Incline Partners LLC

Thorburn Communications Site

Major Use Permit Application
Lake County

Project Description

Incline Partners, LLC ("Incline Partners") seeks a Major Use Permit from Lake County Planning to allow the construction of a communication facility on a 26.55 acre parcel of land. The parcel's base zoning district is split between: RL-SC (Rural Land SC) and RR (Rural Residential). The proposed facility would be located on the portion of the parcel designated RL-SC which is the predominant zoning designation of the property. The project site is relatively level.

The proposed facility would include a one hundred fifty (150) foot communications lattice tower with one wireless carrier's antenna array including up to twelve (12) panel antennas and eighteen (18) RRUs (remote radio unit), one six (6) foot microwave dish and associated cabling. The tower will be of a height and design which will accommodate additional wireless carriers as a collocation facility, as required under Lake County Zoning Ordinance (the "Code").

Access to the facility will be from an existing access road from Highway 20 which crosses an adjoining parcel owned by the same party that owns the tower parcel. The access road will be extended approximately 900 feet to the tower compound adjacent to an existing PGE easement and access road. A ten foot wide minimum turnout will be added approximately halfway down the access road to comply with Cal Fire requirements.

A 6400 square foot fenced area will be developed with up to four (4) concrete equipment pads, with service lights that are only used during routine maintenance or emergency situations.

The site will have a single standby diesel generator with an associated diesel fuel tank located within the fenced compound.

Upon completion of construction, maintenance of carrier equipment will be necessary, meaning the site will be visited once or twice a month by a service technician for each carrier for routine maintenance, unless there is an emergency. One parking space inside the fenced compound is needed and used for maintenance activities. The site is entirely self-monitored and alerts personnel to any equipment malfunction or breach of security.

Because the facility will be un-staffed, there will be no regular hours of operation and no impact to existing traffic patterns. No on-site water or sanitation services will be required

as a part of this proposal. The standby diesel generator will operate in the event of an emergency power outage and scheduled testing.

The proposed Incline Partners communication facility requires electrical power and telephone will be run from an existing service pole located on the property. No nuisances will be generated by the proposed facility, nor will the facility injure the public health, safety, morals or general welfare of the community. The proposed cellular and wireless technology is licensed by the Federal Communications Commission and does not interfere with any other forms of communication devices whether public or private.

This project will also enhance the ability of emergency responders in the event of emergency. Cellular coverage maps show service gaps in the area and existing facilities are not meeting service needs associated with voice and increased wireless data needs. This project will provide additional facilities to meet service needs in the area. The additional facilities will provide improved wireless communication service in emergencies to help protect public health, safety, and welfare. It is also likely that a fire camera will be installed to enhance fire safety in the area.

The tower will not contain lights or generate noise that could be visible or heard outside the immediate vicinity of the tower, except as required for FAA regulations for airport safety.

The project will not have an adverse impact on applicable air and water quality standards for the region.

This facility will greatly enhance wireless phone and data coverage at the junction of Highways 20 and 53 in Clearlake Oaks, and heading east on Highway 20 where currently there is little to no coverage on this highway and residences in the area. The site is intended to connect wireless coverage with the new Verizon site in the Spring Valley area.

As shown on the drawings included with this application, the facility will be located near the east corner of the subject property, outside of applicable setbacks and a safe distance from existing PGE transmission towers and lines.

Wireless Communication Facilities are addressed in Article 71 of the Code.

Section 71.3 state that "Wireless telecommunication facilities shall be allowed on lots or parcels with the zoning districts specified in Section 27.11, Table B. Table B(ar) allows "New or replacement Wireless Communication Facilities" in the RL and RR zones upon obtaining a major use permit.

Section 71.3 contains various general regulation applicable to wireless telecommunications facilities, this proposed facility meets all of the criteria (a) through (g) of Section 71.3

Section 71.8 of the Code contains the General Development Standards for All Wireless Telecommunication Facilities and following we address each of the stated standards:

(a) Site Location:

1. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.

Applicant has designed and located the tower as far as possible from residences and highways. Highway 53 is 2500 feet from the tower, and the closest reference point on Highway 20 directly east is 1295 feet from the tower and the closest reference point on Highway 20 to the north is 3100 feet. From our calculations, there are only 6 residences within one mile and the closest is .47 miles. Applicant has chosen a lattice tower to match existing PGE towers and create a cluster of similar structures located on the same hilltop in an attempt to minimize visual impact to travelers on Highway 53 and 20.

2. Co-location is required when feasible and when it minimizes adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Co-location is not required when it creates or increases such effects and/or technical evidence demonstrates to the satisfaction of the Community Development Director that it is not feasible due to physical, spatial, or technological limitations. Fiscal constraints or competitive conflicts are not considered justifiable reason for not co-locating a new facility where opportunity for co-location exists.

No opportunity for collocation in this area. This facility is intended to be a single tower solution for all carriers seeking service in this area.

3. Wireless communication facilities shall not be sited in a way which will create visual clutter or negatively affect view from communities, highways and major collector roads, from Clear Lake or from highly used public areas, such as but not limited to parks and resorts.

The tower will not be visible from a park or resort, nor significant communities in the area.

4. New communication facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from communities, highways and major collector roads or from highly used public areas, such as but not limited to parks and resorts.

Given the terrain, the only viable option to cover this area is from a hilltop, and the tower has been set back from the ridges to minimize impact.

5. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

The facility will be minimally viewable from any public viewing area, and any attempts to screen the facility would only draw more attention.

6. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

Existing topography will be minimally disturbed, to create the 6400 square foot equipment compound and tower foundation, and to extend the access road adjacent to the existing PGE access road.

7. Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

Facility will comply.

8. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Director of Community Development that the proposed location is the most feasible location for the provision of services as required by the FCC.

FAA will not require special painting or lighting, FAA Notice in process.

9. No telecommunication facility shall be installed within the safety zone of any airport within Lake County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, and the proposal is reviewed and approved by the Airport Land Use Commission.

The facility is not within a safety zone of an airport.

10. No telecommunication facility shall be located in an environmentally sensitive habitat, such as but not limited to, wetlands, vernal pools, or special study areas containing rare and endangered plants and animals.

Applicant is unaware of any environmentally sensitive habitats, appropriate studies underway.

11. In instances where the wireless telecommunication facility is located near or in a residential area, or located within a Community Growth Boundary or within one (1) mile of said Boundary, photos shall be submitted of the proposed facility from the nearest residential neighbors. In instances where the wireless communication facility would be visible from a State Highway or County Collector or Arterial Road or from Clear Lake a detailed visual analysis of the facility shall be submitted.

Not within a residential area or Community Growth Boundary, visual analysis submitted with views from Highways 53 and 20.

12. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.

Six foot (6') chain link fence to surround the equipment and tower.

13. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

A Twenty foot (20') wide easement has been secured from the landowner for the new portion of the access road, and existing road will connect new access road and public highway.

14. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirement for the Zoning District.

The parcel meets the minimum lot size for RL and RR (__ SF.

15. A subdivision pursuant to the State Subdivision Map Act shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building in unmanned.

Equipment buildings will be unmanned.

16. The maximum height of any communications tower shall be 150 feet.

Tower design is 150 feet.

17. The foundation and base of any communications tower shall be setback from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

Foundation and base of tower meet these setback requirements.

18. Existing trees and other vegetation which will provide screening for the proposed facility and associated access roads shall be protected from damage during construction. Additional landscaping or visual screening shall be installed and maintained where it would mitigate visual impacts of a communication facility. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area, and shall be maintained through-out the life of the project. Communication facility sites, whether leased or purchased, shall be of sufficient size to include vegetative screening if landscaping would provide a useful reduction to visual impacts. No trees that provide visual screening of the communication facility shall be removed except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.

The area around the tower consists of low native shrubs which will be minimally impacted during construction. No new landscaping planned as the area will not be seen from any public area.

19. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

The buildings and/or cabinets will meet these requirements.

(b) Design Review and Frequency Emission Compliance

1. Towers and monopoles shall be constructed of metal or other non-flammable material, unless specifically conditioned by the County to be otherwise.

Lattice tower is steel construction.

2. Support facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed of non-flammable, no-reflective materials and shall not exceed a height of twenty (20) feet.

Support facilities will meet these requirements.

3. All ancillary buildings, poles, towers, antenna supports, antennas, and other components or telecommunication facilities shall be of a color or combination of colors approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority, and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.

Typically the tower is a dull galvanized steel finish and no paint is required. Equipment cabinets and/or equipment buildings will be located behind a chain link fence.

4. A visual simulation of the wireless telecommunication facility shall be provided. Visual simulation shall consist of either a physical mock-up of the facility, a balloon simulation with a balloon tethered at the height of the proposed tower and of a diameter matching the maximum width of the proposed antenna, a computer simulation or other reasonable and comparable means.

Computer photosimulations are submitted with the application.

5. Special design of the wireless telecommunication facilities may be required to mitigate potentially significant adverse visual impacts.

Visual impacts expected to be minimal.

6. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

No guy wires.

7. The site of a communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility by the general public. \

   Proposed fence is six foot high chain link fence.

8. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

Facility will comply with this requirement.

9. Communications Towers shall be protected and maintained in accordance with the requirements of the County's Building Code.

Facility will comply with this requirement.

10. One off street parking space shall be provided within the fenced area.

    Facility will comply with this requirement.

11. Written documentation shall be submitted to the Community Development Department annually by permit holders, prepared by Radio Frequency Engineers or other qualified professionals, that verify compliance with FCC regulations if any change in facility conditions justify said documentation. Written affirmation shall be submitted to the Community Development Department annually by permit holders that verifies continuing compliance with FCC regulations.

Facility will comply with this requirement.

Section 71.9 contains the following submittal requirements for wireless telecommunications facilities:

(a) The applicant shall provide written documentation that is licensed by the Federal Communications Commission to operate a communications tower, or that it is a tower development company that is representing a Federal Communication Commission licensed client.

Applicant is a tower development company, negotiations are ongoing with FCC licensed carriers to collocate on the tower.

(b) The applicant shall provide written documentation that the proposed wireless telecommunications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

The site will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. An EMF study will be provided if required.

(c) Communications towers shall comply with all applicable Federal Aviation Administration and applicable Airport Zoning Regulations.

The facility will comply with the requirement.

(d) Any applicant proposing construction of a new communications tower shall provide written documentation that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of such structures.

No structures are located within ¼ mile of the proposed facility except a PGE transmission tower which, at 76 feet in height, is too low to adequately cover the proposed coverage area.

(d) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

Radio frequency coverage maps included in application.

(e) The applicant shall submit certification from a California registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the County's Building Code.

Applicant will comply with this requirement during building permit process.

(f) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1 million per occurrence and property damage coverage in the minimum amount of $1 million per occurrence covering the communications tower and communications antennas.

Applicant is not required to hold an FCC license. Applicant will submit remaining information.

(h) A description of the facility that includes;

1. The types of services to be provided by the applicant to its customers.

2. The number, type and dimensions of antennas and other equipment to be installed.

3. The power rating for all antennas and equipment.

Applicant will submit upon obtaining such information from carrier locating on tower.

4. A statement that the system by itself, and in conjunction with other facilities in the vicinity, will conform to radio frequency radiation emission standards adopted by the FCC.

The system will conform to radio frequency radiation emission standards adopted by the FCC. No other facilities within the vicinity.

5. Capacity of the site and facility to accommodate expansion through co-location.

(i) A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Lake County, showing the approximate area served by each antenna.

Applicant does not have other sites in the area.

(j) A map showing the location of all other wireless communication facilities within five air miles of the proposed facility.

Included with application.

(k) Written evidence of ownership or authorization for use of the proposed site. Applicant shall not enter into a lease that precludes possible co-location.

Letter of Authorization from landowner included in application. Lease allows co-location.

(l) Written evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.

Lease contains easements for access and utilities across landowner's property.

(m) Visual analysis of the proposed facility at design capacity, including at a minimum photo montages, photo simulations or other accurate representations of visual appearance from at least three different locations, at least two of which shall be from public locations from where the facility will be most visible. For locations determined by the Community Development Director to be especially visually sensitive, the applicant may be required to provide a demonstration of the proposed height of the facility on the site in the form of a tethered balloon, vehicle-mounted boom, or other object raised to the proposed height.

Included in application. Photo sims of tower as proposed.

(n) A narrative discussing the factors leading to selection of the proposed site and antenna height, including alternative sites considered. For facilities not proposed to be co-located, the applicant shall provide a detailed statement substantiating why co-location is not practical.

No sites are within the area that we seek to cover with this proposed tower. This site is the only potential site that we found that would cover the area, and had available access and utilities.

(o) A statement that the applicant and successors agree to negotiate in good faith for co-location of proposed facility by third parties, and require no more than a reasonable charge for co-location.

Applicant agrees with this requirement.

(p) The Community Development Director may waive submittal requirements or require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.

(q) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

Not applicable.

71.10 Regulations Governing Telecommunications Antenna and Equipment Buildings

(a) Building mounted wireless telecommunications antennas shall not be located on any single-family dwelling or two family dwelling.

Not applicable.

(b) Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.

Not applicable.

(c) Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

No omni-directional antennas are proposed.

(d) Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width, unless the cumulative visual impact of an array can be reduced by using a different size.

Typically carriers seeking to cover large areas utilize panels exceeding 5 feet in height. Plans propose panel antennas which are eight feet (8') feet in height. Due to the distance to any public viewshed we believe this is an immaterial change.

(e) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a California registered professional Engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

Not applicable.

(f) Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the State and local building requirements and other applicable law.

This information will be contained on building permit drawings.

(g) Any applicant proposing wireless telecommunications antennas to be mounted on a building or other structure shall submit evidence of agreements with the property owner.

Letter of Authorization submitted with application.

Planning Division Supplemental Data Form:

Additional Information for Yes Answers:

11. Project will remove brush in the course of completing road construction and site clearing for 6400 SF compound.

15. New cell site projects may be controversial. Applicant has worked diligently to mitigate visual impact to surrounding roadways and public vantage points.

17. Cellular companies use backup generators for power backup in emergencies.

23. Visual from some residential areas and some public roads. The site is not located directly adjacent to any residences.