

Community Services Department

Planning and Building

SPECIAL USE PERMIT

(see page 7)

SPECIAL USE PERMIT FOR GRADING

(see page 9)

SPECIAL USE PERMIT FOR STABLES

(see page 12)

APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Property Owner Affidavit

Applicant Name: Incline Partners LLC

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
COUNTY OF WASHOE)

William S. Cherry
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 132-221-11

Printed Name William S. Cherry

Signed [Signature]

Address Po Box 3020

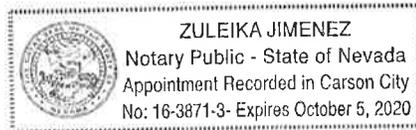
Incline Village NV 89450

Subscribed and sworn to before me this 17th day of February, 2019.

(Notary Stamp)

[Signature]
Notary Public in and for said county and state

My commission expires: 10/05/2020



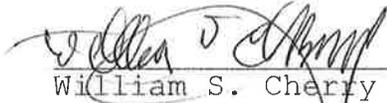
*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Secretary Certificate

The undersigned certifies that he is the Secretary of KBS, Ltd., a Nevada corporation ("Corporation"). The undersigned hereby also certifies that the undersigned is the current President, Secretary and Treasurer of the Corporation and that he is authorized to execute any and all documents on behalf of the Corporation.

IN WITNESS WHEREOF, the undersigned has executed this Secretary Certificate as of the 1st day of February, 2019.



William S. Cherry

ALL PURPOSE ACKNOWLEDGEMENT

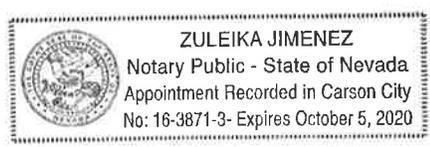
State of Nevada

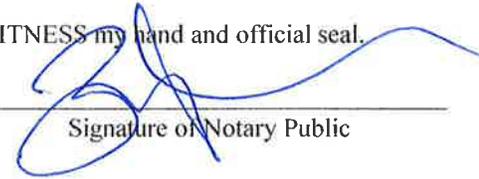
County of Washoe

On February 11th, 2019 before me, Zuleika Jimenez, Notary Public
Date Name & Title of Officer (e.g. "Jane Doe, Notary Public")

personally appeared William S. Cherry
Name(s) of Signer(s)

personally known to me -OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.


Signature of Notary Public

Letter of Authorization

The below named representative, and its successors and assigns, are hereby appointed with the authority to act with all rights of the landowner, without further approval or consent of the landowner, in filing, obtaining and maintaining any and all required permits or other governmental authorizations necessary or appropriate for use of the leased premises located at the property listed below, in accordance with the terms and conditions of and as conveyed or transferred in the Communication Site Lease Agreement between KBS Ltd., a Nevada corporation and Incline Partners, L.L.C., a Nevada limited liability company dated October 20, 2017. The authority set forth in this Letter of Authorization shall expire only upon the expiration or earlier termination of the agreement listed above, and shall bind any future purchaser or transferee of the property listed below, without further approval or consent of the current or any future landowner of the property.

Property: COMMERCIAL SUB 1 LT 6 BLK B

Assessor's Parcel Number: 132-221-11

Authorized Representative:

Incline Partners, L.L.C., a Nevada limited liability company

Authorized By: KBS Ltd., a Nevada corporation

By: [Signature]
William S. Cherry, President and Secretary

Date: 12-15-18

ALL PURPOSE ACKNOWLEDGEMENT

State of Nevada

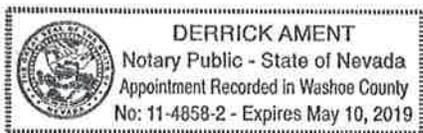
County of Washoe

On 12/15/18 before me, Derrick Ament, Notary Public
Date Name & Title of Officer (e.g. "Jane Doe, Notary Public")

personally appeared William S. Cherry
Name(s) of Signer(s)

personally known to me -OR-

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal
[Signature]
Signature of Notary Public

**Special Use Permit Application
Supplemental Information**
(All required information may be separately attached)

1. What is the project being requested?

Attached

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

See Attached Drawings

3. What is the intended phasing schedule for the construction and completion of the project?

Construction start in Spring 2019 and will be completed within 2 to 3 months.

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

Attached

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

Attached

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

Attached

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

Attached

8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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9. Utilities:

a. Sewer Service	n/a
b. Electrical Service	yes
c. Telephone Service	yes
d. LPG or Natural Gas Service	yes for backup generator
e. Solid Waste Disposal Service	n/a
f. Cable Television Service	n/a
g. Water Service	n/a

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #	n/a	acre-feet per year	
i. Certificate #	n/a	acre-feet per year	
j. Surface Claim #	n/a	acre-feet per year	
k. Other #	n/a	acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

n/a

10. Community Services (provided and nearest facility):

a. Fire Station	North Lake Tahoe Fire Protection Dist; Tanager betw. Enterprise and Oriole
b. Health Care Facility	IV Comm Hosp, Alder Avenue
c. Elementary School	Incline Elem School; corner of Northwood and Village Blvd.
d. Middle School	Incline Middle School; corner of Southwood Blvd and Incline Way
e. High School	Incline HS; Village Blvd
f. Parks	Incline Middle School on Southwood shares a park
g. Library	IV Library 845 Alder
h. Citifare Bus Stop	located on Hwy 28 a few blocks north of proposed site

Incline Partners LLC
Incline Village Communications Site
Special Use Permit Application
Supplemental Information

Section 1:

Incline Partners, LLC (“Incline Partners”) seeks a Special Use Permit from Washoe County Planning to allow the construction of a communication facility on a 8078 square foot parcel of land within the Washoe County General Commercial (“GC”) zone within Incline Village, Nevada. The proposed facility would contain a multi-carrier one hundred twelve (112) foot communications monopole designed as a “stealth” tree pole, and as a collocation facility, engineered to hold up to four (4) carrier’s antenna arrays on one (1) new site. This facility will greatly enhance wireless phone and data coverage within commercial and urban zoning areas of Incline Village. Currently there is poor to no wireless phone and/or data service or other emergency phone service along this main corridor in Incline Village centered near the intersection of Tahoe Boulevard (Highway 28) and Village Drive, particularly as you head south and west from that location.

As shown on the drawings included with this application, the facility will be located near the center of the subject property, approximately 30 feet west of the easterly parcel line bordering Village Drive.

Wireless Communication Facilities are addressed in Article 324 of the Washoe County Development Code. Section 110.324.50 governs the development standards and subsection (e)(1) governs “Monopole Antennas” and states that “Antennas shall be allowed with a special use permit in ...General Commercial.. zones. ... Antennas shall be limited to the building standard height for an allowed main structure plus up to ten (10) feet above that height.

Table 11.406.05.1 contains the Density/intensity Standards including allowed building heights and state that for the General Commercial zone the height is 80 feet. This would allow the height in the General Commercial zone of a Monopole Antenna to be 80 feet plus 10 feet, or a total of 90 feet.

Section 110.324.50 (e)(3) allows an additional 25 percent pole height if the monopole is a “stealth design” including a “tree or other proposed camouflaged design compatible with the surrounding area”.

125 percent of 90 feet brings the allowable height to 112.5 and accordingly the pole was originally designed to be 112 feet. The current height stands at 117 feet including the 112 foot monopole, plus additional branches extending the total height to 117 feet.

TRPA planners suggested the height increase in order to make the monopine more “tree-like” at the top.

In order to approve a height above 112 feet, we have been told by Washoe County Planning that a “minor deviation of standards” would allow a height increase up to 10 percent higher than the allowable height, which would justify a total height of 117 feet.

Just by way of comparison, the Verizon monopine located at the Incline Village Executive Golf Course is a total height of 126 feet.

The monopole proposed is described under Section 110.324.45(j) of the Code and requires that the applicant certify that there are no alternatives under categories (a), (b), and (c) of that section, which describes façade-mounted antennas, rooftop mounted antennas and collocations. Applicant certifies that none of these types of facilities are available anywhere in Incline Village which would cover the area proposed for wireless coverage by this proposal, particularly since TRPA regulations do not allow buildings in excess of 26 feet.

Section 110.324.50(e)(5) states that “To the extent possible, monopole mounted antennas shall be placed in a manner that either natural features, built features or a combination of both provide a complete background to the antenna and monopole as seen from the nearest roadway or occupied structure.”

Section 110.324.50(e)(7) states that “A monopole mounted antenna shall be of a color that blends with the background. Reflective materials are prohibited.”

Section 110.324.50(e)(8) states : “To the extent possible, a monopole shall be designed to replicate existing structures and natural features/vegetation in the immediate vicinity.”

The monopole has been designed as a “monopine” so that the natural forest will be the background, the color will be determined by TRPA to blend with the surrounding environment.

Section 110.324.50(e)(9) states: “Fencing shall be erected around the monopole. In lieu of fencing, the monopole shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.”

The proposed fence around the tower compound will be six foot tall, cyclone fencing with barbed wire and wood-colored synthetic slats to match existing forest per recommendations from TRPA.

Section 110.324.50(h) states: Setbacks. All wireless communication facilities shall be erected in accordance with the setback requirements of the regulatory zone in which they are located (see Table 110.406.05.1, Standards). The setback standards for the GC zone

under Table 110.406.05.1 are 10 feet side, 10 feet front, and 10 feet rear and the tower compound was designed to accommodate these setbacks.

The new monopine will hold up to four (4) antenna mounts located at various heights between approximately 65 feet and 112 feet. Each antenna mount will allow for up to four (4) panel type antennas on each of three (3) separate sectors facing approximately 120° apart. Upon completion of leases with carriers, the actual mounting position and heights will be finalized and will be shown on building permit drawings. A 1610 square foot fenced area will be developed with up to four (4) equipment shelters or equipment cabinet configurations located on up to four (4) concrete pads or raised platforms, with service lights that are only used during routine maintenance or emergency situations.

Access to the project site will be from Village Drive utilizing a new access from Village Drive directly onto Parcel 11. There will be no other vehicular use of the access road. Per Fire Department requirements, there is no requirement for a turnaround for fire vehicles due to the proximity to Village Drive. The site will have a single UL2200 certified 48kw standby diesel generator and one UL142 certified 210 gallon diesel fuel tank located within the fenced compound.

Power and telephone to the facility will be dropped underground from the existing power pole located on Village Boulevard adjacent to Parcel 11 to the site.

Section 4:

The subject property is APN#: 132-221-11 and consists of 8078 square feet (0.185 acres) (hereinafter "Parcel 11"). The parcel is within the jurisdiction of the County of Washoe, Nevada and within the boundaries of the Tahoe Regional Planning Agency. The property is zoned general commercial under the Washoe County Zoning Ordinance. The property is also located within the Incline Village Commercial Community Plan Area.

The subject property currently has no electrical power, gas, telephone, cable television or sewer and no access to Village Drive other than through the adjacent Parcel 12.

Incline Partners has secured a long-term lease of the project premises from the current landowner, KBS Ltd., a Nevada corporation. KBS Ltd. also owns the adjacent property to the south, APN# 132-221-12 which presently contains a single structure built in 1966 currently operating as a dental office (hereinafter "Parcel 12"). Parcel 11 contains some asphalt parking spaces which are used by the dental tenant and its patients for parking during business hours. The remainder of Parcel 11 is vacant.

The immediately surrounding area to the north and east is zoned commercial, the area to the west and south is zoned office/commercial.

Incline Partners is locating this project within the general commercial zone in order to both provide adequate coverage in the Incline Village area and to locate the project as far as possible from residential uses to minimize the visual impact. The parcel has abundant

trees which will provide cover and screening for the monopine. Once built, the impact and intensity of the project will be low as the monopine is designed to replicate the existing tree coverage, and on-site traffic will be minimal, normally for routine maintenance or in case of emergency.

The heights of the existing trees in and around Parcel 11 are in excess of 85 feet tall and the land slopes upwards towards Highway 28. In order for a wireless carrier's antenna array to maximize coverage of the target areas in all directions, the antennas must sit higher than the existing tree lines to perform at optimal levels. Incline Partners has designed the site to accommodate up to four (4) carriers, and at the proposed height of 112 feet, the initial two carriers will largely avoid the tree line, the additional two carriers will have some degradation of signal due to tree foliage, but that is to be expected in this heavily wooded area.

Parcel 11 and the proposed facility is not visible from any of the identified Scenic Corridors or Scenic Recreation Areas in the vicinity with the exception of State Route 28, where the monopine will be minimally visible due to the tree canopy and distance from Route 28 to Parcel 11. The measure of designing a monopine to match existing forest will mitigate any scenic impact. (see attached photo simulations).

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. No additional parking spaces are needed at the project site 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 and will meet or exceed the Washoe County noise regulations.

Incline Partners has completed an Alternative Sites Analysis and map. Incline Partners over the course of two years contacted the owners of thirteen (13) separate parcels within the area of the proposed facility. Parcel 11 is the sole property that met project requirements in terms of space, avoidance of scenic corridors, coverage requirements and setbacks, and whose owner was interested in leasing space for the proposed facility. In addition, due to building height restrictions within the TRPA jurisdiction, no collocation on a building is feasible.

The proposed Incline Partners communication facility requires electrical power and telephone which as discussed above will be run underground to the site. 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.

Section 5:

This facility will greatly enhance wireless phone and data coverage within commercial and urban zoning areas of Incline Village. Currently there is poor to no wireless phone and/or data service or other emergency phone service along this main corridor in Incline Village centered near the intersection of Tahoe Boulevard (Highway 28) and Village Drive.

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 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.

(see attached coverage maps, both existing and with proposed site).

Section 6:

Parcel 11 and the proposed facility is not visible from any of the identified Scenic Corridors or Scenic Recreation Areas with the exception of State Route 28, where the monopine will be minimally visible due to the tree canopy and distance from Route 28 to Parcel 11. The measure of designing a monopine to match existing forest will mitigate any scenic impact to neighboring properties. Visual simulations were prepared for the project which demonstrates the structures will be minimally visible from State Route 28 (attached). The cell tower will resemble a tree of similar height and appearance to adjacent conifer trees in the immediate vicinity. The monopine was modified to add faux bark to the bottom 40 feet of the pole and the branch pattern was varied per the request of TRPA to appear more realistic.

The tower will not contain lights or generate noise that could be visible or heard outside the immediate vicinity of the monopine. The monopine will resemble a tree of similar height and appearance to adjacent conifer trees in the immediate vicinity. Applicant will submit final color and material samples for the equipment shelters/cabinets, monopine and slatted fence which will ensure there will be no significant impacts to scenic quality. The project will provide important wireless communication service in emergencies to protect public health, safety, and welfare. The ground level equipment shelter will remain secured by a chain link fence with forest-colored slats to reduce the potential for public access. The monopine tower is designed to simulate the appearance of a pine tree and integrate with the natural environment and the equipment compound will be hidden from view behind a six foot tall cyclone fence with barbed wire and wood-colored synthetic slats to match existing forest.

Surrounding trees and mountainous topography cause signal degradation. Wireless antennas need to be located at a height above surrounding trees and topography to

transmit and receive wireless signals requiring greater maximum height than otherwise provided for in Chapter 37. The proposed stacked antenna configuration will ensure the antennas are located within the monopine's branches to achieve a more realistic tree appearance.

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

Section 7:

We request that the landscaping requirement be waived, the TRPA staff has insisted that the area be kept in a native state. There will be parking as shown on the attached plans which will only be used during infrequent site visits by carrier personnel. No lighting is proposed for the tower, the only signage will be in accordance with FAA and FCC requirements relating to RF exposure and ownership.

Attached to this Project Description are the following additional submittal requirements:

- 1) A vicinity map showing the proposed facility's location with the Incline Village Commercial Community Plan area.
- 2) Visual photo simulations showing the proposed structure as it would be seen from surrounding properties that may be visually impacted by the structure, including but not limited to surrounding rights-of-way.
- 3) Alternative Sites Analysis

Required Finding:

Section 110.324.60 Wireless Communication/Cellular Facilities Permitting Requirements.

(a) Information Required Prior to Issuance of Any Permit. In addition to the requirements of the Building and Safety Department, the following information must be provided to the Department of Community Development before any permit can be issued for the construction and installation of a wireless communication/cellular facility:

(1) Site plan.

(attached)

(2) If the wireless facility is not within the County's preferences identified in subsections (a) through (c) of Section 110.324.45 (facade mounted, rooftop mounted or collocation on existing facility), a justification as to why these were either not available or not chosen.

(stated above under Section 1)

(3) Map identifying alternate sites that were considered by the applicant, with a justification by a competent professional for the requested site.

(attached).

(4) Type of antenna and support structure.

(shown on attached drawings)

(5) Exact location of antenna and support structure.

(shown on attached drawings)

(6) Exact location of equipment shelter and/or cabinet.

(shown on attached drawings)

(7) Height of antenna and horizontal width of supporting mechanism for antenna system.

(shown on attached drawings).

(8) Whether antenna is being collocated.

(new facility designed for collocation)

(9) Whether antenna and equipment shelter/cabinet is being codeveloped.

(Incline Partners sole developer but soliciting subleases from all wireless carriers serving the area)

(10) Siting and screening of antenna(s) to minimize visual impact.

(discussed in Section 1, 2 and 4 above)

(11) Copy of the Federal Communications Commission (FCC) license or construction permit.

(Will obtain prior to construction)

(12) Color palette.

(to be determined in conjunction with TRPA preferences)

(13) Certification by a competent professional that the facility complies with Federal Communications Commission regulations for radio frequency emissions and plan for periodic recertification of compliance.

(RF Study included)

(14) In the case of a request to locate in the public right-of-way, a certification that the facility meets all applicable requirements of Nevada and Washoe County for use of public right-of-way and a copy of the encroachment permit and lease agreement.

(not applicable)

(15) A minimum of eight (8) panoramic, true color photographs. The photographs must display the north, south, east and west views of the site and views of the adjacent properties. The Director of Community Development shall determine the final choice of color for the structure from a color palette submitted by the applicant. The color chosen shall blend with the background and surroundings and best meet the intent of this subsection.

(TRPA has indicated they want to determine final colors)

(16) Landscape plans.

(Waiver requested as TRPA requests native state be maintained).

(17) Property owner's assurance shall be provided which includes a document signed and acknowledged by the property owner, accompanied by a recordation fee in the amount shown on the County Recorder's fee schedule, assuring the removal of the wireless facility should the facility's use be discontinued for twelve (12) months. The document shall include the property owner's permission, under such circumstances, for the County to enter onto the property and remove the facility, if feasible, with the cost thereof to constitute a lien against the property. If such removal is not feasible, the County may obtain a court order requiring the removal.

(to be submitted as a condition of approval).

Section 110.324.75 Special Use Permit Required: Findings.

Subsequent to review under Sections 110.324.40 through 110.324.70, monopole antennas and lattice towers shall require the issuance of a special use permit under the process enumerated in Article 810, Special Use Permits, subject to the findings enumerated below.

(a) 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;

(discussed above)

(b) That public input was considered during the public hearing review process; and

(c) That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County. [Added by Ord. 1242, provisions eff. 7/23/04, amended by Ord. 1378, provisions eff. 8/1/08.]

(as discussed above, impact has been mitigated)

Incline Village 700 MHz LTE Coverage

