



# Board of Adjustment Staff Report

Meeting Date: April 3, 2014

Subject: Special Use Permit Case Number SB14-002  
Applicants: Sacramento-Valley LP dba Verizon Wireless  
**Agenda Item Number: 8E**  
Project Summary: Construct a Wireless Communications Facility, including a 100 ft high stealth monopole designed as a faux windmill and a ground equipment cabinet.  
**Recommendation: Denial**  
Prepared by: Grace Sannazzaro, Planner  
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## Description

**Special Use Permit Case Number SB14-002 (Verizon Wireless)** – To allow for the construction of a Wireless Communications Facility consisting of a 100 foot high stealth design monopole containing six antennas, and an equipment shelter containing telecommunication ground equipment, all of which shall be enclosed within a 50' x 50' fenced area on a ±35.73 acre parcel.

- Applicant: Sacramento Valley LP dba Verizon Wireless
- Consultant: Complete Wireless Consulting
- Property Owner: Washoe Valley Storage
- Project Address: 205 US Highway 395 N, Washoe Valley, NV; located on the west side of US 395, across the highway from Old Washoe Drive
- Assessor's Parcel No: 046-080-42
- Total Parcel Size: ±35.73 Acres
- Total Project Size: 50 feet x 50 feet (2,500 square feet)
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 324, *Communication Facilities* and Article 810, *Special Use Permits*
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 24, T17N, R19E, MDM, Washoe County, NV

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Public Notice Map ..... Exhibit C

Washoe County Assessor’s Map ..... Exhibit D

Photo Simulations ..... Exhibit E

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Regional Parks and Open Space, Washoe County Planning & Development Division .... Exhibit H

Air Quality Management Division, Washoe County Health District ..... Exhibit I

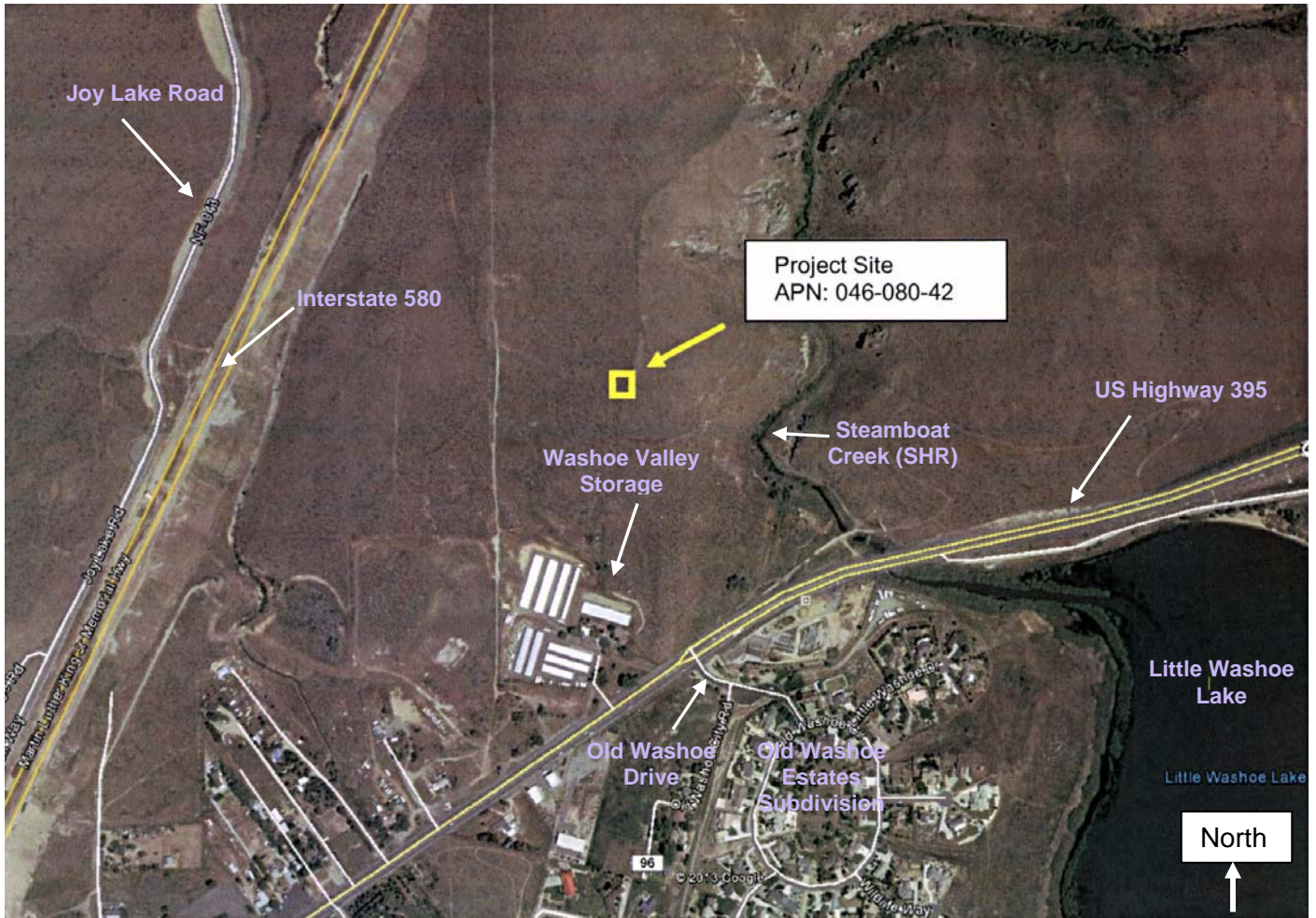
Project Application ..... Exhibit J

**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. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

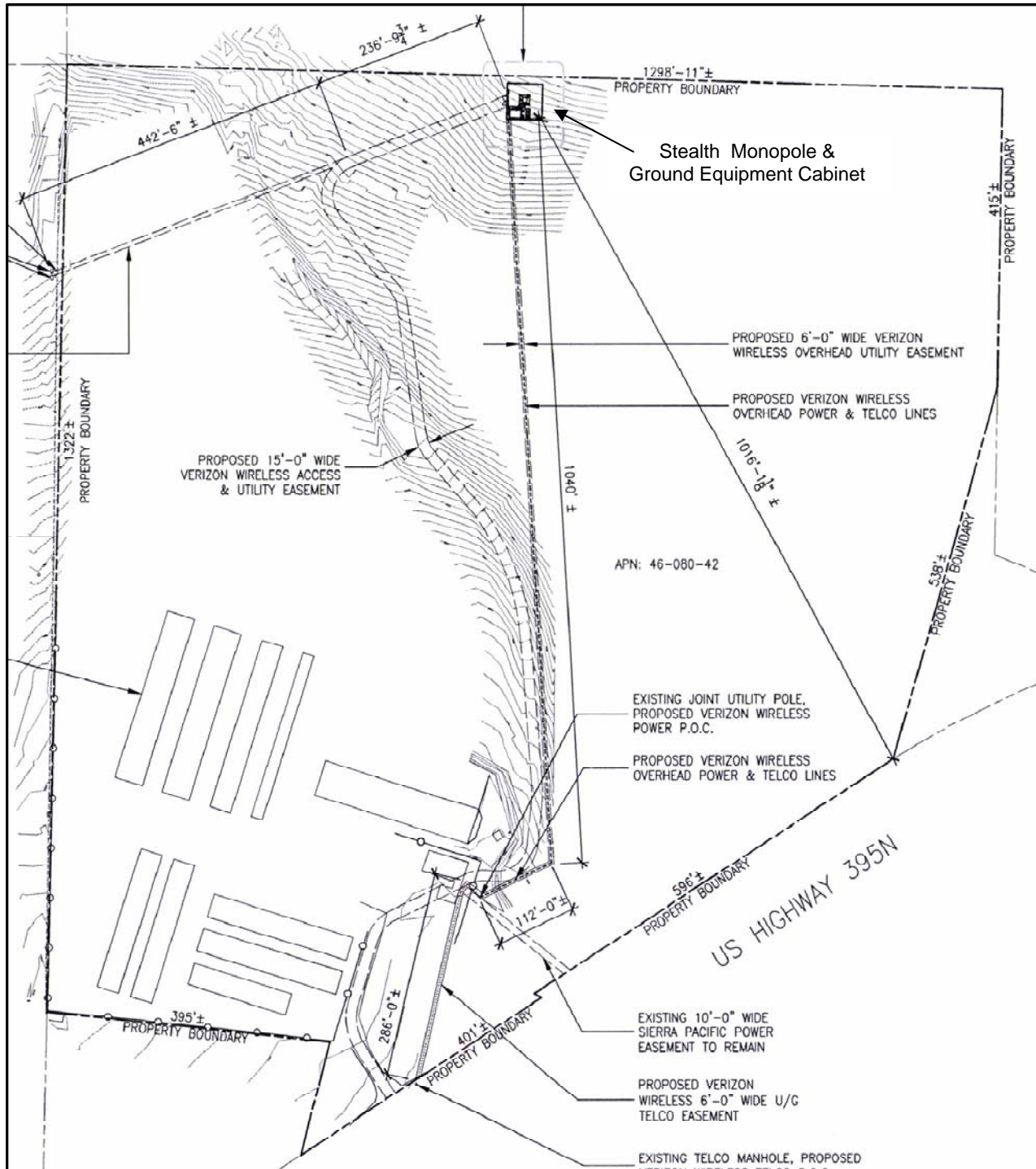
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as "*Operational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

If the Board of Adjustment denies the Special Use Permit, no Conditions of Approval are issued.

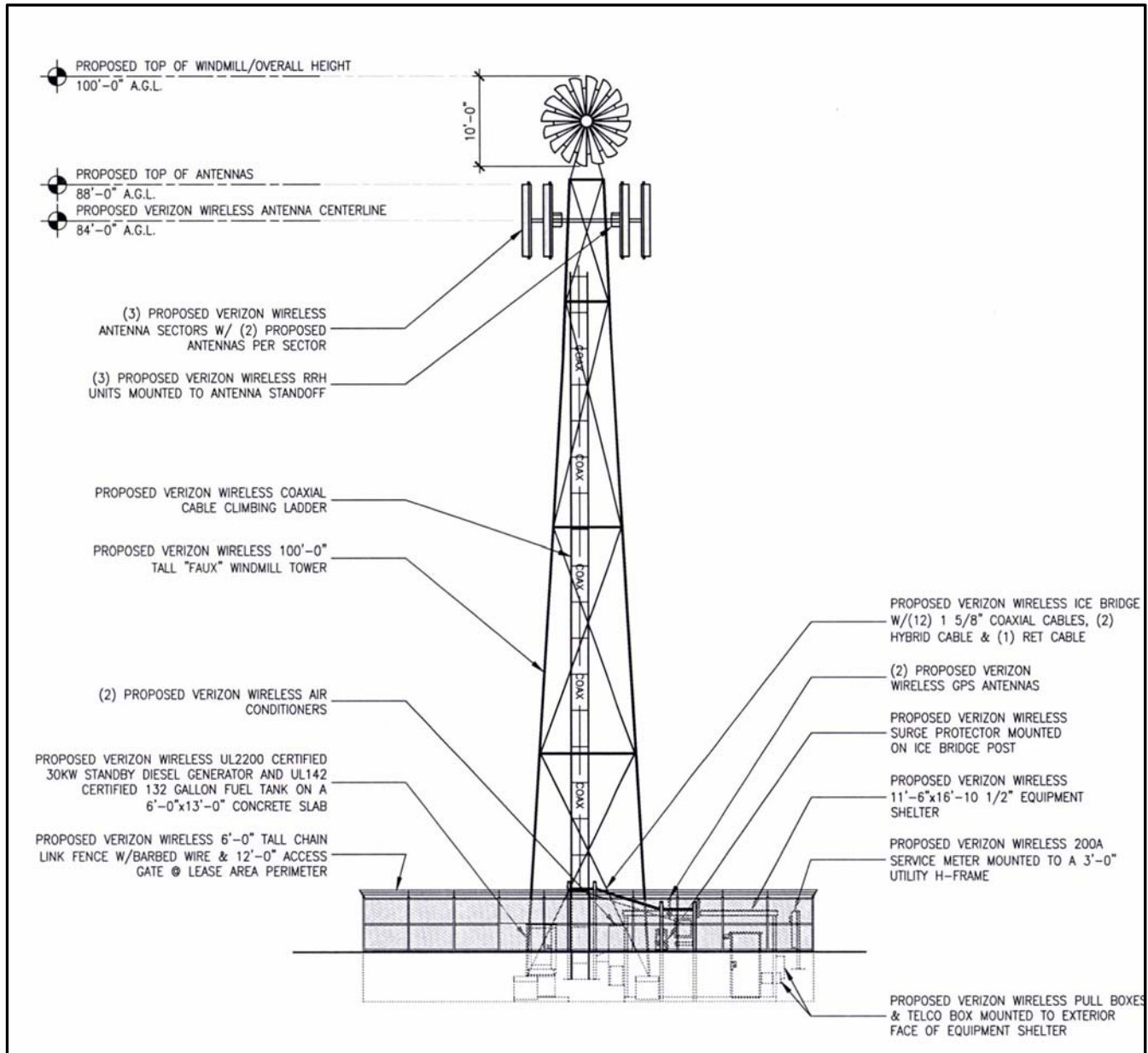


**Vicinity Map**

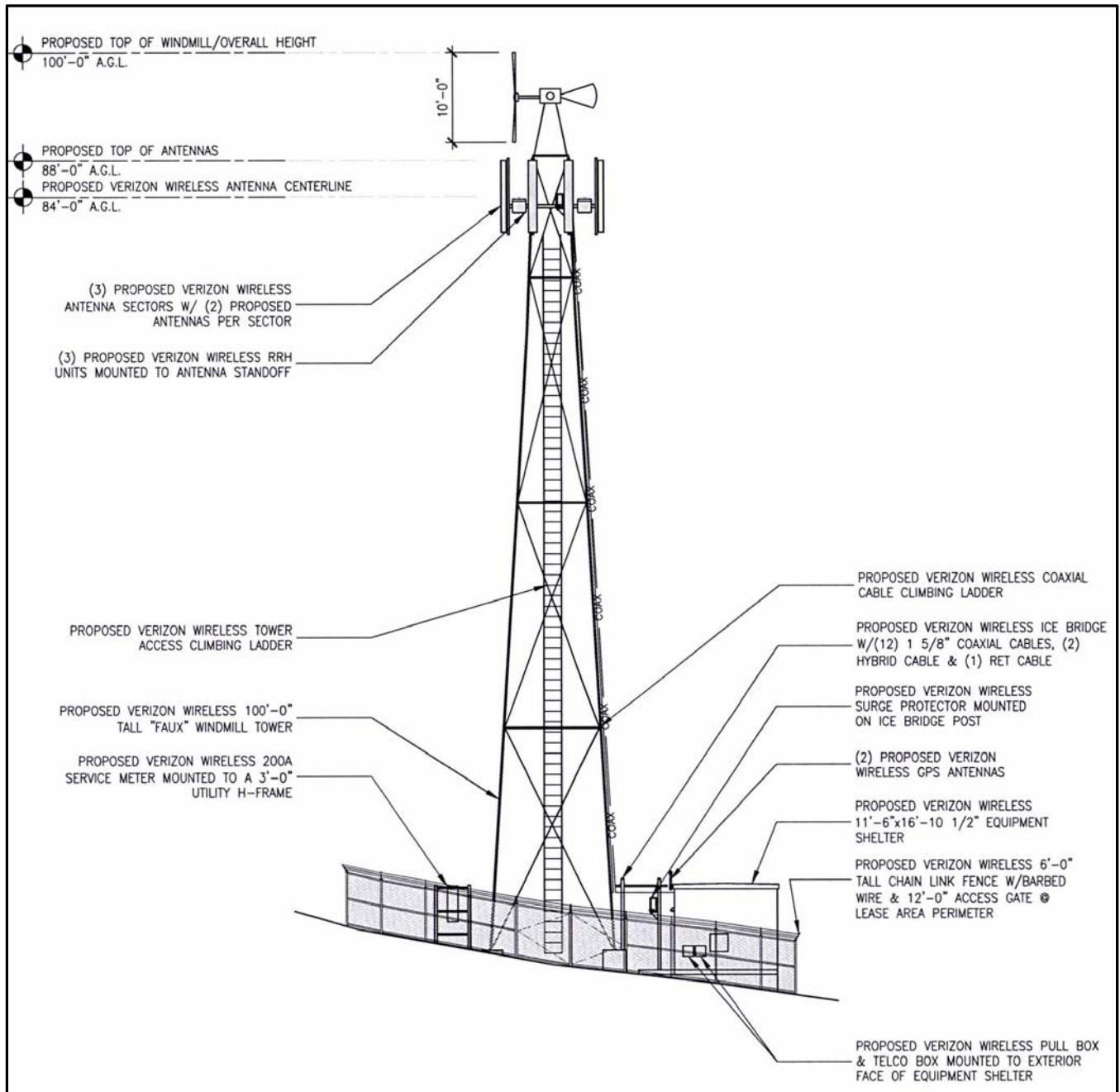
205 S US Highway 395 N, Washoe Valley, NV. (APN 046-080-42)  
Located on a 50 ft x 50 ft leased area of a ±35.73 acre parcel owned by Washoe Valley Storage.



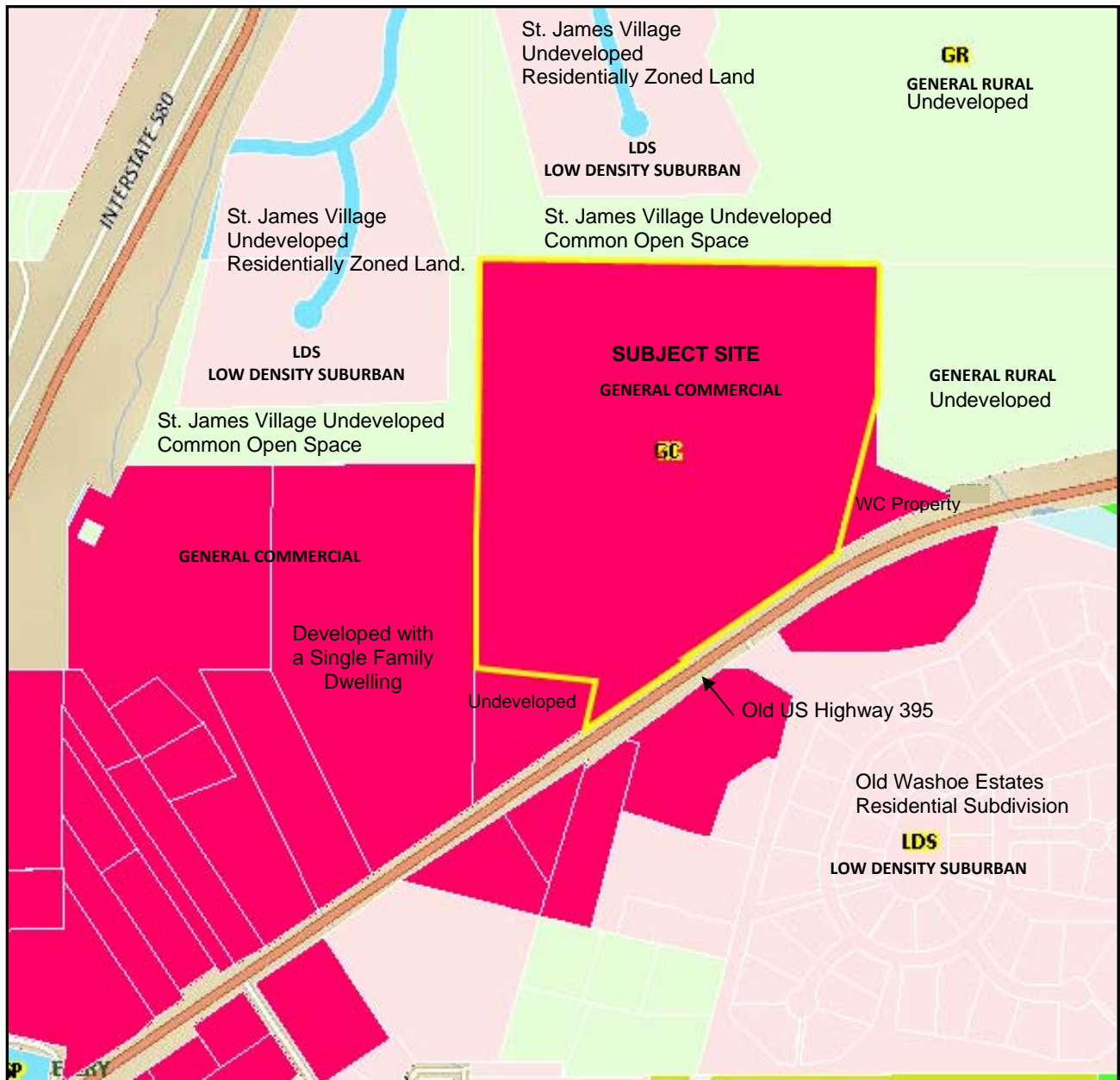
**Site Plan**



**Elevation – North – Faux Windmill Design**



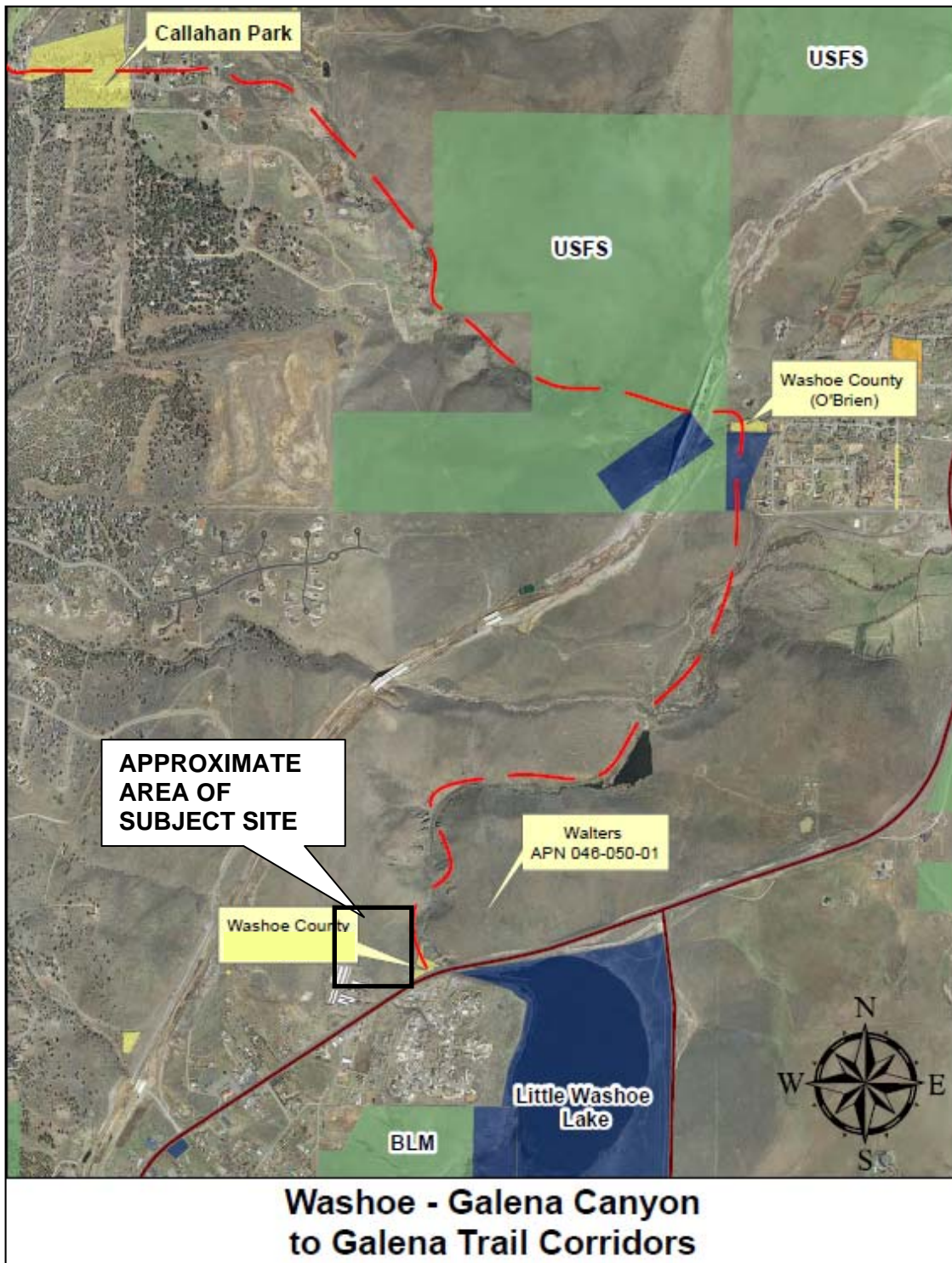
**Elevation – West – Faux Windmill Design**



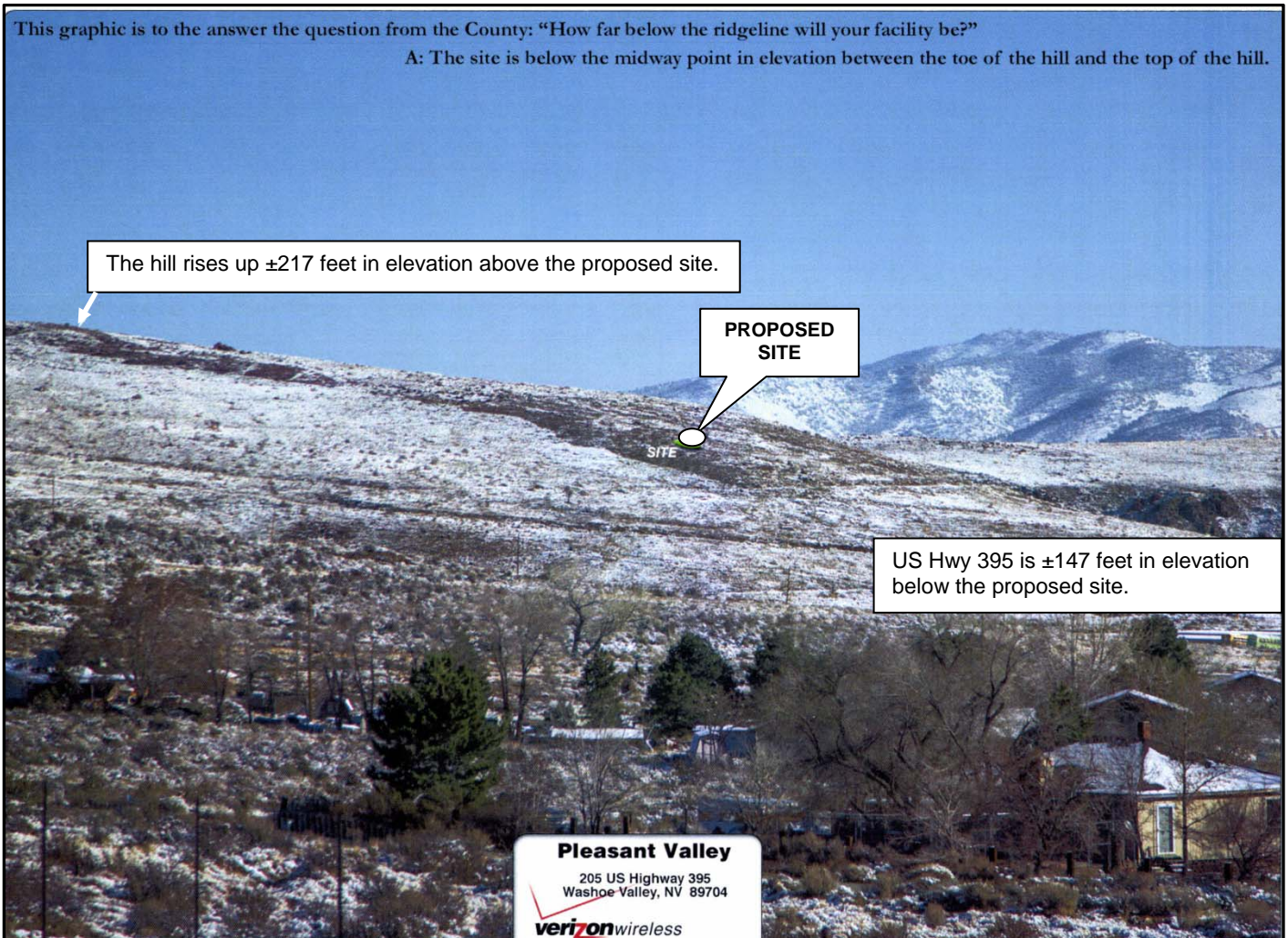
**Regulatory Zone Map**

**South Valleys Area Plan**





Washoe Galena Canyon Public Trail Corridor



### Hillside Elevation

#### Public Notice

NRS 278.315 and Washoe County Development Code, Article 810, *Special Use Permits*, require a minimum 500 foot radius from the subject parcel and notice of the public hearing to a minimum of 30 separate property owners. The notices must be mailed at least 10 days prior to the public hearing date.

Notification of Special Use Permit Case Number SB14-002 was mailed out on two separate dates, once on February 27, 2014, as a supplemental courtesy notice, and then again on April 3, 2014, no less than 10 days prior to the public hearing date to 30 separate property owners who own parcels that are located within a 700 foot radius of the subject parcel. The notice advised of the April 3, 2014, public hearing date before the Washoe County Board of Adjustment and of the March 13, 2014, South Truckee Meadows/Washoe Valley Citizen Advisory Board meeting where the proposal would be discussed. It also provided a telephone number for the staff planner. (Exhibit D– Public Notice Map)

## **Project Evaluation**

The applicant, Verizon Wireless, is requesting a Special Use Permit to allow the construction of a wireless communications facility in the Special Character Management Area of the Old Washoe City Historic District of the South Valleys Area Plan. The application proposes a 100 foot tall faux windmill tower containing six antennas, and an ancillary ground equipment shelter, all enclosed within a 50 ft. x 50 ft. neutral color slatted chain link fenced area on a ±36 acre parcel owned by Washoe Valley Storage. Verizon Wireless advises that the surrounding area is served by two communication facility sites, Slide Mountain and McClellan Peak. McClellan Peak is the primary server for this area and is out of wireless service capacity.

The proposed wireless communication facility would be about 800 linear feet up the hill from the Washoe Valley Storage facility, about 10 feet from the northern property line of the subject parcel, approximately 639 feet from the eastern property line, approximately 680 feet from a future public trail to the east, approximately 611 feet from the western property line, and approximately 1,016 feet from the southern property line which borders US Highway 395. The proposed site would be about 935 feet from the US Interstate 580 corridor. The proposed site is below the midway point in elevation between the toe of the hill and the top of the hill. The top of the hill rises up ±217 feet in elevation above the proposed site and US Highway 395 is ±147 feet in elevation below the proposed site (see image on Page 10). The subject parcel is zoned General Commercial (GC), which requires 10 foot setbacks for front, rear and side yards.

The proposal includes two new 6 foot wide Verizon overhead utility easements, which would provide for new Verizon overhead power and telephone lines. The applicant advises that the need for overhead utility lines is due to the rocky terrain in this area, which makes underground utilities very difficult to install. One of the utility easements would run across the subject parcel in a north/south direction, approximately 1,152 feet from the wireless communications facility down the hill to an existing utility pole. The other utility easement would run in a westerly direction about 680 feet from the wireless communications facility to an existing utility pole at the western property line. The new utility poles would be about 30 feet tall and would be spaced approximately 130 feet apart. This equates to approximately 8 new utility poles on the utility easement running north/south, and approximately 5 utility poles on the utility easement running in a westerly direction. The wireless communications facility would be accessed by vehicle by a proposed 15 foot wide access and utility easement that would extend ±1,500 feet across the subject parcel in a northwesterly direction beginning from the existing Washoe Valley Storage driveway off of US Highway 395.

Subsequent to much analysis, and contrary to the project description as provided at the front of this report and in the public notice, Washoe County Planning and Development has determined that Verizon's proposal consists of an 88 foot high lattice tower mounting six wireless antennas, with windmill blades sitting atop the lattice tower, which creates a 100 foot high tower. It is understood that the applicant's intent was to create a Monopole Mounted Antenna with a Stealth Design. However, staff has determined that the proposal is not a monopole, but rather a lattice tower, despite the applicant's effort to justify the lattice tower as part of the stealth design, which was made to resemble an old fashioned windmill tower.

Washoe County Development Code Section 110.324.40 *Wireless Communication/Cellular Facilities; Definitions* defines eight types of antennas: 1.) Antenna Supporting Structure; 2.) Commercial Signage Mounted Antenna; 3.) Façade Mounted Antenna; 4.) Lattice Tower Mounted Antenna; 5.) Monopole Mounted Antenna; 6.) Rooftop Mounted Antenna; 7.) Slim Line Pole; and 8.) Specialty Pole Mounted Antenna. This same section then goes on to describe particular characteristics which may apply to some antennas such as: Collocation; Equipment Shelter/Cabinet; Stealth Design; and Wireless Communication Facility.

Washoe County Development Code Section 110.324.40 defines a “Monopole Mounted Antenna” as *“a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing pole that is erected for the purposes of supporting one or more antennas.”* The elevations submitted with the application show six antennas mounted onto a lattice tower with windmill blades on top. The same section of code defines a “Lattice Tower Mounted Antenna” as *“a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing or guyed lattice structure that is erected for the purposes of supporting one or more antennas”*. Lattice is defined by Merriam-Webster Dictionary (<http://www.merriam-webster.com/dictionary/lattice>) as *“a framework or structure of crossed wood or metal strips.”* Washoe County Development Code Section 110.324.50(f) prohibits lattice towers in Washoe County except for the following sites, which are commonly known as McClellan Peak, Chimney Peak, Fox Mountain, Marble Bluff, Mt. Rose Knob, Pah Rah Peak, Peavine Peaks, Poito Mountain, Red Peak, Slide Mountain and Virginia Peak.

Washoe County Development Code Section 110.324.40 defines “Stealth Design” as *“a wireless communications facility’s support structure, antennas or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible by virtue of being camouflaged as another common structure, for example, a clock tower, silo, church steeple or tree”*. Again, while Washoe County Planning and Development staff appreciates the applicant’s intent to create a stealth design, the proposal does not reduce the visual impacts of the six antennas mounted on the lattice tower, as there is no camouflage of the six antennas involved. Simply put, the proposal fits the Washoe County Development Code’s definition of a “Lattice Tower Mounted Antenna” with a windmill blade apparatus placed at the top of the lattice tower.

Washoe County Regional Parks and Open Space staff has advised that the subject ±36 acre parcel is adjacent to a ±1.3 acre parcel consisting of public open space owned by Washoe County (APN 046-080-01). The Washoe County parcel will be a gateway to a future regional public trail system utilizing a public easement on St. James Village land to the northeast, up Washoe Canyon connecting to Galena Canyon and west to Callahan and Galena Creek Parks (Parks & Open Space Comments - Exhibit I). The public trail map provided by Washoe County Regional Parks and Open Space staff can be found on Page 9 of this report. Regional Parks and Open Space staff advises that 100 feet on either side of the proposed trail shown on the map should be allowed for the trail corridor, as terrain often changes the trail alignment that is identified on paper. Washoe County staff estimates that the proposed project is about 680 feet from a future public trail corridor, allowing 100 feet for on-ground alignment of the trail corridor. The future public trail will be near Steamboat Creek, which is a Significant Hydrologic Resource (SHR) and the historic V&T Railroad corridor. Washoe County Assessor’s Map Number 046-08 (Exhibit E), shows the former V & T Railroad corridor running along the lower portion of the eastern property line. The proposed project is about 864 linear feet to the west of the railroad right of way.

Washoe County Development Code Section 110.324.50 (e) (10) states that monopole mounted antennas are restricted from being located within 1,000 feet of a public trail unless a significant coverage gap can be demonstrated with a technical review. Verizon Wireless stated in their application that this proposal is not for a significant coverage gap, but rather for a lack of capacity on the McClellan Peak cell site, which is the primary server for this area.

While it has been determined by Washoe County Planning and Development staff that the proposal is in fact a lattice tower and not a monopole, reference has been made throughout this report to Washoe County Development Code Section 110.324.50 (e) (10). This section of

the Development Code restricts the placement of monopoles near existing or future public trail corridors and is mentioned because the intent of this particular section is to protect the view shed near and around existing and future public trail corridors. Therefore, reference to this part of the Washoe County Development Code is appropriate and made throughout this report.

As previously stated, Steamboat Creek, a perennial stream which is designated as a Significant Hydrologic Resource (SHR), runs through the most eastern portion of the subject parcel. Washoe County Development Code, Article 418 *Significant Hydrologic Resources*, regulates development activity within and adjacent to perennial streams. The proposal would be located  $\pm 500$  feet outside of Steamboat Creek's critical and sensitive stream buffer zones. A critical stream buffer zone is 30 feet from the centerline of a perennial stream and a sensitive stream buffer zone is 150 feet from centerline of a perennial stream. The proposal is more than 150 feet from the centerline of Steamboat Creek.

The proposed wireless communications facility would be unmanned, except for regular maintenance visits, which average about twice a month and would be during normal business hours. One downshielded sensor light would be placed on the outside of the equipment shelter and one small sign with Verizon's name and contact information would be attached to the fence that encloses the facility.

### **Alternative Sites Considered**

Verizon's feasibility study included alternate sites that were not chosen over the proposed site as follows:

- a. 23600 Tinhorn Road, APN 050-170-18, has an existing slim line monopole; however, this monopole is at capacity and cannot accommodate additional equipment.
- b. 23620 Tinhorn Road, APN 050-170-15, is too close to developed residential properties.
- c. 15300 Mt. Rose Highway, APN 045-252-05, is outside the search area.

### **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.

A "*Radio Frequency - Electromagnetic Energy (RF-EME) Compliance Report*" (Exhibit G), was submitted with the application which summarizes the results of FR-EME modeling in relation to relevant Federal Communications Commission FR-EME compliance standards for limiting human exposure to RF-EME fields. The report concludes that there are no areas in front of the Verizon antennas that exceed the FCC standards for occupational or general public exposure. A certification of qualifications of the person who prepared this report is included at the back of the RF-EME compliance report.

### **Nevada Revised Statutes (NRS) and United States Code (USC)**

The proposed stealth monopole is a "*communications facility*" under WCC 110.324, and a "*facility for personal wireless service*" under NRS 707.555 (NRS Chapter 707, *Telecommunications*) and the Federal Telecommunications Act of 1996 (TCA). This special use permit is guided by NRS 707.550 – 707.585 and 47 U.S.C. § 332 (c) (7). The state statute

establishes standards and procedures for approving such wireless service facilities, and federal law provides that when considering this application, the Board:

1. Shall not unreasonably discriminate among providers of functionally equivalent services;
2. Shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and
3. Shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations regarding such emissions. (NRS 707.575 (4) also prohibits the consideration of environmental effects of radio frequency emissions if the facility complies with FCC regulations.) 47 U.S.C. § 332 (c) (7) (C), defines “*personal wireless services*” as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services; and “*personal wireless service facilities*” as facilities for the provision of personal wireless services.

### **South Valleys Area Plan**

**Policy SV.2.16 requires that all special use permits must include a finding that the community character will be adequately conserved through mitigation of any identified potential negative impacts.**

*Staff Comment:* This serves as a finding and is discussed under “Staff Comments on Required Findings,” which begins on Page 17 and is included for consideration in the recommended “Motion” on Page 19.

**Policy SV.8.3 is specific to the Old Washoe City Historic District, and states that all new development shall be designed in a manner that reflects the historic and natural character of the area.**

**Policy SV.8.5 advises that commercial development shall minimize its impact through the use of buffers, limited operating hours, limited on-site lighting and other appropriate methods.**

*Staff Comment (Policy SV.8.3 and Policy SV.8.5):* The applicant is proposing a lattice tower as a faux windmill stealth design. As previously stated, a lattice tower is prohibited at this location pursuant to Section 110.325.50 (f) of the Washoe County Development Code. Also, Washoe County Planning and Development staff does not agree with the applicant that this is indeed a stealth design, as the six antennas are not camouflaged in any way, but extend out from the lattice tower and can be clearly seen. Because the proposed location is within 1,000 feet of a future public trail corridor, any type of a monopole would be prohibited pursuant to Washoe County Development Code Section 110.324.50 (e)(10).

**Policy SV.12.5 states that view sheds and ridgelines shall be protected from significant degradation and that development near ridgelines should blend with the natural contours and shall be sited in such a way so as not to create a silhouette against the skyline. Ridgeline areas that “skyline” are those viewed from any scenic corridor at a distance of 2.5 miles or less. Corridors for Washoe Valley include U.S. Highway 395, Eastlake Boulevard and Franktown Road. While full mitigation of development impacts may not be reasonable, negative impacts to the views throughout Washoe Valley should be minimized.**

**Staff Comment:** *A lattice tower is not compliant with Washoe County Development Code Section 110.324.50 (f). While the applicant is proposing to mitigate negative visual impacts by proposing a lattice tower designed as a faux windmill, a lattice tower is prohibited in this area of Washoe County. However, locating the tower below the ridge and painting the wireless communication facility with a non-reflective neutral color helps to mitigate the visual impacts. The proposed wireless communications facility is within 1,000 feet of a future public trail corridor, which is prohibited by Washoe County Development Code Section 110.324.50 (e)(10). Additionally, Washoe County Regional Parks and Open Space advises that this section of U.S. Highway 395 will be added by Nevada Department of Transportation (NDOT) and Washoe Valley Alliance within the next three months as a Scenic Byway.*

**Appendix A, Allowed Uses - Table Two: Old Washoe City Historic Commercial Character Management Area** within the South Valleys Area Plan states that a Wireless Communications Facility is allowed pursuant to Washoe County Development Code Article 324, Communication Facilities.

**Staff Comment:** *This proposal is not compliant with all of the applicable regulations found in Washoe County Development Code Article 324, Communication Facilities.*

### **South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)**

The proposed project was presented by the applicant at the regularly scheduled Citizen Advisory Board meeting on March 13, 2014. The CAB voted unanimously to recommend denial of the proposal until such time that this application is presented to local residents [for a second time] for their opinions, and then bring the application back to the STM/WVCAB for further review and recommendations, and that the engineering specifications be available for review. The motion was amended to include that Planning and Development staff work with Verizon Wireless to coordinate a [second] meeting with local residents for their review and opinions. The STM/WV CAB meeting memorandum submitted by the CAB's Administrative Recorder reflects the discussion on the following items. (Exhibit B)

- Concerns were raised that a faux pine tree design would be inappropriate.
- Support was stated for making the tower more aesthetically compatible with the neighborhood.
- Support was stated for an installation that blends with the surrounding area.
- The tower will have six Verizon antennas, which is the maximum number allowed by the Washoe County Development Code, therefore co-location is not possible.
- Concern was raised that not enough residents were notified of the proposed project.
- Concern about the adequacy of the engineering was raised.
- The applicant provided a copy of the engineering specifications for review.
- The applicant stated that Verizon Wireless will maintain the structure, including the aesthetic features, and the facility and tower will be painted in neutral colors to blend with the area.
- The applicant stated that the tower would be engineered to withstand local winds.
- Staff stated that the courtesy notice was mailed to 40 residents in the adjacent areas. [Staff's statement was in error regarding the number of residents noticed. 30 separate property owners were sent notice, which meets Nevada Revised Statutes and County noticing regulations.]
- A member of the audience committed to personally delivering notices to all residents in Pleasant Valley.
- The applicant was asked to postpone going to the April Board of Adjustment public hearing until such time that Planning and Development could coordinate a [second] public meeting for Pleasant Valley residents.

- A member of the audience stated that there is another windmill in the area that sticks out like a sore thumb. The tower needs to be more rustic and blend with the surrounding area.

### **Public Comment**

Washoe County Planning and Development received three written public comments in opposition of this application (Exhibit C).

Written comment was received from Bill Naylor of Washoe Valley Alliance (WVA). The Washoe Valley Alliance website describes WVA as “a group of passionate and eager volunteers with the goal to protect Washoe Valley’s unique qualities through education and stewardship.” Mr. Naylor sent an email to Washoe County Regional Parks and Open Space staff referring to Washoe County Development Code Section 110.324.50 (e) (10) and commented in connection with this particular section that the proposed tower will be less than 1,000 feet from the future public trail in Washoe/Allen’s Canyon. This section of Article 324, *Communications Facilities*, states that monopole mounted antennas are restricted from being located within 1,000 feet of a public trail. He further commented that Washoe County Parks has worked hard in previous years with Sierra Reflections and St. James Village to plan for this future public trail. Cheryl Surface, Washoe County Park Planner, forwarded Mr. Naylor’s email to Washoe County Planning and Development staff and stated that “*This Verizon Wireless Cell Tower impacts the Washoe Valley Scenic Byway. This comment comes from the Washoe Valley Alliance, which has been the largest supporter of the Washoe Valley Scenic Byway.*”

*Staff Comment: In talking with Park Planner Cheryl Surface, she advised that they will attempt to align the future public trail with Steamboat Creek, but that they allow about 100 foot width on either side of the trail shown on paper due to possible issues with terrain. Washoe County Planning and Development staff estimates that the proposed wireless communications facility would be about 680 linear feet in distance from the future public trail corridor and it would be approximately 168 feet higher in elevation. Mr. Naylor in his comment referred to Washoe County Development Code Section 110.324.50 (e) (10), which restricts monopole mounted antennas from being within 1,000 feet of a public trail. It should be noted that this restriction applies to “monopole mounted antennas”, which is not what is being proposed. What is being proposed is a “lattice tower” with a “stealth design,” which is not allowed in this area of Washoe County.*

Another letter, dated March 3, 2014, was received from Brien and Mirta Walters who own an undeveloped ±27 acre parcels (APN 046-060-01) zoned General Rural (GR) adjacent to the east of the subject parcel; and Cathy Rotes, a resident of St. James Village, also submitted an email in opposition of the proposal. Their letters oppose the proposal for various reasons, including visual impacts and are attached as Exhibit C.

### **Reviewing Agencies**

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

- Washoe County Planning and Development Division
- Washoe County Engineering and Capital Projects Division, Land Development
- Washoe County Water Resources
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division



- Air Quality
  - Truckee Meadows Fire Protection District
  - Washoe County Parks and Recreation
  - Regional Transportation Commission
  - Nevada Department of Transportation

The following 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 below.

- Planning and Development, Washoe County Planning and Development Division cannot support approval of this application because the proposed stealth design involves a lattice tower, which is prohibited at this location and also because the proposal would be located within 1,000 feet of a future public trail corridor.  
Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us
- Land Development, Washoe County Engineering and Capitol Project Division is recommending that the applicant submit a complete set of construction improvement drawings, including an on-site grading plan, and provide and show permanent easements for the lease area, access and utilities.  
Contact: Leo Vesely, 775.325.8032, lvesely@washoecounty.us
- Regional Parks and Open Space, Washoe County Planning and Development Division is recommending that Best Management Practices (BMPs) (part of Exhibit I) be implemented during construction to prevent spreading of noxious and invasive weeds, and included a fact sheet, "*Measures to Prevent the Spread of Noxious and Invasive Weeds During Construction Activities*"; that disturbed land be revegetated, and that the applicant make a reasonable effort to work with the local residents to ensure that the project blends with the natural environment.  
Contact: Jennifer Budge, 775.325.8094, jbudge@washoecounty.us
- Air Quality Management Division, Washoe County Health District responded by stating that after completing a review of the application, it has been determined that the proposal will not have any air quality impacts.  
Contact: Charlene Albee, 775.784.7211, calbee@washoecounty.us

### **Staff Comment on Required Findings**

Following are required findings from Washoe County Development Code Article 810 *Special Use Permits* and Article 324 *Communication Facilities*, and from Policy SV.2.16 of the South Valleys Area Plan, a part of the Washoe County Master Plan. All of these findings must 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, has provided comment under each of the following findings, and has determined that the proposal is not in compliance with all of the following findings.

Findings from Section 110.810.30 of Article 810 Special Use Permits

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

*Staff Comment:* The proposal of six antennas mounted on a lattice tower as a stealth design does not meet the South Valleys Area Plan or the Washoe County Master Plan in that it will affect the view shed from US Highway 395 (a soon-to-be designated scenic byway), the future public trail, and the surrounding area. Washoe County Master Plan Policy LUT.13.6 prohibits the placement of structures or uses that visually or physically impede or impair the public's use of "...hiking trails..." that have been determined by Washoe County to be linear facilities that by law, ownership and dedication by a public entity, or grant of easement through deed or map dedication are open to access and travel by any members of the general public.

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:* There is existing access to the parcel from US Highway 395, and access and utility easements leading to/from the communications facility for overhead power and telephone utility lines are part of the proposal.

3. **Site Suitability.** That the site is physically suitable for a wireless communications facility including a 100 foot high structure that includes an 88 foot high lattice tower mounted with six antennas with a 10 foot high faux windmill blade apparatus on top, a ground equipment cabinet, and overhead utility lines; and for the intensity of such a development.

*Staff Comment:* The site is not physically suited for a wireless communications facility that includes a lattice tower mounted with six antennas. Any type or style of lattice tower at this location is prohibited pursuant to Washoe County Development Section 110.324.50 (f); Also, the proposal would be within 1,000 feet of a future public trail corridor, which is not compliant with Washoe County Development Code Section 110.324.50 (e) (10). Additionally, the "stealth design" does not camouflage the six antennas. All of the antennas are clearly visible as each antenna projects out from the lattice tower at 84 feet high.

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 communications facility would be a significant detriment to the visual character of the surrounding area by being located within a 1,000 feet of a future public trail corridor and also due to the fact that it is a lattice tower, which is prohibited in this

area of Washoe County. The proposal of a faux windmill design that utilizes a lattice tower is not compliant with County Code and would be a significant visual impact 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.

Staff Comment: There is no nearby military installation.

Findings from Section 110.324.75 of Article 324 Communication Facilities

1. **Meets Standards.** That the wireless communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;

Staff Comment: The proposed wireless communications facility fails to meet all of the standards found in Washoe County Code (WCC) Sections 110.324.40 through 110.324.60. Specifically, this proposal does not meet the standards of WCC Section 110.324.50 (e) (10), which restricts monopole mounted antennas from being within 1,000 feet of an existing or future public trail corridor or WCC Section 110.324.50 (f) which restricts the location of lattice towers.

2. **Public Input.** That public input was considered during the public hearing review process;

Staff Comment: A notice was mailed on two separate dates (February 27, 2014 – notice about the March 13, 2014, Citizen Advisory Board meeting; and March 21, 2014 – notice about the April 3, 2014, Board of Adjustment public hearing) to 30 separate property owners within 700 feet of the subject parcel describing the proposal and providing the date and time of the public hearing before the Washoe County Board of Adjustment, as well as the staff planner's contact information. The proposal was put on the March 13, 2014, South Truckee Meadows/Washoe Valley Citizen Advisory Board meeting for discussion and public comment.

3. **Impacts.** That the wireless communications facility will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Staff Comment: Washoe County Development Code Section 110.324.50 (f) does not allow a lattice tower in this area of Washoe County. Additionally, even though this is not a monopole, Section 110.324.50 (e) (10), states that a monopole is not allowed within 1,000 feet of an existing or future public trail corridor.

Finding from Policy SV.2.16, of the South Valleys Area Plan

1. **Impact on the Community Character.** Impact on the Community Character can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: *Impact on the Community Character from this proposal cannot be adequately mitigated through the applicant's proposal. The proposal involves a lattice tower, which Washoe County Development Code Section 110.324.50 (f) does not allow in this area of the County; and additionally even though this isn't a monopole pole, Washoe County Development Code Section 110.324.50 (e) (10) does not allow a monopole within 1,000 feet of an existing or future public trail corridor.*

### **Recommendation**

Therefore, after a thorough analysis and review, Special Use Permit Case No. SB14-002 for Verizon Wireless is being recommended for denial. Staff offers the following motion for the Board's consideration.

### **Motion**

*I move that after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment deny Special Use Permit Case No. SB14-002 for Verizon Wireless, not able to make all five findings in accordance with Washoe County Development Code Section 110.810.30 and not able to make all three findings in accordance with Washoe County Development Code Section 110.324.75 and not able to make the one finding listed in the South Valleys Area Plan, a part of the Washoe County Master Plan:*

#### Findings from Section 110.810.30:

1. Consistency. That the proposed use is **not** consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys 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 **not** physically suitable for a wireless communications facility and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit **will 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. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;

#### Findings from Section 110.324.75:

1. Meets Standards. That the wireless communications facility **does not** meet all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;
2. Public Input. That public input was considered during the public hearing review process; and
3. Impacts. That the proposal **will unduly impact** the adjacent neighborhoods or the vistas and ridgelines of the County.

Findings from Policy SV.2.16, of the South Valleys Area Plan:

1. Impact on the Community Character. That impact on the Community Character **cannot be adequately conserved** through mitigation of any identified potential negative impacts.

**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: Sacramento-Valley LP dba Verizon Wireless, Attn: David Downs, 2009 V Street, Sacramento, CA 95818

Property Owner: Washoe Valley Storage, 205 S US Highway 395 N, Washoe Valley, NV 89704