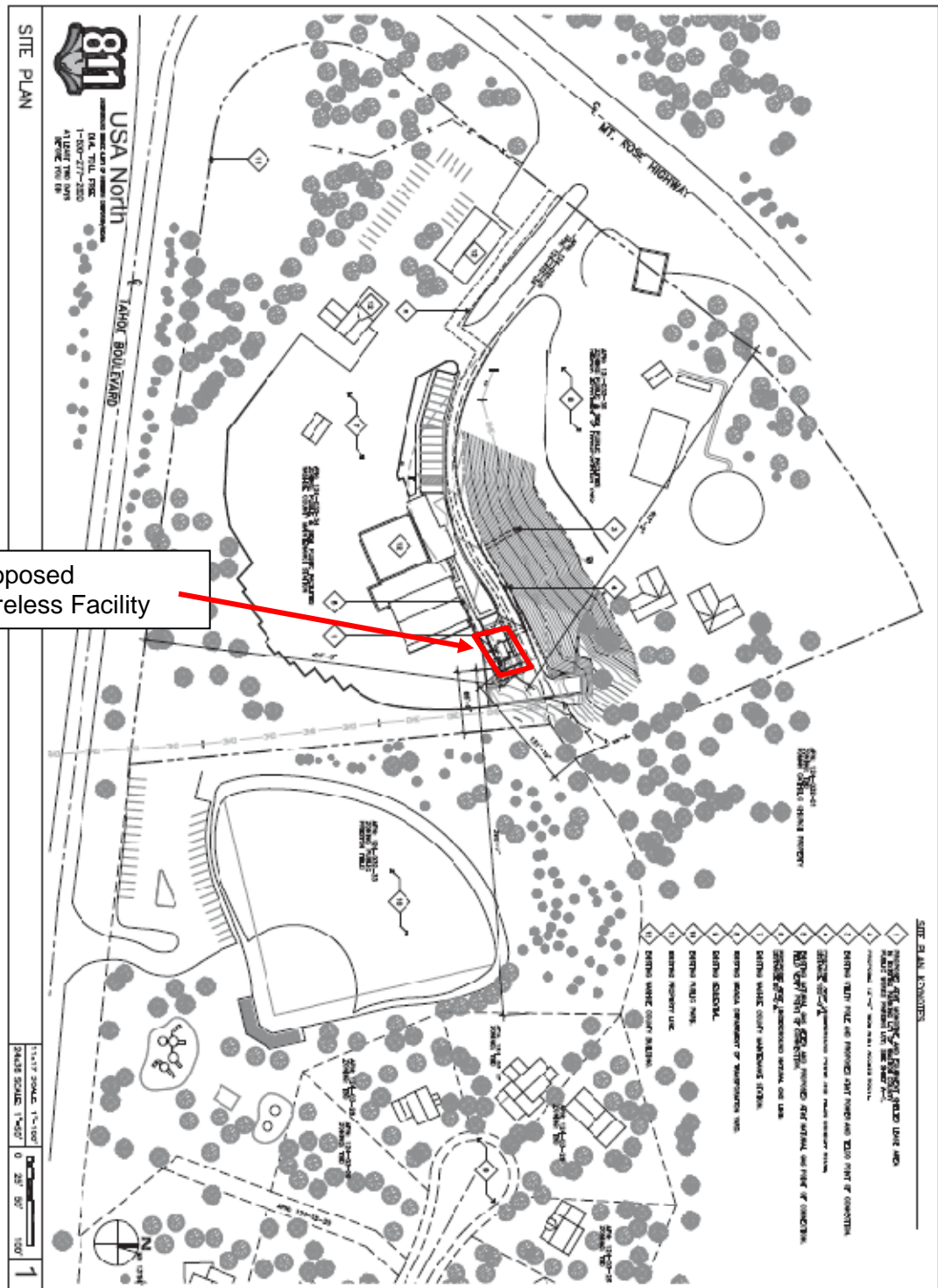
Special Federal and State Rules The proposed facility is a “personal wireless service facility” protected by federal law (Telecommunications Act of 1996, 47 U.S.C. Section 332 (c) (7)) and state law (NRS 707.550 – 707. 920). Generally, federal and state law provide that when regulating the placement, construction or modification of wireless facilities:

- We shall not unreasonably discriminate among providers of functionally equivalent services;
- We shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
- We must act within a reasonable time on applications for permits (presumed to be 150 days under FCC “shot clock” rules);
- If we deny a request to place, construct, or modify personal wireless service facilities, we must do so in a separate writing, and the decision must be supported by substantial evidence (evidence that a reasonable mind might accept as adequate to support a conclusion) contained in a written record. State law (NRS 707.585) requires that a decision denying an application must set forth with specificity each ground on which the authority denied the approval of the application, and must describe the documents relied on by the Board in making its decision.

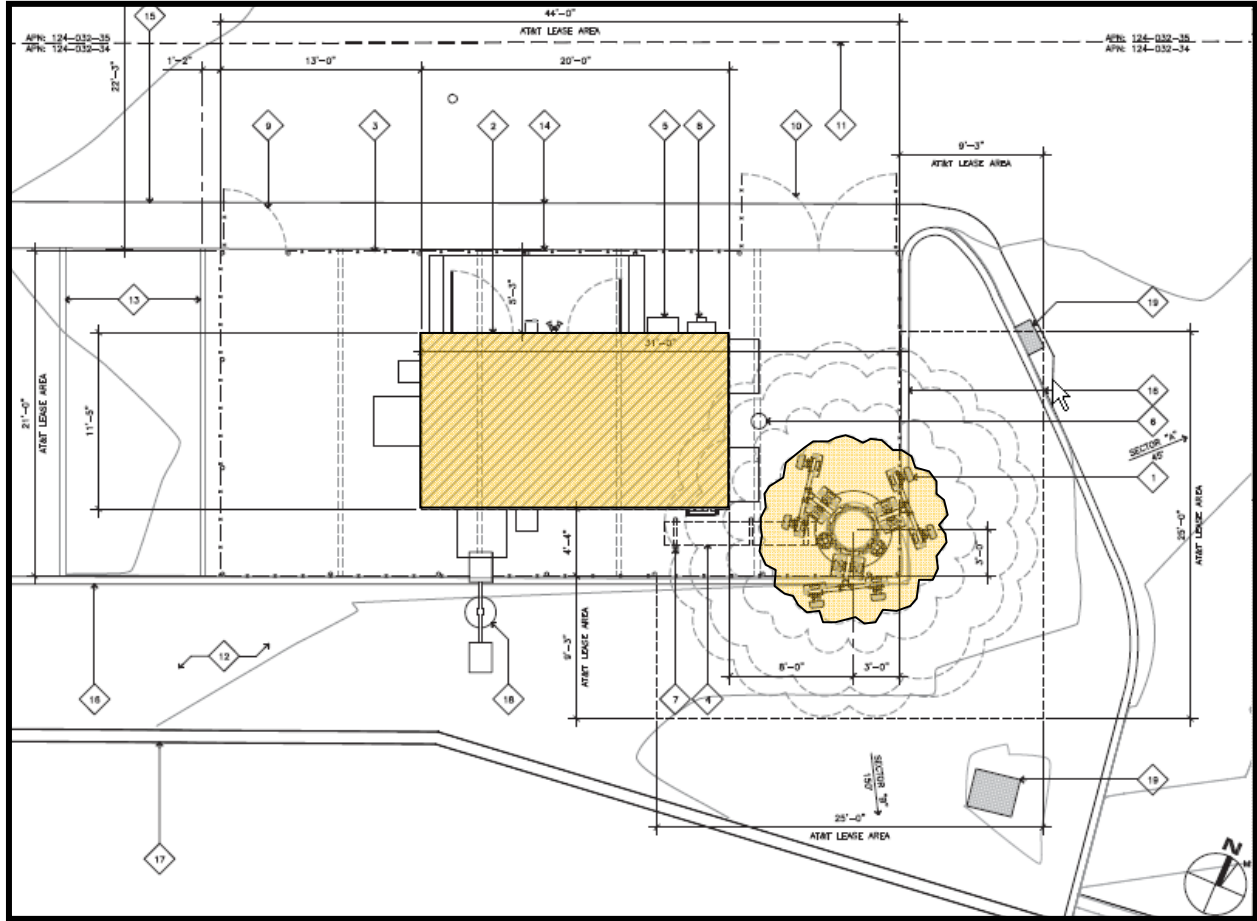
We may not regulate the placement, construction and modification of personal wireless facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.



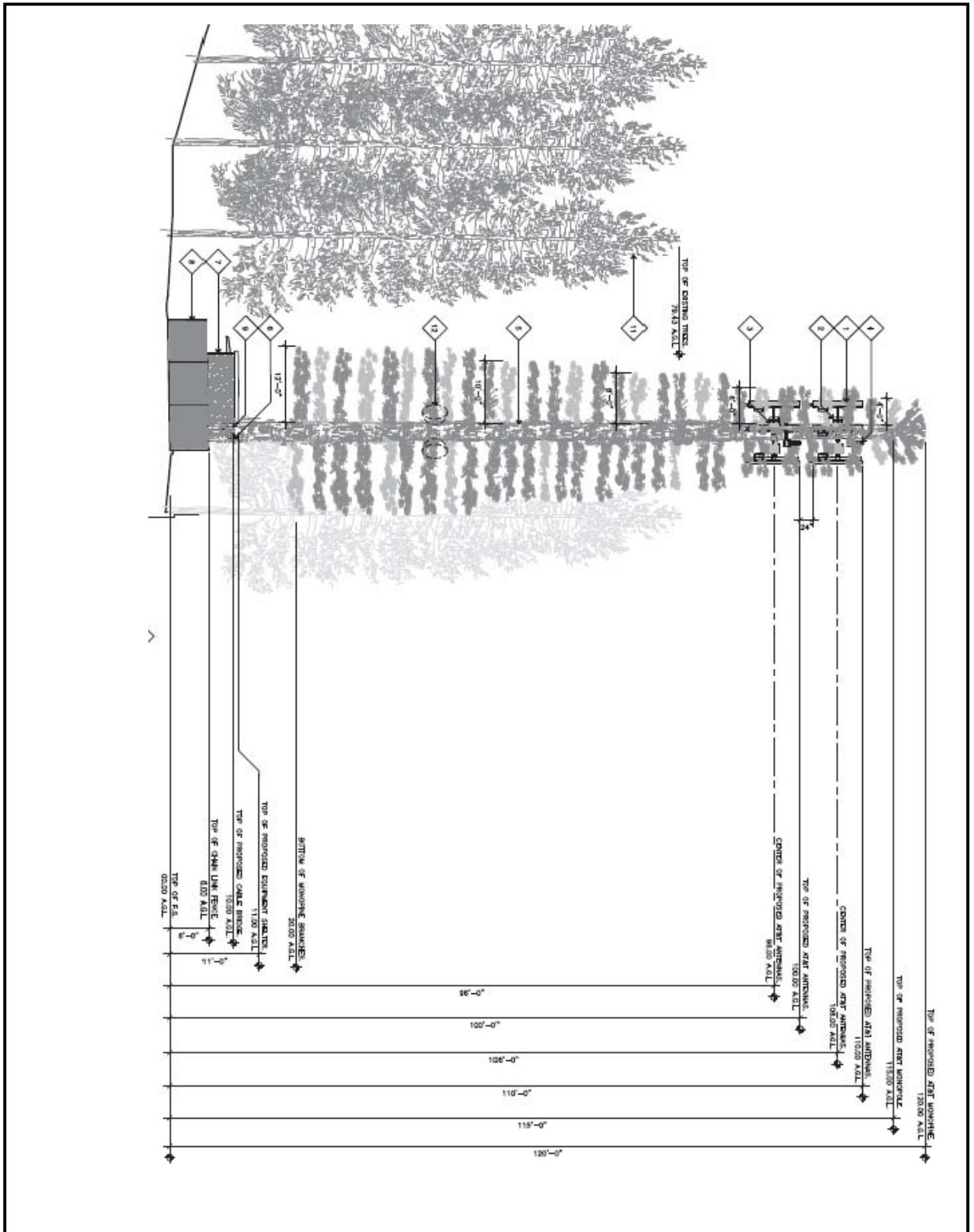
Vicinity Map



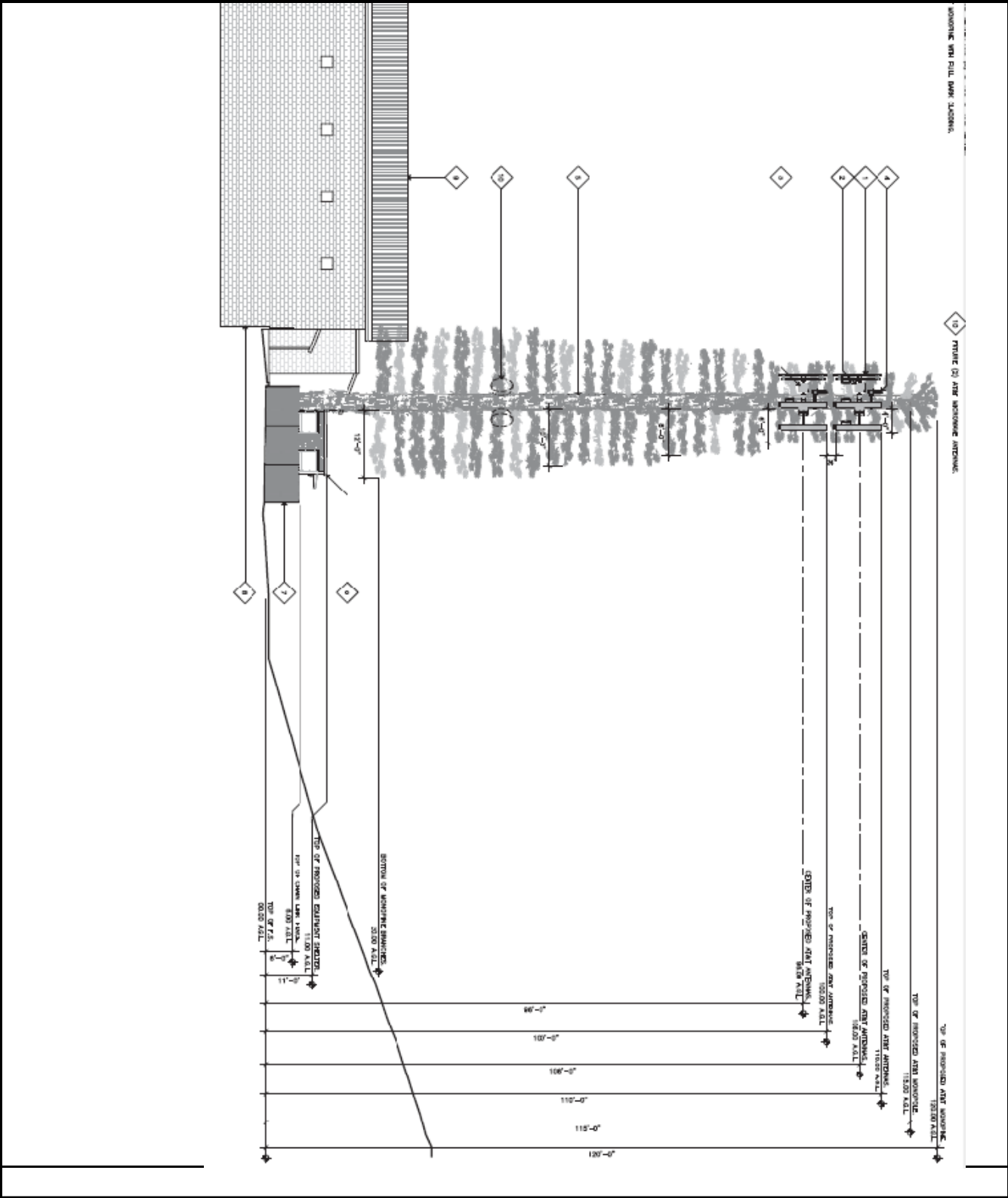
Site Plan



Site Plan



Site Elevation #1



Site Elevation #2



Photo Simulations From Tahoe Blvd.



Photo Simulations lower Mt. Rose Hwy.

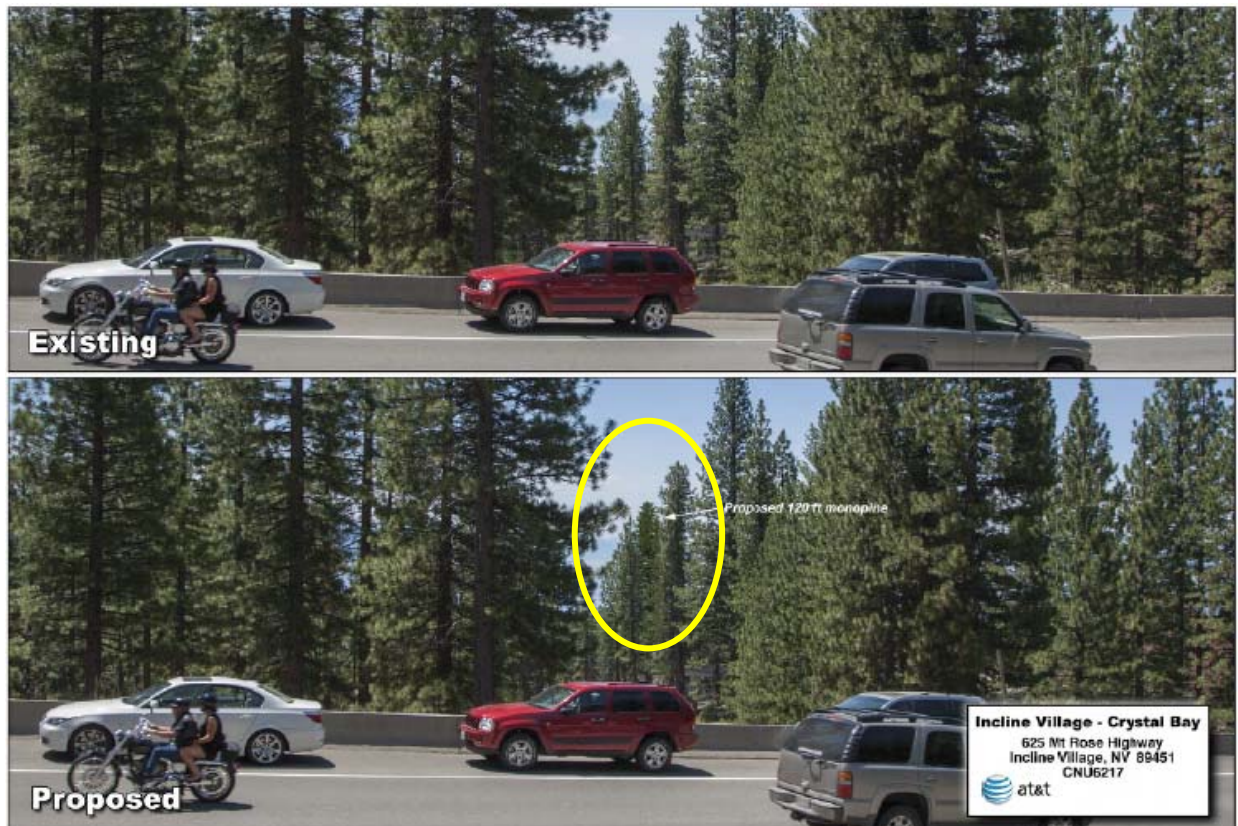


Photo Simulations from upper Mt. Rose Hwy.

Project Evaluation

AT&T mobility is asking to construct a 120 foot-tall wireless communication facility monopole disguised as a pine tree, commonly referred to as a “monopine” with up to 12 panel-mounted antennas located near the top of the monopine. According to the application, the existing AT&T wireless facilities do not currently provide sufficient service levels in the subject area. The maximum allowable height for a stealth designed monopine in the Public/Semi-Public Facility (PSP) regulatory zone is 93.75 feet tall (65 feet + 10 feet + 25%). Also, if the applicant chooses to erect the monopine with the addition of another carrier on the site, known as a collocation, the monopine may be an additional 10 feet in height (per Section 110.324.50(e)(4)) for a maximum pole height of 103.75 feet. The applicant has requested a 120 foot-tall pole height. The wireless facility is proposed to include the monopine and a ± 200 square foot equipment cabinet within a ± 924 square foot fenced area. The fencing around the facility will be a six foot tall chain link fence with dark green vinyl slats to ensure 75% or greater screening.

The application identifies two parcel numbers associated with this request (APN's 124-032-34 & 35), and the site plans show project site and equipment cabinet straddling the two properties. Staff has received confirmation from the County Surveyor by means of a recorded map that this area has been relinquished by the Nevada Department of Transportation (NDOT) and acquired by Washoe County and that the accurate property lines will be reflected by the Assessor's Office soon. Therefore only APN 124-032-34 is associated with this request. Additionally, staff

has confirmed that the monopine and all associated equipment meet the required setbacks per Article 324.

Height Variance

Per Section 110.810.20(e) of the Washoe County Development Code, the Board of Adjustment may vary standards of the Development Code as part of the approval of a special use permit application. The applicants are asking Washoe County to vary the height standards to allow for a 120 foot-tall monopine. However, in order to grant the request to vary the height standards, the applicant must demonstrate that there is a special circumstance associated with the property including exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property and/or location of surroundings in which the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

The applicants contend that the additional height is necessary to ensure that the antennas are placed above the tops of the surrounding trees. However, the existence of the surrounding trees is neither extraordinary nor exceptional. In fact, tall pine trees are ubiquitous throughout the Tahoe Basin. Additionally, at the allowed 93.75 foot height plus the possible 10 foot addition if collocated with another carrier, the antennas would be located above most of the surrounding tree tops which are identified to be approximately 79-feet tall. Due to the lack of special circumstances, staff cannot recommend approval of the proposed 120-foot pole-height and is therefore recommending a partial approval of the request to allow the wireless facility with monopine design up to the height allowed by Code of 93.75 feet with the possibility to increase the pole height to 103.75 feet if collocated with another carrier.

Visual Impacts

The potential visual impacts for a 93.75 (or 103.75) foot tall monopine, if any, should be minimal based on the Development Code standards. There will always be "visual" impacts when a new pole or structure is erected, however, in this instance the proposed monopole will be camouflaged to look like a pine tree in and around a backdrop of other pine trees. Staff shall require that the branches on the monopine are consistent in design and nearly identical in color with that of the surrounding trees. Additionally, the monopine will be located within the Washoe County maintenance yard and adjacent to the Nevada Department of Transportation maintenance yard. The proposed facility will be located over 400 feet from the nearest residentially-zoned property.

Access/Parking

No new access or parking spaces will be required, as the facility is an unmanned facility.

Signage/Lighting

Signage will be as required by FAA/FCC or other jurisdictional entities. There will be no "advertisement signage."

Radio Frequency and Environmental Impacts

Under Federal law (47 U.S.C. 332 (c) (7) (B) (iv)), if the proposed telecommunications facility complies with FCC regulations, this Board cannot regulate its placement, construction, and modification based on the potential environmental effects of radio frequency emissions. Under

State law (NRS 707.575 (4) the Board “shall not consider the environmental effects of radio frequency emissions” in rendering a decision of approving or denying this special use permit.

The “Electromagnetic Frequency Report” submitted to Washoe County indicates that the proposed tower will be in compliance with all FCC rules and regulations. The report is signed and stamped by a registered professional engineer licensed in the State of Nevada.

Incline Village/Crystal Bay Citizen Advisory Board

The proposed project was presented by the applicant’s representative at the Incline Village/Crystal Bay Citizen Advisory Board meeting on May 6, 2014. The attached memorandum from the CAB reflects discussion on the following items:

- A question was asked about whether other carriers were interested in collocation? *The applicant mentioned that there is another carrier interested in collocating on this site.*
- There was a suggestion that the applicant should consider installing the facility up the hill (at the fire station).
- If there is already coverage here, why is there a need for additional coverage? *The applicant mentioned that the AT&T coverage around this location is currently very poor.*
- Concerns were raised regarding the approved AT&T wireless site at the boat storage facility.
- Support was given to locating on local government sites such as the fire station and the proposed Washoe County roads site as revenues would be given back to the community.
- A concern was raised that there already are a number wireless towers in the area and a question was asked if it is possible to make the signal(s) more powerful and avoid more towers.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Washoe County Planning and Development
 - Washoe County Engineering and Capital Projects Division
 - Washoe County Water Resources
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- Regional Transportation Commission
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Tahoe Regional Planning Agency
- Washoe County Sheriff’s Office
- Washoe County Regional Communications System

Six out of the eleven above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Washoe County Planning and Development addressed the design, color and height of the proposed monopine facility.
Contact: Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us
- Washoe County Engineering and Capital Projects addressed the construction improvement drawings and the requirement for an easement.
Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us
- Incline Village General Improvement District addressed the concerns with the location of an existing water line.
Contact: Tim Buxton, 775.832.1246, t_buxton@ivgid.org

Staff Comment on Required Findings

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal with a maximum monopine pole height of 103.75 feet is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan.

Staff Comment: The proposed request does not conflict with any of the Master Plan or Area Plan policies.

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: The project site is currently developed with all the required improvements to support the applicant's request.

3. Site Suitability. That the site is physically suitable for type of development, and for the intensity of such a development.

Staff Comment: The site is being used as a road maintenance facility which is used to provide services for the local community; similarly, the proposed wireless facility is defined in state law as a utility and as such will provide services for the local community.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The proposed wireless facility will be disguised as a pine tree and will blend with the surrounding trees. It will not block views or create an significantly detrimental impacts to public health, safety or welfare. Conversely, the improved wireless coverage will enhance public safety, specifically along Mt. Rose Hwy.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation within close proximity of the subject property.

In addition to the finding required for approval in Article 810 above, the following findings shall be made pursuant to Article 324:

6. The proposed commercial antenna is necessary to meet the applicant's and the public's needs.

Staff Comment: The proposed facility will provide needed wireless coverage to meet the public's cellular service needs.

7. The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity; and

Staff Comment: The use is defined as a public utility which is consistent with the road maintenance yard use on the subject property and the adjacent property to the north.

8. The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

Staff Comment: The antenna and supporting pole will be designed to look like a pine tree similar to the surrounding trees.

Section 110.804.25 of Article 804, *Variances*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval to vary standards of the Code. Staff has completed an analysis of the application and has determined that the proposal does not comply with the following finding as follows:

- A. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property.

Staff Comment: There are no special circumstances applicable to the property that the strict application of the regulation would result in exceptional and undue hardship. The fact that there are tall pine trees surrounding this site do not represent an extraordinary or exceptional situation or condition of the property.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case Number SB14-006 is being recommended for partial approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

Approval of a 93.75 foot high monopine without collocation with another wireless carrier and approval of a 103.75 foot high monopine if collocated with another wireless carrier:

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approves Special Use Permit Case No. SB14-006 for AT&T Mobility to grant the wireless facility with a maximum pole height of 93.75 feet and/or 103.75 feet if collocated with another wireless carrier, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and three findings required for telecommunications facilities under Section 110.324.75:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for type of development, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;
6. The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
7. The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity; and

8. The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

Denial without prejudice of a 120 foot-high monopole

I move to deny without prejudice that part of the application for Special Use Permit Case Number SB14-006 for AT&T seeking approval of a monopole of up to 120 feet in height because the requested height exceeds that allowed by regulations in the County's Development Code Sections 110.324.50(e)(1) and 110.324.50(e)(3) and this Board is unable to make all of the findings required to approve a variance from those regulations as set out in WCC Section 110.804.25. Specifically, the Board is unable to make the finding that because of special circumstances (such as exceptional narrowness, shallowness or shape of the specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of the property and/or location of surroundings) the strict application of those regulations results in exceptional and undue hardship upon the owner of the property. The Board cannot find that such special circumstances exist.

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant: AT&T Mobility, Attn: Charlotte Perrault, 2600 Camino Ramon, San Ramon, CA, 94583

Property Owner: Washoe County, Engineering and Capital Projects Division, Attn. Dwayne Smith

Representatives: JRA, Attn: Robin Nelson, 131 Innovation Drive Suite 100, Irvine, CA 92617

EXHIBIT A



Conditions of Approval

Special Use Permit Case Number SB14-006

The project approved under Special Use Permit Case Number SB14-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 5, 2014. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.**

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan or director's modification request to the Planning and Development Division. Said plan shall address, but not be limited to: landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
- f. The applicant shall execute an approved agreement with Washoe County for the site use prior to the issuance of any building permits.

- g. The following **Operational Conditions** shall be required for the life of the development:
 - 1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - 2. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
 - 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- h. The applicant shall meet with the Incline Village General Improvement District (IVGID) prior to the issuance of any building or grading permits to address and resolve the existing 8" water main and storm drainage utility piping which is located within the proposed construction site prior to the issuance of any building or grading permits associated with this request. Planning and Development staff will work with IVGID staff to determine compliance with this condition.

Washoe County Engineering and Capital Projects

- 2. The following conditions are requirements of the Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2040, lvesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site.
- b. The applicant shall provide permanent easements for the lease area, access and utilities. A copy of the recorded easements shall be submitted to Engineering prior to issuance of a building permit.
- c. All existing and proposed easements shall be shown on the site and/or grading plan. Engineering shall determine compliance with this condition.

*** End of Conditions ***

- Gerry Eick said there is a path there already, and there is no path on Northwood next to Elementary school. He said if you are going to make expenditure, he recommended putting in a path next to the school. Village to fairway would be heavily used. On the school side (west/southside).
- Kevin Lyons asked what the next new path on the plan and what is the cost.
- Pete Todoroff said he sent an email on March 28 asking her what the cost will be. Clara said she will get back to you regarding this.
- Mark Alexander said he was concerned with the crossing. Clara clarified and showed him what sign means 'crossing.' Mark Alexander suggested installing a solar illuminated sign instead of changing the cross walk. He asked if they will leave the existing path or restore it to native state? Clara said they are open to suggestions: return it to native, parking, or alternate path. Mark asked her when they know the order of magnitude estimate. Clara said within 6 months, and will come back and present again and get more feedback.
- NO ACTION WAS TAKEN ON THIS ITEM. The board requested more information.

With no more questions or discussion, Chairman Alexander closed item 9.

10.*DEVELOPMENT PROJECTS – All development project applications are available online at www.washoecounty.us/comdev/da/da_index.htm. Staff may not be available to attend, but please call if you have any process questions.

A. Special Use Permit Case Number SB14-006 (Incline Village/Crystal Bay AT&T Mobility Wireless Facility) – To install a 120 foot tall mono-pine wireless facility, located 625 Mt. Rose Highway, Incline Village, for the purpose of providing wireless coverage in the surrounding area. Assessor's Parcel Number: 124- 032- 34. Staff representative: Trevor Lloyd, Senior Planner, Washoe County Community Services Department, Planning and Development Division, 775- 328- 3620, tlloyd@washoecounty.us. Tentative Meeting Date: Board of Adjustment, June 5, 2014. (This item was for information only and no action was taken by the CAB).

ATT tower representative, Charlotte gave a slideshow presentation:

- Accommodates just ATT at this time. But can work with other service providers.
- No study completed that reflects a negative impact or adverse effect on property values
- Height covers the community with trees and terrain; coverage is why the facility have to be so high.
- Benefits for the community: Emergency service/911 coverage

Comments and Discussion:

- Margaret Martini asked why it can't be install it up the hill. We have adequate cell service in this current area. Charlotte said it's based on data usage; we need the site to fill demand for those using our service.
- Ann Nichols asked how the tower will look like. Charlotte showed a picture, and said installation is critical and they committed to installing one that blends with the esthetics. Charlotte said she will look at the pine at the mountain course.
- Lynn asked if this is addition to the on installed at the boat yard. She said she want everyone to know that there are two monopines. She suggest emailing them if you are opposed. Charlotte confirmed it was an additional monopine; we need two pines because we are a demand based service.
- Gerry Eick asked about the installation of new towers to fill the gaps for service and possibility of using the old ones, for example, the Mountain Course. Charlotte said they don't de-commission towers often. We don't usually take sites down. We aren't going to quit building. As people demand quality service, we will keep building.
- Pete Todoroff said nobody had knowledge of the tower, and people need to be informed.
- Mark Alexander Said many would probably support it being installed at the fire department because they get the revenue. Mark suggested to Charolette to take it back to the company because people aren't in favor it being installed where it's slated. He asked for clarification question about co-locating with other providers. Charlotte said taller towers are installed for service and co-location purposes.

With no more comment and discussion, Chairman Alexander closed item A.

B. Special Use Permit Case Number SB14-009 (Alibi Ale Works) – To permit the use of a commercial building as a crafty brewery and tasting room at 204 E. Enterprise Street, Incline Village. Assessor's Parcel Number: 132- 222-18. Staff representative: Eva Krause, AICP, Planner, Washoe County Community Services Department, Planning and Chair, Mark Alexander, 775.772.9128 Recording Secretary, Misty Moga – mistybray33@yahoo.com CAB Program – 775.328.2720



Citizen Advisory Board Comment Card and Request to Speak

Name: BRUCE A. MORGAN

Contact (phone, email - optional): brugan@gmail.com

Citizen Advisory Board: PROPOSED ATT MONOPINE CELL TOWER - ENTERPRISE - INCLINE

Date: 7 MAY 14

Agenda Item Number:

Please Circle One:

I would like to speak

I would like to provide written comment only

Comments (optional):

I'm OPPOSED TO THE PROPOSED CELL TOWER LOCATION FOR THE FOLLOWING REASONS:

1. TOO CLOSE TO RESIDENCES. IT'S WITHIN 250 FEET OF TWO RESIDENTIAL DEVELOPMENTS

2. VISUALLY UGLY. DESPITE ATT'S COMMENTS THAT THE DESIGN FITS INTO THE AREA, IT'S NOWHERE CLOSE TO LOOKING LIKE A REAL TREE

3. THERE'S A BETTER ALTERNATIVE - THE FIRE STATION. NOT ONLY IS THE FIRE DISTRICT LOOKING FORWARD TO HAVING THE TOWER THERE, THE LOCATION RELIEVES THE CURRENT VISUAL BLIGHT OF TWO EXISTING ANTENNAS BY PUTTING THEM ON THE MOND-PINE.

THE FIRE STATION IS BY FAR THE BETTER CHOICE.



Citizen Advisory Board Comment Card and Request to Speak

ROBERT P. LEWIS

Name: VIRGINIA LEWIS

Contact (phone, email - optional): 775-832-5616 VLDES1Q@YAHOO.COM

Citizen Advisory Board:

Date: MAY 6, 2014

Agenda Item Number: 10, CASE # SB14-006 ATT MONOPINE

Please Circle One:

I would like to speak

I would like to provide written comment only

Comments (optional):

1. ATT HAS NOT SUBMITTED A MASTER PLAN ^{TO THE COMMUNITY} FOR NORTH TAHOE/ INCLINE VILLAGE, WASHOE COUNTY TOWERS. WE NOW SEE THAT THEY WANT AT LEAST TWO: THIS ONE AT THE SHERIFF'S STATION & THE ONE AT 202 E. ENTERPRISE WAY, INCLINE, PERMIT CASE SB13-022. HOW MANY MORE? THIS ITEM SHOULD NOT BE APPROVED UNTIL THE PUBLIC IS ABLE TO SEE & COMMENT ON THE COMPLETE ATT MASTER PLAN FOR INCLINE. MAYBE COUNTY PLANNING HAS THE PLAN AND HAS NOT SHARED IT WITH INCLINE VILLAGE?
2. ANY & ALL TOWERS MUST BE ON PUBLIC LAND UNDER COUNTY CONTROL, NOT ON PRIVATE LAND AS ENTERPRISE WAY TOWER IS PROPOSED. ALL MONETARY BENEFIT SHOULD GO TO INCLINE, WASHOE COUNTY.
3. OTHER AVAILABLE SITE IN LIEU OF 202 ENTERPRISE WAY IS THE FIRE STATION ON TANGER. THE FIRE DEPT WOULD WELCOME THIS.
4. WE AND MANY OTHER RESIDENTS LIVING WITHIN SHORT RANGE OF THE PROPOSED 202 E. ENTERPRISE SITE, VEHEMENTLY OPPOSE THIS PARTICULAR SITE. IT IS TOO CLOSE TO HIGH DENSITY HOUSING. REGARDLESS OF WHAT ATT SAYS, IT WILL HAVE AN ADVERSE EFFECT ON PROPERTY VALUES, IT IS A DETRIMENT.

CAB Program - 775.328.2720

SB14-006
EXHIBIT C



Citizen Advisory Board Comment Card and Request to Speak

Name: Lynn Tatarak
Contact (phone, email - optional): 775 848-1945 Ltatarak@aol.com
Citizen Advisory Board:
Date: 5/6/2014
Agenda Item Number: 10

Please Circle One:

I would like to speak

I would like to provide written comment only

Comments (optional):

I am wondering how many of the unsightly monopine antennas are going to be erected in this town before it's too late? I am VERY opposed the monopine at 202 S Enterprise. AT&T has already been granted a permit by our county officials (who I thought were supposed to be looking out for us not a big business). This was granted to a private owner instead of the other option AT&T was looking into the Fire Department or Tanagers a county property - I don't understand - shouldn't our county officials want that rental income to come back into the county not a private individual?? Please take the time to look into this matter before it's too late, how about letting AT&T rent some of this land we are trying to purchase thru the BLM??



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: May 01, 2014
TO: Trevor Lloyd, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB14-006**
APN 124-032-34
INCLINE VILLAGE AT&T WIRELESS

I have reviewed the referenced special use permit case and recommend the following conditions:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site.
2. The applicant shall provide permanent easements for the lease area, access and utilities. A copy of the recorded easements shall be submitted to the Engineering Division prior to issuance of a building permit.
3. All existing and proposed easements shall be shown on the site and/or grading plan. The Engineering Division shall determine compliance with this condition.

LRV/lrv

SB14-006
EXHIBIT D



Development Review Status Sheet

Date: 5-6-14

Attention: Trevor Lloyd
Washoe County Department of Community Development
PO Box 11130, Reno NV 89520

RE: Special Use Permit Case Number SB14-006
APN: 124-032-34
Service Address: 625 Mt. Rose Highway
Incline Village NV 89451
Owner: Washoe County

Phone:	Fax:	Email:
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Mailing Address: 625 Mt. Rose Highway

Request: **Special Use Permit Case Number SB14-006 (Incline Village/Crystal Bay AT&T Mobility Wireless Facility)** – To install a 120 foot tall mono-pine wireless facility for the purpose of providing wireless coverage in the surrounding area.

- Applicant: AT&T Mobility
- Property Owner: Washoe County
- Location: 625 Mt. Rose Highway, Incline Village
- Assessor's Parcel Number(s): 124-032-34
- Parcel Size: ±6.14
- Master Plan Category: Rural (R)
- Regulatory Zone: Public/Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 324, Communication Facilities; and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 16, T16N, R18E MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Phone 775-328-3620 Email TLloyd@washoecounty.us

Comments and Conditions: On 5-6-14, Charlotte Perrault was contacted about a 8" water main and storm drainage utility piping located within the proposed construction site. Please contact IVGID for a field site meeting to review all existing water and sewer As-Built maps and to agree on final location of requested site of construction of tower.

Completed by: Tim Buxton, Chief Inspector
Phone: (775) 832-1246 Fax: (775) 832-1260
Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via US Postal Service. We will reimburse you for your postage. Thank you.

Note: Send information to the case planner as prescribed on the memo from Dawn or the Washoe County Development. TLB

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: May 23, 2014

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

1:30 p.m., Thursday, June 5, 2014

County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512

RE: **PUBLIC HEARING: Special Use Permit Case Number SB14-006 Incline Village/Crystal Bay AT&T Mobility Wireless Facility** – To install a 120 foot tall mono-pine wireless facility for the purpose of providing wireless coverage in the surrounding area.

- Applicant: AT&T Mobility
- Property Owner: Washoe County
- Location: 625 Mt. Rose Highway, Incline Village
- Assessor's Parcel Number: 124-032-34
- Parcel Size: ±6.14
- Master Plan Category: Rural (R)
- Regulatory Zone: Public/Semi-Public Facilities (PSP)
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- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3620
- E-mail: Tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/comdev/, choose **Boards and Commissions**, then **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**. A staff report related to this public hearing will be posted on Friday, six days prior to the meeting.

Special Use Permit Case SB14-006

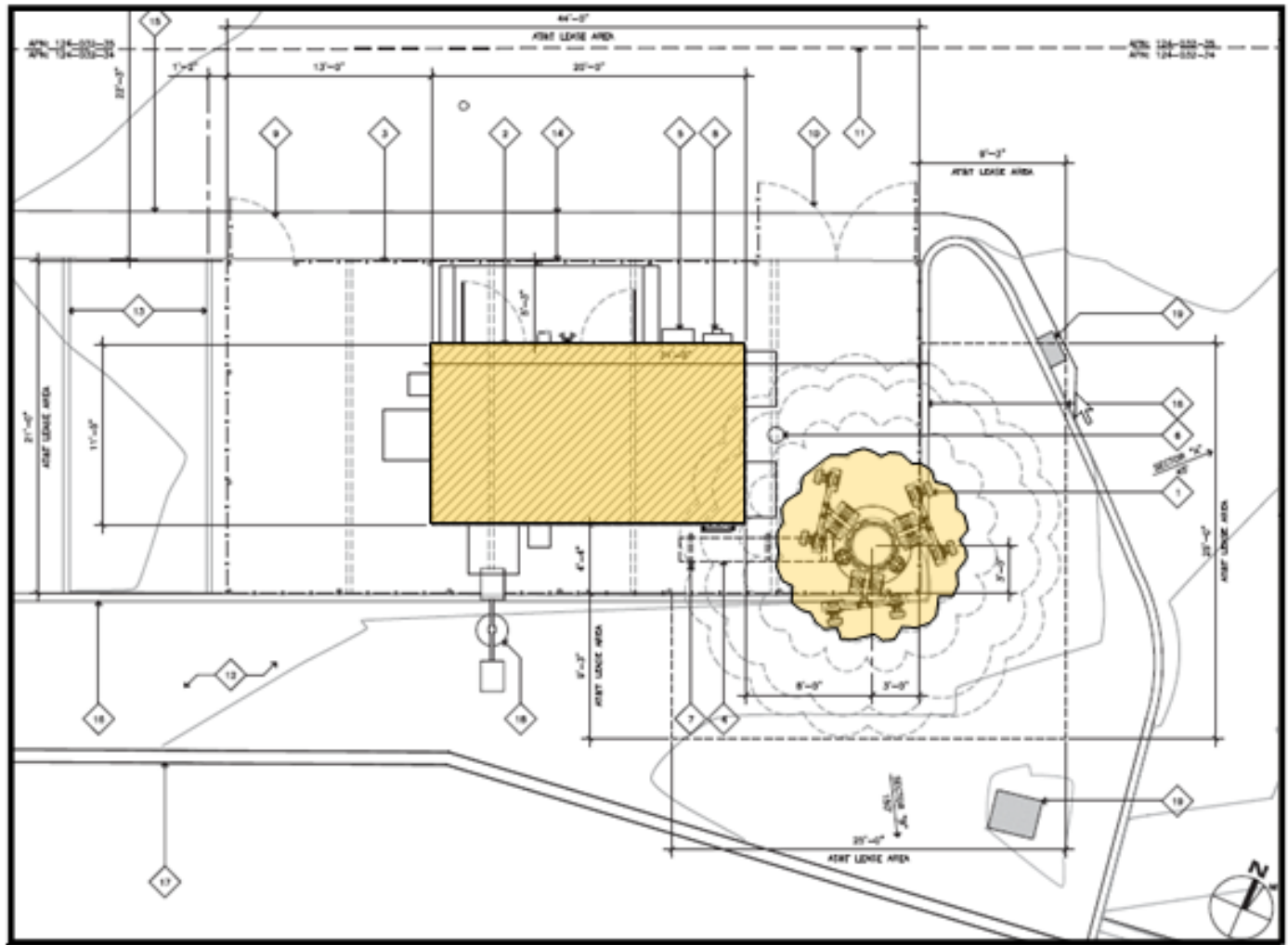
Washoe County Board
of Adjustment
June 5, 2014



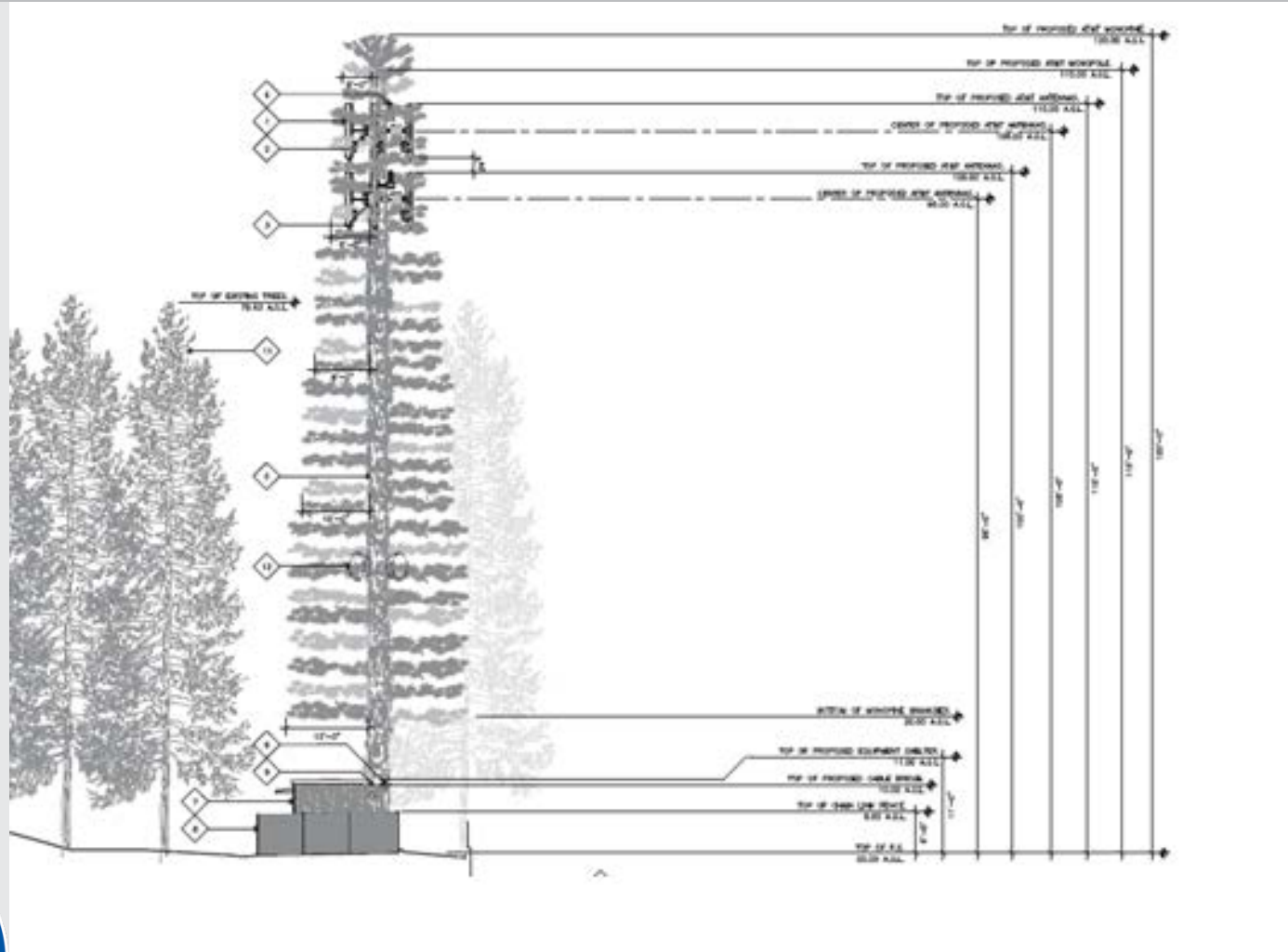
Vicinity Map



Site Plan



Project Elevation



Project Elevation

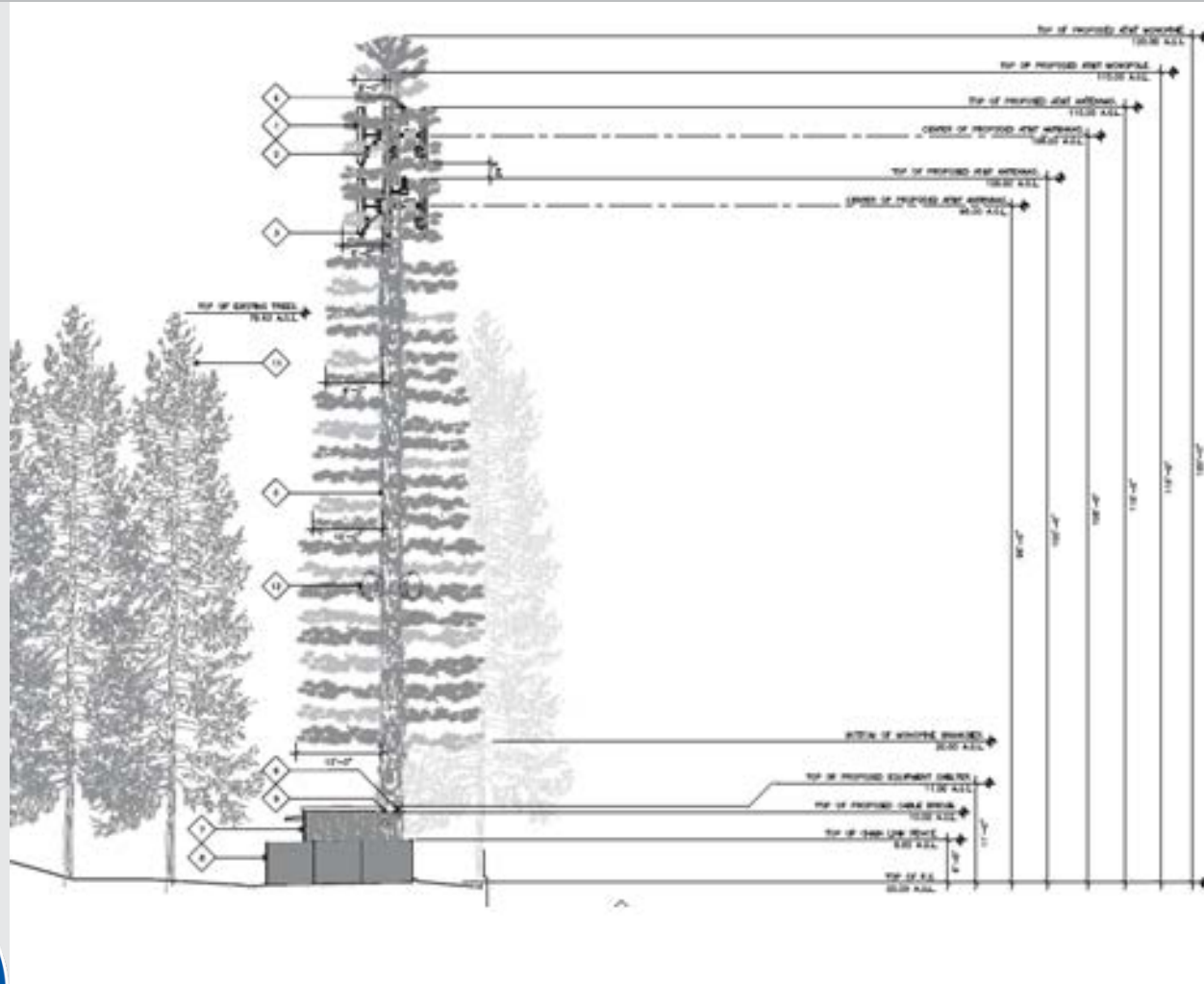


Photo Simulations 1



Photo Simulations 2



Photo Simulations 3



Project Specifics

- **Property is zoned Public/Semi Public Facilities (PSP)**
- **Washoe County Maintenance Yard**
- **120-foot tall monopine.**
- **Staff Recommending 103.75-max.**
- **Within a 6-foot tall screened facility**
- **Seeking Director's Modification for Landscaping**



Variance – Unique Circumstance

- **No Unique or Special Circumstances**
- **Many pine trees throughout the area.**
- **The allowed 103.75-feet is above the surrounding tree tops**



Citizen Advisory Board

- **May 6, 2014 Incline Village/Crystal Bay CAB Meeting**
- **No vote was taken by the CAB.**
- **Collocation?**
- **Fire station site (up the hill)?**
- **Why is additional coverage needed?**
- **Concern raised over the number of wireless sites.**



Possible Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approves Special Use Permit Case No. SB14-006 for AT&T Mobility to grant the wireless facility with a maximum pole height of 93.75 feet and/or 103.75 feet if collocated with another wireless carrier, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and three findings required for telecommunications facilities under Section 110.324.75



Possible Motion for Denial

I move to deny without prejudice that part of the application for Special Use Permit Case Number SB14-006 for AT&T seeking approval of a monopole of up to 120 feet in height because the requested height exceeds that allowed by regulations in the County's Development Code Sections 110.324.50(e)(1) and 110.324.50(e)(3) and this Board is unable to make all of the findings required to approve a variance from those regulations as set out in WCC Section 110.804.25. Specifically, the Board is unable to make the finding that because of special circumstances (such as exceptional narrowness, shallowness or shape of the specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of the property and/or location of surroundings) the strict application of those regulations results in exceptional and undue hardship upon the owner of the property. The Board cannot find that such special circumstances exist.

