
ATTACHMENT R

STANDARD CONDITIONS OF APPROVAL FOR RESIDENTIAL PROJECTS

I. CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION:

The following conditions shall be satisfied prior to commencement of any construction activity on the project site, including but not limited to, grading, excavation, and clearing of trees. Failure to satisfy these conditions of approval prior to commencement of constructions activity shall be grounds for revocation of the permit. NOTE: The plans have been reviewed and approved as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations, and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in the plans, i.e., structural, electrical, mechanical, etc., which are not required for review under said Rules, Regulations, and Ordinances.

- A. The permittee shall return a signed copy of the permit form stating that the permit was received and that the permit is understood, and the contents are accepted prior to any activity or grading occurring within the project area. Plans shall not be stamped approved without TRPA receiving a copy of the signed permit.
- B. A security shall be posted with TRPA to ensure compliance with the conditions of the permit. In most cases, the security shall be determined by TRPA, and will typically be equal to 110 percent of estimated costs of the revegetation, drainage improvements slope stabilization plans and other conditions of approval. For further information on acceptable types of securities, see Attachment J.
- C. The permittee shall submit all required mitigation fees.
- D. Prior to commencement of activity on the site, the permittee shall contact TRPA at least 48 hours in advance and arrange for a pre-grading inspection to verify that all temporary erosion control measures and protective fencing for vegetation are in place.
- E. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS, 1-800-227-2600) prior to commencement of any activity on the site.
- F. The permittee shall submit final construction drawings and a plan(s) showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization and drainage improvement plans shall be designed in conformance with the Lake Tahoe Basin Water Quality Management Plan, Volume II, Handbook of Best Management Practices (BMPs).

II. CONSTRUCTION RELATED CONDITIONS:

- A. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 am and 6:30 pm.
- B. The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.

- C. Engine doors shall remain closed during periods of operation except during necessary engine maintenance.
- D. Stationary equipment (e.g. generators or pumps) shall be located as far as feasible from noise-sensitive receptors and residential areas. Stationary equipment shall be equipped with temporary sound barriers that are near sensitive noise sources or residential areas.
- E. Sonic pile driving shall be utilized instead of impact pile driving where feasible. Holes shall be predrilled to minimize noise impacts from pile driving subject to design engineer's approval.
- F. GRADING
 - 1) All material obtained from excavation work shall be either contained within the foundations, retaining walls, or be disposed of at a site approved by TRPA.
 - 2) The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day, unless approved by the TRPA.
 - 3) Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
 - 4) All excavated material shall be stored up grade from excavated areas. No material shall be stored in stream environment zones or other areas with saturated ground.
 - 5) No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered, all grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall immediately cease and shall not recommence until a recovery plan is approved by the TRPA.
 - 6) 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.
 - 7) All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin.
 - 8) Maximum excavation depth shall not exceed five feet, unless otherwise approved by TRPA.
 - 9) If groundwater is encountered during construction, cease work and contact TRPA immediately to discuss possible changes in design or dewatering options.
- G. WINTERIZATION
 - 1) There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, except as follows:
 - i. The grading or land disturbance is for excavation and backfilling for a volume not in excess of three cubic yards for projects approved under the IPES system or parcels within land capability districts 4 through 7.
 - ii. The activity is completed within a 48-hour period.

- iii. The excavation site is stabilized to prevent erosion.
 - iv. A pre-grade inspection is performed by TRPA staff, and the activity passes the inspection.
 - v. The grading/project does not represent or involve a series of excavations, which, when viewed as a whole, would exceed the provisions of this Standard Condition of Approval, and Subsection 2.3 of the TRPA Code of Ordinances.
- 2) Work shall be performed in such a manner that the project can be winterized within 24 hours.
 - 3) All construction sites shall be winterized no later than October 15 of each year as follows:
 - i. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site, including, but not limited to:
 - Installation of temporary erosion controls;
 - Installation of temporary protective fencing of vegetation;
 - Stabilization of all disturbed areas;
 - Cleanup and removal of all construction slash and debris;
 - Installation of permanent mechanical stabilization and drainage improvements, where feasible, and;
 - Removal or stabilization of spoil piles.
 - ii. Active winter sites shall comply with the following:
 - Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas;
 - Installation of all permanent drainage improvements;
 - Parking of vehicles, equipment, and storage of materials shall be restricted to paved areas.

H. VEGETATION PROTECTION

- 1) Tree roots must be protected during excavation to prevent damage to the tree. The following practices are recommended:
 - Tree roots four inches in diameter or greater shall not be severed, if avoidable. Hand dig around roots if necessary.
 - If roots cannot be avoided, cut as far away from the trunk as possible.
 - A clean, vertical cut will provide more protection for the tree than leaving roots torn or crushed.
 - Construction materials shall not be stored within the dripline of the tree.
- 2) Tree protection fencing shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.

- 3) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval.
- 4) No trees shall be removed or trimmed without prior TRPA written approval unless otherwise specifically exempted under Chapter 2 of the Code of Ordinances.

I. CONSTRUCTION BMPS

- 1) Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
- 2) Soil and construction materials shall not be tracked offsite. Grading operations shall cease in the event of a danger of violating this condition exists. The site shall be cleaned, and the road right-of-way shall be swept clean when necessary.
- 3) Loose soil mounds or surfaces shall be protected from wind and water erosion by being appropriately covered and contained when active construction is not occurring.
- 4) Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, shall not be permitted unless approved by TRPA.
- 5) Vehicles or heavy equipment shall not be allowed in a stream environment zone or other saturated areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.
- 6) At all times during construction, environmental protection and control devices shall be maintained in a functioning state. Such devices include, but are not limited to, dust control devices and vegetative protection.
- 7) 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.
- 8) To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).

III. **CONDITIONS TO BE SATISFIED PRIOR TO COMPLETION OF THE PROJECT:**

- A. The residence or residence addition shall be completed within two years of the pre-grading inspection. A completed residence or residence addition shall consist of a finished shell and roof. All permanent drainage improvements, slope stabilization and revegetation shall be complete. Permittee may apply for a one-time-only one-year extension of the two-year completion condition. Application shall be made in writing and an application fee submitted prior to the expiration of the two-year period. TRPA must find that the project has been diligently pursued each building season

or that events beyond the control of the permittee prevented diligent pursuit of the project. An additional security may be required to be posted as a condition of the approved permit extension.

- B. Revegetation of disturbed and compacted dirt areas shall follow the guidelines delineated in Chapter 5: Soil and vegetation Management in the Handbook of Best Management Practices. Only species approved by TRPA shall be used for landscaping or revegetation. A list of acceptable native and adapted species is available from TRPA.
- C. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.
- D. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all the conditions of the permit have been satisfied.
- E. Prior to security release, photos shall be provided to the TRPA Environmental Compliance Inspector taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
- F. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.

IV. DESIGN STANDARDS:

- A. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
- B. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving dishes, 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.
- C. Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. The site shall be designed to avoid disturbance to rock outcrops and to minimize vegetation removal and maintain the natural slope of the project site.
- D. The roof shall be constructed with a non-glare finish to minimize reflectivity.
- E. The project shall conform to the following design standards for color, roofs, and fences:
 - (a) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone 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. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and amber.

- (b) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
 - (c) 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.
- F. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
- G. Equipment specifications shall be in conformance with the following:
 - i. Gas water heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen dioxide (as NO₂) per joule of heat output at sea level.
 - ii. Water conservation devices shall be used on all fixtures.
 - iii. Gas space heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen dioxide (as NO₂) per joule of heat output at sea level.
 - iv. Wood heaters installed in the Region shall not cause emissions of more than 7.5 grams of particulates per hour for noncatalytic wood heaters or 4.1 grams per hour for catalytically equipped wood heaters.
 - v. Woodstoves and fireplace inserts should be operated to minimize particulate emissions. Use only dry, seasoned wood; operate the unit with the doors closed (except when starting the fire); and do not allow a fire to smolder in the unit in a choked condition. A list of acceptable and recommended gas space and water heaters and fireplace inserts is available from TRPA.

V. OTHER GENERAL CONDITIONS

- A. The TRPA Code of Ordinances prohibits the use of the structures authorized by this permit for other than a residential use. Prohibited uses include, but are not limited to, Tourist Accommodation commercial and public service. By acceptance of this permit, the permittee agrees to use the authorized structures solely for residential purposes.
- B. The TRPA permit and the final construction drawings shall be present on-site from the time construction commences until the final TRPA site inspection.
- C. Violation of any of the Special or Standard Conditions shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face or failure to diligently pursue construction within the two-year completion period shall result in the expiration of the permit, without notice, by operation of law, on the date shown on the permit face.
- D. The permittee is responsible for ensuring 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.
- E. 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.

- F. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
- G. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.