



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

### Planning and Building

1001 EAST 9<sup>TH</sup> STREET  
RENO, NEVADA 89512-2845  
PHONE (775) 328-6100  
FAX (775) 328.6133

## Board of Adjustment Action Order

Special Use Permit Case Number WSUP19-0001

Decision: Approval with Conditions  
Decision Date: April 4, 2019  
Mailing/Filing Date: April 8, 2019  
Applicant: Incline Partners, LLC  
Assigned Planner: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division  
775.328.3627  
Phone: 775.328.3627  
E-Mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

**Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole)** - For possible action, hearing, and discussion:

1. To approve a special use permit for the construction of a new wireless cellular facility consisting of a 117-foot high stealth monopine structure (aka cell phone tower disguised to resemble a pine tree) designed as a collocation facility; and
2. To approve a minor deviation to vary the height standard and increase the monopine by 5 feet, to a total height of 117 feet.

The monopole is proposed to be located on a vacant parcel, approximately 100 feet south of the intersection of Incline Way and Village Blvd. on the west side of Village Blvd. approximately 30 feet west of the easterly parcel line bordering Village Blvd.

- Applicant: Incline Partners, LLC
- Property Owner: KBS Ltd.
- Location: Approximately 100 feet south of the intersection of Incline Way and Village Blvd. on the west side of the Village Blvd.
- APN: 132-221-11
- Parcel Size: 8,078 sq. ft.
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 324 Communication Facilities; and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permit and Article 324, Telecommunications Facility. If no appeals have been filed



INTEGRITY



EFFECTIVE  
COMMUNICATION



QUALITY  
PUBLIC SERVICE

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within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following 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 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 a for a telecommunications facility (monopole) 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.

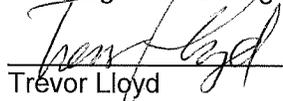
**Findings from WCC Section 110.324.75:**

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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

**This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.**

Washoe County Community Services Department  
Planning and Building Division

  
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Trevor Lloyd

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Secretary to the Board of Adjustment

TL/JO/df

Attachments: Conditions of Approval

Applicant: Incline Partners, LLC  
PO Box 3740  
Incline Village, NV 89450  
Email: Jpetersen@surewest.net

Property Owner: KBS Ltd.  
PO Box3020  
Incline Village, NV 89450

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office;; Leo Vesely, Engineering and Capital Projects; Incline Village/Crystal Bay Citizen Advisory Board, Chair; Tahoe Regional Planning Agency, Post Office Box 5310, Stateline, NV 89449-5310; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451





## Conditions of Approval

Special Use Permit Case Number WSUP19-0001

The project approved under Special Use Permit Case Number WSUP19-0001 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 4, 2019. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

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

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

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

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

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

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions."

These conditions must be continually complied with for the life of the project or business.

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

Washoe County Conditions of Approval

**Washoe County Planning and Building Division**

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

**Contact Name –Julee Olander, 775.328-3627, jolander@washoecounty.us**

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

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. Prior to the issuance of a building permit, the applicant shall provide a certification by a professional that the facility complies with Federal Communications Commission (FCC) regulations for Radio Frequency Emissions (RFE).
- f. Prior to the issuance of a building permit the applicant shall record a statement of assurance that the wireless communications facility shall be removed if the use of the facility is discontinued for a period of twelve (12) consecutive months.
- g. The monopine pole tower shall not exceed 117 feet in maximum height, as approved under this special use permit WSUP19-0001.
- h. The applicant shall submit a landscaping design plan to the Planning and Building Division with the building permit using native vegetation to facilitate screening the wireless equipment from the public right-of-way.
- i. The telecommunications tower owner shall be responsible for maintenance of the tower structure, all branches, and related appurtenances and equipment for said site. If branches break, fade, or blow away, or are damaged in any other manner, whether due to natural, Act of God, or manmade causes, those said branches or other equipment shall be replaced within three (3) months per each occurrence.
- j. The monopine shall match the color of the surrounding evergreen trees and the wood-colored synthetic slats shall match the foliage and be non-reflective.
- k. The following **Operational Conditions** shall be required for the life of the project:

Washoe County Conditions of Approval

- i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
- ii. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Building Division.
- iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Building Division staff to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

**Washoe County Building**

2. The following condition is a requirement of Washoe County Planning and Building Division, which shall be responsible for determining compliance with this condition.

**Contact Name –Leo Vesely, 775.328.2313, [ivesely@washoecounty.us](mailto:ivesely@washoecounty.us)**

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The applicant shall provide permanent easements for the lease area, access and utilities. A copy of the recorded easements shall be submitted to the Engineering Division prior to issuance of a building permit.
- c. All existing and proposed easements shall be shown on the site and/or grading plan.
- d. An occupancy permit, for work within the County right-of-way, shall be obtained prior to approval of a building permit.
- e. Due to IVGID Water and Sewer Utilities located within the property, the owner must contact IVGID prior to submitting for a Washoe County Building Permit.
- f. The owner shall be responsible for scheduling a field meeting with IVGID to determine an approved location for the proposed tower.

\*\*\* End of Conditions \*\*\*

