MEMORANDUM

January 19, 2005

To: TRPA Hearing’s Officer

From: TRPA Staff

Subject: Steven and Lyn Berardo Capability Challenge; 413 Fairview Drive, Incline Village NV, Washoe County APN: 131-221-01

Proposed Action: The applicants, Steven and Lyn Berardo request that the Hearing’s Officer review and approve the proposed Land Capability Challenge for the subject parcel.

Staff Recommendation: The staff recommends that the Hearing’s Officer approve the land capability challenge for this parcel changing the land capability from classes 1a and 3 to classes 2 and 4.

Background: The subject parcel is shown as land capability classes 1a and 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmE/F (Umpa very stony sandy loam, 15 to 30 and 30 to 50 percent slopes) soil map units. The UmE/F soil map units are consistent with the D-2 (Headlands, moderate hazard lands) geomorphic unit classification. The Umpa soil formed in residuum derived from andesitic bedrock.

This land capability challenge was filed on September 16, 2005 to confirm the soil series and land capability for the parcel.

Findings: This parcel is 18,518 square feet (.42 acre) in size and is located at 413 Fairview Drive, Incline Village NV. The parcel is mapped within geomorphic unit D-2 (Head Lands, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA Staff Soil Scientist, and this report was prepared. One representative soil profile and two auger samples were described (see Attachment A). After visits to the parcel on January 4, 2006 the soils on APN: 131-221-01 were determined to be consistent with the IsE/F (Inville stony coarse sandy loams, 15 to 30 and 30 to 50 percent slopes) soil map units, which are associated with land capability classes 2 and 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at (775) 588-4547 ext. 275.

Attachments

1/19/06

HEARING’S OFFICER ITEM A
INTRODUCTION
A soil investigation was conducted on Washoe County APN: 131-221-01 on January 4, 2006. This parcel is 18,518 square feet (.42 acre) in size and is located at 413 Fairview Drive, Incline Village NV.

A land capability challenge was filed with TRPA in September 16, 2005 to determine the appropriate land capability class for this parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability classes 1a and 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmE/F (Umpa very stony sandy loam, 15 to 30 and 30 to 50 percent slopes) soil map units. The UmE/F soil maps unit are consistent with the D-2 (Head Lands, moderate hazard lands) geomorphic unit classification. The Umpa soil formed in residuum derived from andesitic bedrock. This parcel is on a south aspect. The slopes range from 25 to 33 percent. The natural vegetation is Jeffrey pine, white fir with an understory of manzanita, bitterbrush and huckleberry oak.

PROCEDURES
One soil pit and two auger samples were conducted on this parcel. After examination of the profile and samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One soil series and two soil map units were identified on this parcel. The soils on this property are deep and well drained. The soil is characterized as having a grayish brown very stony sandy loam surface layer over a light yellowish brown very stony sandy loam subsoil. An argillic subsurface diagnostic horizon was identified in this profile. This soil is analogous to the Inville soil series listed in the Soil Survey for the Lake Tahoe Basin, and would appropriately fit the IsE/F (Inville stony coarse sandy loams, 15 to 30 and 30 to 50 percent slopes) soil map units. The IsE/F soil map units are assigned to land capability classes 2 and 4, under the Bailey Land Capability Classification system.

CONCLUSION
Based on the field results, the soil on APN: 131-221-01 was determined to be consistent with the IsE/F (Inville stony coarse sandy loams, 15 to 30 and 30 to 50 percent slopes) soil map units, which are associated with land capability classes 2 and 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan
Principal Planner / Soil Scientist

1/19/06
Representative Soil Profile:

Soil Classification: Loamy-skeletal, mixed, frigid, Ultic Haploxeralf
Drainage Class: Well drained
Hydrologic Group: B
Soil Series: Inville

Oi 2-0 inches; Mixed forest litter - detritus

A1 0 to 6 inches; grayish brown (10YR 5/2) very stony sandy loam, very dark grayish brown (10YR 3/2) moist; moderate fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; 5 percent gravel, 15 percent stones; clear smooth boundary.

A2 6 to 14 inches; dark grayish brown (10YR 4/3), very stony sandy loam, dark brown (10YR 3/3) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine, common roots; common very fine and fine interstitial pores; 15 percent stones; gradual smooth boundary.

Bt1 14 to 38 inches; yellowish brown (10YR 5/3), very stony sandy loam, dark yellowish brown (10YR 3/4) moist; moderate medium subangular blocky structure; slightly hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; common fine and medium tubular pores; common moderately thick clay films on ped faces and pores; 15 percent stones; gradual wavy boundary.

Bt2 38 to 50 inches; very pale brown (10YR 7/3) very stony sandy clay loam, yellowish brown (10YR 5/4) moist; moderate medium subangular blocky structure; hard, friable, slightly sticky and slightly plastic; common fine and medium and few coarse roots; common fine and medium tubular pores; common moderately thick clay films on ped faces and pores; 20 percent stones.
Project Name: Serpa New Single Family Dwelling- Special Use

Application Type: Residential – New Single Family Dwelling

Applicant: John Serpa

Applicant’s Representative: Falcon Capital, as Agent

Agency Planner: Mike Cavanaugh, Senior Planner, Environmental Review Services

Location: Lot 6, Parcel C, Granite Springs, Kingsbury Grade, Douglas County, Nevada

Assessor’s Parcel Number / Project Number: 1318-26-501-004/ #20050004

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record.

Project Description: The Applicant is proposing the construction of a new single family residential unit located on Kingsbury Grade in Douglas County, Nevada. The proposed project will include, but not be limited to, approximately 4470 square feet of living area with a 1231 square foot garage, 7,749 square feet of driveway and parking area and associated decks, porches and stairs. Total land coverage upon project completion will be approximately 11,200 square feet. All new land coverage will be located in high capability land, class 4 and 6. Total allowed coverage for the parcel is 22,483 square feet. The remainder of the allowed coverage will be available for future use. The subject property is located in the Kingsbury Drainage Plan Area Statement where the land use classification is Conservation. The Kingsbury Drainage Plan Area Statement classifies single family residential units as a Special Use requiring Hearing Officer review.

Site Description: The proposed building site is located off of Kingsbury Grade in Douglas County. The parcel is located in Plan Area Statement 080, Kingsbury Drainage, which has a Land Use Classification of Conservation and a Management Strategy of Mitigation. The total project area is approximately 7 acres. Access will be via a driveway easement off Granite Springs Drive. The site is moderately forested. The parcel has a building site slope of approximately 24 percent.

Issues: According to Plan Area Statement 080-Kingsbury Drainage, single family dwellings are a special use and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Land Use Classification: The proposed new single family residence will be located in an area identified as Conservation for land use classification purposes. The project area is currently undeveloped and is moderately forested. As proposed the residence will be the only structure located on the approximately 7 acre parcel.
Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 080. The Land Use Classification is Conservation and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (single family dwelling) is listed as a special use.

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   Based on the findings provided on the V(g) Findings checklist, there is sufficient evidence in the project file to make this finding.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

   The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

   (Refer to paragraph 2, above.)

4. Special Uses:

   (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

   The project is located in an area with infrastructure available for low intensity residential development. The proposed residence is located within a
neighborhood that consists of larger residential parcels, several Forest Service 
Lots are immediately adjacent to the subject parcel to the west. The residence 
will be located with access off Granite Springs Drive with substantial trees and 
Vegetative screening separating the residence from Kingsbury Grade. The 
property is not visible from Lake Tahoe.

(b) The project, to which the use pertains, will not be injurious or disturbing to the 
health, safety, enjoyment of property, or general welfare of persons or property in 
the neighborhood, or general welfare of the region, and the applicant has taken 
reasonable steps to protect against any such injury and to protect the land, 
water, and air resources of both the applicant’s property and that of surrounding 
property owners.

The applicant will be required to apply both temporary and permanent Best 
Management Practices to protect the land, water, and air resources of the 
subject property and that of the surrounding property owners. Lighting will be 
consistent with the rural environment.

(c) The project, to which the use pertains, will not change the character of the 
neighborhood, detrimentally affect or alter the purpose of the applicable planning 
area statement, community plan and specific or master plan, as the case may be.

The proposed residence is located within an existing residential neighborhood 
with structures of similar size and scale. The proposed project is a special use in 
the affected plan area.

5. When viewed from major arterials, scenic turnouts, public recreation areas or the waters 
of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building 
to extend above the forest canopy, when present or a ridgeline.

The proposed project will not be visible or substantially screened from Kingsbury Grade. 
The project will not be visible from scenic turnouts, public recreation areas or the waters 
of Lake Tahoe. The proposed residence will be located within an existing mature forest. 
At a proposed height of 34 feet 9 inches the structure is within the allowed height of 35 
feet 6 inches. The residence will not extend beyond the forest canopy and will be well 
below the nearest ridgeline.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

I. Approve the findings contained in this staff summary, and a finding of no 
significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions 
contained in the attached Draft TRPA Permit.
PERMIT

PROJECT DESCRIPTION: New Single Family Dwelling

PERMITTEE(S): John Serpa, Falcon Capital, as Agent

COUNTY/LOCATION: Douglas County/Kingsbury Grade

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on February 2, 2006, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on February 2, 2009 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. TRPA receives a copy of this permit upon which the permittee(s) has acknowledged receipt of the permit and acceptance of the contents of the permit;
2. All pre-construction conditions of approval are satisfied as evidenced by TRPA’s acknowledgement of this permit;
3. The permittee obtains a county building permit. TRPA’s acknowledgement is necessary to obtain a county building permit. The county permit and the TRPA permit are independent of each other and may have different expiration dates and rules regarding extensions; and,
4. A TRPA pregrading inspection has been conducted with the property owner and/or the contractor.

TRPA Executive Director/Designee Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) Date

PERMIT CONTINUED ON NEXT PAGE
APN  1318-26-501-004
FILE NO.  2005004

Water Quality Mitigation Fee (1): Amount $17,275.72 Paid_____ Receipt No._______

Air Quality Mitigation Fee (2): Amount $2700.00 Paid_____ Receipt No._______

Security Posted (3): Amount $ *_______ Posted ________ Receipt No._______

Security Administrative Fee (4): Amount $_______ Paid______ Receipt No._______

Notes:
(1) See Special Condition 3.B, below.
(2) See Special Condition 3.C, below.
(3) See Special Condition 3.E, below.
(4) $144 if a cash security is posted, or $74 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date:______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

__________________________________________________________________________
TRPA Executive Director/Designee                          Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of a new single family dwelling located on Kingsbury Grade in Douglas County, Nevada. The proposed project will include, but not be limited to, approximately 4522 square feet of living area with a 1231 square foot garage, 7,050 square feet of driveway and parking area and associated decks, porches and stairs. Total land coverage upon project completion will be approximately 11,200 square feet.

2. The standard conditions of approval listed in Attachment R shall apply.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The site plan shall be revised to include:

   (1) A three-inch layer of gravel (1”-2” drainrock) beneath all raised decks.

   (2) Slotted drain or valley gutter, and appropriate sized drywell to infiltrate driveway runoff (consistent with Standard Conditions A.1.d of Attachment R).
(3) The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.

(4) A note indicating: “All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project.”

(5) A note indicating: “All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.”

(6) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

(7) Parking barriers, wood bollards, to restrict parking to approved parking surfaces only.

(8) A note indicating all utilities shall be installed underground.

(9) Identify the construction staging area, please be advised this area must be located on a paved surface.

(10) Location of all recorded easements inherent to the property or resulting from this project.

(11) The location, species and diameter at breast height (dbh) of any trees to be removed that are greater than 6 inches dbh.

(12) A grading plan for the area to be impacted by the house and driveway.

B. A water quality mitigation fee of $17,275.72 shall be paid to TRPA. This fee is based on the creation of 11,218 square feet of land coverage at a rate of $1.54/sq ft.

C. The permittee shall submit a $2,700 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at $270.00/trip.

D. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met of exceeded in accordance with Section 27.3.B., Table 27-1 of the TRPA Code.

E. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee’s submittal of required Best
Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs, or $5000.00, whichever is more. *The BMP’s shall include that portion of Granite Springs Drive adjacent to the property, unless written documentation is provided indicating that Granite Springs Drive has BMP’s installed and the BMP’s are in good operating condition and are well maintained.* Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

(1) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthenote and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthenote colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

(2) **Roofs:** Roofs shall be composed of non-glare earthenote or woodtone materials that minimize reflectivity.

(3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

G. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. No trees shall be removed (other than those shown on the approved site plan) or trimmed without prior TRPA written approval.

5. The permittee shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval.

6. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards. Rural lighting levels should be the lowest of any area. Generally, driveway and intersection lighting only and minimal security lighting for structures.

7. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.

8. This approval is based on the permittee’s representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application
be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

9. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

10. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

11. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

12. Blasting of rocks and rock outcroppings should be kept to an absolute minimum in order to avoid damage to surrounding rocks and vegetation.

13. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.

14. All trash storage and enclosures shall be screened from public view in accordance with Subsection 30.5.B (4) of the TRPA Code of Ordinances.

15. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.

16. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA-approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

END OF PERMIT
Planning for the Protection of Our Lake and Land

Site Description: The North Lake Tahoe Fire Protection District has an existing station at South Lake Boulevard. The site will be accessed via South Lake Boulevard and will require a monthly site visit for maintenance purposes. The existing power transformer is located on the site, but an additional transformer will be required.

The site plan shows the proposed location of the transformer. A 10-foot wide emergency access will be provided to the transformer. The emergency access will be designated for emergency access by the facility owner. The emergency access will be located within the designated emergency access area.

Project Description: This permit specifically authorizes the installation of a new 125-foot pole.

Summarize and evidence contained in the project record.

Efficiency of protective equipment and fire service provision. The protection of the site is considered.

12 feet from the nearest site are proposed. The exterior of the building is considered.

Additional measures are proposed. The exterior of the site are shown on the submitted plans.

Monopole wireless communications tower within the 125-foot area.

Project Name: New Monopole Wireless Communications Facility

Hearings Officer Staff Summary

TAHOE REGIONAL PLANNING AGENCY

TAHOE REGIONAL PLANNING AGENCY
Chapter 18 Findings, Special Uses:

Article V(q) of the TIPRA Compact, the Project meets or exceeds such standards.

Article V(q) of the TIPRA Compact, the Project meets or exceeds such standards.

Wherever Federal, State or local air and water quality standards applicable to the Project are consistent with and will not adversely affect implementation of the Project, it is provided on the checklist entitled “Project Review.

The basis for this finding is provided on the checklist entitled “Project Review.

The Project will not cause the environmental threshold carrying capacities to be exceeded.

Chapter 8 Findings

Sufficient evidence was submitted with the Project application, and is contained in the TIPRA file, to make this finding.

The Project is consistent with and will not adversely affect implementation of the TIPRA.

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 16, and 22 of the TIPRA Code of Ordinances. Following each finding, Agency staff shall make applicable findings, or as briefly summarized the evidence on which the finding can be made.

This section of this section summarizes the evidence on which the findings can be made. Additional evidence for further discussion.

For communication towers subject to findings 4 and 7 of TIPRA Code of Ordinances, the maximum height specified in Section 22.5 of TIPRA Code may be increased 10 feet. If the proposed monopole communications tower will be 125 feet in height.

Heights: The maxium height specified in Section 22.5 of TIPRA Code may be increased.
Heard in Officer Meeting, February 2, 2006

B. Site Plans (to be reviewed, see Item 1. of Issue Section)

A. Draft Permit

Exhibits:

1. Conditions contained in the attached Draft FRPA Permit

Approve the project, based on the staff summary, subject to the

significance environmental effect.

2. Approve the findings contained in this staff summary, and a finding of no

further actions: Staff recommends that the Hearing Officer take the following

(see question 1. above)

1. The additional height is the minimum necessary to feasibly implement the project

and there are no feasible alternatives requiring less additional height.

Therefore, the minimum height necessary for the project is

logophy. The lower is negligibly higher than the surrounding trees, and is

was of a lesser height. Due to substantial interference of surrounding trees and

communication of the lower antennas would not function properly if the lower

surrounding trees and objects for the operation of the tower. The broadcast

of the proposed wireless communications lower requires height clearance from the

provided for in this chapter.

1. The function of the structure requires a greater maximum height than otherwise

Chapter 22 Findings

Reconsider communication for the general welfare of the project area.

Service use of the parcel (the station realty) is essential to enhance emergency

communication is consistent with Plan Area Statement OOR2 and the existing public

conditions are consistent with the surrounding context. The project as

proposed communications facility will be substantially screened from Highway

The subject parcel is approximately 2 acres of primarily forested land. The

area Statement community plan and specific master plan, as the case may be.

The project, to which the use pertains, will not change the character of the

property owners.

and are resources of both the applicant's property and that of surrounding

reasonable steps to protect against any such injury and to project land, water
Planning for the Protection of our Lake and Land

PERMIT CONTINUED ON NEXT PAGE

SIGNATURE OF PERMITTEE(S)

Permittee(s) acceptance: I have read the permit and the conditions of approval and respondents have been satisfied with the permit.

Date

EXECUTIVE DIRECTOR/DESIGNEE

PERMITEE OWNER AND/OR THE CONTRACTOR:

A TSPA PRE-EXISTING INSPECTION HAS BEEN CONDUCTED WITH THE

EXTENSION.

THE COUNTY PERMIT AND THE TSPA PERMIT ARE INDEPENDENT OF EACH

RECORDS.

THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TSPA'S

EVIDENCE OF TSPA'S ACKNOWLEDGMENT OF THIS PERMIT.

CONSEQUENT TO THE PERMIT.

ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

A DRAFT PERMIT

COUNTY LOCATION: Washoe County, 965 Highway 431

FILE NO.: 2005063

APN 125-30-14

NEW WIRELESS COMMUNICATIONS TOWER

PROJECT DESCRIPTION: Transmission and Receiving Facilities

TAHOE REGIONAL PLANNING AGENCY

TAHOE REGIONAL PLANNING AGENCY

P.O. BOX 310
125 MAIN STREET

TAHOE CITY, NEVADA 89449

TEL (775) 588-5444
FAX (775) 588-5449

PERMITTEE(S): Centennial Wireless, Inc.

PROJECT FILE SUMMARY:

This permit shall expire on February 2, 2009, without further notice unless the contractor has received the permit.

Having made the findings required by Agency ordinance and rules, the TSPA Hearing Officer approved the project on February 2, 2006, subject to the standard conditions of approval attached.

The regulations of the State of Nevada, Title 63, Sections 340-347, and the City of Carson City, Nevada, Title 7, Section 406, as amended, are hereby incorporated by reference.

The permittee is responsible for submitting true, complete, and accurate information to the City of Carson City, Nevada, and the State of Nevada, Title 63, Sections 340-347.
Preliminary Acknowledgement: The following conditions of approval must be satisfied.

The standard conditions of approval listed in Attachment 0 shall apply to this permit.

3. A (2) for additional land coverage requirements, the area is less than the subject parcel. See Condition 3.

4. The proposed project will be located entirely within the class 4 area. There is no existing use on the subject parcel (see condition 3).

Connections to the existing water mains are depicted on the site plans. For the long-term company's access to the existing water mains, the proposed project will be located entirely within the class 4 area. This area will continue to have a utility line after construction of the proposed project is complete. The proposed project will be located entirely within the class 4 area. This area will be used for parking lot to the proposed site area as shown on the site plans. The area will be proposed by the existing 10-foot company's access and utility installation area as proposed by the developer.

Locate within the interior 65' square feet area as shown on the site plans.

Special Conditions


trpa executive director/designee

of approval as of this date and is eligible for a county building permit.

This permit is subject to all pre-construction conditions.

Required plans determined to be in compliance with approval.

Date: 11/14/06

(3) $1,444.00 if a cash security is posted or $7,400.00 if a non-cash security is posted.

(2) See Special Condition 3 B.

(1) See Special Condition 3 C.

Notes:

Security Administered Fee (3): Amount $3,900.00

Security Administered Fee (2): Amount $3,900.00

Water Quality Mitigation Fee (1): Amount $676.06

FILE NO. 20050633

APN 125-00-00-14
A Vegetation Plan shall be provided for reclamation of the temporary area. The proposed location of the temporary vegetation shall be revised to include:

1. The site plans shall be revised to include:

   a. The parcel of land adjacent to the site shall be revised to identify the land capability boundaries.

   b. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

   c. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

2. The land capability calculations table on the site plan shall be revised to include:

   a. The land capability values adjacent to the site.

3. The identification of the temporary access shall be revised to include:

   a. The parcel of land adjacent to the site.

4. A note detailing the required grading for the parcel, including volume of excavation.

5. The maximum depth of grading shall not exceed 5 feet below ground.

6. Note that all vegetation equipment shall be limited to the footprint of the surface.

7. Note identifying the construction staging area on the site plan.

8. Note identifying the construction staging area on the site plan.

9. References for using straw bales, if required. The site plan shall be revised to remove.

   a. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

   b. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

   c. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

   d. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

10. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

11. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

12. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

13. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

14. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

15. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

16. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

17. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

18. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

19. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

20. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

21. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

22. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

23. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

24. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

25. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

26. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

27. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

28. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

29. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

30. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

31. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

32. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

33. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

34. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

35. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

36. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

37. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

38. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

39. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

40. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

41. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

42. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

43. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

44. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

45. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

46. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

47. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

48. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.

49. The parcel of land adjacent to the site shall be revised to identify any proposed or existing drainage areas.

50. The parcel of land adjacent to the site shall be revised to identify any existing and/or proposed access or connections.
No trees are authorized for removal as part of this permit.

3. Indication that all mechanical equipment shall be painted to match the existing surrounding vegetation.

2. Wooden fences shall be used whenever possible. If black vinyl plastic fencing goes over coconut fronds must be used. It shall be coated with brown or green paint. No indication of a much may enhance vegetation.

1. Color: The color of the lower and all adjacent electrical equipment. Indicating any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

14. Subdued colors of earthtone ranges shall be used for the primary color of construction drawings shall have notes indicating conforms with the earthtone colors of the Design Review Guidelines. The earthtone colors are subdued colors of earthtone ranges that shall be used for the primary color of construction drawings shall comply with the earthtone color schemes. See 36 A(4) of the Code. See Appendix C. TRPA Approved Materials. Any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

13. Subdued colors of earthtone ranges shall be used for the primary color of construction drawings shall have notes indicating conforms with the earthtone colors of the Design Review Guidelines. The earthtone colors are subdued colors of earthtone ranges that shall be used for the primary color of construction drawings shall comply with the earthtone color schemes. See 36 A(4) of the Code. See Appendix C. TRPA Approved Materials. Any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

12. Subdued colors of earthtone ranges shall be used for the primary color of construction drawings shall have notes indicating conforms with the earthtone colors of the Design Review Guidelines. The earthtone colors are subdued colors of earthtone ranges that shall be used for the primary color of construction drawings shall comply with the earthtone color schemes. See 36 A(4) of the Code. See Appendix C. TRPA Approved Materials. Any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

11. Subdued colors of earthtone ranges shall be used for the primary color of construction drawings shall have notes indicating conforms with the earthtone colors of the Design Review Guidelines. The earthtone colors are subdued colors of earthtone ranges that shall be used for the primary color of construction drawings shall comply with the earthtone color schemes. See 36 A(4) of the Code. See Appendix C. TRPA Approved Materials. Any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

10. Subdued colors of earthtone ranges shall be used for the primary color of construction drawings shall have notes indicating conforms with the earthtone colors of the Design Review Guidelines. The earthtone colors are subdued colors of earthtone ranges that shall be used for the primary color of construction drawings shall comply with the earthtone color schemes. See 36 A(4) of the Code. See Appendix C. TRPA Approved Materials. Any fences on the property, shall be surrounded colors of earthtone ranges shall be used for the primary color of the equipment, including skylights, shall be constructed of non-gage physics that minimize reflectivity.

The architectural design of this project shall include elements that screen from public view all external mechanical equipment. Indicating reflectivity.

The location of all recorded easements inherent in the property or resulting is approved by TRPA. The site plan shall provide a detail of property line for soil and vegetation to be considered with metal posts and industry standard mesh fencing at least 4 feet tall, unless an alternative vegetation method.

Blasting of rocks should be kept to an absolute minimum to avoid damage to surrounding rocks and vegetation.

10. No fills or re-contouring, other than backfill for cut-filling structures, shall be allowed.

9. All excavated material shall be hauled away from the site to a legally acceptable location.

8. Between the hours of 6:00 A.M. and 6:30 P.M., all work shall be conducted and standards provided all work is conducted in excess of the TMDL noise standards.

Section 30.6. Exemption Lighting Standards.

7. All normal construction activities, including noise in excess of the TMDL noise standards, shall be consistent with TMDL Code of Ordinances, Chapter 30.

6. This approval is based on the premise's representation that all plans and information submitted are true and correct. Should any information or representations submitted be inaccurate or untrue, TMDL may rescind this approval or take other appropriate action.

5. The Permittee is responsible for insuring that the project as built does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures approved by the TMDL. Any such removal of trimming small consultant a violation of project.

4. The trees on the parcel shall be considered as scenic mitigation and shall not be removed or trimmed. Any such removal of trimming will result in a violation of project.

3. The project site is located within a known alluvial zone area and is not within any other hazardous area and indicating that the combination of the two will not be made upon for emergency communication in the event of a landslide or massive damage to the area. The Permittee shall submit three sets of final construction drawings and the plans.

2. A water quality mitigation fee of $260,000 shall be paid to TMDL. This fee is based on the creation of 14.2 square feet of base allowing land coverage at a rate of 15.24/SF.

1. Pursuant to Chapter 25 of TMDL Code of Ordinances, the permittee shall be $3,000.00. Please see Attachment 8 of the TMDL Code of Ordinances for standard condition 12 of attachment A and Section 1. Security Procedures.

The security required under Standard Condition 12 of Attachment A and Section 1. Security Procedures are to be accompanied by a tripwire or other protective means. Please see Appendix A for more information on the proposed installation of tripwire and security systems.
END OF PERMIT

Each layer of mulch or covered with an erosion control blanket.

October 15" of each construction season. All disturbed areas shall be stabilized with a 2-

This site shall be warrantied in accordance with the provisions of Attachment C by

12
TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name: Caltrans – Emerald Bay Rock Wall Replacement Project

Application Type: Public Service

Applicant: State of California, Department of Transportation (Caltrans)

Applicant’s Representative: Steve Gaytan, Caltrans

Agency Planner: Jeanne McNamara, Senior Planner

Location: State Route 89 Right-of-Way near Emerald Bay, El Dorado County, California

TRPA Project Number / File Number: 520-202-003 / 20030443

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: Caltrans, in association with the Federal Highway Administration (FHWA), is proposing to replace an existing masonry parapet wall on State Route 89 in El Dorado County. The existing masonry parapet is deteriorated in several places due to rock fall impacts from the steep mountainside of the opposite side of the highway. In addition, subsequent maintenance repairs consisting of replacement of rocks and mortar has deteriorated the integrity of the parapet and weakened the parapet structure as a whole. The existing masonry parapet does not meet current State and Federal safety standards and would not meet these standards with routine maintenance. Therefore, the replacement of the parapet on this section of SR 89 will enhance the overall safety of the highway within the vicinity of the replacement barrier. The existing masonry retaining wall below the new barrier will be repaired and enhanced using stone from the replaced barrier. This wall was previously repaired using rock sizes and shapes that do not match the rest of the wall. Two corrugated metal pipes that extend from existing drainage inlets in the project area will also be replaced. The size and location of these two pipes will not change. Drainage issues for the project area will be addressed through an EIP project which is currently being designed.

Site Description: The project area is near the southern rim of Emerald Bay just west of the landslide area between Kilometer Posts 26.80 and 26.94 (Post Miles 16.65 and 16.74) along State Route 89 in El Dorado County. All work will take place within the existing highway right-of-way or within a United States Forest Service easement. The project area contains the existing highway, rock parapet and retaining wall. The site rises steeply on one side of the

Hearings Officer / JMc January 24, 2006

AGENDA ITEM NO. V.D
highway and falls steeply on the other side towards Emerald Bay. There are a few small existing trees in the area as well as shrubs and groundcover.

**Issues:** The proposed involves the partial demolition and reconstruction of an eligible historic resource and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Historic Resources:** Chapter 29 of the TRPA Code of Ordinances outlines standards for projects and activities affecting designated historic resources or resources which are pending for designation. The existing rock parapet and the associated retaining wall are eligible for the National Register of Historic Places therefore the standards outlined in Chapter 29 of the TRPA Code of Ordinances are applicable to this project. Subsection 29.6.D of the TRPA Code states that “construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”. Caltrans submitted to TRPA information outlining how the proposed project is consistent with these standards.

As outlined in the information submitted to TRPA by Caltrans, the Standards for Rehabilitation consist of ten standards which are listed below:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the
massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Although the historic masonry parapet will be replaced with a new concrete barrier, Caltrans submitted information outlining that the project has incorporated measures to ensure that the historic character of the wall is maintained. The new barrier will closely resemble the existing wall in size, shape, color and texture although there will be some modifications to the new design as needed for motorist safety. One of these changes is that the existing wall has a straight vertical to it while the new barrier will have a slight slope on the road side of the barrier so that the barrier will be slightly narrower at the top than at the base. Also, the surface relief of the new barrier will be reduced to 5/8 of an inch on the road side as a smoother texture is necessary for motorist safety. The design of the new barrier will be based on molds which will be taken from intact sections of the existing parapet and the new barrier will be colored to match the existing portions of the parapet. The new barrier will replicate the size, shape, colors and bonding pattern of the existing parapet to the greatest practical extent while still being able to meet motorist safety requirements.

The existing masonry retaining wall below the new barrier will be repaired and enhanced using stone from the replaced barrier. This wall was previously repaired using rock sizes and shapes that do not match the rest of the wall. Reusing the stone for the retaining wall will enhance the scenic quality of the wall as viewed from Emerald Bay. Please see Attachment 4 for simulations of the proposed project.

TRPA staff has reviewed the project plans and the supporting documentation submitted by Caltrans and has determined that although the new barrier will not be an exact replacement of the existing parapet, it still does retain the historic character of the original parapet while still meeting safety standards.

2. **Wildlife**: Nesting sites for ospreys and bald eagles are in the vicinity of the project area. Both ospreys and bald eagles are TRPA special interest species as outlined in the Goals and Policies and Chapter 78 of the TRPA Code of Ordinances. The disturbance zone for nesting bald eagles is 0.5 miles and the disturbance zone for osprey is 0.25 miles around each nest. Attachment 3 of this staff summary shows the active osprey and bald eagle nest sites in the vicinity of the project. Based on surveys completed in 2004, the project will be outside of the bald eagle nest disturbance zone and is just outside of the osprey nest disturbance zone. Subsection 78.3.B of the TRPA Code outlines that "projects or activities...within the disturbance zone of special interest...species, shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population". There is a concern that the proposed construction activity could affect the nesting birds. As conditioned in the attached Draft Permit, prior to any construction activity occurring, Caltrans shall contact TRPA to verify that there are no active nests whose disturbance zone extends into the area of construction as nesting sites can change every
year. If it is found that there is an active nest, no construction activity shall occur until it is verified that the nest has been vacated.

3. **Traffic Control:** As outlined in the Final Mitigated Negative Declaration for this project, Caltrans is currently proposing two traffic management plans during construction. One plan will require that State Route 89 be closed completely to traffic while the other proposes to have one-way traffic control. If only one lane of the highway is closed, construction will take approximately 46 days to complete using a 12 hour construction day but could still result in complete highway closures up to 24 hours long. However, if the highway is closed completely during construction, construction would take 28-33 days but construction would need to occur 24 hours a day. TRPA Transportation staff has reviewed the limited information submitted with the two traffic management plans and currently supports the full highway closure alternative provided it can be done at times outside of the peak summer season. As conditioned in the Draft Permit, prior to acknowledgement of the permit, Caltrans is required to submit a Traffic Management Plan to TRPA Transportation staff for review and approval which includes the following additional information:

- Proposed number of days for lane closures.
- Proposed dates and times for lane closures.
- Average Daily Traffic and Peak Hour Traffic for those days.
- Proposed mitigation measures including, shuttle access from south shore location(s) to Emerald Bay and a public outreach plan.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 - Required Findings:**

(a) **The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.**

There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

(b) **The project will not cause the environmental threshold carrying capacities to be exceeded.**

TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has submitted an Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project
will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

(c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above.)

Required Actions: Agency staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Attachments:

1. Draft Permit
2. Project Plans
3. Osprey and Bald Eagle Nest Buffers for Emerald Bay
4. Existing and simulated views of the proposed project
-D-R-A-F-T-
PERMIT

PROJECT DESCRIPTION: Caltrans Emerald Bay Rock Wall Replacement

TRPA PROJECT NUMBER: 520-202-003

PERMITTEE(S): State of California, Department of Transportation (Caltrans)

COUNTY/LOCATION: El Dorado / State Route 89, Emerald Bay

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on February 2, 2006, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on February 2, 2009 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
3. THE PERMITTEE OBTAINS ALL NECESSARY PERMITS. THE TRPA PERMIT AND OTHER PERMITS ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
4. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee ___________________________ Date __________

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) ___________________________ Date __________

/jmc

PERMIT CONTINUED ON NEXT PAGE
D-R-A-F-T

TRPA PROJECT NUMBER: 520-202-003
FILE NO. 20030443

Security Posted: N/A

Required plans determined to be in conformance with approval: Date: ____________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of
approval as of this date:

TRPA Executive Director/Designee ______________________ Date __________

SPECIAL CONDITIONS

1. This permit specifically authorizes replacement of an existing masonry parapet wall on
State Route 89 in El Dorado County at Emerald Bay. All work will be completed within
Caltrans right-of-way or within a US Forest Service easement area. This approval is
based on project plans received by TRPA in December 2005 and based on the Final
Mitigated Negative Declaration dated November 2005.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The permittee shall submit a Traffic Management Plan to TRPA for review and
      approval prior to permit acknowledgement. This plan shall include:
      (1) Proposed number of days for lane closures.
      (2) Proposed dates and times for lane closures.
      (3) Average daily traffic and peak hour traffic for those days.
      (4) Proposed emergency vehicle access plan.
      (5) Proposed mitigation measures, including but not limited to:
          • Proposed shuttle access from South shore locations which includes
            funding. This could include subsidizing an extension of the existing
            services of the South shore.
          • A public outreach plan outlining how Caltrans will inform the public
            regarding the proposed lane closures. The plan should describe all
            proposed media options including but not limited to, public
            announcements, changeable message signs, and printed materials.

   B. The permittee shall submit three (3) sets of final construction drawings and site
      plans to TRPA.

4. Prior to the pregrade inspection, the permittee shall construct a test panel of the
proposed barrier using the forms taken from the existing parapet. The test panel shall
be reviewed and approved by TRPA prior to installation to ensure that the form and color
will not cause a scenic degradation while still meeting Caltrans safety requirements.

Hearings Officer / JMc
January 24, 2006
5. Prior to any construction activity occurring, Caltrans shall contact the TRPA to verify that there are no active nests whose disturbance zone extends into area of construction as nesting sites can change every year. If it is found that there is an active nest, no construction activity shall occur until it is verified that the nest has been vacated.

6. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.

7. Prior to the TRPA pre-grade inspection, the permittee shall obtain all temporary and permanent easement necessary for construction of the proposed project, including authorization from the owners of the proposed staging areas authorizing their property to be used as a staging area during construction of the project.

8. The permittee shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following:
   - When installation of temporary erosion control structures will occur;
   - When construction will start;
   - When construction spoils and debris will be removed;
   - When installation of all permanent erosion control structures will occur;
   - When construction will be completed and the project area winterized; and,
   - The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied

9. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by temporary erosion control fences or fiber rolls logs (minimum 12” diameter).

10. This approval is based on the permittee’s representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

11. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.

12. Please note that straw bales are no longer preferred for temporary erosion control and that straw is no longer a recommended mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the Basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is strongly encouraged.

13. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

END OF PERMIT

Hearings Officer / JMc
January 24, 2006

AGENDA ITEM NO. V.D
STATE HIGHWAY
PROJECT PLANS FOR CONSTRUCTION ON
IN EL DORADO COUNTY
AT EMERALD BAY
DEPARTMENT OF TRANSPORTATION
STATE OF CALIFORNIA
CONSTRUCTION DETAILS

RSP Typical Sections

STA 15+043.0 TO 15+146

Fabric Detail

Pavement Reinforcing (Typical)

Paving Compound (Typical)
WATER POLLUTION CONTROL DETAILS

LINK FENCE (TYPE CL-1-8)
USED WITH TEMPORARY CHAIN
FOR TEMPORARY SLU FENCE
PLACEMENT DETAIL

SECTION

TRENCH DRAINAGE INLET MARKER

SECTION A-A

DEPTH OF STAMPED

DRAINAGE INLET MARKER

NOTICE

NO DUMPING

DRAINS TO WATERSWAY

TRAFFIC
NOTES
1. For complete right-of-way and accurate access data, see right-of-way record maps at district office.

CHANNELIZER (SURFACE MOUNTED)
1.0 m C-C

CHANNELIZER (SURFACE MOUNTED)
1.5 m C-C

END WALL (see structures plans)
RECONSTRUCT END SECTION

STAGE CONSTRUCTION
STAGE 1

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED

SCALE 1:500

SC-1
### Summary of Quantities

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion Control</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage Inlet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asphalt Concrete Pavement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cold Plane</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Erosion Control

- **Beat:** 91
- **Trench:** 24
  - **Depth:** 1.0
  - **Width:** 1.0

### Drainage Inlet

- **Beat:** 91
- **Trench:** 24
  - **Depth:** 1.0
  - **Width:** 1.0

### Asphalt Concrete Pavement

#### PAVEMENT REINFORCING FABRIC

- **Beat:** 91
- **Trench:** 24
  - **Depth:** 1.0
  - **Width:** 1.0

#### ROADWAY QUANTITIES

- **Beat:** 91
- **Trench:** 24
  - **Depth:** 1.0
  - **Width:** 1.0
Figure 8. View of existing masonry parapet

Figure 9. Simulation of proposed textured concrete barrier
Figure 10. View of existing masonry parapet/retaining wall

Figure 11. Simulation of proposed concrete barrier on top of existing retaining wall