

MEMORANDUM

Date: March 8, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: NEW LINEAR PUBLIC SERVICE TRANSMISSION AND RECEIVING FACILITY,
HEAVENLY MOUNTAIN RESORT, EL DORADO COUNTY, CALIFORNIA,
ASSESSOR'S PARCEL NUMBER (APN) 030-040-01, TRPA FILE NUMBER
ERSP2011-0442.

Requested Action: Hearings Officer action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the project as conditioned in the draft permit (Attachment B).

Project Description/Background: The applicant is proposing to construct a new wireless communications facility near the Top of the Tram at Heavenly Mountain Resort in an area known as the Angel's Roost Communication Site. The project includes installation of a 70 foot tall monopine communication tower with associated antennas, and construction of a 460 square foot equipment shelter. The project design includes areas on the tower and within the equipment shelter to accommodate future collocation of communications equipment by other service providers. Vehicle access currently exists to the "Face Patrol" ski patrol building, where the equipment structure will be located, although, access to the proposed tower location requires grading a temporary construction road for approximately 0.1 mile through undisturbed mountainous terrain. Upon project completion, the temporary construction road will be removed, the topography re-contoured, and the road area restored to pre-project conditions, to the extent feasible. Further grading and excavation is required for the monopine foundation and utility connections between the tower and equipment shelter. Existing banked land coverage within the Heavenly Mountain Resort project area will be relocated for the communication facility improvements proposed with this project.

Site Description: The Angel's Roost Communications Site is located on top of a knoll at an approximate elevation of 8350 feet above sea level. The area has been utilized as a communications and electronics site since 1959, and presently contains a lattice radio tower

with antennas, a small elevated equipment building, and a passive television reflector (see existing conditions photo in Attachment E). The land capability is Class 1a mountainous terrain, and is primarily composed of decomposed granite and boulders, and sparsely forested with conifers, snags, and other high elevation shrub species.

Issues/Concerns: The primary issues and concerns for this project relate to water quality and potential scenic impacts. As conditioned in the draft permit, additional details shall be submitted regarding construction access and methodology, including restoration of the temporary construction road, and excavation of the monopine foundation and utility trenches, to insure the project does not accelerate erosion.

Additionally, modifications to the final elevation plans are required and to insure the proposed monopine tower integrates with the surrounding natural environment and emulates, to the greatest extent feasible, the natural appearance of the surrounding forest with respect to; color, trunk detail and taper, branch and needle density, and branch taper. As further scenic mitigation, the permittee shall remove the existing passive television reflector located at Angel's Roost because the reflector is no longer in use and after the temporary construction road is restored there will be less opportunity to access the site to remove the obsolete equipment.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 30, 37, and 50 of the TRPA Code of Ordinances. See Attachments A and C regarding required project findings and Regional Plan compliance.

Contact Information: If you have any questions, please contact Patrick Dobbs, Associate Planner II, at pdobbs@trpa.org or (775) 589-5215.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Regional Plan Compliance Analysis
- D. Proposed Site and Elevation Plans
- E. Photograph of Existing Conditions at Angel's Roost

Required Findings/Rationale

Chapter 4.4 – Threshold-Related Findings:

- (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.

As conditioned in the attached draft permit, the project is consistent with and will not adversely affect implementation of the Regional Plan, including Plan Area Statement 087, the Code of Ordinances, and other TRPA plans and programs. The project will implement applicable Public Service Goals and Policies which support the upgrade and expansion of public services and facilities to support development authorized under the Plan. Public reliance on wireless communication devices has never been greater, and all indicators show consumer demand is only increasing.

- (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 subsection 4.4 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 public 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 TPRA Compact, the project meets or exceeds such standards.

The project will meet and maintain applicable air and water quality standards for the Region.

Chapter 21.2 – Special Use Findings:

- (1) 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 an appropriate use on the parcel and surrounding area and is proposed in an area that has been used for communications equipment for over 50

years. Because of its location and elevation, the site has unusual clarity of signal and can “see” into the Meyers and Lake Valley areas, allowing for integration with existing Verizon Wireless communications infrastructure in an effort to provide a seamless wireless network. The design, scale, and intensity, of the proposed project are consistent with the build-out vision of the Angel’s Roost Communications Site.

- (2) 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.

Service providers are required to comply with Federal Communications Commission (FCC) standards for communication sites, including public health risks associated with radio frequency emission. The site is not easily accessed by the public and will include appropriate signage to detour trespassing. Best Management Practices will be installed to protect the land and meet water quality standards. A standby diesel generator is proposed to provide emergency power during outages. The generator is required to meet TRPA stationary source emissions and shall include soundproofing elements to protect property enjoyment and not further contribute to documented noise level non-compliance associated with snowmaking equipment in the surrounding area.

- (3) 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 transmission and receiving facility is outside of a neighborhood and will not change the winter recreation character of the area, and is consistent with the TRPA approved Heavenly Mountain Resort master plan.

Chapter 30.4 – Land Coverage Relocation Findings:

- (1) The relocation is to an equal or superior portion of the parcel or project area.

Banked Class 1a land coverage will be relocated within the project area for the proposed improvements. The relocation is to an equal portion of the project area.

- (2) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

TRPA's recognition of the banked coverage insures the coverage was restored in accordance to subsection 30.5.3. restoration requirements.

- (3) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

There will be no coverage relocation from high land capability districts to low land capability districts. All coverage relocation is within land capability Class 1a.

Chapter 37.7 – Additional Height Findings:

- (1) The function of the structure requires a greater maximum height than otherwise provided for in the chapter.

The function of the communication tower requires unobstructed signal transmission with existing facilities, and minimum separation between antennas, which requires a greater height than provided for in Table 37.4.1-1.

- (2) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

Based on the project record, specifically the requirements to connect with existing infrastructure and maintain minimum separation between antennas the additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height. The Angel's Roost Electronics Site Master Plan proposes an ultimate build-out of the site of two towers approximately 80 feet in height. The proposed 70-foot monopine tower is at a lower height than the adjacent lattice tower.

Chapter 50.7 – Additional Public Service Facilities Findings:

- (1) There is a need for the project;

Verizon Wireless is undertaking a large expansion project to add and improve service in the Lake Tahoe Region. Verizon maintains a strong customer base throughout California and strives to improve coverage for both current and potential customers.

- (2) The project complies with the Goals and Policies, applicable plan area statements, and Code;

The project, as conditioned in the attached draft permit, is consistent with the TRPA Goals and Policies, Plan Area Statement 087, and the TRPA Code of Ordinances.

- (3) The project is consistent with the TRPA Environmental Improvement Program;

The Lake Tahoe EIP was developed to implement water quality and environmental projects in the Lake Tahoe Basin specifically to enhance water quality, and other aspects of the natural environment, improve cultural aspects, and improve recreational opportunities. The project has not produced any negative impacts in these areas and is therefore not inconsistent with the Environmental Improvement Program.

- (4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4 as they are applicable to the project's service capacity;

See Chapter 4 required Threshold Findings above.

March 15, 2012

Complete Wireless Consulting, C/o Mark Lobaugh
2009 V Street
Sacramento, CA 95818

NEW LINEAR PUBLIC SERVICE TRANSMISSION AND RECEIVING FACILITY, HEAVENLY MOUNTAIN RESORT, EL DORADO COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 030-040-01, TRPA FILE NUMBER ERSP2011-0442.

Dear Mr. Lobaugh,

Enclosed please find two (2) copies of the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the permit conditions as stated, please sign the "Permittee's Acceptance" block on the first page of both copies of the permit and return one (1) copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit shall be subject to nullification.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.**

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days (April 5, 2012).

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Patrick Dobbs, Associate Planner
Planning Department

Enclosures

Cc: Mobilitie, LLC, 660 Newport Center Drive, Newport Beach, CA 92660
U. S. Forest Service, C/o Bob Rodman, 35 College Drive, South Lake Tahoe, CA 96150

APN 030-040-01
FILE NO. ERSP2011-0442

Security Posted (1): Amount \$10,000.00 Type_____ Posted_____ Receipt No._____

Security Administrative Fee (2): Amount \$_____ Paid _____ Receipt No._____

Notes:

- (1) See Special Condition 2.I., below.
- (2) \$152 if a cash security is posted, or \$135 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 construction of a new wireless transmission and receiving facility located at the Angel's Roost Communications Site at Heavenly Mountain Resort, California. The project includes grading for a temporary access road approximately 0.1 of a mile, excavation of the communication tower foundation and utility trenching, installation of a 70-foot tall monopine tower and associated antennas, and construction of a 460 square foot equipment shelter. The temporary construction road shall be restored upon project completion. As part of the scenic mitigation required for this project the permittee shall remove the existing passive television reflector located at Angel's Roost. Excavation for this project shall not exceed 5 feet below surface grade unless otherwise authorized in writing by TRPA. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

2. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. The site plan shall be revised to include:
 - (1) Project area land coverage calculations that correspond with the most recent TRPA approval for Heavenly Mountain Resort (TRPA File #ERSP2011-0513). Coverage calculations shall show a reduction in the amount of banked coverage by 1,290 square feet and attribute that coverage to this project. TRPA staff will provide an approved coverage table for insertion on the final plans.

- (2) A note stating: "The existing passive television shall be removed prior to project completion as part of the scenic mitigation required for this project."
- B. The monopine elevation plans shall be revised to include:
- (1) A tapered monopine trunk (within structural limitations), with a textured tree bark-like exterior.
 - (2) A note stating: "Antenna arrays, antennas, and microwave dishes, shall not extend beyond the monopine branches as shown on the approved elevation plan."
 - (3) A note stating: "The monopine tower shall be constructed and maintained to integrate with the surrounding pine forest and shall emulate, to the greatest extent feasible, the natural appearance of the surrounding forest with respect to; bark, branch and needle color, trunk color, detail, and taper, branch and needle density, and branch taper."
- C. The BMP plan shall be revised to include:
- (1) Depiction of all equipment and material staging areas and definition of said areas with installation of temporary construction fencing and erosion control protection.
 - (2) Notations on the final construction plans stating:
 - (a) "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Second Edition, Lake Tahoe Basin."
 - (b) "Where grading or disturbance caused by construction equipment will occur, existing topsoil or organic material (including pine needles and large woody debris) shall be removed prior to disturbance and stockpiled for later use in restoration of the temporary construction road and all areas disturbed or compacted by heavy equipment. The permittee is responsible for restoration and stabilization of 100% of all disturbed areas including construction access areas."
 - (c) "Equipment used during construction shall be of a size a type least likely to cause soil compaction or damage to existing soil structure. Any compaction or damage to soil structure shall be remediated as part of the site restoration."
 - (d) "Utility trenches shall be constructed in such a manner as to prevent the creation of preferential flow paths."

- (e) “Boulders or logs removed to allow access for construction equipment shall be replaced as part of the restoration.”
- D. The equipment shelter floor plan shall be revised to include:
 - (1) An equal number of conduit installed to the “Future Carrier Space” as will be installed to the Verizon Wireless equipment room, to serve anticipated electrical and telephone needs of additional carriers.
 - (2) A note stating: “The generator room shall be constructed with sound proofing elements so as to protect noise level thresholds of PAS 087.”
- E. The equipment shelter elevation plan shall include notes indicating conformance to the following design standards:
 - (a) Color: The color of the concrete masonry unit (CMU) exterior of the equipment shelter, and associated appurtenances (e.g., air intake vent, generator exhaust vent, etc.), shall be compatible with the existing adjacent man-made and natural surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color(s) of the structure. Hues shall be within the range of natural earthtone colors that blend, rather than contrast, with the existing surrounding environment. Appropriate earthtone colors for the project site are considered to be shades of brown and medium to dark green.
 - (b) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
- F. The permittee shall submit a detailed foundation plan for the monopine tower. The plan shall indicate the dimensions of the foundation and calculate the volume of material that will be exported from the site to a TRPA approved disposal location. The natural topography outside of the communications facility footprint shall be maintained to the greatest extent possible.
- G. The permittee shall submit final monopine bark and needle samples. The material samples shall demonstrate the proposed monopine colors and textures will integrate with the surrounding pine forest.
- H. The permittee shall submit a projected construction completion schedule with completion dates for each item of construction, including BMP installation and temporary construction road restoration.
- I. The security required under Standard Condition I.2 of Attachment Q shall be \$10,000.00. Please see the enclosed handout entitled Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative fee.

- J. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
3. 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 the 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. 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.
4. It is the permittee's responsibility to maintain conformance with all local, state, and federal requirements applicable to this project.

END OF PERMIT

Regional Plan Compliance Analysis

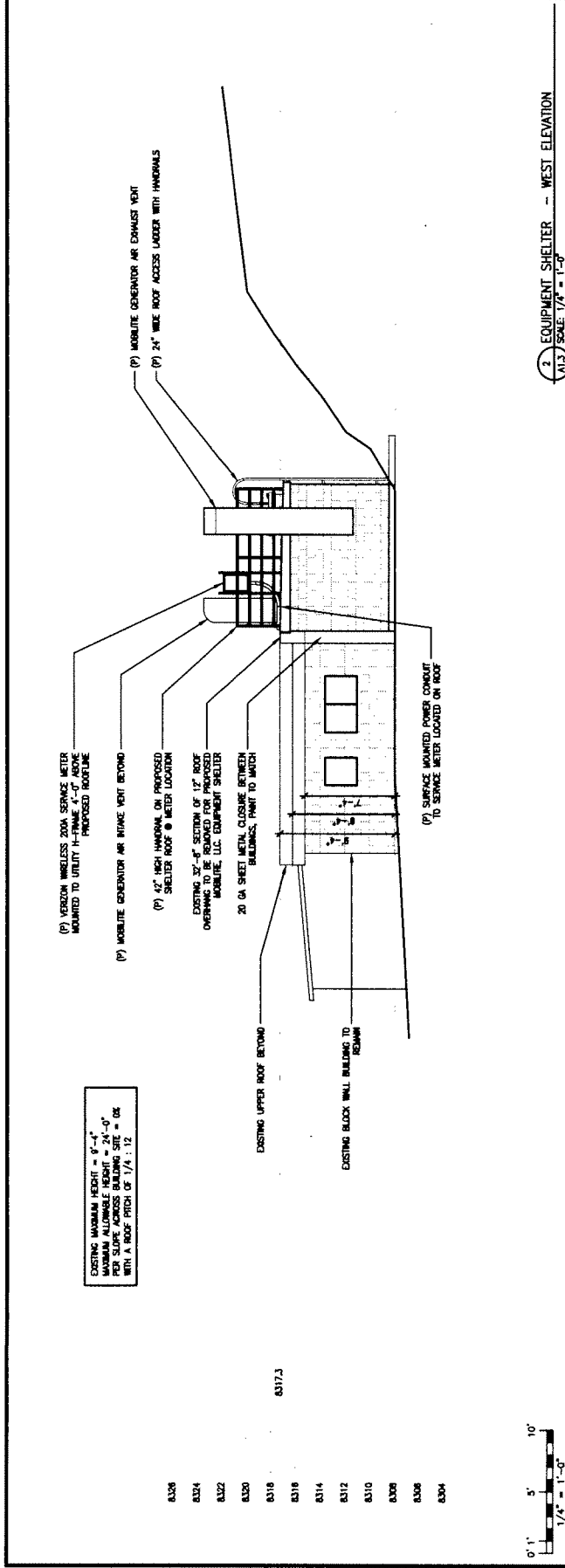
- A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

- B. **Plan Area Statement:** The project is located within Plan Area Statement (PAS) 087 – Heavenly Valley California. The Land Use Classification is Recreation and the Management Strategy is Mitigation. Agency staff has reviewed PAS 087 and has determined that the project, as conditioned in the attached permit, is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (transmission and receiving facilities) is listed as a special use, therefore requiring Hearings Officer review in accordance with Chapter 2 of the TRPA Code.

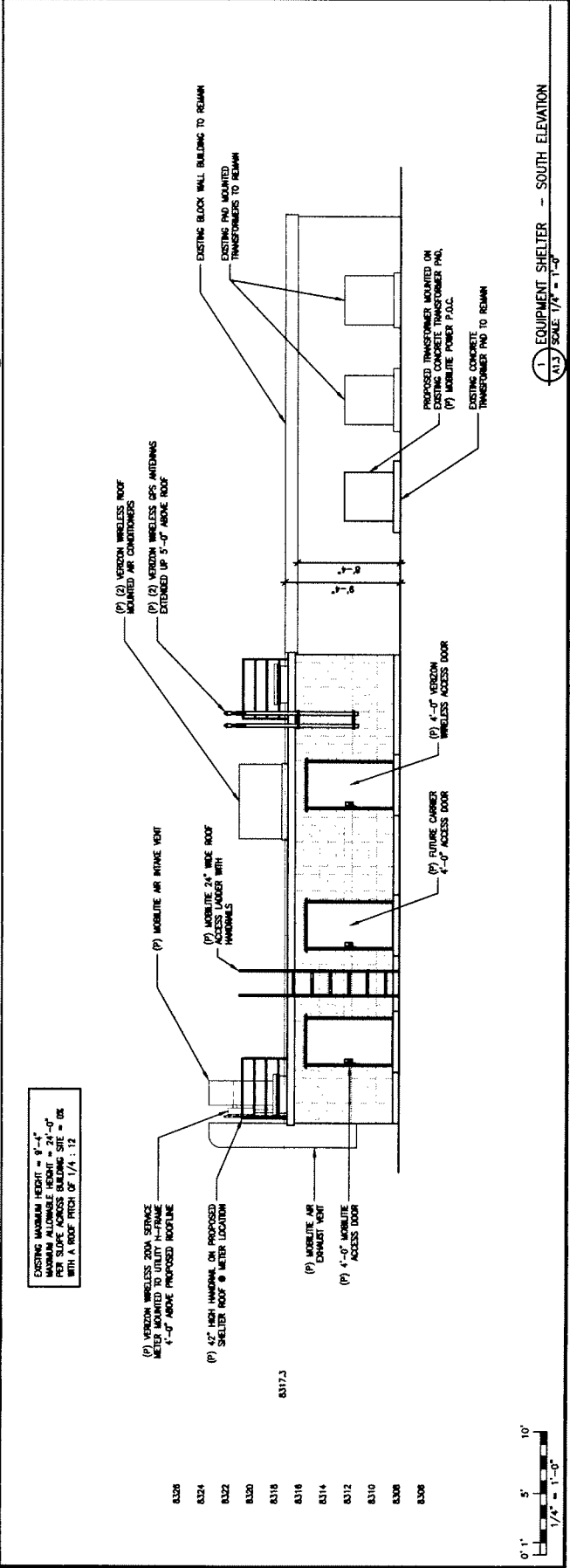
- C. **Land Coverage:** The proposed project is located within land capability Class 1a. Total existing coverage within the project area is 2,053,854 square feet. Existing banked Class 1a coverage within the project area will be relocated onsite and utilized for the proposed project improvements .

- D. **Transportation:** The proposed transmission and receiving facility is an un-manned site and therefore will not generate any additional permanent daily vehicle trip ends (dvte). There will be no measurable impacts to transportation, including area traffic or to regional air quality, as a result of this project.

- E. **Height:** The proposed monopine communications tower is 70-feet tall, a height lower than the adjacent lattice communications tower. The additional height for the tower can be permitted, subject to specific height findings found in Attachment A. The proposed height of the equipment shelter is approximately 9-feet tall which is within the allowable maximum building height pursuant to Chapter 37 of the TRPA Code.



2 EQUIPMENT SHELTER - WEST ELEVATION
 A1.3 SCALE 1/4" = 1'-0"



1 EQUIPMENT SHELTER - SOUTH ELEVATION
 A1.3 SCALE 1/4" = 1'-0"

ATTACHMENT E

