Subject: Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW 11-37-95
Applicant: T-Mobile
Agenda Item Number: 8A
Summary: To amend the approved height conditions for a fiberglass steeple and installation of three panel antennas with 6 amplifiers that is to be housed within the steeple located on top of Lighthouse Baptist Church
Recommendation: Approval with Conditions
Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoeounty.us

Description:

Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW11-37-95 (Lighthouse Baptist Church) – Hearing, discussion, and possible action to amend the approved height conditions of Lighthouse Baptist Church’s special use permit to allow a fiberglass spire (steeple) extending to 79 feet in height and installation of wireless telecommunication antennas, that will be housed within the steeple, located on top of the Church, by T-Mobile

- Applicant: T-Mobile (as agent for Lighthouse Baptist Church)
- Property Owner: Lighthouse Baptist Church
- Location: 5350 Pembroke Drive, approximately 1/3 of a mile east of its intersection w/McCarran Blvd.
- Assessor’s Parcel No: 021-140-20
- Parcel Size: ±4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South East Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 21, T19, R20, MDM, Washoe County, NV
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Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same Board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Planning Commission grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

The proposed Conditions of Approval for Amendment of Conditions Case Number AC15-003 is attached to this staff report and will be included with the Action Order.
Site Plan
Proposed East Elevation

Existing East Elevation
Proposed South Elevation

Proposed North Elevation
Background and Evaluation of Amendment Request

T-Mobile, with the permission of the property owner, is requesting to establish a fiberglass steeple on top of Lighthouse Baptist Church to amend Special Use Permit (SPW11-37-95). The 9-foot x 9-foot base spire will increase the elevation of the church from 34-feet 9-inches to a total of 79-feet in height. Housed within the steeple will be three wireless panel antennas with two panels on each antenna. The purpose of the antennas is to improve the wireless communications network for this area of Washoe County.

Although T-Mobile is technically submitting the application in this case, this is being done through a limited agency authorization by Lighthouse Baptist Church in which T-Mobile has been authorized to act as agent for Lighthouse Baptist Church for the purposes of applying for this amendment to the Church’s special use permit. Thus, although T-Mobile hopes to build a wireless facility inside of the steeple, if the steeple is approved, this application is actually only for an amendment of the church’s special use permit for the purpose of allowing construction of the steeple itself. If the steeple is allowed, T-Mobile would then need to proceed with obtaining any necessary permits (See Article 324 of the Development Code and Chapter 100 of the Washoe County Code re: building permits) to build the actual wireless facility inside of the steeple; however, those permits are not part of this request.

After review of the amendment request, and a site visit, it is the opinion of staff that the proposed construction of the steeple would not negatively impact the surrounding area. The Lighthouse Baptist Church is located at 5350 Pembroke Drive east of McCarran Blvd. and sits on a four acre parcel. The constructed spire will be at a distance of more than 600 feet from the nearest adjacent structure, a single family dwelling, all other adjacent parcels are currently vacant. The spire will also be at a distance of more than 200-feet from a public roadway. It is the opinion of the staff that construction will not cause any negative impacts to public service. The construction of the spire will be similar in appearance to the existing church. This request is suitable and consistent for the immediate and surrounding area.
Washoe County Development Code Section 110.402.10, Heights, provides that the maximum height standard of 35-feet (otherwise applicable in the General Rural zone) does not apply to church spires as long as the structure is placed on the property to avoid falling across any property line. The proposed use meets that criterion.
South Truckee Meadows / Washoe Valley Citizen Advisory Board

The amendment of conditions request was presented by the applicant at the regularly scheduled Citizen Advisory Board (CAB) meeting on May 14, 2015. The discussion centered around the question of visual impact and whether any neighboring property owners had contacted Staff with objections to the proposal. The CAB voted to recommend approval of the project as proposed.

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions Application for review and evaluation.

- Washoe County Planning and Development
- Washoe County Capital Projects and Engineering
- Truckee Meadows Fire and Sierra Fire Protection
- District Attorney, Civil Division
- Airport Authority
- Regional Transportation Commission

Two out of the seven above listed agencies/departments provided comments and/or recommended conditions in response to their evaluation of the Amendment of Conditions application. A summary of each agency’s comments and/or recommended conditions of approval and their contact information is provided. An amended 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 request and found that no additional conditions of approval were necessitated.
  Contact: Roger Pelham, 328.3622, E-Mail: rpelham@washoecounty.us

- Washoe County Engineering reviewed the reference amendment of conditions case and has no conditions or comments.
  Contact: Leo Vesely, 328-2040, E-Mail: lvesely@washoecounty.us

- Reno-Tahoe International Airport has concerns because the proposed steeple will be located 4,500 feet from the east end of runway 7/25. Thus the Reno-Tahoe International Airport requests that the applicant and /or the property owner submit one executed form set of FAA Form 7460-1, Notice of proposed construction or Alteration to the Chief, Air Traffic Division, FAA Western- Pacific Regional Office, for obstruction analysis.
  Contact: Lissa Butterfield, 328-6400

Staff Comment on Required Findings

Washoe County Development Code Section 110.810.60(c) requires that modification of the terms of the approved special use permit itself, or the waiver or alteration of conditions imposed incident to the granting of the permit, requires a new application following the same procedure required for the initial permit. 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 Planning Commission before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal 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 Southeast Truckee Meadows Area Plan.
   
   *Staff Comment: The addition of the spire to the existing church facility is incidental to the existing use and does not conflict with any specific provisions of the Master Plan or the Southeast Truckee Meadows 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.
   
   *Staff Comment: The church facility has been in operation for more than ten years. The proposed church spire will not create additional demand upon public facilities.*

3. **Site Suitability.** That the site is physically suitable for a church spire, and for the intensity of such a development.
   
   *Staff Comment: The church building is existing, therefore the site is physically suitable.*

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 church building is existing, the addition of a church spire will not create any additional detriment to the public health, safety or welfare.*

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 in the vicinity of the proposed church spire.*

**Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions, Case Number AC15-003 is being recommended for approval with conditions. Staff offers the following motion for the Board’s consideration.

**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 Planning Commission approve with conditions, as contained in Exhibit A to the staff report, for this time, Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW11-37-95 (Lighthouse Baptist Church), having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows 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 a church spire, 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.

### Appeal Process

Planning Commission action will be effective 10 days after the decision is filed with the Secretary of the Planning Commission in accordance with Washoe County Code, 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: T-Mobile  
Attn: Karen Lienert  
1755 Creekside Drive  
Sacramento, CA  95816

Property Owner: Lighthouse Baptist Church  
Attn: Randy Ralston  
5350 Pembroke Drive  
Reno, NV  89502

Developer: O’Conner Freeman and Associates  
225 30th Street #201  
Sacramento, CA  95816
Amended Conditions of Approval

Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW 11-37-95 (Lighthouse Baptist Church)

The project approved under Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW 11-37-95 shall be carried out in accordance with the Amended Conditions of Approval granted by the Planning Commission on June 2, 2015, as well as the original Conditions of Approval as attached, dated July 12, 1996. 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.

Unless otherwise specified, all conditions related to the amendment of conditions approval regarding the Special Use Permit for the Lighthouse Baptist Church 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 amended conditions of approval related to the Special Use Permit for the Lighthouse Baptist Church 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 amended conditions imposed regarding the approved Special Use Permit Lighthouse Baptist Church may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this Special Use Permit for the Lighthouse Baptist Church 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.

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
Amended Conditions of Approval  May 11, 2015

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

Contact Name – Roger D. Pelham, 775.328.3622

a. The applicant shall demonstrate substantial conformance to the plans approved as part of this amendment to the 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. 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. Prior to approval of any building permits the applicant shall provide documentation to Planning and Development from the Reno-Tahoe Airport Authority, approving the height and location of the church spire / telecommunications facility.
CONDITIONS FOR SPECIAL USE PERMIT CASE NO. SPW11-37-95 FOR LIGHTHOUSE BAPTIST CHURCH

(As approved by the Washoe County Planning Commission at their June 4, 1996 meeting)

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Development Review shall be responsible for determining compliance with this condition.

2. The applicant shall complete construction of all structures used to further the operation within 10 years from the date of approval by Washoe County.

3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.

4. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall be responsible for determining compliance with this condition.
5. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall include detailed plans for grading and drainage on each lot, erosion control, slope stabilization, mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

6. All paving and grading improvements necessary to serve the project shall be designed and constructed to county standards and specifications. Driveway approaches shall have a 36 foot minimum width. The minimum pavement requirements for on-site paving shall be 3 inches of asphalt on 6 inches of granular base.

7. A detailed hydrology/hydraulic report, prepared by a registered engineer, shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 10 and 100 year storm flows impacting both the site and off-site areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of mitigation measures for any impacts on existing off-site drainage facilities and properties.

8. Any increase in storm water runoff resulting from the development and based upon the 10-year storm shall be detained on site to the satisfaction of the Engineering Division.

9. The FEMA 100-year flood plain with associated flood elevations shall appear on the site plan to the satisfaction of the Engineering Division. Building permits for structures in these areas shall be in accordance with the Washoe County flood construction standards of Article 416.

10. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

11. Prior to any ground disturbing activity, a letter, which can be a will-serve letter, from the appropriate provider committing water service must be submitted to the Department of Development Review and water rights in accordance with the Southeast Truckee Meadows Area Plan shall be dedicated to Washoe County. The water right must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Division. The amount of water rights which will be required will be determined on a fixture unit basis.

12. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 021-140-11) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a party to the covenant. The District Attorney’s Office and the Department of Development Review shall be responsible for determining compliance with this condition.
13. 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.

14. Prior to any ground-disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Development Review for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: type and color of building materials, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, 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.

15. Landscaping for each phase of construction as shown on the site and landscaping plan shall be installed prior to issuance of a certificate of occupancy for that phase. Landscaping shown along the western boundary of the project shall be installed prior to issuance of a certificate of occupancy for phase one, so as to screen the parking lot as soon as possible. The Department of Development Review shall determine compliance with this condition.

16. The property owner shall grant an avigation easement over the entire property. The property owner shall provide the Building and Safety Division and Department of Development Review with appropriate documentation indicating the avigation easement has been granted and accepted by the Airport Authority of Washoe County prior to the issuance of any building permit.

17. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Development Review 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 Department of Development Review of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

*** End of Amended Conditions ***
April 23, 2015

Roger Pelham, MPA  
Senior Planner  
Washoe County Community Services Department  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

Re: Lighthouse Baptist Church Antenna – (021-140-20)

Dear Mr. Pelham:

Thank you for the opportunity to comment on the above referenced project. The proposed fiberglass steeple and wireless antennas will be located approximately 4,500 feet from the east end of Runway 7/25 at the Reno-Tahoe International Airport and underneath the approach surface as defined by Federal Aviation Regulations (FAR) Part 77.

Title 49 US Code Section 44718 and Title 14 Code of Federal Regulations Part 77.9 require that the Federal Aviation Administration (FAA) be notified when a structure is to be installed within 20,000 feet of the Reno-Tahoe International Airport if that structure exceeds a 100:1 surface from the closest point on the nearest runway.

As currently proposed, the fiberglass steeple and wireless antenna will exceed the 100:1 surface. As a result, the Reno-Tahoe Airport Authority requests that the applicant and/or property owner submit one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Chief, Air Traffic Division, FAA Western-Pacific Regional Office, for obstruction analysis. This notification will allow the FAA to determine whether or not the proposed structure would negatively impact aircraft approaching or departing Runway 7/25 and what, if any, painting, marking or lighting is required.

Thank you for your continuous cooperation. If you have any questions, please contact me at (775) 328-6476 or lbutterfield@renoairport.com or Dan Bartholomew, Manager of Planning and GIS at (775) 328-6801 or dbartholomew@renoairport.com.

Sincerely,

Lissa K. Butterfield  
Senior Airport Planner

Reno-Tahoe Airport Authority  
Reno-Tahoe International Airport • Reno Stead Airport
INTEROFFICE MEMORANDUM

DATE:        April 29, 2015
TO:          Roger Pelham, Planning and Development Division
FROM:        Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: AC15-003
             APN 021-140-20
             ELIGHTHOUSE BAPTIST CHURCH STEEPLE

I have reviewed the referenced amendment of conditions case and have no conditions or comments.

LRV/Leo

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May 5, 2015

Roger Pelham, Senior Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: Lighthouse Baptist Church, 5380 Pembroke Dr, Reno
    Amendment of Conditions, AC15-003

Dear Mr. Pelham:

The Washoe County Health District, Environmental Health Services Division (Division) has reviewed
the above referenced project.

This Division has no comments or conditions for this application.

If you have any questions regarding the foregoing, please call me at 328-2632.

Sincerely,

Chris Anderson, P.E.
Registered Engineer
Land Development Program
Environmental Health Services

CA/ca

Cc: File - Washoe County Health District
Letter of Authorization

Mobile

Permit no.: Mobile

Application for Zoning and Building Permits

TO: WASHINGTON COUNTY

Subject: Authorization

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