

**Appeal of Board of Adjustment
Approval of WSUP19-0001
Incline Village Monopole**

County Board of Commissioners

Washoe County

May 28, 2019

Presentation Outline

- Planning Framework (for Context)
- Nature of Proposed Site / Location
- Reasons to Reverse Approval
- Concluding Remarks

Planning Framework

- TRPA Regional Plan
 - Scenic goals mandated
- The Incline Village Community Plan (“IVCP”)
 - The goal of the plan is to maintain and enhance the beauty of the built and natural environment of Incline Village/ Crystal Bay, by “creating a village core that is people friendly, interesting and aesthetically pleasing.”
 - The IVCP was approved by both Washoe County and the Tahoe Regional Planning Agency (“TRPA”).

The Locale



Village Blvd.

Bike Path



6 ft.

Bike Path

View South to Lake Tahoe



Dental office




Parking lot



Site

Area Parcel Map



-  Proposed site
-  Residential / Mixed Use
-  Scenic bike path to Lake Tahoe



Source: Washoe County Trails Guide (pg. 16)

Measured distances to Residential / Mixed Use properties indicated come from page 5 of the IP project noise generation report

Reasons to Reject Approval

- Permanent detrimental impact to the neighborhood / town
- Site itself is inadequate and inappropriate
- Flawed application and approval process
- Questionable need
- Not wanted by residents
- Environmental and health impacts – real and perceived

Permanent Negative Impact

- Out of scale with the as-built neighborhood
- Will be permanent eyesore / blight on the area
- In direct contradiction to the Planning Framework
- Will discourage new investment in the localized area, i.e. no one will want to build / improve / redevelop in this locale
- Adjacent parcels will be devalued
- Noise from generator during outages and monthly testing

Perspective – Before & After

Existing



After



Equipment Shelters / Compound Scale

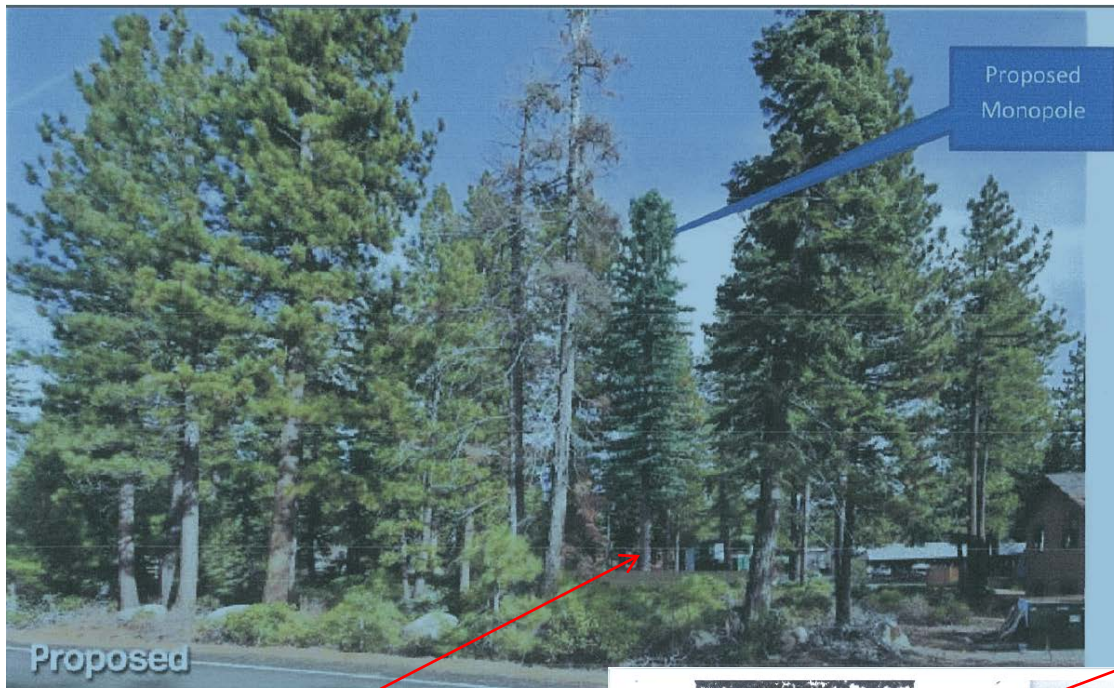
(Photos of Mountain Golf Course Tower – same size tower)



Application and Approval Process Deeply Flawed

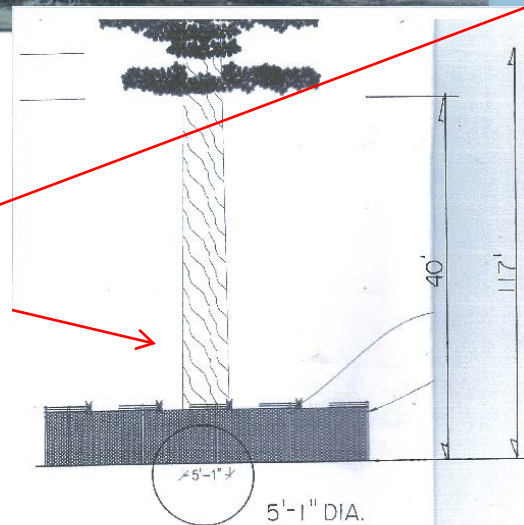
- Code not followed
- Variance findings were not properly made nor properly approved
- Drawings and documents submitted are misleading
- Public comment in opposition was largely ignored
 - Additionally, environmental / health concerns deemed inadmissible and therefore ignored

Misleading images



Images provided don't reflect reality on the ground And the submitted drawings.

Perspective distorts true height of tree and unrealistic mechanic yard

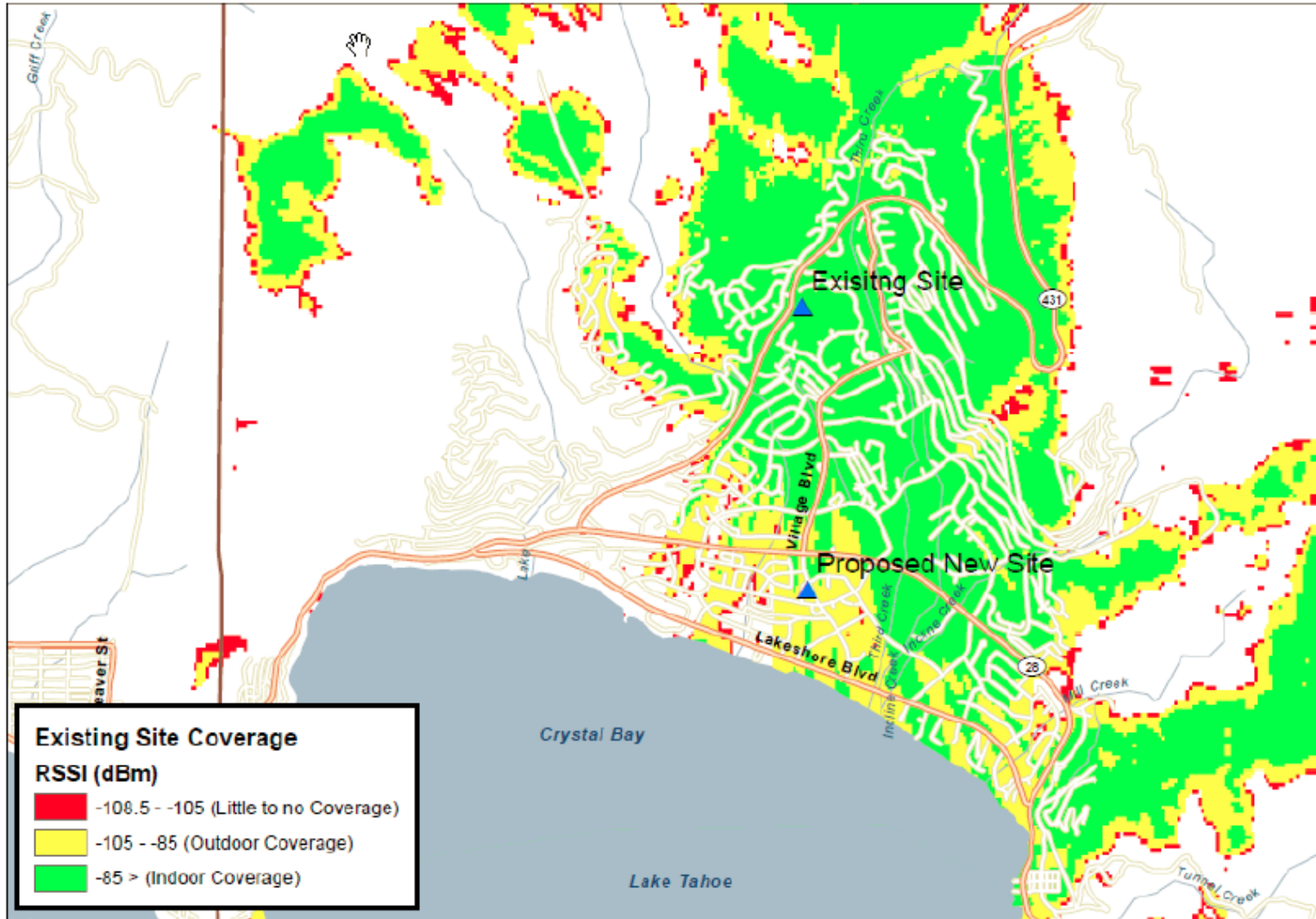


Questionable Need

- Why are they proposing the tower?
 - Applicant's reason was for areas without cell coverage (white area on applicant's submitted map)
- AT&T maps show full cell coverage in IV/CB
- Ponderosa (Tunnel Creek area) tower will eliminate any significant Verizon coverage gap
- Not needed by Life/Safety Agencies (firstnet.gov)
- This new tower is redundant and unnecessary
 - Service for all can be achieved without this

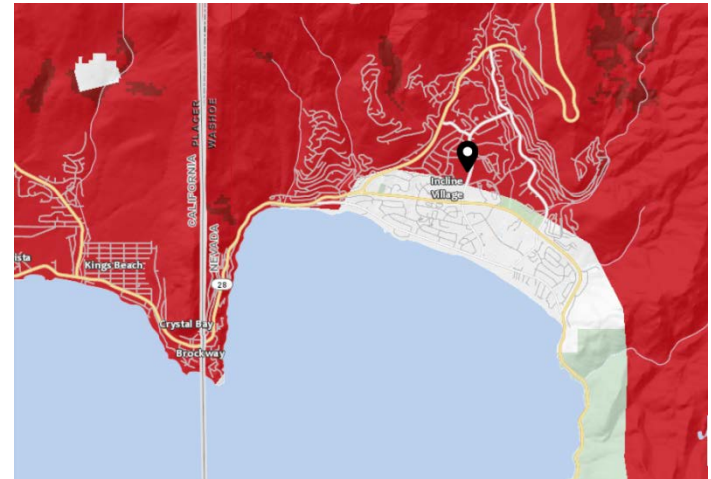
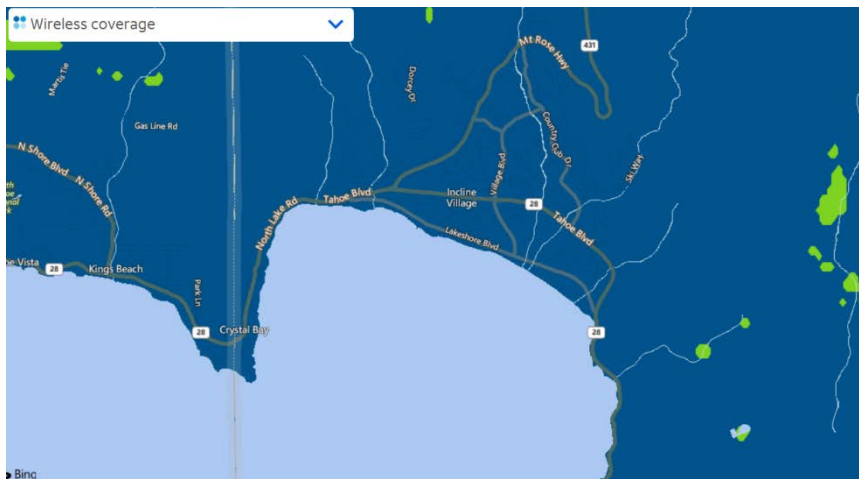
Applicant's map

Incline Village 700 MHz LTE Coverage



Existing Coverage Maps

- ATT (blue) / Verizon (red) websites as of 05/03/19



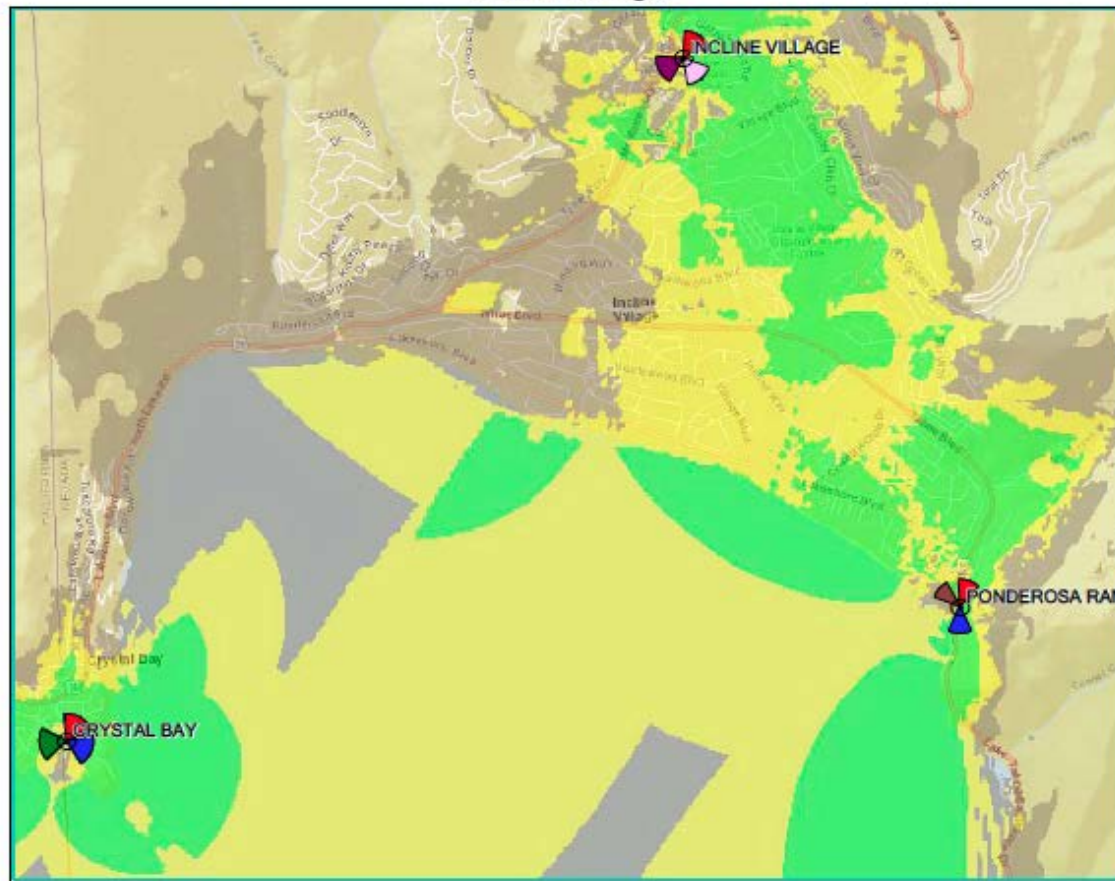
- ATT map shows full coverage
- Verizon map shows a coverage gap south of Tahoe Blvd.

Tunnel Creek Tower Coverage – Verizon improvement

PONDEROSA RANCH
COVERAGE MAPS



After Coverage



LTE: AWS: RSRP - After Coverage

- Best Signal Level (dBm) ≥ -85
- Best Signal Level (dBm) ≥ -95
- Best Signal Level (dBm) ≥ -105

Site Itself Is Inadequate and Inappropriate

- Site is too small (doesn't meet minimum 10K sq. ft.)
- Ground coverage needs to be imported to do this project, i.e. the parcel cannot support the project on its own merits
- Any future redevelopment of existing dental office property will be impeded
- Adjacent to a TRPA Class 1 bike and walking path – the main corridor to Lake Tahoe (beaches) from the center of town
- Lack of access for snow removal and inadequate snow storage – for both this parcel AND the adjacent dental office

Not Wanted by Residents

- 351 residents provided input
 - 75% were against the tower
 - Many in support were submitted on form letters
- Overwhelming opposition to the tower was totally ignored by the Board of Adjustment
 - 60 on-record in opposition
 - 21 Incline Village residents opposed and in attendance at Board of Adjustment meeting

Environmental and Health Impacts

- Rain of debris from fake pine elements will litter the neighborhood, adjacent parcels and county roads (as demonstrated at the Mountain Golf Course tower)
 - Plastic debris (toxic PVC) will enter our watershed
- Will create a new and unnecessary man-made risk from falling limbs / debris

Examples of Debris

(from Mountain Golf Course Tower)



Limbs



Examples of PVC debris
as found at Mountain
Golf Course tower site



Needles

Mountain site and surrounding
area is strewn with debris

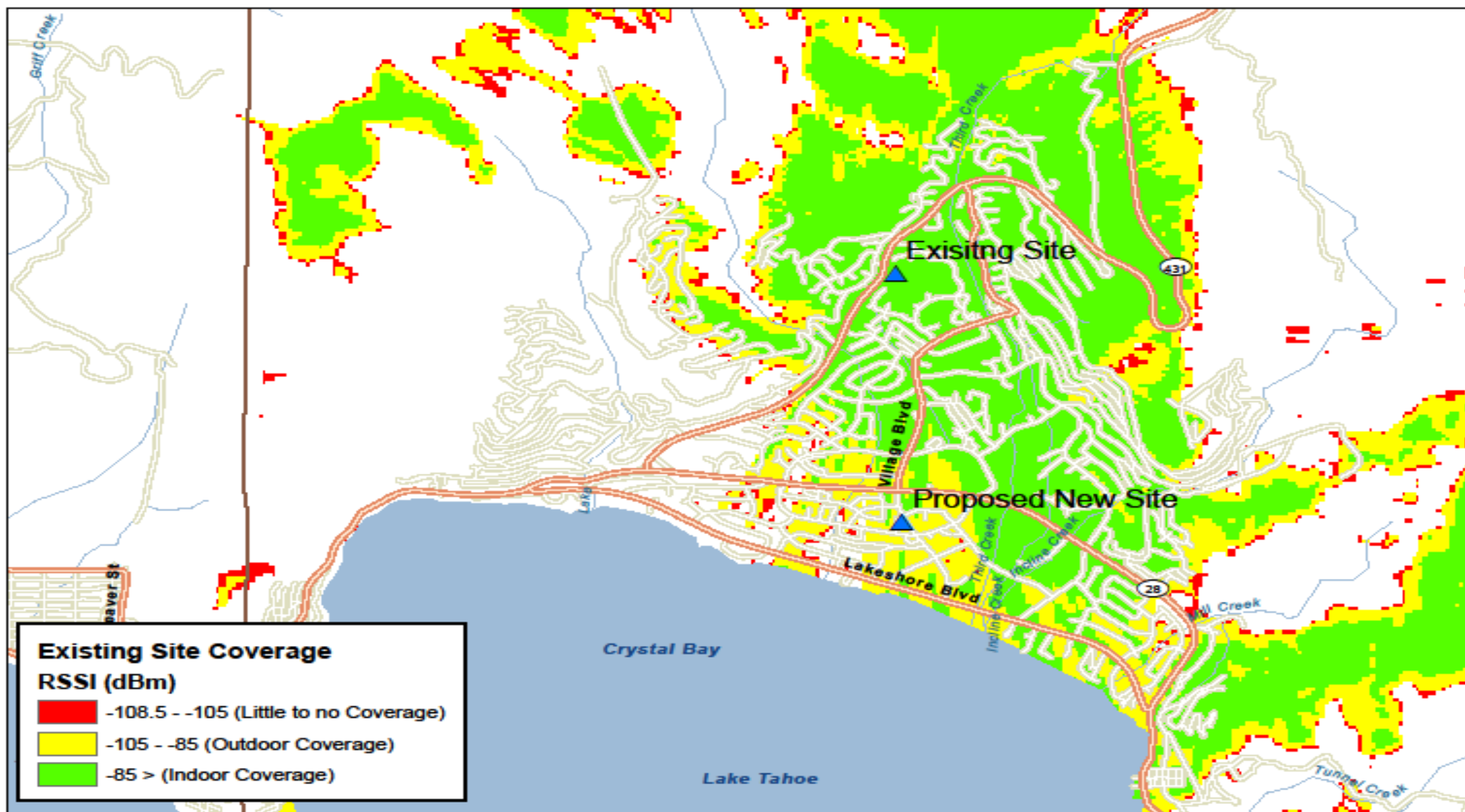
Comments from Mr. Walsh

- No Significant Gap in coverage. Gap must include a “WHITE AREA” where NO cellular service is available from ANY carrier
 - 110.324.55 (b) Facility is necessary to close an existing Significant Gap (demonstrated by technical studies)
 - 110.324.75 – Must meet all standards of sections 110.324.40 – 110.324.60
- Monopole will unduly impact adjacent neighborhoods and vistas
 - 110.220.05 – Must apply TRPA standards if more restrictive
 - Not of a type, nature and scale appropriate for the parcel
 - Not injurious or disturbing to the enjoyment of property or general welfare of persons in the neighborhood
 - Shall not change the character of the neighborhood

SUMMARY

- Request support for this appeal to reverse the application approval
- Against Regional and Community Plans
- Detriment to the neighborhood and general environment
- Application flawed and code not followed
- Unwanted by residents
- Questionable need for this tower
- Negative environmental impact

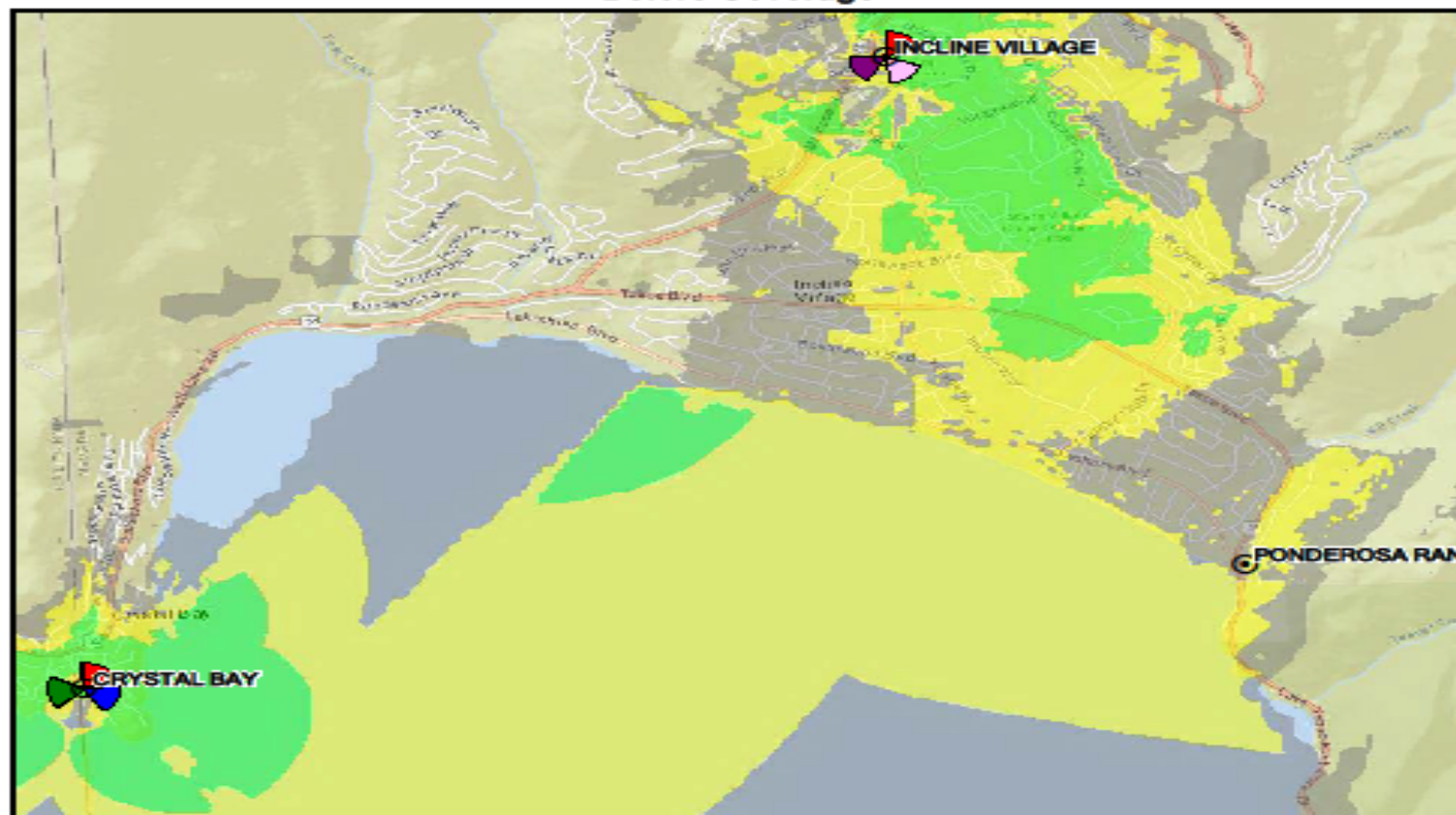
Incline Village 700 MHz LTE Coverage



PONDEROSA RANCH COVERAGE MAPS



Before Coverage



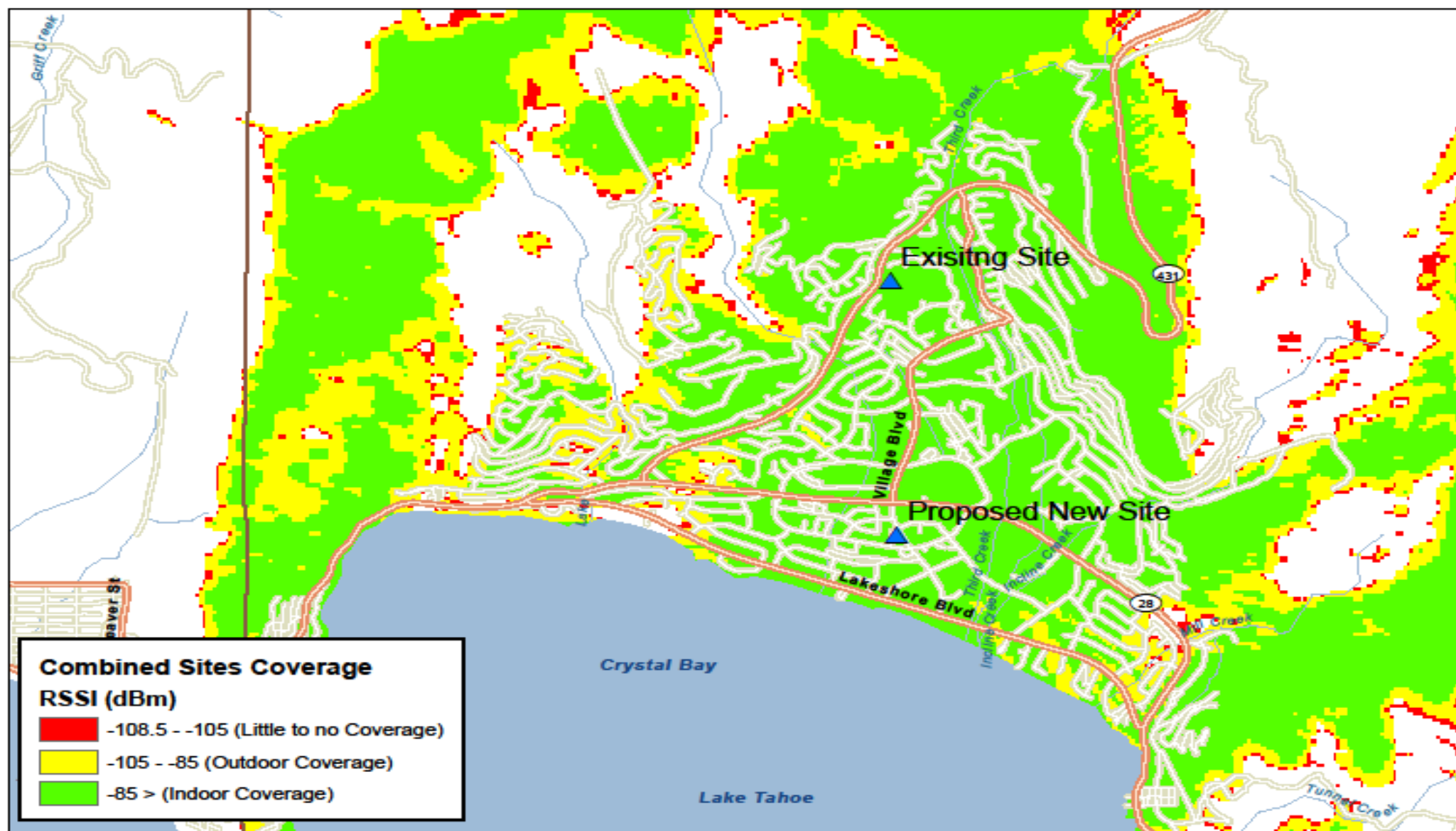
LTE: AWS: RSRP - Existing Coverage

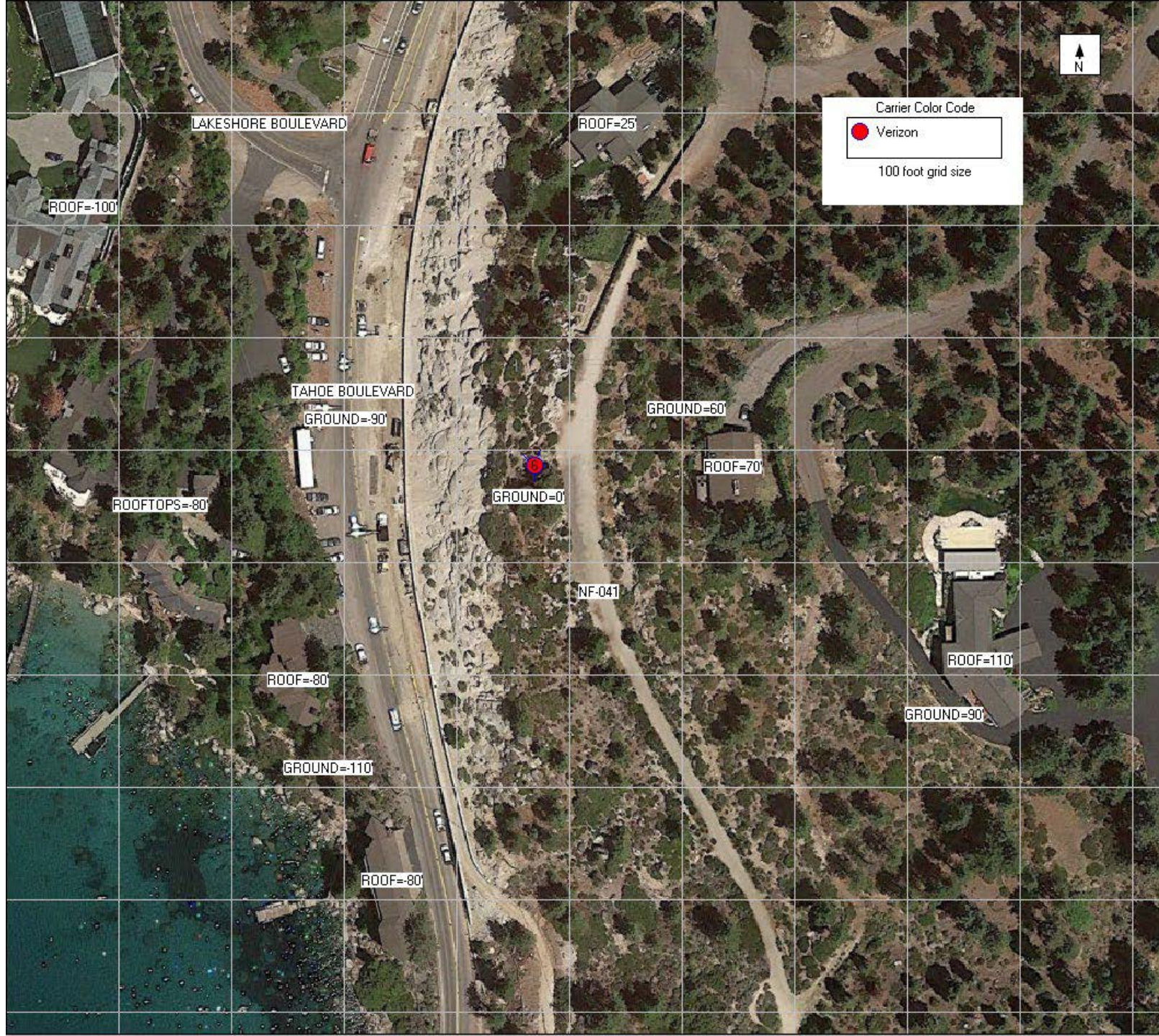
Best Signal Level (dBm) ≥ -85

Best Signal Level (dBm) ≥ -95

Best Signal Level (dBm) ≥ -105

Incline Village 700 MHz LTE Coverage







Welcome To
Lake Tahoe Nevada State Park
**SPOONER
BACKCOUNTRY**

PARK ENTRANCE	5 Miles
MARLETTE FLUME TRAIL	3.1 Miles
TARGEE RIM TRAIL	3.6 Miles
TWIN LAKES	3.8 Miles

FIRE HAZARD AREA
VEHICLES MUST STAY ON ROAD
SMOKE IN VEHICLES ONLY
NO OPEN CAMP FIRES
CARRY AIE, SHOVEL, WATER

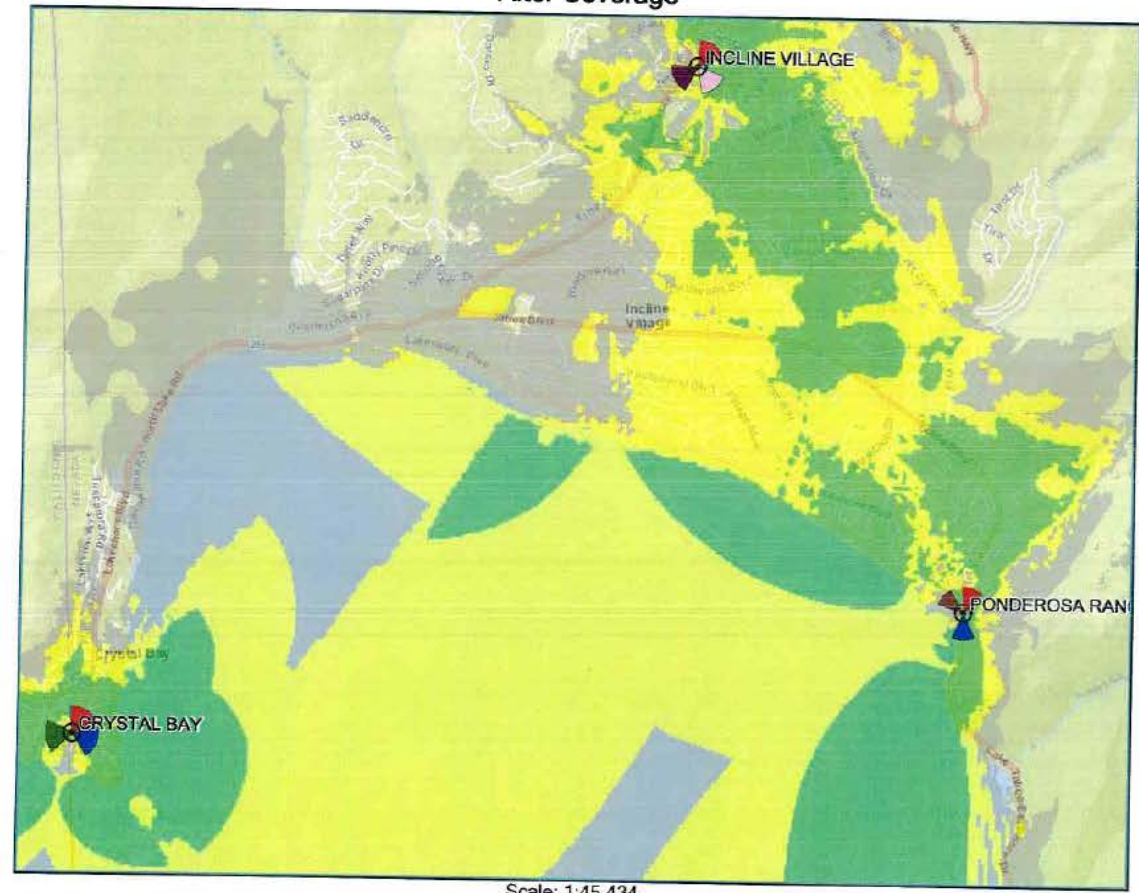




PONDEROSA RANCH COVERAGE MAPS



After Coverage



- LTE: AWS: RSRP - After Coverage**
- Best Signal Level (dBm) >=-85
 - Best Signal Level (dBm) >=-95
 - Best Signal Level (dBm) >=-105





APPEAL

WSUP19-00001 (Incline Village Monopole)



Board of County Commissioners
May 28, 2019



Background

- **Special Use Permit case number WSUP19-0001 (Incline Village Monopole) was presented to the Board of Adjustment (BOA) on April 4, 2019 for a 117 foot monopine and wireless facility**
- **The BOA was able to make all of the required findings and approved WSUP19-0001 (Incline Village Monopole)**
- **On April 12, 2019 it was appealed**

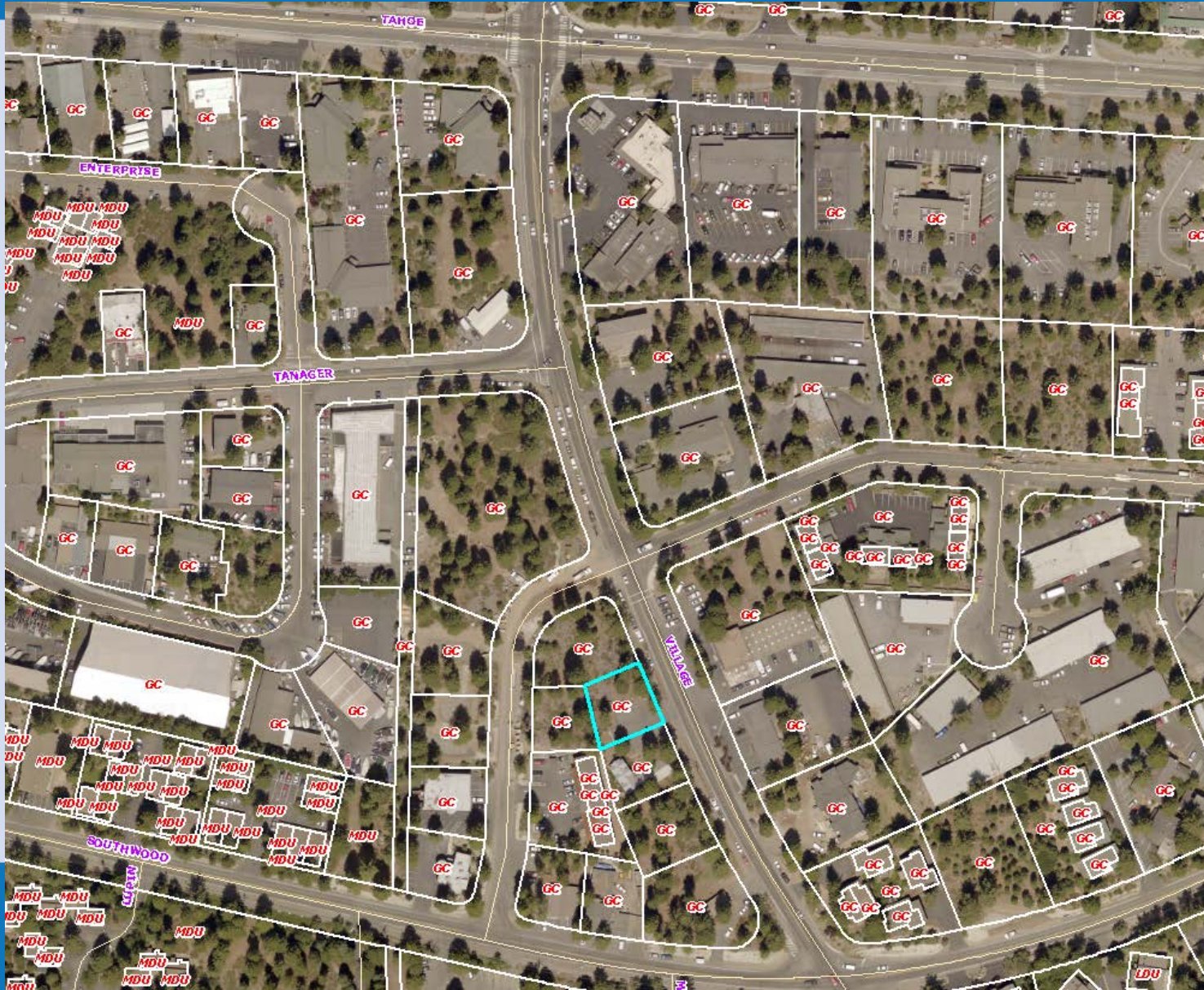


Request

- **The tower is proposed to be located on a portion of 8,078 sq. ft. parcel in Incline Village, 100 feet south of the intersection of Incline Way and Village Blvd. on the west side of Village Blvd.**
- **Washoe County Code (WCC) 110.324.50(e) and Incline Village Commercial Community Plan, which this site located within, requires a SUP for this use**



Location





Request

- **The allowed height for this location is 80-feet high per the regulatory zoning of General Commercial (GC); another 10 feet is allowed per WCC 110.324.50(e)(1); and if the tower is stealth it can be increased by another 25%, which would increase the height by 12.5-feet for a height of 112.5-feet**
- **The applicant also requested a minor deviation, which allows an increase of 10% to increase height from 112.5-feet to 117-feet**
- **TRPA suggested the extra height to make the monopine more tree like at the top**

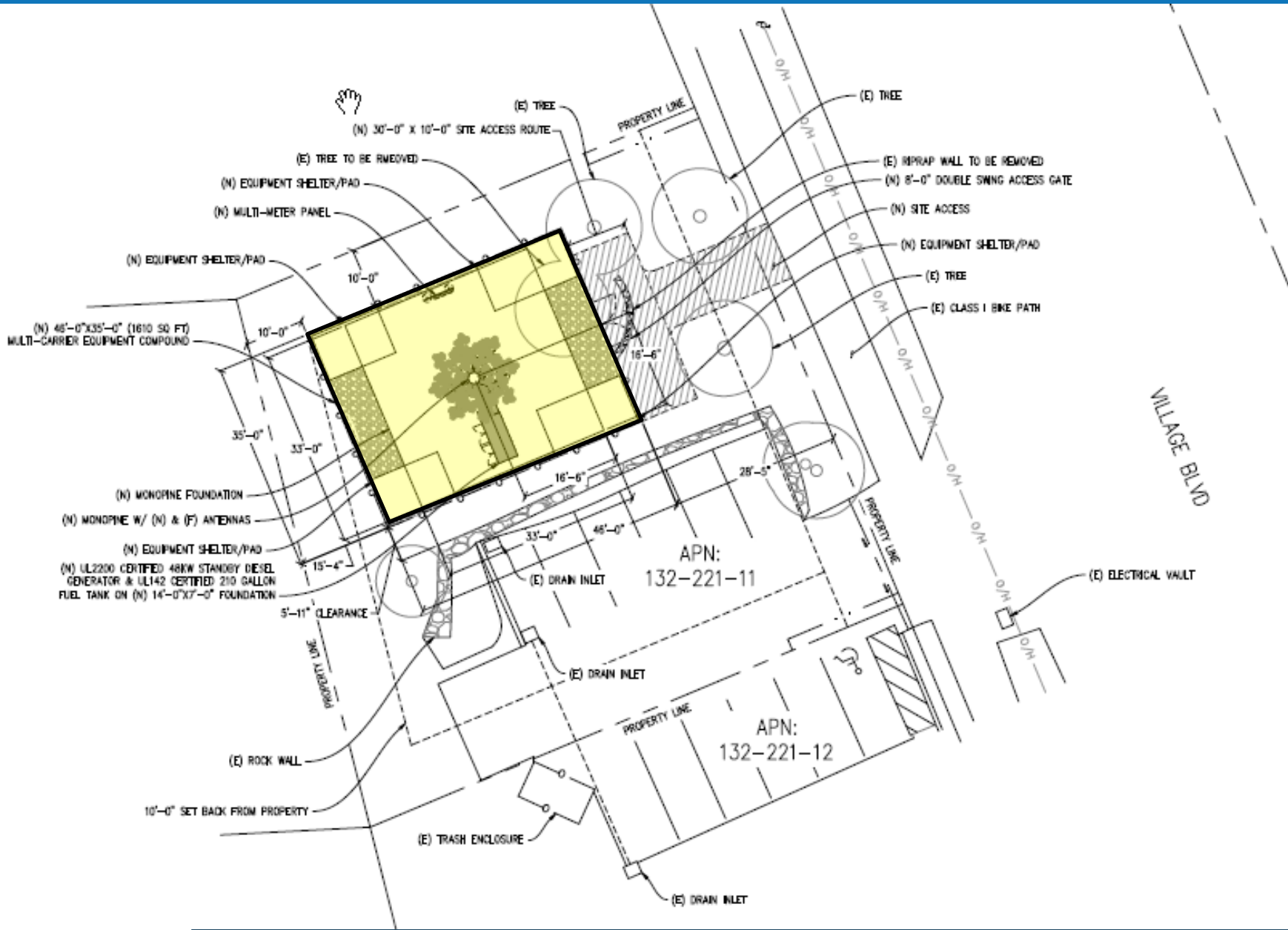


Site Characteristics

- The parcel is zoned General Commercial (GC) as are the surrounding parcels and is within the Incline Village Commercial Community Plan
- Parcels zoned commercial do not have to show “significant gap coverage” - only required for residential parcels
- A dental office is located to the south, parcels to the north and west are undeveloped and commercial offices are located across Village Blvd.
- The northern portion of the parcel is undeveloped and the southern portion is a paved parking lot, used by the dental office located to the south - the two parcels are owned by the owner



Site Plan



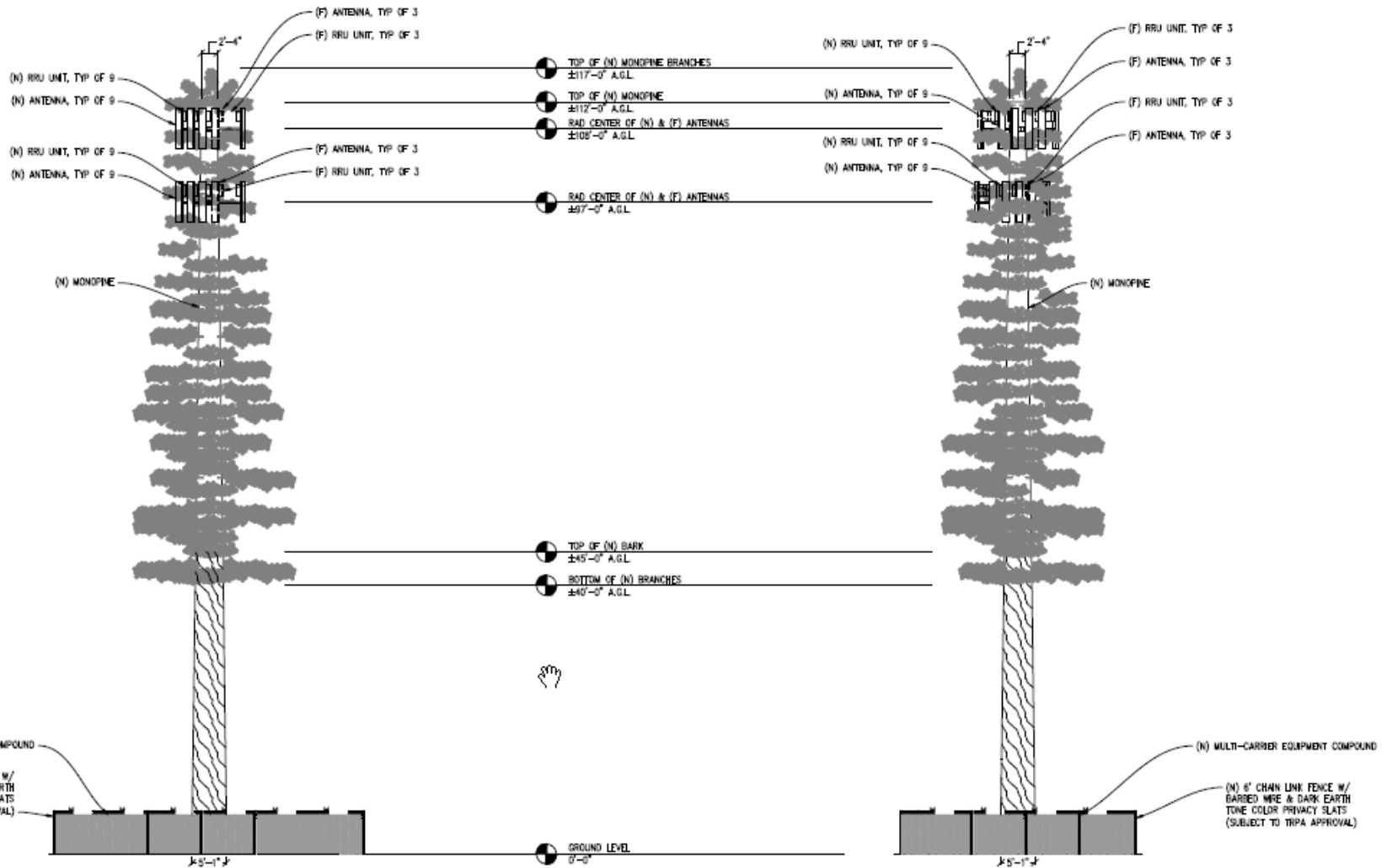


View from Village Blvd- looking west





Monopine Structure



NORTH WEST ELEVATION
16'-1"-0"

NORTH EAST ELEVATION
16'-1"-0"

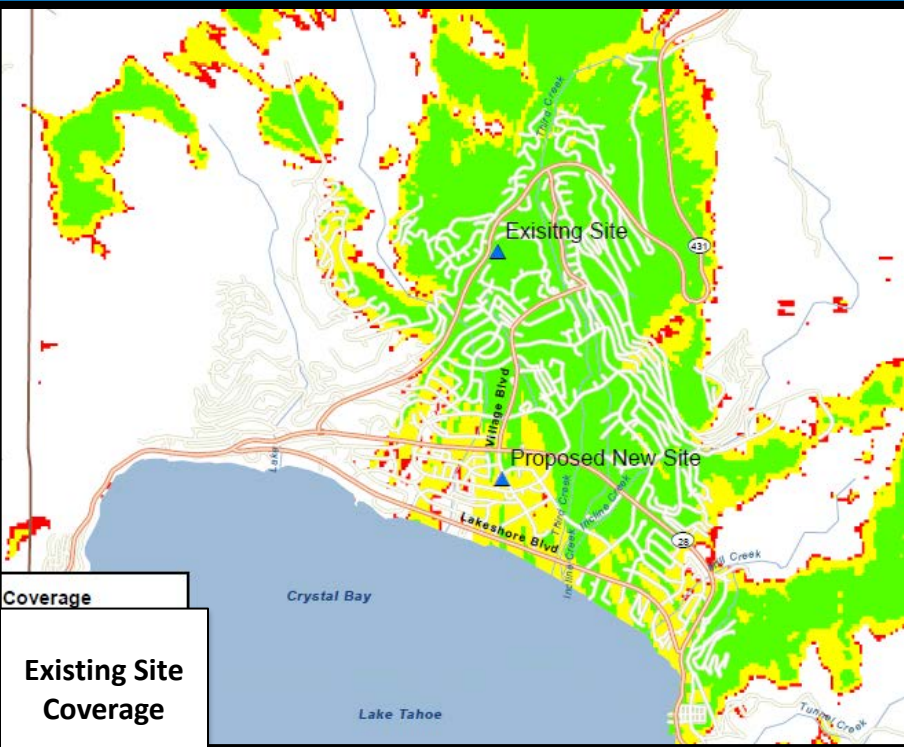


Analysis

- **The applicant states that more coverage is needed in the area and the monopole will enhance service in the area**
- **Three towers are located in the area at Diamond Peak Ski area, the Executive Golf course, and the Hyatt Hotel**
- **The applicant looked at 13 other locations and this site was the only site that met the requirements of space, avoidance of scenic corridors, setbacks, availability and TRPA requirements of coverage, height and ability to collocate on other buildings**
- **The applicant provided the required documents that the facility complies with the FCC regulations for radio frequency emissions - included in Exhibit G of the Board of Adjustment staff report from Hammett & Edison, Inc., Consulting Engineers**

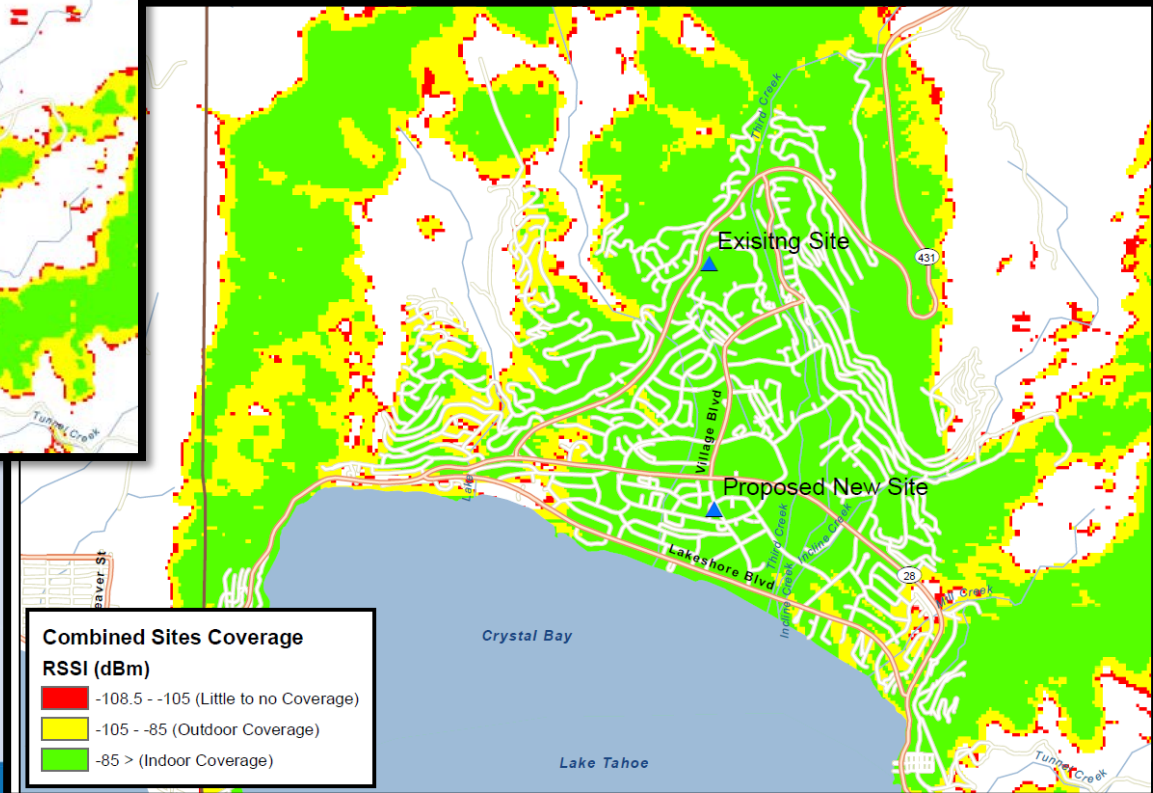


Wireless Coverage



Coverage

Existing Site Coverage



Combined Sites Coverage

RSSI (dBm)

- 108.5 -- -105 (Little to no Coverage)
- 105 -- -85 (Outdoor Coverage)
- 85 > (Indoor Coverage)



Alternative Site Locations





Analysis

- A 35' x 46' (1,610 sq. ft.) enclosure will be constructed with a 6 foot cyclone fence with wood-colored synthetic privacy slats around the enclosure, which will screen the wireless equipment
- The applicant will meet Washoe County Code landscaping requirement of 20% of the developed area being landscaped with native landscaping and 3 additional trees
- The tower will not be visible from Lake Tahoe or identified scenic corridors, except Highway 28 where it will be minimally visible due to the tree canopy
- The monopole will hold up to four antennas located at various heights from 65-feet to 112-feet and the antennas will be leased to various carriers.



Public Notice & CAB

- **Parcels within 500 feet were noticed and there are 79 parcels in the noticing area**
- **The Incline Valley CAB met on March 4th and there were questions concerning the need for more towers in the area, tower location, tower height, and health issues**
- **The CAB made no recommendations, except to forward the CAB minutes and comments**
- **I have received phone calls and numerous letters and emails in favor and opposed that have been included in the staff report or distributed to the Board**



Findings

WCC Section 110.810.30, Special Use Permit Findings:

- 1. Consistency with Master Plan*
- 2. Adequate Improvements*
- 3. Site Suitability*
- 4. Issuance Not Detrimental*
- 5. Effect on Military Installation*



Findings

Findings required by Section 110.324.75, for a telecommunications facility:

6. *That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his/her authorized representative;*
7. *That public input was considered during the public hearing review process; and*
8. *That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.*



NRS 707.585 requirement

1. A land use authority that denies the approval of an application to construct a facility for personal wireless service shall issue a written decision. The decision must:
 - (a) Set forth with specificity each ground on which the authority denied the approval of the application; and
 - (b) Describe the documents relied upon by the land use authority in making its decision.
2. A person who brings an action against a land use authority pursuant to [NRS 278.0233](#) shall file a copy of the decision and record with the court.



Possible Motion

Should the Board agree with the Board of Adjustment's approval of Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole), staff offers the following motion:

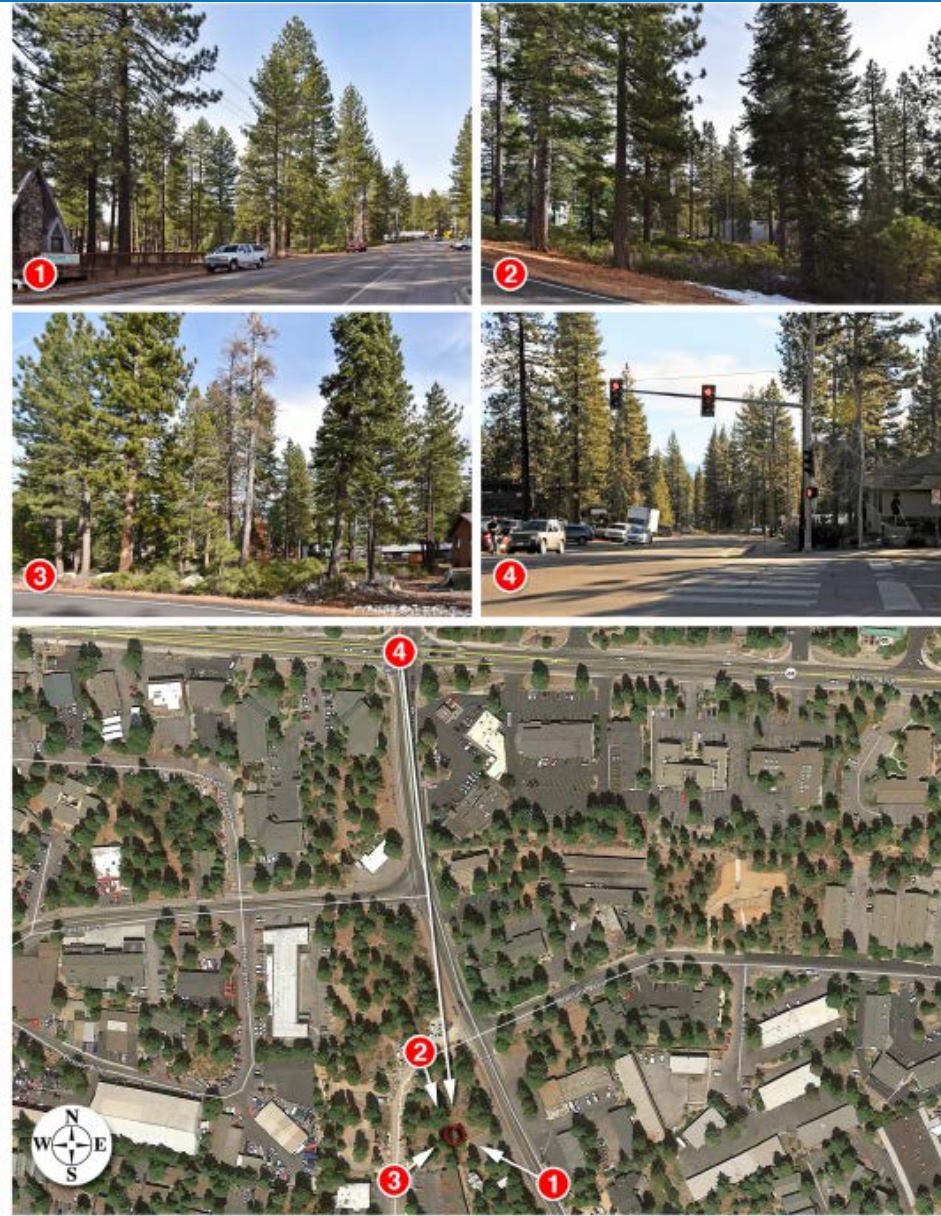
“Move to deny the appeal and affirm the decision of the Board of Adjustment to approve Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole). The approval is based upon the ability to make the findings required by WCC Section 110.804.25, Findings.”

Should the Board disagree with the Board of Adjustment's approval of Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole), staff offers the following motion:

“Move to approve the appeal and reverse the decision of the Board of Adjustment and deny Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole). The denial is based on the Board's inability to make all four of the findings required by WCC Section 110.804.25, Findings.”



Existing & Proposed Views



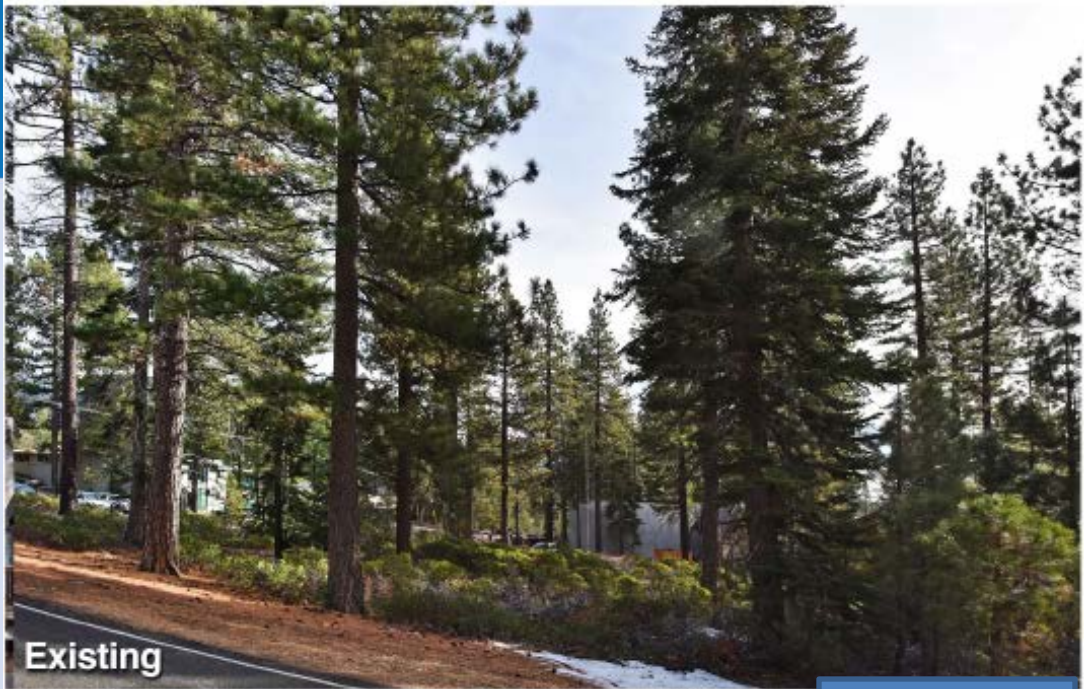


View 1- looking NW from Village Blvd.





View 2- looking SE from Incline Way



Existing



Proposed

Monopine



View 3- looking NE from Incline Way





View 4- looking south from Hwy 28 at Tahoe Blvd

