



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Lee Lawrence, Chair  
Robert F. Wideman, Vice Chair  
Kristina Hill  
Clay Thomas  
Kim Toulouse  
William Whitney, Secretary

Thursday, June 4, 2015  
1:30 p.m.

Washoe County Administration Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Board of Adjustment met in regular session on Thursday, June 4, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Lawrence called the meeting to order at 1:31 p.m. The following members and staff were present:

Members present: Lee Lawrence, Chair  
Robert Wideman, Vice-Chair  
Kristina Hill  
Philip Horan  
Kim Toulouse

Members absent: None

Staff present: Trevor Lloyd, Senior Planner, Planning and Development  
Eric Young, PhD, Planner, Planning and Development  
Chad Giesinger, Senior Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development  
Donna Fagan, Recording Secretary, Planning and Development

### 2. \*Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

### 3. \*Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

### 4. \*Appeal Procedure

Mr. Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

**5. \*Public Comment**

As there was no response to the call for public comment, Chair Lawrence closed the public comment period.

**6. Approval of Agenda**

In accordance with the Open Meeting Law, Member Wideman moved to approve the agenda of June 4, 2015. The motion, seconded by Member Toulouse, passed five in favor and none opposed.

**7. Approval of February 5, 2015 Draft Minutes**

Member Hill moved to approve the minutes for the February 5, 2015 Board of Adjustment meeting as written. Member Wideman seconded the motion with four votes to approve and one abstained.

**Approval of April 2, 2015 Draft Minutes**

Member Hill moved to approve the minutes for the April 2, 2015 Board of Adjustment meeting as written. Member Wideman seconded the motion with three votes to approve and two abstained.

**8. Public Hearings**

**A. Administrative Permit Case Number AP15-003 (Lake Tahoe SummerFest) –**

Hearing, discussion, and possible action to approve an administrative permit and outdoor community event business license for the Lake Tahoe SummerFest, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 31, August 1, 2, 7, 8, 9, 14, 15, and 16, 2015. The proposed outdoor concerts will be held between the hours of 7:15 p.m. and 9:15 p.m. on July 31, August 1, 7, 8, 14, and 15, 2015 (Fridays and Saturdays) and between the hours of 4:00 p.m. and 6:00 p.m. on August 2, 9, and 16, 2015 (Sundays). One additional concert will be held on the Sunday of August 1, 2015 between the hours of 11:00 a.m. and Noon. This concert is focused on children and family themes and will not include any of the catering services available at the evening concerts. All proposed concerts will be unamplified classical music venues located within a portable tent erected on the College for the event. Primary participant and spectator parking will be within the College campus, with additional off-site (overflow) parking at the Incline Village General Improvement District (IVGID) Recreation Facility, if needed. Event organizers estimate that approximately 1,300 participants and spectators will take part in the event during any one three-day event period, with a maximum of 500 participants and spectators on any one day of the event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the issuance of the administrative permit and business license with conditions, or deny the application.

- Applicant: Lake Tahoe SummerFest – Bradley Trexell
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way, Incline Village, NV 89451
- Assessor’s Parcel Numbers: 127-040-10 (College) and 127-040-07 (IVGID Recreation Center)
- Parcel Size: 17.05 acres (College), 1.4 acres (Recreation Center)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay

- Development Code: Authorized in Article 310, Temporary Uses and Structures; and Washoe County Code Chapter 25, Business Licenses, Permits, and Regulations
- Commission District: 1 – Commissioner Berkgigler
- Section/Township/Range: Within Section 23, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Eric Young, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3613
- E-Mail: [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)

Chair Lawrence opened the public hearing. Eric Young reviewed his staff report dated April 28, 2015.

Member Toulouse asked Mr. Young if this case went to the Incline Village/Crystal Bay Citizen Advisory Board (CAB). Mr. Young said Administrative Permit cases don't go to the CAB. Member Toulouse stated he'd had a question from a CAB member why this type of case doesn't go before the CAB. Mr. Young said the Administrative Permit cases are not required by Washoe County Code to go to the CABs. The CAB does get a public hearing notice.

As there was no response to the call for public comment, Chair Lawrence closed the public comment period.

Mr. Young added that the County's relationship with SummerFest has always been very positive. They're always responsive to our requests.

Chair Lawrence asked how long has SummerFest been going on. Mr. Young answered that he was not sure but he thinks it's more than five years.

Member Thomas asked if this event has been growing. Mr. Young said there is a desire to keep it at the size it is by the organizers and Sierra Nevada College.

There were no disclosures.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number AP15-003 for Lake Tahoe Summerfest, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following findings:

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 an outdoor community event, 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

**B. Special Use Permit Case Number SB14-014 (Verizon Wireless Timberline) –** Hearing, discussion, and possible action to approve a Special Use Permit for the construction of a new wireless facility consisting of a sixty-one (61) foot monopole utilizing a stealth design disguised as a pine tree, three (3) antenna sectors with two (2) panel antennas per sector, a prefabricated equipment shelter measuring 11'6" x 16'11", a 48kw emergency standby diesel generator with a 210 gallon fuel tank and associated equipment enclosed within a 50' x 50' lease area surrounded by a 6' chain link security fence with tan colored screening slats and a retaining wall. The 2,500 square foot project site is located at 150 Timberline View Court approximately 1,260' northwest of the intersection of the Mount Rose Highway (SR431) and Timberline Drive on a ±7.34 acre parcel.

- Applicant: Verizon Wireless
- Consultant: Complete Wireless Consulting
- Property Owner: Thomas B and Kelly S Courson
- Project Address: 150 Timberline View Court, Reno, NV 89511
- Assessor's Parcel Number: 049-070-49
- Total Parcel Size: ±7.34 Acres
- Total Project Size: 50 feet x 50 feet (2,500 square feet)
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Portion of SW ¼ Section 34, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Chad Giesinger, Senior Planner  
Planning and Development Division  
Washoe County Community Services Department
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Lawrence opened the public hearing. Chad Giesinger reviewed his staff report dated May 20, 2015.

Member Thomas wanted to clarify with Mr. Giesinger that he had requested from Verizon, the number of people the "gap" affected but Verizon did not supply that information. Mr. Giesinger said after looking at different cases on the topic, jurisdictions would ask for the number of dropped calls, the number of people affected by the gap, those kinds of things. At the May 14, 2015 South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) meeting, that came up as well, but Mr. Giesinger believes Verizon's response was that it was proprietary information and they didn't want to disclose it.

Chair Lawrence had the same question; what information did staff receive to show significant gap coverage. Was it just the map that Verizon gave you? Mr. Giesinger said he received about a paragraph explanation with a graphic. He didn't feel that was adequate and requested additional information, it took a little time but it is the packet submitted as Exhibit D.

Jenny Blocker, representative for Verizon Wireless, requests approval of the project. She acknowledged Mr. Giesinger on giving a great summary of the project. The project will expand Verizon's existing network in an effort to improve call quality, signal strength, and wireless connection services in the area of east and northeast Mt. Rose Hwy., golf course, and surrounding residential areas. Mt. Rose Hwy. is a popular route from north Tahoe to south Reno especially during the ski season and summer months. Current statistics show one of three households no longer has a landline and rely heavily on cell phones. Increase in signal strength will benefit residents, local businesses, and public safety communication systems. Verizon proposed the facility at 150 Timberline View Court, a parcel that is over 7 acres wide and is zoned General Rural (GR). The size of the parcel is ideal to have the facility set back from other structures and rights-of-way by a significant distance. The facility will be a 61 foot, faux pine tree. The equipment will be directly below the pine tree in a 50 foot by 50 foot lease area. The project is in full compliance with the Washoe County zoning ordinance and we request approval today.

Member Wideman stated that the information contained in Exhibit D doesn't copy very well in black and white. He said, whether or not the project meets the requirement is dependent upon whether or not there is a proven truly "significant gap" and an explanation of the feasibility of the alternatives. Mr. Wideman asked of Ms. Blocker, in relation to the truly significant gap, make your case. Ms. Blocker said, staff asked for supplemental information, this information was obtained through our radio frequency (RF) engineer at Verizon Wireless. She provided an RF justification letter, which should be in the packet along with a PowerPoint presentation, which Ms. Blocker has a color copy of. The PowerPoint goes into why the site is needed at this location, explaining the gap in coverage along with why additional alternatives would not be sufficient. Specifically, this site is needed for a capacity and coverage need. Coverage is; there is a true gap in coverage. Verizon customers are not receiving any coverage in this area. There is also a gap in capacity meaning the system is overloaded. Staff mentioned he receives cell service in this location but when the propagation models are designed, they are forward looking, meaning they are not looking at the capacity right now they are looking at the capacity two to three years out. So, Verizon RF engineers use sophisticated propagation models to forecast both current and future gaps in coverage. What was provided was a full analysis showing why there is truly a gap in coverage. On the coverage map, green represents in-building coverage meaning are you able to use your cell phone in a building. Yellow represents in car service meaning are you able to use your cell when you are in a vehicle, and anything less than that is represented by red or absent of color meaning lack of or poor coverage. With this facility, the map does show an increase in both green and yellow. Additionally, the existing facilities in Verizon's network are a substantial distance away. The closest location is called, "Steamboat" which is 5.65 miles east of the proposed location. "Slide Mountain" is located 5.18 miles southwest with a 3000 foot increase in elevation. "Wolf Run" is 5 miles to the east with a 2000 foot elevation decrease. In terms of infrastructure, for Verizon, that is a significant distance. The towers have to communicate with each other as well as using line of sight technology to communicate directly with the operator of the phone. The gap of coverage and capacity in this area is truly significant. To address the second prong of the test, called no alternatives or least intrusive means, this project has been ongoing for over a year and a half. We've vetted other possible candidates in the area and due to the elevation changes and topography challenges this is the ideal location to fill the significant coverage gap experienced in this area. Member Wideman appreciates Ms. Blocker's ability to explain highly technical issues to people who don't have highly technical training. At the same time, there has been a great deal of opposition expressed. Part of the issues on the significant gap problem, as Member

Wideman sees it is; he doesn't believe Ms. Blocker. He believes there are highly skilled and technical people doing the studies who are explaining they're really smart and technical and we should believe them, but that doesn't really put it over the top. So, Member Wideman asked Ms. Blocker to expand on that and make everyone understand why the gap is significant, other than we're smart and trust us, it would really help. Ms. Blocker said, other than showing the distance between facilities and showing the technical evidence required to show a significant gap, which is a County requirement, she added, Verizon spends a lot of money to make these facilities. They spend close to \$500,000 to build a facility like this. They're not going to put a facility where it's not needed or when the gap is not significant. They've received requests for facilities, they've done technical justification, this facility is needed for the Verizon infrastructure. Ms. Blocker believes she's supplied the technical evidence to justify it.

Member Toulouse referred to Ms. Blocker's opening statement where she said, this was an effort to improve service while not once mentioning significant gap, only "a gap". Member Toulouse stated he took the time to print out the maps in color and when he looks at them and he compares the original candidate with the map of the collocation with AT&T, there's very little difference in what is proposed with the Timberline facility, minor differences. Member Toulouse doesn't understand why Verizon isn't considering the AT&T collocation. Ms. Blocker said, from Verizon's point of view, collocating on an existing facility is extremely beneficial for them. It's much less financial cost, much easier to get permitted, so they've fully vetted and their top choice was to go with the AT&T collocation, unfortunately their RF engineer decided, based on the drastic change in elevation of over 1000 feet, it just would not satisfy the significant coverage gap that was experienced. Member Toulouse stated the Verizon maps only show minor differences and asked Ms. Blocker if she agreed with that. Ms. Blocker said, no she doesn't agree with that adding, with the naked eye it may seem minor but from an RF perspective it's truly significant. Member Toulouse asked Ms. Blocker if Verizon did a drive test. Ms. Blocker said, no she doesn't believe a drive test took place. Member Toulouse asked what the reason was for Verizon not providing dropped call information or numbers. Ms. Blocker indicated, at the May CAB meeting, it was requested Verizon supply supplemental information to show the gap is truly significant. Unfortunately, Verizon won't release proprietary information, it's a very competitive wireless world and showing that sort of data is not something they legally feel they can provide. However, in the short time allowed, the RF engineer provided a full justification letter as well as a full PowerPoint presentation justifying the need for this facility. Ms. Blocker noted the application has been filed with the County for a substantial amount of time and the supplemental information wasn't requested from Verizon until May's CAB meeting. Member Toulouse asked, so in 30 day's Verizon couldn't provide that. Ms. Blocker said, yes as well as the proprietary information of which Verizon was not comfortable sharing.

Member Hill asked Ms. Blocker what she thought about the facility changing the character of the neighborhood; this fake tree, 61 feet tall in the middle of a blank landscape that is typically Nevada looking. Ms. Blocker stated the area currently has a water tank, which would be adjacent to the facility, which is a man-made structure. In addition, they've worked with staff to relocate the facility from the crook of the access road to another area on the parcel where it would blend into the landscape more naturally. They've also worked with staff to design a "stealth" facility that would blend with the natural aesthetics of the area. There are trees that are on the ridgeline and the current design is what Verizon and staff felt would blend with the natural aesthetics.

Member Thomas asked Ms. Blocker to clarify the definitions of coverage and capacity and which is the driving factor to put the tower in place. Ms. Blocker pointed out the RF engineers PowerPoint, Exhibit D, gives the best definitions. Coverage is a need for expanded service often requested by customers and emergency services personnel. While this initially meant providing coverage in vehicles as usage patterns have shifted this now means improving coverage inside of buildings and in residential areas. Capacity is the need for more bandwidth

of service. There may be some minor service there but the bandwidth currently can't take it. Creating a backlog or clog in the system which needs to be expanded. Coverage allows for greater bandwidth. To follow up on that, Member Thomas stated, it appears under the coverage, an indicator would be; when you're driving down Mt. Rose Hwy. you hit a dead spot and everyone on a cell phone traveling on that highway would lose coverage along with residents in the area having no cell phone coverage. Ms. Blocker answered, not necessarily the coverage could just be limited. She believes the coverage map show a limit or non-existence of coverage. Member Thomas asked what would be limited. Ms. Blocker answered, limited coverage meaning they can get coverage at high traffic times outside but not inside their homes. It just depends, this is also a capacity site, higher traffic times for phones clog up the system and the system currently doesn't have the bandwidth to cover it resulting in dropped calls, slower data, etc.

Chair Lawrence stated the County is looking for the least intrusive means and collocation very important. Verizon has listed several property owners, on page 19 of 32, whose sites were considered along with comments on why they weren't chosen. Chair Lawrence asked if there were any emails or certified letters to support their effort to contact the property owners. Ms. Blocker answered, no, the initial search vetting process starts with an area where Verizon is experiencing a significant gap in coverage, they reach out to property owners that may be interested in a project within that search area and are in compliance with the limitation of code. They send out letters and sometimes knock on doors to reach interested candidates and then pursue those interested candidates who also meet the criteria of what they are looking for in terms of planning compliance and RF objective compliance. There is no certified mail or email evidence available today but there is a trail of candidates they ended up pursuing, that reached their objectives. Chair Lawrence asked if there were any copies of property owners that Verizon pursued or were not interested, available today. Ms. Blocker said, no, she doesn't have anything today because the current candidate reached their service objectives, was interested in having the facility on their property, and was compliant with the code. Chair Lawrence asked, this candidate was interested but you couldn't get him to collocate the facility on his property. Ms. Blocker explained Verizon narrowed it down to two candidates that met their RF objective, their planning objective, and had landlord interest. The firehouse that has the AT&T site on it had an interested landlord but didn't meet Verizon's RF objective because it is 1000 feet lower in elevation than the proposed site. For Verizon infrastructure 1000 foot drop in elevation is life changing. In order to reach the significant coverage gap Verizon needed to go with the candidate that had the higher elevation and that's the project that is before you today. Chair Lawrence asked if these are "alternative sites considered" for this project, on page 19 of 32. Ms. Blocker said this is not a list of candidates that meet every criteria, it's only a list of initial candidates they reached out to as a preliminary matter but not necessary those that were vetted to a level that our chosen candidate and the AT&T location was vetted at. Chair Lawrence asked if Verizon liked the AT&T location better than the "alternative sites considered." Ms. Blocker said, yes.

Ms. Blocker added, what really triggered the significant gap coverage analysis was the proximity to the trailhead. She reiterated the trailhead is within the 1000 foot buffer zone although it's on the other side of the mountain. Standing at the trailhead, looking over in the direction of the facility, it would be completely invisible. The facility is on the other side of the peak of the hilltop. If the reasoning behind the buffer zone is to minimize visual blight, you wouldn't be able to see the facility from the trailhead.

Chair Lawrence opened public comment.

Ted Oxborrow, from the Franktown area, explained he was born in Reno and has seen a lot of changes. His business is in adventure sports; mountain biking trips on trails, equestrian trips, hiking trips. Most of his clients are European and fall in love with Nevada. He gets a lot of his

sensitivity and passion from his experience and being a long time resident. Mr. Oxborrow asks that this request be vetoed for the following reasons: he can't see that Verizon, who is doing so well, has the right to cross over rules, regulation, and codes. His experience has been that too many codes and good regulations have been passed aside for development that wasn't in the best interest of our community and particularly not in the best interest of the visual beauty that brings visitors to Nevada and that we Nevadans enjoy. It seems Verizon is stepping on our toes even though he appreciates Verizon as a company. They're taking this as an easy way out. The site that they've got is probably something for convenience more than it is for practicality. Mr. Oxborrow said that the Board's questions had been excellent as no one knows what the whole "gap" thing is about. He stated that it isn't clear and why the argument is so strong that other people, who are willing to rent out space, are not being dealt with. Why wouldn't there be information on that immediately especially after so many hearings. Mr. Oxborrow suggests a co-location or asking Verizon to get back to the drawing board and really do some hard work on finding a better site particularly with regard to the gap argument, getting more details and making sure that we all clearly understand, not so much in a technical aspect but from the standpoint of practicality, that there really is a problem there. He thinks the argument about not being able to see the facility didn't address the road that is going to be cut in there. It doesn't address the fact that hikers and equestrians are sitting on horses some times and can see over. It doesn't address the beauty of the whole trail area that would be affected by this overall development, not only the tower itself but the road, too. Mr. Oxborrow respectfully asks the Board to have Verizon to take another look at this.

Dr. Susan Loring, a new resident on Timberline Drive whose house is directly below the proposed site, voiced concern that when the road is cut into a steep hill, when there is already a road there, all the rain and snow will erode the hill and it'll fall into the people's properties below where the proposed tower is going and onto White's Creek trail. Dr. Loring is also concerned about possible interference with the equestrian part of this as she has horses and that is why she bought the property; to be in a very pristine area and close to the trails. Dr. Loring suggested using Sky Tavern property as a site.

Randy Collins, who lives about 500' from the proposed cell tower, wanted to make a clarification that Ms. Blocker misstated earlier. She said there was a 1,000' difference between the AT&T site and the proposed Timberline site but in the information Verizon submitted the difference is 250'. He also wanted to bring attention to an error in the geotechnical report that was submitted with the application; it stated there were no earthquake fault zones per Exhibit E. Exhibit E is for an area near Mt. Shasta, California, and is misleading to anyone reading the report. There is no geotechnical report for this area. Mr. Collins also commented on the significant gap, saying in the Verizon report, a significant gap is ambiguous left to interpretation statement in code and the courts are currently judging them in a case by case situation. But if you read the code it is very clear and not ambiguous, code Section 110.324.55, Significant Gap Coverage says, "A significant gap for purposes of this article shall include an area where no cellular service from any carrier is available. Mr. Collins believes that "coverage area" is an interpretive metric. He also wanted to state that, of all the alternative sites Verizon listed none were Sky Tavern, where two years ago a 100' pole was installed on their property and it's only a mile away from the proposed tower. On the "average coverage map", Sky Tavern sits between the circle on the bottom right and the circle on the top towards the left. Mr. Collins summarized by saying Verizon is using two special use permits to put this in, one for the road and one for the trail easement. Why do we have to have the significant gap as an excuse to put this facility in and use special easements to put in an unsightly road in that is not to code, as stated in the report, just to put a cell tower in? He feels it's unnecessary and would like to deny it.

Kathy DiCenso lives 590' from the proposed site. She restated the code definition of significant gap. She stated her house is one-half mile from the fire station, where the AT&T monopole is, and she's about one-half mile from the water tower, where Sprint has two



antennas on it. So, within a mile of her house there are three cell towers available. Ms. DiCenso opined that Verizon wants to put a cell tower in the middle of two gaps but she thinks Verizon should put up two smaller towers, one in each of the gap areas. Regarding the alternate sites, Verizon indicated the water tower was not able to be negotiated at the time which was in September 2013. At that time the water was under Washoe County Water Resources and being transitioned to Truckee Meadows Water Authority and maybe neither entity was in a position to negotiate at that time. Ms. DiCenso made another point that the Mt. Rose alternative site is now a new neighborhood and when Verizon started looking at locations there were only two new houses in area but now there are half a dozen and they are more being built. Ms. DiCenso doesn't feel that area was evaluated fairly and choosing the proposed site because of the elevation was misleading as Verizon never considered any other sites with a higher elevation. Ms. DiCenso stated she did an internet search on earthquake fault within our area and noted that Washoe County Code Sections 110.424.20 and 110.424.35 address the suitability of locating the development in earthquake fault areas. In her search she found the "natural disaster risk" for 150 Timberline View Court is a "high earthquake risk". She also noted that Incline Village had an earthquake in the area on April 7, 2015.

DDA Edwards reminded the Chair of the three minute time limit for individuals wishing to make public comment.

Amy Collins spoke in opposition of the proposed cell tower. The location of the cell tower has a negative visual impact to the local terrain. It will be visible to local users of adjacent trails in the area as well as local residents. The Verizon cell tower to be camouflaged as a tree will be completely obvious at the proposed site on a mountain with very few trees and no trees of similar height or proximity to the cell phone tower. The 376' road that will be built to service the cell tower will create an additional visual concern. No amount of screening will be able to change the impact of that extremely long and large road scar. Ms. Collins is also opposed to the building of the cell tower in a location that is within 10' of an existing equestrian easement, #PM4688. The cut that will be created to build the road to the tower will cut directly across the existing equestrian trail and will not allow egress to people or animals due to the high dirt walls or constructed retaining walls required to be built to maintain the grade for the cell tower road. The claim of a significant gap in service coverage by Verizon should be supported by an independent study, if that is possible. Not performed by an in-house or out of house hired by Verizon that may or may not have a bias in favor of the client. For that reason, the claim of a significant gap of coverage to Verizon customers should have additional vetting to support Verizon's claims. There is a proposed collocation at another site which doesn't have a 1000' differential. Please deny any special permits for this project.

Brett Cothorn, a resident of the Timberline neighborhood, is opposed to the proposed cell tower. He feels it will greatly affect the view from his home. The people that use the trails will very much see the cell tower and tree that will be much taller than anything else on the hillside. The trailhead is very much in view of the cell tower. Regarding the gap in coverage, Mr. Cothorn isn't a Verizon customer but living there and the windy storms they get cause them to lose power, they are still able to stream Netflix on their tablets and computers from AT&T to stay entertained. He doesn't find any significant gap in coverage from his location. Mr. Cothorn opined that the cell tower would significantly impact the overall visual quality of the Timberline area. He thinks it would be nice if the Board would not approve the permit.

Ms. Blocker stated that part of the conditions of approval requires that Verizon plant five additional pine trees within the area to have the site blend in. The current water tank that is on the parcel has similar landscaping around it that will match the existing hillside.

Trevor Lloyd stated to the Board that the Recording Secretary had received five lengthy letters in opposition to the project.

Chair Lawrence closed public comment.

DDA Edwards suggested to the Board that they disclose if they were a Verizon customer and if they live in or are affected by the service in this area. Further, DDA Edwards wanted to clarify, some of the commenters made remarks about the language definition significant gap in Section 110.324.55 of the Development Code. The issue about whether it is a single or multiple providers has already been decided. Regardless of what the county code section says, and it says it includes, a "white area" where there is no coverage by any provider, meaning there could be other areas that qualify as significant gap. The 9<sup>th</sup> Circuit Court of Appeals, in whose jurisdiction we sit, has said that the Telecommunications Act defines a significant gap to include areas where an individual cell phone provider has its own significant gap event if other cell phone providers don't have a significant gap or are already providing service in that area. We're in a multiple provider jurisdiction so it is Verizon's burden to prove that it has a significant gap in its coverage regardless of whether other companies provide service in that area.

The following disclosures were made:

Member Toulouse disclosed that he is a Verizon customer but has no property that is affected by this project.

Member Hill is an AT&T customer and has no interest in this project.

Member Thomas disclosed he is a Verizon customer and has no property in the project area.

Member Wideman disclosed he is a Verizon customer and has no property in the area affected by this project.

Chair Lawrence is an AT&T customer and has no property affected by the project.

Member Toulouse indicated that he was not convinced there is a significant gap. The maps that were provided don't show it and none of the materials provided show it. Member Toulouse said he was a little perturbed that Verizon was requested to provide information by Planning and Development and by others in the staff report, including Parks, and that information was not provided. He is also concerned that the cell site is not suitable for this intense of a development as the monopole will stick out like a sore thumb, he also has a huge concern about the road needed to support it. Additionally, the Forest Area Plan community character will be significant with this installation. Therefore, Member Toulouse cannot make the findings to support the project.

Member Hill opined that as a hiker in that area, the facility may not be visible at the trailhead but it would definitely be visible on the trail, it would be unsightly and unsightly from the highway having a big, fake, obvious, antenna tree sticking out even if there is a water tower there. Member Hill doesn't think she can make the finding that it would not unduly impact the vistas in the County.

Member Wideman stated he understands the sentiment that the people around it don't like the way it looks and he appreciates it. He thinks the issue of the significant coverage gap has been locked onto as a way to win the argument and not to focus on the way it looks. Member Wideman said he has some experience in radio frequency communication systems and thinks Verizon hasn't made it clear to those who don't understand those issues. He thinks he's seen enough to know there is a significant gap and that gap is in coverage and capacity. He understands carriers need to plan years in advance and the draws upon data are expanding geometrically year to year. Failure to deal with those early on, create bigger problems later on.

Member Wideman is satisfied that the gap does exist and he believes Verizon has explored alternatives, whether others agree with it or are willing to partner with them. Member Wideman can make the findings and supports the project.

Chair Lawrence agreed with Member Toulouse in that Verizon could have done a better job explaining to lay people what a significant gap is. He would have like to have seen more proof of efforts with other people who had sites that were potential. Chair Lawrence said he understands the future and capacity and the need for more bandwidth and maybe the significant isn't so bad now but is getting bigger all the time. He stated he is going to fall back on the CAB's 3 – 3 vote indicating it's not a vote against, so he is in support of the project because the CAB wasn't fully against it. If they were, he may have changed his opinion.

Member Toulouse asked DDA Edwards; when we talk about a significant gap, or as in the staff report "truly significant coverage gap", are we addressing the future or are we talking about the present? DDA Edwards said his interpretation is, we are talking about the current state of affairs. Otherwise there would be an element of speculation about what the future is going to look like. Member Toulouse opined, presently he doesn't see a coverage gap. He also doesn't believe the site is not suitable. And per the map provided by Verizon there is virtually no difference between the collocated AT&T site and the Timberline site. He thinks the site should be collocated with the AT&T site.

Member Wideman said while the AT&T site would provide some level of coverage it is fair to recognize a difference in elevation and that difference does have a real affect, according to the map, on how far the radio signal goes and that has an impact on the capacity.

Member Thomas stated he was not fully satisfied that the significant gap has been identified to satisfy his needs. It's a statement that has been placed out there to use as a special use permit to allow this to occur but he hasn't seen any documentation that identifies where is the drop off other than the statement being made. Secondly, a 61' tower sitting on the side of the hill would be at least twice the height of any existing tree if not higher and would be a beacon that everyone would see. Last, the issue of coverage versus capacity. Verizon says the project will also increase capacity but the special use permit is asking for coverage. They want one to enhance the other. Member Thomas is not in favor of moving this project forward at this time.

Member Toulouse moved 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 Number SB14-014 for Verizon Wireless, being unable to make the findings required by Washoe County Code Section 110.810.30, Section 110.324.75, and the finding required by Policy F.2.13 of the Forest Area Plan, a part of the Washoe County Master Plan, for approval of Special Use Permits. Those findings that I cannot make are finding 3 of Washoe County Code Section 110.810.30 and finding 1 from Policy F.2.13 of the Forest Area Plan. I also cannot make the finding that there is a significant coverage gap. Member Hill seconded the motion which carried. (three votes for denial, two votes against denial)

The motion was based on the following findings:

Findings from 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 Forest 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 wireless communications facility 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. 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 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;
2. Public Input. That public input was considered during the public hearing review process; and
3. Impacts. That the proposal will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Findings from Policy F.2.13, of the Forest Area Plan:

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

Mr. Lloyd read the appeal procedures.

**C. Variance Case Number VA15-003 (Alpine View, LLC)** – Hearing, discussion, and possible action to grant a variance to reduce the required front yard setback from fifteen (15) feet to ±5.5 feet to allow for a covered entry deck as part of a new home addition to the existing residence.

- Owner/Applicant: Alpine View, LLC  
Attn: Craig Rauchle; Julie Weintraub
- Consultant: Elise Fett & Associates, Ltd.  
PO Box 5989  
Incline Village, NV 89450
- Location: 615 Alpine View  
Incline Village, NV 89451
- Assessor's Parcel Number: 131-212-10
- Parcel Size: 0.451 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigger
- Section/Township/Range: Section 10, Township 16N, Range 18E, MDM, Washoe County, NV

- Prepared by: Trevor Lloyd - Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3620
- E-Mail: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Lawrence opened the public hearing. Trevor Lloyd reviewed his staff report dated May 8, 2015.

Elise Fett, the applicant's representative, commended Mr. Lloyd on his excellent presentation. She reiterated that the slope of the property is very steep. About a 10' drop from the road to the setback line. The proposed entry deck will be at the same level as the current entry deck. The request is to simply have a covered deck within the setback but back from the road a bit. The goal is to have a step that goes from the existing garage, which is right on the property line, back to the new garage which will be behind the setback line. This will provide a step that ties the existing garage in with the new garage and home making it look like it was all planned together at one time.

Chair Lawrence opened public comment.

Cathy Brandhorst spoke about evicted residents refusing to move out of a house.

Chair Lawrence closed public comment.

There were no disclosures.

Member Wideman moved 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 approve Variance Case Number VA15-003 for Alpine View LLC., with the conditions of approval as included at Exhibit A to the staff report having made all four findings in accordance with Washoe County Development Code Section 110.804.25. Member Toulouse seconded the motion which carried unanimously.

The motion was based on the following findings:

1. 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 results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

**9. Chair and Board Items**

**A. Future Agenda Items**

None

**B. Requests for Information from Staff**

None

**10. \*Director's Items and Legal Counsel's Items**

**A. \*Report on Previous Board of Adjustment Items**

Mr. Lloyd gave the following reports:

- Member Wideman's appointment for another full term will be heard at the June 23, 2015 County Commission meeting.

- The Board's decision to deny VA15-002, Kline, has been appealed and will be heard June 9, 2015 at the County Commission meeting.

- Special Use Permit Case SB15-001, Mustang Industrial Grading, is moving along and staff is working to secure right-of-way through the BLM to help support the project.

**B. \*Legal Information and Updates**

None

**11. \*General Public Comment**

Cathy Brandhorst spoke regarding her problems trying to move back to Mill Street.

**12. Adjournment**

The meeting adjourned at 3:30 p.m.

Respectfully submitted,



Donna Fagan, Recording Secretary

Approved by Board in session on August 6, 2015



William H. Whitney  
Secretary to the Board of Adjustment