TAHOE REGIONAL PLANNING AGENCY

128 Market Street P.O.Box 5310 (775) 588-4547
Stateline, Nevada Stateline, NV 89449-5310 Fax (775) 588-4527
www.trpa.org Email: trpa@trpa.org

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Embassy Vacation Resort

Application Type: Completion of the Phase IV Wing of the Lakeside Embassy Vacation Resort

Applicant: Sunterra Resorts

Applicant’s Representative: Rick Angelocci, Blue Lake Consulting

Agency Planner: David L. Landry, Associate Planner II

Location: 3663 Lake Tahoe Boulevard, South Lake Tahoe, El Dorado, CA

Assessor’s Parcel Number/File Number: 027-690-04/20060795

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section E of this staff summary.

Project Description: This application involves the completion of Phase IV of the previously approved Embassy Vacation Resort, a subcomponent of the South Lake Tahoe Redevelopment Project No.1 approved in 1989 and revised in 1996; (TRPA File # 950029). Phases I through III of the project were completed prior to 1996, while work on Phase IV ceased after the 2000 building season. The proposal for Phase IV involves the construction of the final wing of the resort which will consist of 40 2-bedroom “lock-off” time share units in a new six-story structure attached to the existing building and 57 at-grade parking spaces. Other elements of the project will include improvements to sidewalks, bike trail and landscaping elements. No changes have been made to the design of the originally approved project, with the exception of the new and improved landscaping plan.

Site Description: The Embassy Vacation Resort project area, which includes both the Embassy Hotel and timeshare units, is located at the intersection of US Highway 50 and Ski Run Boulevard. The proposed Phase IV building site is located along the northeast corner of the completed Phase II Embassy Suites Hotel. The targeted building site is currently occupied by the original Phase IV building foundation which was poured prior to 2000. The current maximum height of the building structure is 95 feet and is visible from Lake Tahoe and Highway 50, a TRPA designated scenic route. Located to the north of the hotel structure is a city maintained bicycle bath leading to the Ski Run Marina with the gated Tahoe Meadows residential development located to the north of the bike path. The proposed Phase IV parking lot will be located just south of the bike path and north east of the McDonald’s restaurant. The proposed location is currently occupied by three pine trees of 30 inches dbh.
Issues: The proposed project involves the introduction of additional building height in a special height district within an adopted redevelopment plan area and thus requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. **Scenic Quality:** The Phase IV wing of the Embassy Vacation Resort will have a maximum height of 75 feet. This height is approximately 20 feet lower than the completed Phase II hotel suites. As the entire structure is visible from Lake Tahoe, staff has asked the applicant to initiate measures for reducing the building’s overall visual impact. As such, the agency is requesting that the applicant modify the color, of the column and balcony rail elements so that they are lighter in color reflecting a more natural visual appeal. Further the agency is requesting that the applicant change the color of the roves to a less conspicuous color so that the building will blend more naturally with its surroundings. Finally the agency is also requesting that the applicant remove the widow’s walk along all building roof lines as a means of reducing the visual height of the structure as well.

2. **Landscaping:** The applicant is proposing a new landscaping plan designed to enhance the ground plane, frame views, and control traffic flow. In addition, the new plan calls for vegetation maintenance and general clean up in areas where it has become over grown. TRPA has conferred with the City of South Lake Tahoe which will be the lead agency in maintaining portions of this new landscape in the public rights-of-way, and concur with their recommendations and changes. The applicant shall adhere to all City conditions of approval in terms of landscape material sizing, placement, and irrigation requirements as a condition of TRPA’s approval. These conditions shall include but not be limited to:

   a. All proposed container plants shall be replaced with live vegetation planted directing into the ground.
   b. The Aspen trees intended to frame views around the detention ponds shall be placed so that they do not block views to Lake Tahoe and Marina.
   c. The landscape area near the northwest corner of the Phase III building, just south of the bicycle trail shall be re-designed with boulders and other vegetation to deter foot traffic from further eroding the bank area.
   d. Portions of the site plan shall be redesigned so that the ground area directly north of the swimming pool is planted with a non-invasive upland ground cover in place of the existing sod and pea gravel currently along the fire access road.

3. **Community Opposition to the Proposal:** During the review of this application, staff received written comments from a concerned neighbor residing in Tahoe Meadows. These comments focused on the potential for construction noise being generated outside the hours of 8:00 am and 6:30 pm. It was stated in the letter that during the Phase III construction period, the contractor disregarded the condition that normal operating hours for equipment shall be between the hours just stated. The developer shall strictly adhere to normal operating hours as described in condition number 15 of the Conditions of Approval.

4. **Parking:** Parking requirements for Phase IV project completion have been satisfied through the South Lake Tahoe Redevelopment Project No.1 approval in 1989 and 1996; (TRPA File # 950029).
Staff Analysis:

A. **Environmental Documentation:** An Environmental Impact Report/Statement (EIR/EIS) for the original project was certified by the TRPA Governing Board in 1989 prior to the approval of the original project. A Supplemental Environmental Impact Report/Statement was prepared for the proposed revised project and certified by the TRPA Governing Board at the December 1995 Governing Board meeting. A list of mitigation measures is contained in both the original and supplemental EIR/EIS document.

B. **Plan Area Statement:** The project is located within the Stateline/Ski Run Community Plan. The Land Use Classification is Tourist and the Management Strategy is Redirection. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:** The original project approval involved the restoration of over 4 acres of wetlands, and a net reduction of over 433,000 square feet of land coverage in addition to the dedication of 10,000 square feet of public beach access. The proposed revision is consistent with the original approved land coverage calculations.

D. **Building Height:** The Height for the original approval of this project was based on using the wall height standards related to setbacks with the overall cumulative maximum height determined using TRPA Code Chapter 15.11E matrix. TRPA approved additional building height above the base height limit for the building project which is used primarily as a tourist accommodation or 145’ 0” + 29’ 0” = 175’ 0”. The Embassy Suites Hotel is 95’ while the height for Embassy Vacation Resort (including Phase IV) is 75’ or 95’ + 75’ = 170’ which is below the maximum allowable.

E. **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 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.**

      **Land Use:** The proposed project (completion of Phase IV of the Embassy Vacation Resorts structure) is consistent with the amended Community Plan and with the amended Redevelopment Plan. The proposed Phase IV project development will be located adjacent to the existing 400 unit Embassy Suites Hotel. Based on the Redevelopment Plan and project EIR/EIS completed 1996, Phase IV project development as mitigated will not result in any significant environmental impacts on land use, housing, noise, air quality, water quality or community design. The redevelopment of locations such as the Ski Run area is called for in the TRPA Goals and Policies.
Transportation: The approved development project has had a beneficial effect to the area through the overall reduction of DVTE and the consolidation of development. Further, in 1996 the applicant submitted an air quality mitigation fee of $138,220.00 in accordance with an agreement with the Coordinated Transit System consistent with the Regional Plan. With the approval of the final phase of the development; (Phase IV), no significant impacts to Level of Service or Regional or Sub-Regional air quality are anticipated. The proposed final phase of the project has adequate parking for the proposed use based on the Redevelopment Plan and project EIR/EIS completed 1996.

Conservation: Based on the Redevelopment Plan and the project EIR/EIS, including the supplemental EIR/EIS, the project, as mitigated, will not result in any significant environmental impacts on vegetation, wildlife, fisheries, soils, shorezone, scenic quality, stream environment zone, open space, cultural or energy resources. The restoration of SEZ acreage and the implementation of area wide BMPs, such as the completed drainage basins, have positively impacted water quality in the area.

Recreation: The original project included the retention of the marina facilities, an additional 10,000 square feet of public beach access, open public park space, and 2,000 linear feet of bike paths. Based on the Redevelopment Plan and the project EIR/EIS, including the supplemental EIR/EIS, the project, as mitigated, will not result in any significant environmental impacts on recreation.

Public Service and Facilities: Based on the Redevelopment Plan and the project EIR/EIS, including the supplemental EIR/EIS, the project, as mitigated, will not result in any significant environmental impacts on public services and facilities.

Implementation: The project involves the retirement and transfer of antiquated tourist accommodation units (TAUs) with an overall reduction in the total number of existing residential and tourist units. All retirement requirements have been met.

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

There is no evidence that completion of Phase IV will cause the environmental threshold carrying capacities to be exceeded, as supported by the February 28, 1996 TRPA Governing Board approval of the project.

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 TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)
3. Chapter 18 – Special Use Findings:

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 Embassy Vacation Resort consolidates existing development into a uniform design scheme and creates substantial reductions of land coverage, which balances the development with open space amenities. The previously existing clutter of tourist and commercial structures provided little open space or access to the Lake. The original design from the previous approval of Phase IV has not changed and thus TRPA is able to make this finding.

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 completed project will enhance the land, water and air quality of the existing site and neighboring properties. All recommended mitigation measures and conditions of approval from the 1996 TRPA permit have been incorporated into the original design of the project and Phase IV has not changed

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 project (the completion of Phase IV of the Embassy Vacation Resorts structure) is consistent with the amended community plan, with the amended Redevelopment Plan and original 1996 approval of the project.

4. Chapter 22 Findings:

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

The proposed Phase IV wing will not extend above the forest canopy or a ridgeline.

b. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize the interference with existing views within the area to the extent practicable.

The Embassy Vacation Resorts structure was sited and designed to increase public views of Lake Tahoe (see Finding 2b and 2d, above).
c. The additional height is the minimum necessary to feasibility implement the project and there are no feasible alternatives requiring less additional height.

Several alternative designs were studied in the original review of the project. Due to the proximity of the construction site to the water table, the goal of reducing substantial land coverage, and the need to construct enough units to make the project economically feasible, the alternative of providing the 186 units over a larger footprint to lower the height were rejected. The proposed completion of Phase IV is consistent with the approved height for Phases I – III (75 feet).

d. When outside a Community Plan, the additional height is consistent with the surrounding uses.

The proposed completion of Phase IV of the Embassy Vacation Resort building is within a Community Plan. The proposed height (75 feet) is consistent with the existing 3 wings and is consistent with the Redevelopment Plan, Community Plan and Chapter 15 of the TRPA Code as amended.

e. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.

As set forth in the 1996 TRPA staff summary and Code, this finding is not applicable to the Embassy Suites Hotel or the Embassy Vacation Resort building.

F. 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. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.
Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **August 31, 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 **August 31, 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, 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 CITY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT 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.**

---

**PERMIT CONTINUED ON NEXT PAGE**

---

AGENDA ITEM V.A.

8/31/06
Security Posted (1): Amount $_______ Type _____ Paid _____ Receipt No.______

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

Notes:
(1) Amount to be determined. See Special Condition 3. C., below.
(2) $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 completion of Phase IV the final wing of the Lakeside Embassy Vacation Resort Hotel. Phase IV will include the construction of 40 2-bedroom “lock off” units in a six-story structure attached to the existing building, in addition to the construction of 57 at-grade parking spaces. Other improvements involve sidewalk and parking renovations, and an improved landscape plan.

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 site plan/landscape plan shall be revised to include:

      (1) Revised design of bicycle rack parking area so that there is greater visual appeal for bicyclist.

      (2) One distinct landscape plan for existing vegetation and a second landscape plan demonstrating proposed vegetation.

      (3) Revised proposed plant list demonstrating tree specimens of at least 6 feet in height.

      (4) Revised proposed plans with all container plants deleted and replaced with vegetation planted directly in the ground.

      (5) A new irrigation plan for the redesigned landscape plan.
Field boulders and signage or other barrier to restrict foot traffic from further eroding the embankment just southeast of the bike bridge located on the north side of the Phase III building wing.

Re-designed site plan reflecting the ground area directly opposite or to the north of the swimming pool to include a non invasive upland ground cover in place of the existing sod and pea gravel currently along the fire access road.

Signage identifying Basin 4 as a fragile ecosystem closed to pedestrian and bike traffic.

Notes stating that all vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.

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

Building elevation and other drawings without the widow’s walk rail along the rooftops.

The proposed location of the required snow storage for the project area of a size adequate to store snow removed from the Phase IV parking lot, driveway and pedestrian access areas, or provide proof of an arrangements to remove and store accumulated snow offsite at a TRPA approved location.

Temporary erosion control structures located down slope of the proposed construction areas to coir logs or certified weed free straw bales. Non-certified Straw bales are no longer acceptable for temporary erosion control or 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 required.

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.

B. The permittee shall acknowledge this permit.

C. The security required under Standard Condition I.B of Attachment Q shall be equal to 110 percent of all required Best Management Practices required for the project, but not less than $5,000. Please see Attachment J, Security Procedures,
for appropriate methods of posting the security and for calculation of the required security administration fee.

D. The permittee shall submit a landscape monitoring plan which requires that annual reports be submitted to TRPA Project Review Division staff by September 1 each year until TRPA determines that the proposed landscaping has been established according to the approved plans. The monitoring plan shall include post-construction photos demonstrating any resultant impacts to scenic quality. Any landscaping that fails shall be re-planted as directed by TRPA until planting succeeds.

E. The permittee shall submit a BMP maintenance and monitoring plan detailing the annual maintenance for all BMPs installed on the property.

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

G. Applicant shall submit color samples for column and balcony support members and roof color for final approval by TRPA prior to acknowledgement.

4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction.

5. All proposed landscaping shall be in conformance with Subsection 30.7 of the TRPA Code of Ordinances, for species, sizes and spacing.

6. The permittee shall install landscape improvements per plan set pages L1-0 to L6-0. These improvements shall include but are not be limited to:

   A. Repair of the bike lane along highway 50; these repairs shall include but are not limited to the repair of asphalt, painting, etc.
   B. Proposed container plants shall be replaced with live vegetation planted directing into the ground.
   C. The Aspen trees proposed to frame views around the detention ponds shall be placed so that they do not block views to Lake Tahoe and Marina.
   D. The landscape area near the northwest corner of the Phase III building, just south of the bicycle trail shall be designed with boulders and other vegetation to deter foot traffic from further eroding the bank area.
   E. The ground area directly north of the swimming pool shall be planted with a non-invasive upland ground cover in place of the existing sod and pea gravel currently along the fire access road.
   F. The “back of house” area between the Embassy Resort building and bicycle path shall cleaned of all excess debris and building materials and all storage structures shall be screened with appropriate fencing per the TRPA Code of Ordinances.

7. The permittee shall adhere to any and all City of South Lake Tahoe Landscape Maintenance agreements or requirements.
8. Parking of vehicles off approved or proposed pavement is prohibited except in areas disturbed for construction if approved by the TRPA inspector.

9. Any exposed or bare soil areas on site shall be re-vegetated with plant species on the TRPA recommended Native and Adapted Plant list.

10. All design standards for off-street parking facilities shall be in conformance per Guidelines for the City of South Lake Tahoe Community Plan Parking Standards. This shall include proper identification of ADA accessible parking spaces and correct dimensioning for all parking stalls and driveways.

11. 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.

12. Temporary BMPs (silt fencing and core logs) shall remain in place during the entire construction process.

13. The color of the approved structure shall match the existing building except for all column and balcony rail elements and roofs which shall be modified to reflect a more natural color scheme subject to TRPA approval.

14. The color of the architectural wood work used for exposed support columns and balcony rail detail shall be changed to a lighter shade for a more natural appearance prior to final inspection.

15. 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. Generation of noise in excess to the TRPA noise standards outside these hours is strictly prohibited.

16. All excavated materials shall be hauled away from the site to a legally acceptable location. No fills, or re-contouring, other than backfill for the cut-retaining structures, shall be allowed.

End of Permit
Project Name: Aluna Ave Right-of-Way Paved Roadway

Application Type: Linear Public Facility

Applicant: Mr. David Reese

Applicant's Representative: Gary Davis Group

Agency Planner: Gary Weigel, Senior Planner

Location: Aluna Ave Right-of-Way, Tahoe Vista, Placer County California

Assessor's Parcel Number / File Number: 530-105-06/File Number 20060071
Placer County APN: 117-013-090

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: Mr. David Reese is proposing to construct a 12’ wide roadway on a portion of Aluna Ave, a Placer County unimproved 40 foot wide road right-of-way (ROW), in order to provide access and facilitate construction of single family dwelling on 258 Aluna Ave. The roadway connects to Agatam Ave within Tahoe Vista near Kings Beach, CA. Improvements will include paving approximately 390 linear feet of roadway with a 10 foot wide running surface and one foot wide shoulders and turnout for fire protection. Approximately 220 cubic yards of earth will be excavated for roadway construction. The removal of 17 trees are proposed as part of the grading project. Roadway paving is a basic service requirement under Chapter 27 of the TRPA Code of Ordinances for all new structures. Permanent Best Management Practices (BMPs) will also be installed for the new ROW improvements. Several ROW encroachments from private lands, including fences and landscaping, will need removal.

Aluna Ave was never constructed for this pre-1972 subdivision but remains as a Placer County ROW and legal access to Mr. Reese’s property. Alternate access has been investigated. The Placer County right-of-way abandonment of Godfern Ave (117-130-010), located adjacent to and north of Mr. Reese’s private lands (APN: 117-130-009), essentially eliminated access to his property other than easement or ROW negotiation with adjacent property owners or use of Aluna Ave. Contact with the adjacent landowners has not resolved alternate access, and at this time, remains elusive.
Site Description: Aluna Ave is a 40 foot wide unimproved dirt ROW extending into the Tahoe Vista Subdivision. The ROW has scattered-to-dense tree cover of various tree species including pine and cedar along with an under story of shrubs and grasses. The topography is relatively flat except for a short steep embankment adjacent to Agatam Road. Placer County has verified land capability of Class 5 (25 percent allowable coverage). Other than private land owner encroachments within the ROW, there are no roadway improvements contributing to existing coverage.

The ROW is sandwiched between existing single family homes and is located between Agatam and Pino Grande Roads. The project area is within Plan Area Statement (PAS) 23 Tahoe Vista Subdivision.

Issues: The proposal involves a Permissible but Special Use (transportation route) within PAS 23 and requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Basic Service Requirement and Roadway Design: Chapter 27 of the TRPA Code of Ordinances requires that all projects with vehicular access be served by a paved roadway. The proposed roadway extension may serve five adjacent properties, but will primarily serve one inaccessible parcel (2 lots), that is proposed for development. The project as designed, according to Gary Davis Group, meets Placer County road and North Tahoe Fire Protection District access standards. Mr. Reese would be responsible for maintenance of the roadway, including snow clearing.

Some adjacent landowners are concerned that the improved ROW may negatively affect their land values, disrupt the ambience of their surroundings due to the road effectively running through their backyard, and potentially contribute to problems with overland flow of water currently experienced by adjacent property owners on Pino Grande. Snow removal and storage could be an issue based on the close proximity of the homes to the ROW. Some neighboring property owners believed that Aluna Ave would never be constructed and therefore had expectations of using the ROW as open space or to enclose the area as part of their landscaping and yards.

2. Project Area and Land Coverage: The proposed project area is a portion of Aluna Ave ROW and includes approximately 390 linear feet of roadway construction and surfacing. The applicant will be required to transfer 4,217 square feet of coverage to the project area in conjunction with plan submittals and approvals for development of a single family home on 258 Aluna Ave, APN: 117-013-09.

3. Project Applicant: Placer County is the owner of the right-of-way easement. The County has not accepted the ROW for maintenance and will not accept the maintenance of any future improvements. Although the County is not the fee owner of the ROW, they are owner of the ROW easement and therefore have sufficient legal interest to authorize improvements within their ROW. As a TRPA permit condition, the applicant will be required to provide a Placer County grading permit for construction and maintenance of Aluna Ave prior to permit acknowledgement.

4. Fire Access: According to the Gary Davis Group, the North Tahoe Fire Protection District (NTFPD) was contacted and reviewed and revised project plans in order to meet minimum fire safe standards for approval of a proposed single family dwelling to be located at 258 Aluna Ave. As a TRPA permit condition, the applicant will be required to
provide documentation from NTFPD that the final project plans meet minimum safety requirements.

Staff Analysis:
A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) to assess the 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 meeting and at TRPA office.

B. **Plan Area Statement:** The project is located within Plan Area 023 Tahoe Vista Subdivision. The Land Use Classification is Residential 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 area statement, planning considerations and special policies. The proposed transportation route is listed as a special use for the plan area.

C. **Land Coverage (for the project area):**

1. **Land Capability Districts:** The verified land capability district for the linear facility (ROW) and project area is Class 5.

2. **Existing Land Coverage:** Undetermined square footage of fence encroachments and landscaping.

3. **Proposed Land Coverage:** Class 5: 4,217 square feet

4. **Allowable Coverage:** Zero allowable coverage based on the minimum amount necessary to complete linear public service projects in accordance with Code 20.3 B(4).

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 20, 33 and 71 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.

      (1) **Land Use:** The proposed project is defined as a transportation route in the TRPA Code of Ordinances and is a permissible use in the applicable plan area statement. The applicant will install and maintain temporary and permanent Best Management Practices (BMPs) within the project area. Surrounding land uses includes single family residences. The proposed project will not alter the current land use pattern.
(2)  **Transportation:** The project will not generate additional daily vehicle trips as it is an extension of the road system serving the subdivision within a residential plan area.

(3)  **Conservation:** The project will not be visible from the Lake Tahoe and tree removal will not affect any scenic resource views. There are no known special interest species, sensitive or uncommon plants, or historic or cultural resources within the project area.

(4)  **Recreation:** This project does not involve any recreation facilities or uses and will not have an impact on recreation in the Region.

(5)  **Public Service and Facilities:** The project is paving of an existing Placer County ROW and is needed in order to provide paved vehicular access to a parcel proposed for development of a single family home.

(6)  **Implementation:** This project does not require any allocation for development.

(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 completed and 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.)

2.  Chapter 18 – Special Use Findings:

(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 proposed transportation route will serve a proposed new single family residence to be located at 258 Aluna Ave as well as five developed parcels. Aluna Ave is a dedicated public right of way that was created and designed to serve the residential parcels created within the subdivision. Aluna Ave is within PAS 023 which lists single family dwellings as an allowed use and transportation routes as a special use.
(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 project as designed and reviewed by TRPA staff was reviewed by Placer County and North Tahoe Fire Protection Districts for compliance with design, safety and access standards.

Some neighbors are concerned that a new road facility will be constructed immediately adjacent to their properties. The applicant is exerting his legal rights to use a Placer County dedicated ROW to access his landlocked property. At this time, the applicant has pursued and is pursuing other alternatives that could result in another course of action. An alternate access would significantly reduce resident opposition, land coverage, and expenses for the project. At this time, Aluna Avenue is considered the applicant’s legal access and other alternatives will need to be addressed in the context of a driveway.

(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.

Aluna Ave is within residential plan area 023 Tahoe Vista Subdivision which lists single family dwellings as an allowed use and transportation routes as a special use. The proposed project will pave a portion of Aluna Ave to serve a proposed new single family residence to be located at 258 Aluna Ave.

3. Chapter 20 – Land Coverage Findings:

(a) The project is on the list of additional public service facilities if required pursuant to Section 33.5.

Aluna Ave was created as a ROW easement with the platting and approval of Tahoe Vista Subdivision. It is considered and additional public service facility since it will be a modification to a legally existing public service facility that does not create additional service capacity. See also responses to Chapter 33, below.

(b) There is no feasible alternative that would reduce land coverage.

At this time, the only legal access to serve development of a single family home on 258 Aluna Ave is via construction of Aluna Ave. The applicant has pursued an alternate access across Godfrey Ave (abandoned road) and adjacent property to Agatam Road. At this time, there has been no resolution.

(c) The project because of its unusual configuration or service requirement requires special consideration:

The only special consideration regarding this proposal is there is no other legal alternative available at this time to the project applicant.
(d) The highway street or road is required to provide access to property other than that owned by the applicant:

Aluna Ave is a legally existing Placer County ROW created before February 10, 1972, that was created to provide access to lots within the subdivision and not just the project proponent.

(e) The highway, street or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective dated of the Regional Plan.

Placer County has placed road construction and maintenance responsibilities to the applicant.

(f) The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question.

See statement (d).

4. Chapter 33-Allocation of Development

(a) There is a need for the project:

The proposed paved roadway is needed to provide paved vehicular access to a proposed residential project. Alternative access to the proposed residence has been explored and at the present time, no other alternatives are available.

(b) The project complies with the Goals and Policies, applicable plan area statements, and Code.

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

(c) The proposed project is consistent with the TRPA Environmental Improvement Program.

There are no Environmental Improvement Program (EIP) projects proposed for the project area and the proposed project will not compromise the goals of the EIP.

(d) The project meets the findings adopted pursuant to Article V (g) of the Compact as set forth in Chapter 6 as they are applicable to the projects service capacity.

The project meets the findings based on responses to the “Project Review Conformance Checklist and Article V (g) Findings.” Responses indicate compliance with the environmental threshold carrying capacities.
(e) If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan.

The proposed project is not located within a community plan area.

(f) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

The proposed project is not located within a community plan area.

5. Chapter 71-Tree Removal

(a) Before tree-related projects are approved by TRPA, TRPA shall find based on a report by a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal or state agency through a memorandum of understanding.

Based on project site plans, the removal of 17 trees within the construction limits of the ROW road construction project are within the provisions of this chapter. The construction limits have been established to avoid large and diverse tree species.

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. Site Plan and Building Elevations
PROJECT DESCRIPTION:  Aluna Ave Right of Way Improvements  APN: 530-105-06

PERMITTEE(S):  David and Pamela Reese  TRPA FILE #20060071

COUNTY/LOCATION:  Placer County/A portion of Aluna Ave

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 31, 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 August 31, 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 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 COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.
(4) THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.
(5) A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

____________________  ___________________
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

Hearings Officer /GRW  AGENDA ITEM NO. V.B
8/31/2006
D-R-A-F-T

APN: 530-105-06
FILE NO. 20060071

Security Posted (1): Amount $________ Type ___ Paid _____ Receipt No.______

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

Notes:
(1) Amount to be determined. See Special Condition 3.B, below.
(2) $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 authorizes the construction and paving of right-of-way improvements for a portion of Aluna Ave from Agatam Ave to 258 Aluna Ave, APN: 117-030-090. The roadway is being proposed by the owner of said parcel to serve a proposed single family dwelling. The paved portion of the road will be 10 feet wide with 1 foot shoulders with a turnout as proposed and depicted on revised project site plan and profile received by TRPA May 31, 2006.

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

(3) Prior to acknowledgement, the following conditions of approval must be satisfied:

A. The site plan will be revised to include:
   (1) The permittee shall include the BMP infiltration and storage system sizing and capability calculations for the infiltration devices sized accordingly that will capture and infiltrate a 20 year/1 hour storm event for the soil type and infiltration capacity of the project area.
   (2) Identification of construction equipment staging, material storage areas and employee parking areas. These areas will need to be restricted to paved surfaces and or previously disturbed areas.
(3) Snow storage areas, within the ROW, shall be identified on the project plans. These snow storage areas shall be located in areas away from existing trees where possible, homes and other areas so that ponding or overland flow of water will not impact residential structures.

(4) Notations to the grading details that, if any excess excavated or fill material remains, it shall be transported to a TRPA approved disposal location which shall be identified on the site plan. All grading shall be in conformance with Chapter 64 of the TRPA Code of Ordinances and be the minimum amount of disturbance necessary and the natural contours shall be retained to the greatest extent feasible.

(5) Clearing, grubbing and disposal of tree roots (root balls), as well as tree and slash disposal methods including disposal sites need to be identified.

B. The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. The cost estimate shall also include the cost of revegetation of disturbed areas. Please see Attachment J, Security Procedures for appropriate methods to post a security and of calculation of the required Security Administrative Fee. The security shall be equal to 110 percent of this cost estimate. The security will be no less than $5,000.

C. The permittee shall submit permit evidence from Placer County authorizing construction and maintenance responsibilities (Grading Permit) for the section of Aluna Ave. from Agatam road to the terminus of construction at 258 Aluna Ave prior to acknowledgement of this permit.

D. The permittee shall submit supporting documentation from the North Tahoe Fire Protection District that the final plans submitted to TRPA for Aluna Ave meet minimum fire safe standards for access and fire control.

E. The permittee shall submit maintenance schedule, with provisions of needed maintenance for the new roadway to TRPA prior to permit acknowledgement. Said schedule shall include regular maintenance inspections and maintenance to the proposed BMPs.

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

G. The permittee shall submit evidence from Placer County or from TRPA that a permit will be issued for a single family home development for 258 Aluna Ave (APN: 117-013-090).
Permittee shall transfer 4,217 square feet of coverage to this parcel. All transferred coverage shall be from land capability class 1, 2, 3, 4, or 5, or have an IPES score of 725 or less; and be located within Hydrologic Area 9. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

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

(5) The permittee shall submit maintenance schedule, with provisions of needed maintenance for the new roadway to TRPA prior to permit acknowledgement. Said schedule shall include regular maintenance inspections and maintenance to the proposed BMPs.

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

(7) The permittee shall submit evidence from Placer County or from TRPA that a permit will be issued for a single family home development for 258 Aluna Ave (APN: 117-013-090).

(8) The permittee shall transfer 4,217 square feet of Class 5 coverage or less land capability (more environmentally sensitive) to receiving parcel (APN 530-105-06).

END OF PERMIT
Project Name: Sacramento Avenue-Paving

Application Type: Linear Public Facility-Pave Road

Applicant: Peter K. Ghishan

Applicant's Representative: K. B. Foster, Civil Engineering, Inc.

Agency Planner: Wendy Jepson, Associate Planner

Location: Sacramento Avenue at Cherry Street/Placer County

Assessor's Parcel Number / File Number: 530-114-05/20060155

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: The project consists of paving 365 linear feet of a dirt road public right-of-way (Sacramento Avenue) to provide improved year-round access to a residential parcel. Additionally, the proposed paving will provide a paved frontage for other five lots on the same roadway. The access roadway project will result in the relocation of 3,480 square feet of existing coverage within the Sacramento Avenue right-of-way, and the addition of 3,121 square feet of additional land coverage shall be transferred to the project area. To mitigate new coverage within the SEZ, coverage transferred will be at the rate of 1.5 times the area of land coverage needed. Coverage transferred in to the SEZ will be 41 feet of 1b with 27 square feet used on site and 14 permanently retired. The additional land coverage shall be transferred to the project area from Hydrologic Transfer Area 7. This additional land coverage needed is a result of the modified hammerhead at the terminus of Sacramento Avenue required by the North Tahoe Fire Protection District. The project includes installation of a sewer line below the paving. The applicant has received approval from TRPA (File #20060907) to excavate 13 feet below ground surface for installation of a lateral sewer line. This project includes the removal of a 40 inch snag, a 46 inch snag, and a 48 inch snag. In addition, the removal of a 48 inch cedar near the required modified hammerhead (see site plan) is under review by the TRPA Forester and will be discussed at the hearing.

Site Description: The proposed site is located in Placer County. The project area is in a residential neighborhood and has a Land Capability of Class 3 and Class 1b (SEZ). The project area is not visible from Highway 89 or Lake Tahoe.
Issues: According to Plan Area Statement 160, Homewood/Residential, Transportation Routes are a special use and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

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 6.3B 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 160. The Land Use Classification is Residential 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 (transportation route) is listed as a special use.

C. Land Coverage:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area (Right of Way):</td>
<td>15,379 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Verified Coverage:</td>
<td>3,480 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Coverage:</td>
<td>6,601 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required Coverage Transfer:</td>
<td>3,121 sq. ft.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Existing Verified

<table>
<thead>
<tr>
<th>Class</th>
<th>3340</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1b</td>
<td>140</td>
</tr>
<tr>
<td>Total</td>
<td>3480</td>
</tr>
</tbody>
</table>

Proposed Coverage

<table>
<thead>
<tr>
<th>Class</th>
<th>6434</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1b</td>
<td>167</td>
</tr>
<tr>
<td>Total</td>
<td>6,601</td>
</tr>
</tbody>
</table>

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 20, 64 and 71 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.

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

(b) 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.

(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.)

2. Chapter 18 – Special Use Findings:

(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 proposed paved roadway is located in a public right of way created for such a purpose.

(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.

Temporary Best Management Practices will be installed in addition to a bottomless arch culvert to mitigate potential environmental impacts to water quality and the SEZ area during construction. There will be no construction in the SEZ if there is a flow and the applicant will be required to contact TRPA.

(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 road will be a transportation route that will serve a proposed new single family residence as well as the surrounding parcels. The proposed road width is ten feet, which blends in with the scale and character of the neighborhood. The proposed roadway is located within a dedicated public right of way that was created and designed to serve the residential parcels created with the Sans Souci subdivision.
3. **Chapter 20 – Land Coverage (Linear Public Facilities And Public Health And Safety Facilities):**

   (a) **The project is on the list of additional public service facilities if required pursuant to Section 33.5.**

       Section 33.5 does not require this project to be included on the list of additional public service facilities.

   (b) **There is no feasible alternative that would reduce land coverage.**

       The size of the proposed paved roadway is required for the safe access to a residential property. The road must be constructed to meet county safety standards which are wider than the existing dirt access. There are no other available locations within the Sacramento Avenue right of way that would require less land coverage or disturbance.

   (c) **The project, because of its unusual configuration or service requirement requires special consideration.**

       The proposed paved roadway requires special consideration since it will provide existing and future residential properties with adequate access as well as access for emergency equipment.

   (d) **The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question.**

       The paved road will be located within a right of way owned by Placer County, but will primarily provide access to property owners adjacent to the right of way.

**Chapter 20 Section 20.4.B (3) Land Coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zones) if TRPA finds that:**

   (a) **The project is necessary for public health, safety or environmental protection:**

       The proposed paved roadway is necessary for public health and safety. The roadway paving is proposed to meet the requirements of the TRPA Code of Ordinances, Chapter 27, Basic Service Requirements. All appropriate permanent and temporary Best Management Practices will be implemented with the proposed project. Paving and implementing BMPs will be an environmental improvement over the existing condition of the dirt road. The modified hammerhead is a requirement of the North Tahoe Fire Protection District.

   (b) **There is no reasonable alternative, including a bridge span which avoids or reduces the extent of encroachment in the stream environment zone:**

       In order to preserve the SEZ through the right of way, a bottomless arch culvert has been designed for a 50 year storm which will allow for unobstructed flows beneath the arch of the culvert. The existing dirt road has already impacted this...
area and the proposed culvert improves the environmental integrity of the SEZ and the roadway.

(c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration required in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

Temporary and permanent Best Management Practices (BMPs) will be implemented with the proposed project. Temporary BMPs will include silt fencing to protect the Stream Environment Zone and during roadway paving and temporary vegetation fencing to protect existing trees. Permanent BMPs will include paving a portion of the existing compacted dirt right of way, installing a bottomless arch culvert, and installing an infiltration trench along the east side of Sacramento Avenue. To mitigate the impacts of coverage and disturbance of land through restoration, coverage transferred into an SEZ must be at the rate of 1.5 times the area of land coverage needed. Forty one (41) square feet of 1b will be transferred into the SEZ as required with twenty seven (27) square feet being used on site and fourteen (14) square feet permanently retired. All transferred coverage will be from Hydrologic Transfer Area 7.

4. Chapter 64 – Excavation Findings:

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

A soils/hydrologic report was prepared by Holdrege & Kull, Consulting Engineers. TRPA Staff has issued a letter (TRPA File #20060907) approving the depth of the proposed excavation to 13 feet below ground surface for the installation of the sewer line. In addition, the letter authorizes excavation for the sewer line through the SEZ area. A dewatering plan is also required as a condition of the excavation and permit.

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

The excavation greater than five feet occurs in two places, for the proposed residence and for the gravity sewer line within Sacramento Avenue. All trees to be removed are indicated on the site plan.

(c) Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to
SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

Excavated material shall be disposed of according to TRPA and Placer County requirements.

**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. Site Plan
PERMIT

PROJECT DESCRIPTION: Linear Public Facility-Paved Road
APN: 530-115-05

PERMITTEE(S): Peter K. Ghishan
FILE #20060155

COUNTY/LOCATION: Placer County/ Sacramento Avenue at Cherry Street

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 31, 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 August 31, 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 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. THE PERMITTEE OBTAINS A COUNTY BUILDING 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.
(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 ________________

PERMIT CONTINUED ON NEXT PAGE

Hearings Officer / WJ
AGENDA ITEM NO. V.C
August 31, 2006
D-R-A-F-T
APN: 530-114-05
FILE NO. 20060155

Security Posted (1): Amount $1000.00 Posted ______ Type ____ Receipt No._____

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

Notes:
(1) See Special Condition 3.C, below.
(2) $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 paving of 365 linear feet of an undeveloped public right-of-way (Sacramento Ave) to provide paved access to a residential parcel. The access road way will result in the relocation of 3,480 square feet of existing coverage within the Sacramento Avenue right of way, and the addition of 3,121 square feet of new land coverage. To mitigate new coverage within the SEZ, coverage transferred will be at the rate of 1.5 times the area of land coverage needed. Coverage transferred in to the SEZ will be 41 feet of 1b with 27 square feet used on site and 14 square feet permanently retired. The additional land coverage shall be transferred to the project area from Hydrologic Transfer Area 7. Additionally, this permit authorizes the installation of a sewer line up to 13 feet below ground surface.

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 site plan shall be revised to include:

(1) The following revised land coverage calculations for the roadway project area:

<table>
<thead>
<tr>
<th>Capability District</th>
<th>Percent Coverage</th>
<th>Area (sq.ft.)</th>
<th>Allowable Coverage (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1b</td>
<td>1%</td>
<td>562</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Verified</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 3 3340</td>
<td>Class 3 6434</td>
</tr>
<tr>
<td>Class 1b 140</td>
<td>Class 1b 167</td>
</tr>
<tr>
<td>Total 3480</td>
<td>Total 6,601</td>
</tr>
</tbody>
</table>

Hearings Officer / WJ
AGENDA ITEM NO. V.C
August 31, 2006
(2) 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.”

(3) 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.

(4) Site plans to include the cross section for the sewer line depth for the project area and installation details of the bottomless arch culvert.

(5) Site plans to include staging areas for construction with appropriate temporary BMP’s.

B. Permittee shall transfer a total of 3,135 sq. ft. of coverage to this project area.

(1) 41 square feet shall be from land capability Class 1b shall be transferred to the site. 27 square feet will be used on site and 14 square feet shall be permanently retired.

(2) 3,094 square feet shall be of Class 1, 2, or 3. All transferred coverage shall be from within Hydrologic Area 7. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

C. The Security required under Stand Condition l.2 of Attachment Q shall be $1000.00. Please see Attachment J, Security Procedures, for calculation of the required security administration fee.

D. A dewatering plan must be submitted per the approval letter for excavation TRPA File # 20060907 as ground water will likely be encountered. Acceptable dewatering includes discharging to sanitary sewers or trucking the water out of the basin.

4. Excavation equipment shall be limited to the proposed roadway outline to minimize site disturbance. No grading or excavation shall be permitted outside of the right of way. Staging in approved areas only.

5. No trees shall be removed (other than those shown on the approved site plan) or trimmed with out prior TRPA written approval. Any such removal or trimming shall constitute a violation of project approval. This permit specifically authorizes the removal of one 40 inch snag, one 46 inch snag, and one 48 inch snag.

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

END OF PERMIT
TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name: Tahoe Keys Waterline Replacement

Application Type: Public Service/Pipelines and Power Transmission

Applicant: Tahoe Keys Property Owners Association

Applicant's Representative: JWA Consulting Engineers, Inc.

Agency Planner: Patrick Dobbs, Assistant Planner

Location: Right of Way Crystal Court and Kokanee Way, Tahoe Keys, El Dorado County, California

Assessor's Parcel Number / File Number: 510-102-06/20060992

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: The Tahoe Keys Property Owners Association has proposed a waterline replacement within the right of way on Crystal Court and Kokanee Way. The existing waterlines were constructed approximately 40 years ago and lay at a depth of 8 to 10 feet. The age of the system and the depth of installation create significant difficulty during increasingly frequent repairs and maintenance. The proposed project will install 6 inch PVC pipe at a depth varying between 4.5 and 6 feet. A Soils/Hydrologic TRPA permit has been issued allowing the applicant to excavate to a depth of 6 feet pursuant to an approved dewatering plan in place on site (TRPA File Number 20060993). The existing line will be abandoned in place when the proposed line is connected at the project endpoints. The total length of this project will not exceed 1,311 linear feet. There are no new residential connections associated with this project; existing customers will be connected to the new water mains. Construction will occur between September 1 and October 15 of the grading season, typically the driest time of year.

Site Description: All construction will occur within the paved right of way on Crystal Court and Kokanee Way. This area of the Tahoe Keys is considered land capability class 6 for coverage purposes, however, for excavation purposes the area is designated as land capability class 1b, stream environment zone (SEZ). All excavated material will be stored on pavement within the right of way incorporating temporary Best Management Practices (BMP’s). Groundwater interception will be filtered through an approved dewatering system and discharged on the surface allowing for percolation. The project area is located within Plan Area Statement (PAS) 102 - Tahoe Keys, in which Public Service/Pipelines and power transmission projects are considered a special use and therefore require Hearings Officer Review.

Hearings Officer /PRD
Date

AGENDA ITEM NO. V.D.
Issues: According to Plan Area Statement 102, Tahoe Keys, Public Service/Pipelines and Power Transmission facilities is a special use and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue concerns excavation within Land Capability District 1b (SEZ) and groundwater interception. Section 64.7 of the TRPA Code of Ordinances prohibits excavation when ground water interception is anticipated. However, exceptions can be made when projects are determined necessary for public health and safety and there is no feasible alternative location. A Soils/Hydrologic TRPA permit has been issued to the applicant approving an excavation depth of 6 feet. (TRPA File Number 20060993)

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 64 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. No significant environmental impacts were identified. A copy of the completed checklist 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.)

2. Chapter 18 – Special Use Findings:
   (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.
(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.

(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 project is necessary to maintain the infrastructure of the Tahoe Keys subdivision. The proposed waterline will be sized the same as the existing line to appropriately serve the subdivision. The project will improve the reliability of water service in the area, and reduce the environmental impacts associated with the increasing maintenance requirements of the existing line. Outside of temporary inconveniences during the construction period, the project will be beneficial to the persons and property in the neighborhood and the general welfare of the region. The project will not change the character of the neighborhood and does not affect any planning considerations in the project area.

3. Chapter 64 – Excavation Findings:

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

A Soils/Hydrologic report has been reviewed by the TRPA and TRPA has approved a maximum excavation depth of 6 feet pursuant to an approved dewatering plan in place on site. (TRPA File Number 20060993)

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

All excavation will occur within the paved road right of way. No tree removal, alteration, or disturbance is permitted with this project.

(c) Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.
All excavation will occur within the right-of-way. There is no new disturbance authorized with this permit. The approved dewatering plan will satisfy Chapter 64 excavation requirements.

**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. Site Plans
PROJECT DESCRIPTION: Public Service/Pipelines and Power Transmission

PERMITTEE(S): Tahoe Keys Property Owners Association

APN: 510-102-06

FILE #20060992

COUNTY/LOCATION: El Dorado County/Right of Way Crystal Court and Kokanee Way, Tahoe Keys

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 31, 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 August 31, 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 THE PERMITTEE OBTAINS A CITY OF SOUTH LAKE TAHOE BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY OF SOUTH LAKE TAHOE BUILDING PERMIT.

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

Hearings Officer / PRD AGENDA ITEM NO. V.D.
August 31, 2006
Security Posted (1): Amount $ 5,000  Posted_______  Type______ Receipt No.______

Security Administrative Fee (2): Amount $_______ Paid_____Receipt No.______

Notes:
(1) See Special Condition 3. B. below.
(2) $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 replacement of existing six inch (6") asbestos concrete water pipeline with a six inch (6") PVC water line within the right of way of Crystal Court and Kokanee Way, located in Tahoe Keys. The total linear footage of PVC replacement lines will not exceed 1,311 feet. The existing pipe will be abandoned in place once the new pipe is connected at the project endpoints. This permit does not authorize any “new” service connections, nor does the permit authorize any new or relocated land coverage. All work will be done within existing disturbed areas of the right of way. Excavations shall not exceed six feet in depth.

2. The Standard Conditions 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 site plans shall be revised to include:

      (1) Identify staging areas for construction equipment and materials. All said staging areas shall be on pavement or compacted shoulders of the right of way.

      (2) Notation that all project related vehicles shall park on existing paved surfaces or existing compacted road shoulders.

      (3) Site plans shall identify existing/resultant easements from the replaced water pipeline within the project area.

      (4) The CALL USA phone number to locate existing utilities shall be identified on the site plan.
(5) 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).

B. The security required under Standard Condition 1.B of Attachment Q shall be
$5,000.00. A security administration fee shall also be submitted. Please see
Attachment J, Security Procedures for appropriate ways to post a security and for
the required Security Administration Fee.

C. A Dust Control Plan shall be submitted by the applicant to minimize air quality
impacts associated with overall grading activities, including stockpiling of earthen
materials, transport and disposal of earthen materials. The Plan shall include
methods for routine sweeping of roads, watering of roads and exposed dirt areas,
and the covering of stockpiled and transported materials. The Plan shall also
prescribe methods for minimizing construction related vehicle and equipment
emissions during the construction phases of this project.

D. The permittee shall provide a Dewatering Plan for all excavation work within
Class 1b (SEZ) areas, in accordance with Chapter 64 standards of TRPA Code.
The Dewatering Plan shall be approved by TRPA prior to scheduling a permit
acknowledgement appointment.

E. Permitee shall submit three sets of the final site plans.

4. The permittee shall submit a project construction completion schedule to TRPA prior
to commencement of construction.

5. No trees are authorized to be removed as a part of this permit.

6. Temporary erosion control structures must be maintained until stockpiles are
removed area has been cleaned. Temporary erosion control structures shall be
removed once the stockpiles are removed and cleaned or upon receiving approval
by a TRPA Compliance Inspector.

7. Asphalt cuttings and soil tracked onto pavement shall be removed through regular
sweeping at the end of each business day.

8. The affected roadways will be subject to controlled traffic conditions during certain
times of project construction.

9. The temporary construction signs shall comply with the requirements of Section

14. All vehicles shall be parked on existing paved surfaces.

15. It is the permittees responsibility to receive authorization and obtain any necessary
permits from any other responsible agencies, for the proposed project.

END OF PERMIT
MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION:  Waterline Replacement  APN: 510-102-06

PERMITTEE(S): Tahoe Keys Property Owners Association  FILE #20060992

COUNTY/LOCATION:  El Dorado County / Right of Way Crystal Court and Kokanee Way, Tahoe Keys

Staff Analysis:  In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project.  On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination:  Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

_________________________________________          _________________
TRPA Chairman or Executive Director/Designee   Date
Project Name: UC Davis Fish Hatchery Renovation

Application Type: Public Service & Historic Resource Renovation

Applicant: UC Davis

Applicant’s Representative: Lew Feldman

Agency Planner: Lyn Barnett, AICP, Chief, Environmental Review Services

Contract Plan Reviewer: Jay Kniep, AICP

Location: 2500 North Lake Blvd., Placer County, California

Assessor’s Parcel Number / File Number: APN 093-020-10 / 20060414

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: The proposed project consists of renovating a former fish hatchery building that has been used for 35 years by UC Davis researchers as the laboratory, laboratory support, and administration facility for environmental science programs in the northern Sierra Nevada, including the Tahoe Basin. Independent of the proposed project, many of these laboratory functions are being relocated to the Tahoe Center for Environmental Science (TCES), a joint project between UC Davis and Sierra Nevada College in Incline Village, Nevada. The former fish hatchery will continue to be used, but with reduced laboratory, office and meeting functions: the hatchery building will become a small field support laboratory to prepare and process water samples taken from Lake Tahoe and nearby streams, and a shop for building and storing the equipment used to collect samples. The current and proposed land use is Threshold Related Research Facilities.

The proposed project includes a general upgrade of the existing hatchery building to bring the structure in compliance with current building codes, as well as construction of rooms for storage, research support, and administration within the existing structure. Four outbuildings and a trailer currently on the site will be demolished and removed. These buildings were constructed later than the main hatchery building and, according to the applicant, do not have historic value. One outbuilding, currently used as a boathouse will be replaced with a new boathouse. Building upgrades include structural reinforcements, a new roof, new windows, exterior repair, and installation of a fire safety system.
Also, as a part of the project, approximately 5,804 square feet (SF) of coverage is proposed to be removed, and the area restored and revegetated to natural conditions.

**Site Description:** The project site is located at the intersection of North Lake Boulevard (State Route 28) and Lake Forest Road, east of Tahoe City. The parcel is in TRPA Plan Area 006 - Fish Hatchery. Threshold Related Research Facilities is a special use within the PAS.

The verified land capability districts within the project area are Class 5, Class 3 and Class 1b (SEZ). Base allowable coverage on the 124,604 square foot (SF) site is 6,798 SF, while legally existing coverage is 20,167 SF.

The site is visible from North Lake Blvd. (SR28), a scenic highway. The primary fish hatchery building is readily visible from the highway. The existing on-site vegetation and trees are in a natural state and are to be maintained. The proposed project would not require removal of any existing trees. As a result of removal of outbuildings and some existing pavement, the project would result in a net increase in SEZ habitat on the site.

**Issues:** The proposed project involves renovating a TRPA designated historic resource and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. **Historic Resource:** The fish hatchery building, though not listed on either the California or the Federal historic resource registers, is eligible for listing. It is a TRPA-designated historic resource due to its historic and scenic values. Chapter 29 of the TRPA Code provides for the protection of significant historical resources such as the fish hatchery. Section 29.2 prohibits significant alteration of such resources unless TRPA has approved a resource protection plan to protect the historic resources. In addition, Section 29.6 sets forth criteria for projects relating to historic resources. Sections 29.6.B and D require reconstruction projects to be in accordance with the U.S. Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

   The applicant has submitted a proposed resource protection plan prepared by an experienced preservation architect. The plan evaluates the proposed project with respect to the U.S. Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The plan/report concludes that the proposed project is “…generally consistent with the Historic Design Intent and the Secretary of the Interior’s Standards.”

2. **Land Coverage:** As noted in the site description, the project site Class 5, 3 and 1b soils. The allowed base coverage for the site is 6,798 SF while the existing coverage is 20,167 SF. As part of the renovation project, 5,804 SF of coverage is proposed to be removed. Areas of removed coverage will be revegetated in accordance with Code Section 20.4.C. The coverage reduction will include approximately 3,503 SF of coverage in Class 5 and approximately 2,301 SF of coverage in Class 1b (SEZ).

   The project also proposes the relocation of land coverage, some of which will occur within Class 1b (SEZ). TRPA Code Section 20.5.C allows the relocation of coverage subject to certain findings, including special findings for relocation within an SEZ.

Hearings Officer / LB 
AGENDA ITEM NO. V.E. 
August 31, 2006
The proposed project intends to meet the 1.5:1 coverage retirement to relocation standard for SEZ coverage relocation provided in Code Section 20.5.C(4)(b). The project is proposing to relocate approximately 962 SF of land coverage located in the SEZ; although the project statistics show 1,443 SF of coverage (962 x 1.5 = 1,443) included for the relocated coverage. The required coverage relocation findings are detailed in the Chapter 20 portion of the Required Findings discussion.

3. **Excavation in SEZ**: The outbuildings proposed for removal and a significant amount of existing gravel and paved parking are located within the mapped SEZ. The proposed new boathouse is also located within the area mapped as SEZ. Although no excavation beyond five feet in depth is proposed, demolition, excavation and construction within the SEZ may encounter high groundwater. The applicant has submitted data documenting groundwater at a depth of 1.2 feet in September 1999 at a monitoring well near the proposed boathouse site. Due to the probability encountering groundwater, the excavation limitations set forth in Code Section 64.7 will be applied to the project. Section 64.7.A (2) (a) allows TRPA to approve excavations to intercept groundwater to the minimum depth required for construction per the applicable building code which would be the case for the new boathouse. Section 64.7.A (2) (e) permits interception for the improvement of water quality which would apply for all the coverage removal project components.

4. **Building Height**: No change in height is proposed in the renovation of the fish hatchery building. The slope across the building site is 4 percent and the predominant roof pitch is 15:12 allowing a maximum height of 37 feet per Table A in Chapter 22. The existing and proposed building height is 42.8 feet. As per Code Section 22.8, the renovation project does not entail demolishing the existing building, the existing roof/building height is a unique characteristic of the historic structure, and the repairs proposed do not make it feasible to comply with the height standards set forth in Chapter 22. The proposed new boathouse will be required to comply with the height standard.

5. **Traffic/Air Quality Impacts**: As noted above, the level of activity at the hatchery will decrease due to the relocation of several operations to the new Tahoe Center for Environmental Sciences building at Sierra Nevada College’s Lake Campus. Estimated trips were calculated using he Research Center trip rate from the TRPA Trip Table. Daily trips at the project site are expected to decrease from 21 to 16 daily vehicle trip ends (DVTE).

According to the environmental analysis prepared for the laboratory relocation, the current research activities at the fish hatchery site result in low air pollutant emissions due to the low volume of chemical use. No specific testing on the fish hatchery site has been conducted to determine the actual air quality levels because the facility will not emit harmful quantities of pollutants. There are no homes or schools in the immediate vicinity of the fish hatchery site that would be considered sensitive receptors.

Research activities requiring the use of a fume hood currently occur on site, and will continue to occur with or without the proposed project. However, the proposed project would install a new fume hood within the laboratory, which would provide additional air quality protection over the levels afforded by the existing fume hood.
An air quality and health risk assessment was performed for the environmental analysis of the TCES project, which demonstrated that research activities (including the research shifted from the fish hatchery) at the new TCES would not pose significant air quality impacts or health risks to sensitive receptors near the project or in the Tahoe Basin.

6. **Scenic Impacts:** The fish hatchery building is visible from North Lake Blvd. (SR28) a scenic highway, thus the project will affect the scenic quality of the highway. The proposed colors and materials for the project have been reviewed by the TRPA Scenic Program Manager who found them acceptable for the project. The project also includes additional landscaping and a general 'clean-up' of dilapidated structures on the site which will improve its scenic quality.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 20 and 64 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.

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

   (b) 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.

   (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.

2. **Chapter 18 – Special Use Findings:**

   (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 proposed project will perpetuate the existing use in improved structures without significant modifications to the nature, scale, intensity or type of use at the site. The proposed project will not appreciably change the physical environment of the site or its surroundings, except to improve on-site facilities.

(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 project will utilize the existing facilities at the site and not significantly change the environment of the parcel or the surrounding properties, except to improve on-site facilities. The improved facilities will include complete BMPs for the site utilizing best available technology for high groundwater conditions which will increase protection of water resources. There are no impacts to the surrounding area which require mitigation. No impacts to health, safety and general welfare, or land, water or air resources are associated with the project.

(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 project is located in Plan Area 006 which has housed the proposed use for decades. The proposed public service use is a special use for the Plan Area. Continuing use of the site with renovated or new facilities will not change the character of the neighborhood, nor will it generate excessive traffic volumes or other impacts which could be detrimental to the area.

3. Chapter 20 – Coverage Relocation Findings:

Sec. 20.5.C Coverage Relocation

(1) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

(a) Whether the area of relocation already has been disturbed.

Much of the area surrounding the existing improvements is disturbed and the areas of new coverage are immediately adjacent to the existing coverage. The areas of relocation tend to be narrow strips which will allow for access and parking areas which meet current standards.

(b) The slope and natural vegetation on the area of relocation.

The slope in the areas of relocation is slight and there is little natural vegetation in the areas on the fringes of existing coverage.
(c) The fragility of the soil on the area of relocation. Class 5 relocation is to other areas within Class 5. Class 1b relocation is treated separately, see below.

(d) Whether the area of relocation appropriately fits the scheme of use of the property. The areas of relocation are immediately adjacent to existing disturbed areas to create appropriately sized and designed parking and access ways. The relocated coverage allows a much more organized and efficient use of the site.

(e) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore. The SEZ relocation is away from the meadow area on the property.

(f) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5. Excess coverage will be mitigated in accordance with Section 20.5.

(2) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C. The areas from which coverage will be removed will be landscaped and restored in accordance with Code requirements.

(3) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district. The relocations from Class 5 are entirely within Class 5. Class 1b relocations are calculated and addressed separately.

(4) If the relocation from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

(a) Relocation of coverage from a less disturbed area to a more disturbed area to an area further away from the stream channel.

(b) Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or

(c) For project involving the relocation of more than 1,000 SF. of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that relocation will improve the functioning of the stream zone and will not negatively affect the quality of existing habitats.
The SEZ coverage relocation is to an area further from the on-site meadow and closer to the developed areas of the site. The amount of coverage being relocated is 962 SF, less than the 1,000 SF threshold for requiring a report by a qualified professional. The project proposes to provide a net benefit to the SEZ by complying with the 1.5:1 standard in subparagraph (b).

4. Chapter 64 – Grading Standards:

Sec. 64.7.A Excavation Limitations

(2) TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

(a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;

Construction of the new boathouse will require a new foundation which will extend not more than three feet below existing grade. This is the minimum depth required to construct the structure and meet CA Building Code requirements.

(e) It is a necessary measure for the protection or improvement of water quality;

Removal of existing gravel and paved parking areas in the SEZ which will be revegetated requires excavation approximately one foot below existing grade. Removal of these materials is necessary to establish the revegetation and achieve water quality improvements associated with reduced coverage within the SEZ.

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. Proposed Plans
3. Proposed Resource Protection Plan
Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 31, 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 August 31, 2009 without further notice unless the use 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. 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 USE 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 CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND
(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.

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 ________________
Excess Coverage Mitigation Fee (1): Amount $________ Paid _____ Receipt No.______

Security Posted (2): Amount $________ Type ___ Paid _____ Receipt No.______

Security Administrative Fee (3): Amount $________ Paid _____ Receipt No.______

Notes:
1. See Special Condition 3.D, below.
2. See Special Condition 3.C, below.
3. $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 renovation of the existing hatchery building to bring the structure in compliance with current building codes, as well as construction of rooms for storage, research support, and administration within the existing structure. Four outbuildings and a trailer currently on the site will be demolished and removed. One outbuilding, currently used as a boathouse will be replaced with a new boathouse. Building upgrades include structural reinforcements, a new roof, new windows, exterior repair, and installation of a fire safety system. The project also includes reconfiguration of the parking areas and site access ways, and landscape improvements.

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

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 and stairs.
(2) All existing and/or proposed BMPS to infiltrate runoff consistent with Chapter 25 of the TRPA Code of Ordinances.

(3) 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.”

(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) Dripline infiltration trenches, sized 18" wide x 8" deep, constructed beneath all roof driplines.

(6) Temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or 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 required.

(7) Vegetation protective fencing around the entire construction site. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

(8) Parking barriers, wood bollards or similar features, to restrict parking to approved parking surfaces only.

(9) The location and design of all proposed fences, if any.

(10) The location and design of all proposed exterior lighting.

(11) A snow storage area consistent with Section 30.5.C of the TRPA Code of Ordinances and TRPA Design Guidelines.

(12) Identification of the equipment, material and machinery staging and materials storage locations. All construction staging shall be on existing coverage.

B. An excavation/disposal plan shall be submitted for TRPA approval, indicating the amount of material to be removed and the disposal location. The excavation plan shall also include a contingency de-watering plan to be implemented if groundwater is encountered during excavation. The plan shall also identify the source of any backfill that will be imported to the site.
If groundwater is intercepted, the excavation will stop, TRPA will be contacted immediately, and the dewatering system will be implemented immediately. The Dewatering Plan will include the following:

1. Install dewatering system complete with pump equipment, valves, appurtenances, and water disposal piping.
2. Dispose of water removed during dewatering activities by either:
   - Hauling water off-site.
   - Filter the water through a dirt bag to remove sediment. The dirt bag shall discharge sediment free water onto an approved vegetated area. The dirt bag shall be adequately sized to remove sediment. All Best Management Practices shall be in accordance with the TRPA “Handbook of Best Management Practices”.
3. Remove dewatering system from site upon completion of dewatering.

C. The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. These BMPs shall incorporate “best available technology” for treatment and infiltration of runoff recognizing the high groundwater conditions on-site. The security required under Standard Condition I.2 of Attachment Q shall be determined using the submitted cost estimate. The security shall be equal to 110 percent of this cost estimate. In no case shall the security be less than $5,000.00. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative fee.

D. The affected property has 13,369 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 8 (Tahoe City) or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage identified in Table A (see attached) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula (1) above) multiplied by the coverage mitigation cost fee of $12.00 per square foot for Nevada projects and $6.50 for California projects. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.
E. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area. Construction staging areas shall be identified for each phase of construction.

F. The permittee shall submit calculations stamped by the project engineer demonstrating that the existing/proposed BMPs are sized appropriately for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.

G. The permittee shall submit a maintenance schedule for all BMPs within the project area.

H. The permittee shall submit documentation prepared by a qualified professional substantiating that the outbuildings proposed for removal do not contribute to the historic resource of the fish hatchery. If this cannot be substantiated, additional project review to determine compliance with TRPA Code Section 29.6.C shall be required.

I. The permittee shall submit a landscape/revegetation plan and a fertilizer management plan for the project area in accordance with the standards of Sections 30.7 and 81.7 of the TRPA Code of Ordinances. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code, including the specification for sizing and species of plants.

J. 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 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. Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

2. **Roofs:** Roofs shall be composed of non-glare earthtone 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.

Final colors and materials selected for the project shall be consistent with the samples submitted with the project application.

K. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.
4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area. Construction staging areas shall be identified for each phase of construction.

5. No trees are authorized for removal as part of this permit. 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.

6. 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.

7. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

8. Any and all new signs or changes to existing signs associated with the project shall be reviewed and approved prior to installation.

9. The 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
MEMO

TO: Todd Lankenau
Lundahl and Associates, Architects
9444 Double R Blvd., Suite B
Reno, NV 89521

FROM: Burton Peek Edwards


PROJECT: Tahoe Fish Hatchery Renovation
UC Davis Project # 951110

RE: Resource Protection Plan: Tahoe Fish Hatchery
per TRPA Code, Chapter 29, Sections 29.2.A and 29.2.B

The Tahoe Fish Hatchery, although not listed on either the California Register of Historical Resources or the National Register of Historic Places, has been identified as an historic structure in the Lake Tahoe Region. The Design Intent of this project is to recognize the building’s historic stature and proceed with renovations accordingly. The Secretary of the Interior’s Standards for the Treatment of Historic Properties, Guidelines for Rehabilitating Historic Structures (abbreviated version attached) are considered to be the basic resource for work of this kind. In the most general of terms, the Guidelines recommend retention of as much of the original historic fabric as possible and replacement in kind when existing materials are no longer repairable. Furthermore, the Guidelines recommend that where new material, alterations and additions occur that they be sympathetic in design and at the same time clearly distinguishable from the original structure.

The rehabilitation work at the Hatchery can be divided into three areas: Exterior, Interior and Addition (the proposed Boat House). Landscape elements could be considered to comprise a fourth area.

Exterior:
Most of the exterior finish materials require significant repair after approximately eighty-five years of service. Accordingly, the stone base is to be re-pointed as required with a matching mortar; the incense cedar bark cladding of the walls will be replaced in kind; the doors are to be repaired and/or re-placed in kind and the wooden windows will be replaced in kind. The current roll-up garage door at the west elevation is to be replaced by a pair of doors consistent with the original design. The existing non-historic single door at the east elevation is to be replaced with a pair of doors – modeled on the original west doors. Prior to finally settling on this configuration; programmatic requirements will be reconsidered and only as they absolutely mandate this change will they be considered. Rusticated columns and railings at the main (north) entry will be repaired or replaced in kind. The one element of significant material change will occur at the roof. The original roof was wood shake. This shake

1 1295 59th Street Emeryville, CA 94608 510/547-8092 Fax 510/547-2604 info@SiegelStrain.com

ATTACHMENT C
roof was long ago replaced by an asphalt composition roof. This visually prominent green roof has been an identifying feature of the building for generations of Tahoe residents and visitors. It has therefore acquired a significance of its own, over time. It would thus be appropriate to replace it in kind (green, composition shingle), or with a material that has a similar visual impact, rather than to install a new wooden shake roof to match the original.

Interior:
The interior has been subject to numerous minor alterations over the years, however its two most prominent features remain essentially intact: the exposed roof sheathing/trusses and the scored concrete floor including the recessed water channels. The intent of the project is that these two features will be repaired with minimal alteration. Other aspects of the interior will change substantially, but these are for the most part, not original to the building. It is important however, that any changes be consistent with the character of the original building even though they will be constructed from more modern materials. There is some concern regarding the lighting of the high bay and other finish materials, but not enough information is available at this time for a complete analysis.

Addition:
The Boat House, as an out building on the site, is an appropriate addition to the Fish Hatchery. It’s size and proportions appear complimentary. Current changes made to the Construction Documents set of drawings now indicate a simple roof form (gable) and wood board and batten siding which compliment the original building without mimicking it. This allows the Boat House, as a new addition, to be clearly distinguishable from the Fish Hatchery and not suggest, by its design, that it was one of the original structures on the site.

Landscape:
Only limited details are currently available for the proposed landscape. The general layout seems sympathetic to the historic design with the possible exception of the curved seating area at the north entrance. This may however be programmatically appropriate for the proposed use and is easily reversible in the future should a future restoration be undertaken.

Summary:
The proposed renovations to the Tahoe Fish Hatchery and Site appear to be generally consistent with the Historic Design Intent and the Secretary of the Interior’s Standards.

Attachments:
Secretary of the Interior’s Standards for Rehabilitation
Burton Peak Edwards, AIA, Bio Statement
THE SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION *

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

(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 historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severe deterioration requires replacement of a distinctive feature, the new feature shall match the original 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 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.

BURTON PEEK EDWARDS, AIA, SENIOR ASSOCIATE

Relevant Experience
› Preservation Architect – Stewardship & Sustainability Center, Presidio, San Francisco
› Preservation Architect – Tahoe Fish Hatchery - UC Davis Field Station, Tahoe City, CA
› Preservation Architect – Albany Veterans' Memorial Building – City of Albany, CA
› Project Architect – Laguna Learning Center, LdSR Foundation, Santa Rosa, CA
› Project Architect – New City Hall, Orinda, CA
› Project Architect – Indian Cultural Center, Yosemite National Park
› Project Architect – Washington Township Veterans’ Memorial Building - Fremont, CA
› Historic Resources Consultant - Multiple Historic Structure Reports - UC Berkeley

Career Profile
Burton Edwards takes the lead role for Siegel & Strain’s historic projects. He has been Project Manager and Preservation Architect for commercial, institutional and historic projects throughout the state.

Prior to joining Siegel & Strain, Mr. Edwards headed his own firm specializing in residential design and historic preservation. Through his earlier affiliations he won awards from The National Trust for Historic Preservation, Berkeley Architectural Heritage Association, and Oakland Heritage Alliance. His work has been published in New Architecture San Francisco and has also appeared on the cover of Metropolitan Home. Mr. Edwards recently completed a series of Historic Structure Reports for the University of California, Berkeley.

Mr. Edwards is an active participant in Historic Preservation and civic design issues. He recently completed nearly eight years of service on the City of Berkeley Landmarks Preservation Commission (Chair 1999-2001) and continues to lead the city's Design Review Committee (Chair 1999-2001 and 2004–2006). He co-founded and serves as president of the Building Conservancy of Northern California – a non-profit dedicated to the preservation and restoration of historic properties.

Education
› Bachelor of Arts, Architectural History, Stanford University, CA 1972
› Graduate Studies in Architectural History, Yale University, CT 1974-76
› Master of Architecture, University of California, Berkeley, CA 1979
› Certificate in Project Management, University of California, Berkeley, CA 1994
› Bachelor of Fine Arts, Painting and Drawing, CCAC, Oakland, CA 2003

Professional Registration & Affiliations
Licensed to practice architecture in California (C 17465)
Building Conservancy of Northern California, founder, president
Berkeley Architectural Heritage Association
California Preservation Foundation
National Trust for Historic Preservation
Society of Architectural Historians
Association for Preservation Technology
TAHOE REGIONAL PLANNING AGENCY

TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name: New Monopine Wireless Communications Facility

Application Type: New Transmission and Receiving Facilities

Applicant: Verizon Wireless

Applicant’s Representative: Erin Merrill

Agency Planner: Lyn Barnett, AICP, Chief, Environmental Review Services

Location: 687 Wilson Way, Incline Village, Washoe County, Nevada

Assessor's Parcel Number / File Number: APN 128-352-01 / 20060100

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: The proposed project is the installation of a new 126-foot ‘monopine’ wireless communications tower and a 360 square foot equipment building adjacent to an existing building at the Incline Village Mountain Course Golf Course. A total of 12 panel antennas are proposed to be located at the 116-foot elevation on the tower as shown on the submitted project plans. The structure includes space for two six-foot diameter microwave dish antennas just below the panel antennas which may be added in the future. The tower is a ‘monopine’ design intended to simulate the appearance of a pine tree. The exterior of the tower is to be constructed with artificial bark up to 47 feet elevation, and branches beginning at 42 feet, with simulated pine needles of natural subdued earthtone colors to match the surrounding Jeffrey pine forest. The 360 SF equipment shelter will be placed on a slab adjacent to the existing golf course pro shop. The building will contain electrical equipment and a backup generator. Both the tower and electrical equipment will be located within the identified 1,545 square foot lease area as shown on the site plan. A 10-foot wide temporary access and utility easement area is proposed from the existing parking lot to the project site area as shown on the site plans. This area will be restored to a natural condition after construction of the project is complete. The proposed project will create 1,049 SF of new coverage.

Site Description: The Incline Village General Improvement District (IVGID) owns the project site and operates an existing golf course with pro shop and parking on the subject parcel, which is accessed off Mount Rose Highway (SR-431) via Golfers Pass Road to Wilson Way. The antenna site is in a wooded area immediately adjacent to the existing pro shop and parking lot, while the project area includes three parcels that have been combined for

Hearings Officer / LB

AGENDA ITEM NO. V.F

August 31, 2006
purposes of land coverage and density by a TRPA Deed Restriction. The entire project area totals over 68 acres of golf course winding through a residential area. The project area has been verified with Class 1b (SEZ), 4 and 6 soils. The proposed antenna site is located in Class 6 soils; no Class 1b (SEZ) is nearby or will be affected by the project.

The project area is within the boundaries of PAS 041 – Incline Village #3. Base allowable coverage on the 68 acre project area is 571,398 SF, while legally existing coverage is 133,694 SF. The site is visible from Mt. Rose Hwy. (SR-431), a scenic highway.

Issues: The proposed project involves establishing a Special Use (transmission and receiving facilities) within PAS 41 and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issue is:

1. **Scenic Impacts:** The project is visible from Scenic Roadway Unit #23. The applicant has provided photosimulations of the proposed project including the view from Mt. Rose Highway. These depict the proposed project blending with the surrounding pine forest as viewed from the highway and golf course. The simulations have been reviewed by the TRPA Scenic Program Manager who found the design acceptable and recommended submittal of color and material samples for approval with permit acknowledgement. This recommendation has been included in the permit conditions.

2. **Depth of Excavation:** No information was provided in the application regarding the depth of excavation required to place the tower. Should final plans indicate an excavation depth greater than five feet, TRPA approval of a Soils/Hydrology Report per TRPA Code Section 64.7.B will be required.

Staff Analysis:

1. **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.

2. **Plan Area Statement:** The project is located within Plan Area Statement 041, Incline Village #3. The Land Use Classification is residential, and the Management Strategy is mitigation. Agency staff has reviewed the subject Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed project is listed as a special use.

3. **Land Coverage:** The subject project area is located within the Class 6, Class 4, and Class 1b (SEZ) land capability districts. The proposed project will be located entirely within a Class 6 area. The total project area has an allowable base coverage of 571,398 square feet. There is 133,694 square feet of existing coverage within the project area, including 8,675 square feet within the Class 6 areas. The project proposes an additional 1,049 square feet, for a total of 9,724 square feet within the Class 6 area. After project implementation, there will
remain 108,862 square feet of allowable Class 6 base coverage within the project area. There is no proposed new coverage within the Class 1b area of the project area.

4. **Height:** The proposed monopine communications tower will be 126 feet in height. The maximum height specified in Section 22.5 of TRPA Code may be increased for communication towers subject to findings 4 and 7 of Section 22.7. See the Findings section of this staff summary for further discussion.

**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. **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.

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

   (b) 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.

   (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.

2. **Chapter 18 – Special Use Findings:**

   (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 proposed project will utilize an existing development site to support a new public service facility without significant modifications. The proposed project will create only a minor change in coverage, well within allowable coverage in the project area. The wireless antenna will be disguised as a pine tree so that it will visually blend with the current nature, scale, density,
intensity and type of use of the parcel and surrounding area. The proposed project will not appreciably change the physical environment of the site or its surroundings.

(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 project will not significantly change the environment of the parcel or the surrounding properties. No impacts to health, safety and general welfare, or land, water or air resources are anticipated with the project.

(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 project, as conditioned, will not change the character of the neighborhood because it has been designed to blend with the existing environment. It is located in Plan Area 041 which is a predominately residential area although it also includes the previous Sierra Nevada College campus site and the golf course. The proposed communications facility use is a special use for the Plan Area. Adding this small public service use will not detrimentally affect or alter the purpose of the applicable planning area statement.

3. Chapter 22 – Additional Height Findings:

Sec. 22.6 Additional Height for Certain Structures: The maximum height specified in Section 22.5 may be increased for communications towers, antennas, utility poles, special features of public safety facilities, ski lift towers, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this section if TRPA makes findings (4) and (7) as set forth in Section 22.7.

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

The function of the structure does require a greater maximum height than otherwise provided for in the chapter.

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

The additional height is required to make the structure functional.
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. Proposed Plans
PERMIT

PROJECT DESCRIPTION: New Wireless Communications Tower Recovery Center

APN: 128-352-01

PERMITTEE(S): Verizon Wireless

FILE #20060100

COUNTY/LOCATION: Washoe / 687 Wilson Way, Incline Village

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 31, 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 August 31, 2009 without further notice unless the use 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. 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; AND

(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.

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

Hearings Officer / LB
AGENDA ITEM NO. V. F.
August 31, 2006
D-R-A-F-T

APN: 128-357-01
FILE NO. 20060100

Water Quality Mitigation Fee (1): Amount $1,615.46 Paid _____ Receipt No.______

Security Posted (2): Amount $3,000.00 Type ___ Paid _____ Receipt No.______

Security Administrative Fee (3): Amount $_______ Paid _____ Receipt No.______

Notes:
   (1) See Special Condition 3.C, below.
   (2) See Special Condition 3.B, below.
   (3) $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 installation of a new 126-foot monopine wireless communications tower within the subject parcel. A total of 12 antennas are proposed to be located on the tower as shown on the submitted site plans. The exterior of the lower portion of the tower is to be constructed with artificial bark to approximately 47 feet above grade, with branches beginning at 42 feet above grade and continuing to the top, with pine needles of natural subdued earthtone colors to match the surrounding Jeffrey pine forest. A 360 square foot equipment building is also approved adjacent to the tower to contain electrical equipment and an emergency power generator. The building shall also be natural subdued earthtone colors. Both the tower and electrical equipment building will be located within the identified 1,545 square foot lease area as shown on the site plan.

A 10-foot wide temporary access and utility installation area is approved from the existing parking lot to the project site area as shown on the site plans. This area will be used for temporary vehicle access during construction, and will be restored to a natural condition after construction of the project is complete.

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 site plan shall be revised to include:

(1) Location of all recorded easements inherent to the property or resulting from this project. The creation of an easement with this permit, if any, does not constitute approval of paved access within that easement. The identification of the temporary access area shall be revised on the site plans. Notation shall be provided that this area is to be used for temporary access during project construction, to be restored to a natural condition after project construction.

(2) A note detailing the required grading for the project, including volume of cut and fill materials as well as area affected, and describe any disposal of materials as consistent with Section 64.5 of TRPA Code.

(3) The maximum depth of grading shall not exceed 5 feet below ground surface without approval of a Soils/Hydrology Report per Section 64.7.B of the TRPA Code.

(4) Note that all excavation equipment shall be limited to the footprint of the foundation slabs as identified on the site plans to minimize site disturbance, and no grading or excavation shall be permitted outside of this area.

(5) Note identifying the construction staging area on the site plan.

(6) A written and schematic temporary BMP plan that identifies specific erosion control measures. Temporary BMPs shall include the use of coir logs located downslope of the proposed construction, no more than 10 feet from the edge of construction area; notes indicating that there will be no storage of excavated material on site; and indication that the fill material will be disposed of in a TRPA approved location. Include a coir log detail on the detail sheet and TRPA approved vegetation fencing around the construction site.

(7) A Revegetation Plan shall be provided for restoration of the temporary access area. The plan shall identify the location of area to be revegetated and type of proposed plant species, with the TRPA Handbook of Best Management Practices Approved Plant List.

(8) Location of any proposed fences.

(9) 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.

(10) Subdued colors of earhtone ranges shall be used for the primary color of structures. See Section 30.6.A (3) of the TRPA Code; see Appendix G, TRPA Approved Earhtone Colors, of the Design Review Guidelines.

Color and material samples for all proposed improvements shall be provided to TRPA for final approval.

The final construction drawings shall have notes indicating conformance to the following design standards:

(a) **Color**: The color of the tower and all adjacent electrical equipment, including any fences on the property, shall be compatible with the existing surrounding vegetation. Subdued colors in the earhtone and woodtone ranges, consistent with the pine forest setting, shall be used for the primary color(s) of the structure(s). Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Appropriate earhtone colors for the project site are considered to be shades of reddish brown, brown, medium and dark green, and umber. The Munsell Color charts, located at the TRPA office, provide a reference for the appropriate range of earhtone colors approvable by TRPA to match surrounding vegetation.

(b) **Fences**: If any fences are proposed, 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.

(c) Indication that all mechanical equipment shall be painted to blend with the surrounding environment with a non-reflective surface.

(11) 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 mulch may enhance vegetative establishment."

(12) No trees are authorized for removal as part of this permit.

(13) The site plans shall provide details for the installation of required permanent BMPs for the proposed new structures as well as any existing improvements which do not have the required BMPs. Details for roof dripline trenches shall be provided, including
drainage calculations demonstrating that the proposed infiltration trenches are sized accordingly to capture and infiltrate a 20 year/1 hour storm event. The parcel is located within the Third Creek Watershed, which is a Priority One Watershed. Priority One Watersheds were required to have all permanent BMPs installed as of October 15, 2000, pursuant to Chapter 25 of TRPA Code.

B. The security required under Standard Condition I.2 of Attachment Q and Section 8.8 of the TRPA Code of Ordinances shall be $3,000.00. Please see Attachment J, Security Procedures.

C. A water quality mitigation fee of $1,615.46 shall be paid to TRPA. This fee is based on the creation of 1,049 square feet of base allowable land coverage at a rate of $1.54/SF.

D. The permittee shall submit three sets of final construction drawings and site plans.

4. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed. Any such removal or trimming shall constitute a violation of project approval.

5. No exterior lighting is shown on the proposed plans. No exterior lighting is approved with this project.

6. All excavated material shall be hauled away from the site to a legally acceptable location. No fills, or re-contouring, other than backfill for cut-retaining structures, shall be allowed.

7. Blasting of rocks, if necessary, should be kept to an absolute minimum to protect public safety and to avoid damage to adjacent property, surrounding rocks and vegetation. TRPA is not the lead agency regulating blasting and it is the permittee’s responsibility to obtain any and all necessary permits and approvals from other regulatory agencies prior to any blasting. TRPA shall be held harmless per General Condition III.R of Attachment Q with respect to any blasting conducted with the project.

8. If groundwater is intercepted during excavation and TRPA staff is not present, then the applicant shall immediately notify the TRPA and the excavation and foundation design shall be immediately revised to not intercept groundwater. The revised depth shall be subject to approval by TRPA staff.

9. The 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
MEMORANDUM

August 24, 2006

To: TRPA Hearing’s Officer
From: TRPA Staff
Subject: Chinquapin HOA Land Capability Challenge, 3600 North Lake Blvd. Placer County APN: 093-620-47

Proposed Action: The applicant, the Chinquapin HOA, requests that the TRPA Hearing’s Officer review and approve the proposed Land Capability Challenge on a specified upland portion the affected parcel.

Staff Recommendation: The staff recommends that the TRPA Hearing’s Officer approve the land capability challenge for the upland portion of the parcel changing the land capability classes from 1a, 3 and 5 to classes 2, 4 and 6.

The Stream Environment Zone and Backshore determinations are not included in this staff summary recommendation and will be confirmed with the up coming second phase of this Land Capability Challenge.

Background: The first portion of land being challenged on this parcel is shown as land capability classes 1a, 3 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this upland portion of the parcel within the JhC (Jabu, stony sandy loam, 2-9 percent slopes), UmE (Umpa very stony sandy loam, 15 to 30 percent) and FuD (Fugawee very stony sandy loam, 2 to 15 percent) soil map units. The JhC, UmE and FuD soil map units are consistent with the D1 and E2 (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) geomorphic unit classification. The Jabu, Umpa and Fugawee soils formed in residuum and alluvium derived from mixed andesitic sources.

Land capability verification was never conducted on this property. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: The parcel is mapped within geomorphic unit the D1 and E2 (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff. Based on multiple soil auger samples, a representative soil profile was described (see Attachment A). After the visit to the parcel on July 18, 2006 the soils on the challenged portion of APN: 093-620-47 were determined to be consistent with land capability classes 2, 4 and 6, 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).
Attachment A

SOIL INVESTIGATION FOR
PLACER COUNTY APN: 093-620-47, 3600 North Lake Blvd.

INTRODUCTION
A soil investigation was conducted on APN: 093-620-47 in Placer County on July 18, 2006. Land capability verification was never conducted by TRPA staff on this parcel.

ENVIRONMENTAL SETTING
The first portion of the parcel being challenged is shown as land capability class 1a, 3 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the JhC (Jabu, stony sandy loam, 2-9 percent slopes), UmE (Umpa very stony sandy loam, 15 to 30 percent) and FuD (Fugawee very stony sandy loam, 2 to 15 percent) soil map units. The JhC, UmE and FuD soil map units are consistent with the D1 and E2 (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) geomorphic unit classification. The Jabu, Umpa and Fugawee soils formed in residuum and alluvium derived from mixed andesitic sources.

This parcel is on an east-southeast facing slope. The natural slopes associated with this part of the property are between 5 to 50 percent. The overstory vegetation is Jeffrey pine and White fir with an understory of greenleaf manazanita, whitethorn ceonothus and bitter brush.

*The Stream Environment Zone and Backshore determinations are not included in this staff summary recommendation and will be confirmed with the upcoming second phase of this Land Capability Challenge.*

PROCEDURES
Multiple auger samples were retrieved on this parcel. After examination of the soil samples, the soils were 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 three soil map units were identified on this parcel. The soil on this parcel is generally deep and well drained. This soil is characterized as having a very thin (< 1") sparse surface mantle of organic matter over a yellowish brown gravelly sandy loam surface horizon. The subsoil is comprised of a brown sandy clay loam to a depth of greater than 60 inches. This soil is dissimilar to any of the soil series or map units listed above because of the differences in parent material and the absence of specific sub surface diagnostic features. Therefore, these soils would be most accurately described as a member of the Tahoma and or Jorge soil series. These soils are either skeletal or non-skeletal members of Hydrologic Group B. The Tahoma soils have an argillic horizon within the control section and exhibit textures that are described as gravelly sandy loams and clay loams. Therefore, the portions of the property being challenged are assigned to the JwD, JwE and JwF (Jorge-Tahoma very stony sandy loam, 2 to 50 percent slopes) soil map units and are assigned to land capability classes 2, 4 and 6.
Attachment A

CONCLUSION
Based on the results of this investigation the soils on APN: 093-620-47 was determined to be most analogous to the Jorge and Tahoma soil series and related slope phase map units. Based on slope and previously cited characteristics, the soils on this parcel would be associated with land capability classes 2, 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner/ Soil Scientist
Representative Soil Profile:

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

Oi 1 to 0 inches; Jeffrey pine and White fir needles and duff.

A 0 to 9 inches; yellowish brown (10YR 5/4) stony sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent stone; clear smooth boundary.

A2 9 to 19 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 15 percent stone; clear wavy boundary.

Bt1 19 to 44 inches; brown (7.5YR 5/4) gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 15 percent gravel, 15 percent stone; clear wavy boundary.

BC 44 to 58 inches; yellowish brown (10 YR 5/6) coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 5 percent stone; gradual wavy boundary.

Soil Series: Tahoma
Soil Classification: Fine-loamy, mixed, frigid, Ultic Haploxeralf
Drainage Class: Deep, well drained,
Hydrologic Group B

Oi 1 to 0 inches; Jeffrey pine and White fir needles and duff.

A 0 to 7 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent stone; clear smooth boundary.
**Bw** 7 to 14 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 15 percent stone; clear wavy boundary.

**Bt1** 14 to 44 inches; brown (7.5YR 5/4) gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 15 percent gravel, 15 percent stone; clear wavy boundary.

**BC** 44 to 58 inches; yellowish brown (10 YR 5/6) coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 5 percent stone; gradual wavy boundary.
MEMORANDUM

August 23, 2006

To: TRPA Hearings Officer
From: TRPA Staff
Subject: Willy and Holly Shamas Land Capability Challenge, 2054 Susquehana, El Dorado County, APN: 033-876-11, TRPA File Number: 20061488.

Proposed Action: The applicant’s, Willy and Holly Shamas, request that the TRPA Hearing’s Officer review and approve the proposed Land Capability Challenge on the subject parcel.

Staff Recommendation: Staff recommends the TRPA Hearings Officer approve the land capability challenge on the parcel changing the land capability from class 3 and 6, to class 6.

Background: The subject parcel is shown as land capability class 4 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the JeB (Jabu coarse sandy loam, shallow variant, 0 to 5 percent slopes) and the EcE, (Elmira stony, loamy, coarse sand, 9 to 30 percent slopes) map units. The JeB and EcE soil map units are consistent with the E-2 (outwash, till and lake deposits) geomorphic unit classification. The Jabu soil formed in glacial outwash surfaces and the Elmira soil formed in granitic outwash fans and moraines.

A land capability verification was conducted on this parcel El Dorado County, TRPA’s MOU partner. The parcel was verified as class 3 JeD (Jabu coarse sandy loam, shallow variant, 5 to 15 percent slopes), and class 6 EbC (Elmira gravelly loamy coarse sand, 0 to 9 percent slopes).

Findings: This parcel is located at 2054 Susquehana, El Dorado County, CA. The parcel is mapped within geomorphic unit E-2 (outwash, till and lake deposits) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by the TRPA staff soil scientist. Based on one soil pit excavated to 5 feet below ground surface, a representative soil profile was described (see Attachment A). After conducting the field visit on July 13, 2006 the soils on the property were determined to be consistent with land capability class 6, as per Table 4 of 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:

Hearings Officer/HG  AGENDA ITEM NO. V.H.
8/31/06
SOIL INVESTIGATION FOR
EL DORADO COUNTY APN 033-876-11,
2054 Susquehanna, South Lake Tahoe, CA

INTRODUCTION
A soil investigation was conducted on APN 033-876-011 on July 13, 2006. This parcel is located at 2054 Susquehanna in El Dorado County NV. A land capability verification was conducted on this parcel by El Dorado County, TRPA’s MOU partner. A land capability challenge was filed with TRPA on June 8, 2006 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 class 4 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the JeB (Jabu coarse sandy loam, shallow variant, 0 to 5 percent slopes) and the EcE, (Elmira stony, loamy, coarse sand, 9 to 30 percent slopes) map units. The JeB and EcE soil map units are consistent with the E-2 (outwash, till and lake deposits) geomorphic unit classification. The Jabu soil formed in glacial outwash surfaces and the Elmira soil formed in granitic outwash fans and moraines. The natural grade ranges form 2 to 9 percent.

PROCEDURES
One test pit was excavated to 5 feet bgs on this parcel. After examination of the 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 based on the surveyor’s map.

FINDINGS
An unknown (XXX) soil series was identified on the property. The soils on the parcel are deep and somewhat well drained. The soil is characterized as having a thin (1”) surface mantle of organic matter over a brown coarse sandy loam layer. A brown to strong brown, coarse sandy loam subsoil is present to a depth of 60 inches. A perching layer withs low hydraulic conductivity was present at 51 inches. This soil is categorized as being in soil hydrologic group B. Therefore, under Table 4 of the Bailey Land Capability Classification system this soil would classify as Land Capability class 6 because of the soil profile depth, hydrologic group assignment and slope phase.

CONCLUSION
Based on the results of the site visit, the soil on APN 033-876-011 was determined to be unnamed XXX soil land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Heather Gustafson Associate Scientist / Soil Scientist
Representative Soil Profile:

Soil Classification: Sandy-Skeletal, mixed, frigid, Typic Dystroxept
Soil Series: Unnamed XXX
Hydrologic Group: B
Drainage: Well Drained

Oi 1 to 0 inches; pine litter.

A1 0 to 5 inches; brown (10YR 4/3) gravelly loamy coarse sand; dark brown (10YR 3/3) moist; strong, fine granular structure; soft, friable, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear wavy boundary.

A2 5 to 14 inches; brown (10YR 5/3) gravelly loamy coarse sand; dark brown (10YR 3/3) moist; moderate fine granular structure trending to fine, medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear wavy boundary.

C1 14 to 42 inches; yellowish brown (10YR 5/4) gravelly coarse sandy loam, olive brown (2.5Y 4/4) moist; massive; common very fine, common fine, medium and few coarse roots; 20 percent gravel and 10 percent cobblestones; gradual smooth boundary.

C2 46 inches; nonplastic; massive, few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel and 10 percent cobblestones; redoximorphic features common and distinct at 51 inches.
TAHOE REGIONAL PLANNING AGENCY

128 Market Street  P.O.Box 5310  (775) 588-4547
Stateline, Nevada  Stateline, NV  89449-5310  Fax (775) 588-4527
www.trpa.org

Email: trpa@trpa.org

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: The Marlette Hobart Water System (MHWS) Line Replacement

Application Type: Linear Public Service Improvement, Local Public Health & Safety Facility

Applicant: Carson Water Subconservancy District
777 E. Williams, Suite 110A, Carson City, NV 89701

Agency Planner: Tim Hagan

Location: The project Area is from Marlette Lake up over the Carson Range crest and down the east slope within the Hobart drainage to Virginia City and Carson City.

TRPA Project Number / Project File Number: 130-350-005 / 20040637

Staff Recommendation: Staff recommends approval of the subject project as conditioned. The required actions and recommended conditions are outlined in Section G of this staff summary and the attached draft permit.

Project Description: The Carson Water Subconservancy District has submitted a project application to replace the existing Marlette Hobart Water System (MHWS) pipeline consistent with Alternative B of the Marlette Hobart Water System (MHWS) Environmental Assessment. The pipeline starts at Marlette Lake and goes over the Carson Range crest down into the Hobart Creek drainage. This project requires constructing 9,635 linear feet of pipeline, primarily in its existing alignment using open trench methods. A portion of the pipeline will be constructed above ground to minimize impacts to state sensitive animal species and Stream Environment Zone functions. Replacement of the intake line will include upgrades that are compliant with Fisheries and Water Quality threshold guidelines.

A natural gas service line will be installed and a natural gas powered pump station will be constructed. This natural gas powered pump station will be set back from the shore of Marlette Lake, and replace the temporary diesel pump that has been historically relied on to serve the same purpose. To serve this natural gas powered pump station, construction of a generator building outside of the Tahoe Basin will also be accomplished as part of this project. This particular element of alternative B is one of the most significant positive environmental improvements of this project. The removal of the diesel fueled pump will reduce air quality and noise impacts. In addition, the current 26 trips per week to the pump station will be reduced to 1 trip per week as well as remove the need for a full time onsite caretaker during pumping activities. Fuel will no longer have to be delivered to the edge of Marlette Lake reducing the
environmental risk associated with pumping activities as well as reducing the risk to back
country recreationists that may come to harm due to collision will NDB&G Maintenance vehicles
and diesel trucks.

Most of the existing water line will be removed where it has been placed in a Stream
Environment Zone. A limited section of the old water line that transects verified Mountain
Beaver habitat will be temporarily left in place until special conditions for its removal have been
reviewed and approved by the Nevada Division of Wildlife and TRPA. For a majority of the
project located in the Tahoe Basin the replacement line will be installed parallel to the existing
line. The section of the existing line that leaves Marlette Lake through the Sheen Creek SEZ
parallels the access road that winds serpentine down through the Sheen Creek SEZ leading to
the eastern shore of Marlette Lake and the pump station site. The proposed project includes
the elimination of existing pump house facilities on the eastern shore of Marlette Lake.

The above is a description from Alternative B for the first segment of work as it leaves Marlette
Lake and is placed up to the topographic crest that represents the legal jurisdictional boundary
of TRPA. Further details for describing the construction activity for this segment of the project
can be found on page 38, Section 2.2: Features Common to all Alignment Alternatives and
under the section titled: Construction Techniques, beginning on page 28 of the EA addendum.

Background: The Marlette Hobart Water System (MHWS) is located in the Carson Range of the
Sierra Nevada Mountains between Carson City and Lake Tahoe. The system consists of an
alpine lake in the Marlette drainage basin at an elevation of 7800+ feet above sea level, a
second reservoir in the Hobart Creek drainage basin at an elevation of 7500+ feet above sea
level, several natural springs along the east face of the mountain range to the north of Marlette
Lake, the interconnecting pipelines between the various components, a gravity transmission line
from the convergence of the aforementioned facilities, storage tanks, a several mile long siphon,
and other distribution pipelines.

The MHWS dates to the 1870s when it was initially developed to transport timber southward to
Spooner Summit and, later, to provide a more stable supply of water to the mining communities
in the Virginia City area when local ground water supplies were being exhausted. At that time a
37-foot high dam was constructed at Marlette Lake to facilitate diversion of flow by gravity
through a series of box flumes to the 4000-foot long Incline Tunnel. The Tunnel provided gravity
conveyance to a long box flume located on the East Slope to a diversion structure located at
Red House. At Red House, flow from Marlette Lake joined flow from the Hobart drainage
system and flowed through another flume to wooden storage tanks. The water was then
transported across Washoe Valley through three siphons and then through another set of flumes
to Virginia City. This system as described operated until the early 1900s. At the time of
construction, this siphon was an engineering marvel, achieving 6.8 cfs (3,055 gpm) delivery
through three steel pipes. The MHWS was and still is the sole water delivery system to Virginia
City.

Many of the remaining original facilities are currently in use in one form or another. In 1973 the
Nevada State Legislature enacted a bill to enable development of a plan to improve the MHWS
(B&C, 2000). As the MHWS is the only source of water for Virginia City as well as a highly
demanded source of supplemental water for Carson City, the system must operate dependably
as well as comply with regional regulatory requirements.

Hearings Officer/TH
8/31/2006
The Transportation of Water from Marlette Lake Project provides a comprehensive plan to restore the reliability of the MHWS where Marlette Lake can again be utilized as a continuous source of water in order to insure compliance with the State’s contractual obligations with Carson City, the Virginia City Water Company and its environs, protect the water rights of the State, as well as remove a non-compatible use from the Tahoe Basin and reduce environmental risk to insignificant in the Sierra Nevada backcountry.

Each year that Nevada Division of Buildings & Grounds (NDB&G) decided to pump water out of Marlette Lake they installed a temporary diesel pump. The current diesel pump system is very expensive to operate and could, if there was an accident; contaminate Marlette Lake possibly extending to Lake Tahoe. In 2003, the Carson Water Subconservancy District (CWSD) received a grant from the Environmental Protection Agency (EPA) to evaluate and construct an alternative method to transport water out of Marlette Lake that is more environmentally friendly than the current operation.

Several alternative energy sources as well as alignment alternatives were evaluated during the scoping process; however, some were eliminated from further consideration due to costs and environmental concern. Thus, three alternatives are considered in the Environmental Assessment. There are several elements of the project that are common to both action alternatives associated primarily with construction methods. The construction season for both action alternatives would be conducted over two seasons (May 1 – October 15, weather and snowpack permitting).

Environmental Documentation: TRPA and the Environmental Protection Agency (EPA) required that an Environmental Assessment (EA) be prepared to evaluate project alternatives and to identify potential environmental impacts. Carson Water Subconservancy District (CWSD) hired an independent consultant to prepare the EA through a Request for Proposal process. The submitted EA has been written to satisfy both TRPA and EPA requirements. A portion of the document assesses impacts outside of the Tahoe Basin, which are not subject to TRPA regulations.

The document studies potential improvements associated with existing water line system, including the pumping facility, operated by Nevada Division of Buildings & Grounds (NDB&G).

An extensive interagency scoping and comment process for the EA was completed prior to the document being prepared. Several scoping and field meetings were held. Other Agencies who actively participated in the scoping and/or commenting of the document as it was being prepared include, Nevada State Lands, Nevada State Historic Preservation Office, US Environmental Protection Agency, Nevada Division of State Parks, Nevada Division of Forestry, Nevada Department of Wildlife, Tahoe Regional Planning Agency and the Washoe Tribe of Nevada and California.

The Environmental Assessment document is available for viewing at the TRPA Offices and on the TRPA website (www.trpa.org).

Issues: An Environmental Assessment was prepared for this project to satisfy TRPA and NEPA requirements. The EA identifies Alternative B as the environmentally preferred alternative as it was determined to have the least environmental impact of the alternatives studied. Additionally, the EA studied a “No Action” alternative and Alternative C which considered the pipeline realignment along the existing access road. For Alternative B, addressing the in-basin segment of the project, the primary issues are:
Cultural, Historical, and Ethnographic: The following summary reflects the findings of the cultural resources inventory completed for the proposed project. Appendix B of the EA contains the cultural resources report.

The cultural resources records search conducted at the Nevada State Museum and the U.S. Forest Service revealed seventeen historic and prehistoric archaeological sites located within 1-mile of the project area. Research also showed that a section of the Marlette Lake Water System Historic District, listed in the National Register of Historic Places is located to the west of the proposed project area within the 1-mile radius. Of the eighteen historic resources or prehistoric sites and/or isolates identified for this project none are located within the 50-foot corridor of the proposed Action Alternatives considered and none are designated TRPA Historic Resources.

Water Quality & Hydrology: Measures to protect water quality are implemented by several federal, state, and local agencies. TRPA has been designated by the State of Nevada and the U.S. Environmental Protection Agency as the area-wide water quality agency within the Tahoe Basin under section 208 of the Clean Water Act. TRPA adopted a Water Quality Management Plan for the Lake Tahoe Basin (208 Plan) that evaluated water quality problems, identified solutions, and designated implementation responsibilities. Outside the basin, the State of Nevada is the designated water quality planning agency.

The TRPA has established Environmental Thresholds (TRPA, 2001) for water quality that provide numerical and management standards for Lake Tahoe, Lake Tahoe tributaries, and stormwater runoff. The Environmental Thresholds are used to establish the significance of an environmental effect to regional water quality in the Tahoe Basin. The TRPA Environmental Thresholds for water quality are contained within the TRPA Resolution 82-11.

The TRPA Regional Plan identifies goals that depict the desired ends or values to be achieved and policies that establish the strategies necessary to achieve the goals (TRPA Goals and Policies). The water quality goals and policies pertinent to the Marlette Project include:

Goal #1 - Reduce loads of sediment and algal nutrients to Lake Tahoe; meet sediment and nutrient objectives for tributary streams, surface runoff, and sub-surface runoff, and restore 80 percent of the disturbed lands.

Goal #2 - Reduce or eliminate the addition of other pollutants, which affect or potentially affect water quality in the Tahoe Basin.

The water line construction will temporarily increase the risk of ground water impact through the creation of temporary soil disturbance. A tailored BMP plan addressing temporary and permanent Water Quality Best Management Practices (BMP’s) shall be developed as a condition of the permit. These control measures will be developed for TRPA review and approval.

The potential does exist for the water line construction to intercept groundwater. A dewatering plan shall be submitted in accordance with TRPA requirements. If groundwater is encountered, trench plugs, or similar technology, shall be installed to prevent groundwater from moving laterally or preferentially along any feature of the installation. However, a detailed dewatering
The Marlette Hobart Water System Line Replacement
Page 5 of 15

plan cannot be developed until final design is underway which awaits the selection of a preferred alternative through the review of the Environmental Assessment.

Traffic: The project may require traffic closure on a 24-hour basis. Anticipated closures will occur from April through October 15. If during this limited closure period, measures to safely permit passage through the construction zone shall be provided as necessary. Nevada Division of Buildings & Grounds will provide a Public Information Program to alert the public as to the limited access through this road during the period of project activity. Minimal road closure will be required. The only road closure that will be required will include the road starting at the western fork down to Marlette Lake while construction is occurring within that segment. This portion of the road is subject only to access by NDB&G and private property owners.

NDB&G may need the option for weekend construction if necessary to finish up specific tasks; in that event, NDB&G will provide maximum attention to issues of public safety. No “weekend work” is planned, however, if required, maximum public safety will be maintained through communication with NDSP for prior authorization.

Wildlife: A comprehensive effort to survey and retrieve accurate data on wildlife species which potentially impacted by Alternative B include: Goshawk, Bald eagle, Osprey, Willow flycatcher and Pine martin.

In the case of Mountain Beaver, close coordination with NDOW and regular NDOW presence during construction, especially for activities in the SEZ, will assure that specific operation protocols and control measures will be followed to the fullest extent possible. This may include design revisions and establishing standards of practice to minimize the potential impacts to Mountain Beaver and its habitat. Based on monitoring currently being conducted by NDOW the project proponent will incorporate into final design plans any specifications or additional requirements for this species protection. For additional information, please refer to the EA.

Vegetation: There will be no additional trees removed as a result of alternative B; NDF is working with TRPA regarding trees that have been removed under NDF’s Permit with TRPA. All plants and communities will be defined and protected by orange fencing and instruction will be provided to the construction crew to avoid disturbance. Any vegetation unavoidably disturbed for construction activities will be restored consistent with the restoration plan and mitigation measures identified in the EA.

Scenic Quality: The design of a project shall include elements that screen from public view all external mechanical equipment, associated with the pump house building.

Land Use: In 2003 the State of Nevada, Division of Building and Grounds (NDB&G), submitted a Plan Area Statement Application Amendment for 056-Marlette Lake Plan Area. The PAS was amended in March, 2003 to allow for the construction of a gravity force main to convey the flows from Marlette Lake to Hobart Reservoir. Marlette Lake a source of domestic water supply for Carson City in the original and 2003 PAS 056, the PAS did not recognize the existing diesel pumping facilities as a Permissible Use. The revised PAS states, “Any new local public health and safety facility within this Plan Area shall be limited to one gravity-fed water transfer/pump system, equipped with a fish screen to reduce impacts to fish.” The special policies identified in the 2003 PAS thus limited the NDB&G to a gravity-fed water transfer system.

There is a recognized environmental incompatibility of the diesel pumping facilities at this location; NDB&G submitted a PAS amendment that was approved by TRPA in April, 2005. This
amendment states “The existing (water transfer/pump system) local public health and safety facility within this Plan Area may be modified as new and more efficient technology is developed, and shall be equipped with a fish screen to reduce impacts to fish”. Please refer to pages 70 -73 in the EA addendum for further analysis regarding land use findings.

Recreation: Pursuant to understandings achieved with NDSL, NDSP, NDOW, NDF, and TRPA, it was decided that Nevada Division of Buildings and Grounds will be required pursuant to coordinate with Nevada Division of State Lands, NDSP and NDSL to ensure the minimization of impacts to back country recreationists during construction of the pipeline project. Per NDSP “a full recreation impact analysis” is not expected, however full consideration of backcountry recreation activities and safety is expected.

Air Quality and Noise: Construction may increase dust; however, dust control plans will be required by TRPA. Noise will increase during construction. As mitigation, no noise generating activities shall occur between the hours of 7:00 a.m. and 8:00p.m., within 300 feet of any local residences. All engine powered equipment shall be fitted with mufflers or appropriate enclosures and comply with the noise standards of the TRPA Code of Ordinances.

Staff Analysis:

A. Environmental Documentation: As noted above, an EA was prepared for this project to assess the potential environmental impacts of the project. The need and scope of the EA was determined based on the Initial Environmental Checklist (IEC) submitted for the proposed project as well as discussions with TRPA staff and other agencies. The EA has been reviewed in accordance with Chapter 5 of the TRPA Code of Ordinances. The EA describes three alternatives, and identifies Alternative B as the Preferred Alternative.

There were no unavoidable impacts that could not be mitigated identified for Alternative B. Several unavoidable impacts that could be mitigated include increase soil disturbance during excavation activities, traffic impacts, possible interception of groundwater, Mountain Beaver disturbance and temporary noise and air quality impacts. The EA identified appropriate mitigation measures to reduce these impacts to a less than significant level. On this basis, staff has concluded that the project, as conditioned, will not have a significant effect on the environment.

B. Plan Area Statements: Segment 1 of Alternative B is located within Plan Area Statements 056-Marlette Lake Plan Area. The project area is within the. For PAS 056 the Land Use Classification is Conservation and Management Strategy is Mitigation. TRPA staff has reviewed the plan area statement and has determined that the project, as conditioned, is consistent with the applicable planning statement, as well as its planning considerations and special policies. Local Public Health and Safety Facilities are a special use within this plan area.

C. Land Coverage: Land coverage or disturbance is proposed for the pipe installation activities within Highway 28. Improvements to occur at Memorial Point will be within existing buildings or under existing pavement. Improvements at Sand Harbor will result in the removal of existing land coverage due to the demolition of an existing 30,000 gallon tank. No increase or relocation of land coverage is proposed. No land coverage mitigation fees are required.
F. **Required Findings:** The following is a list of the required findings as set forth in Chapters 5, 6, 18, 33 and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **Chapter 5 – Finding:**

   a) Based on the information contained in the environmental assessment, and other information known to TRPA, TRPA shall make one of the findings listed under Subsection 5.2.B (below) and take the action prescribed in the applicable finding.

   (1) The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.

   (2) The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.

   (3) The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 5 and TRPA’s Rules of Procedure.

   Finding (2) above, applies to this project. The project, as proposed and described in the EA, and as conditioned in the attached draft permit, is consistent with this finding.

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.

   (1) **Land Use:** The proposed use (Linear Public Service Improvement / public health and safety facilities) is a special use for Plan Area Statement 056.

   (2) **Transportation:** The EA indicates that the proposed project will not cause any permanent transportation thresholds impacts. Temporarily, the project will cause traffic inconvenience when closed during certain construction activities. The construction will occur between April 1 and October 15. Mitigation measures such as dust control plans and noise reduction plans will also be implemented.

   (3) **Conservation:** The replacement of the water line will not impact scenic quality. Improvements proposed at Marlette Lake will not
impact scenic quality. The improvements proposed for Segment 1, Alternative B will be located above ground within the existing waterline location.

The project has the potential to be located within the disturbance zone for Mountain Beaver. Prior to the initiation of construction activity, a final survey shall be conducted to determine the presence or absence of active Mountain Beaver presence and habitat the project corridor. Active habitat is expected to be found, disturbance to the Mountain Beaver shall be avoided.

There is no cultural site located within the project area of Segment 1. No cultural impacts to this area are anticipated. Segment 1 of the waterline pass through Sheen Creek SEZ. The majority of project related disturbance will be mitigated through removal most of the existing waterline and additional rehabilitation and removal of existing soft coverage with in the SEZ and backshore of Marlette Lake.

(4) Recreation: This project will have temporary, construction-related impacts to recreation.

(5) Public Service Facilities: This project will involve the replacement of the existing waterline operated and maintained by State of Nevada, Division of Building and Grounds (NDB&G). Replacement of the pipeline is necessary because of the age and condition of the existing waterline. The new water line will be placed mostly above ground parallel to the existing water line alignment. Virginia City and Carson City are both served by this Marlette Lake Hobart water line, which will be abandoned and incrementally removed and restored upon the new water line being installed.

(6) Implementation: This project does not require any allocations of development.

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

The basis for this finding is provided in the completed EA in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. The EA indicates compliance with the environmental threshold carrying capacities. A copy of the completed EA will be made available at the Hearing’s Officer and at the 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 TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2.b, above.)
Chapter 18 – Special Use:

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 proposed water line is a replacement of an existing water line within the project area. The condition of the existing water line necessitate its replacement. The water line will be placed both above and belowground within the existing corridor. The proposed water line will upgraded to continue to serve the existing communities currently served by this water line.

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 project proposes to replace a water line which has experienced significant maintenance problems in the past and has identified corrosion problems. Although temporary construction activities have the potential to create temporary impacts, mitigation measures outlined in the EA have been development to protect land, air and water resources.

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 project replaces a critical existing waterline. The proposed project is consistent with the planning considerations, designations, uses and special policies of the subject plan area statement. The proposed project is not located within a community plan or subject to a specific or master plan.

Chapter 33 – Allocation of Development: (Chapter 33 findings apply to the new water line proposed to serve Virginia City and Carson City. The replacement of the waterline is not considered “additional development” and is not subject to these findings.)

a. There is a need for the project.

The waterline replacement is necessary to provide potable water and replace an inadequate water system that takes water directly from Marlette Lake. This upgraded replacement will also improve fire protection services in Virginia City and Carson City.
b. The project complies with the Goals and Policies, applicable plan area statements, and Code.

The project, as conditioned, is consistent with the Goals and Policies, plan area statements and the Code of Ordinances.

c. The project is consistent with the TRPA Environmental Improvement Program.

The water line replacement does not impede the implementation of the Environmental Improvement Program.

4. Chapter 64 - Grading:

a. A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The applicant has submitted soils/hydrologic reports for TRPA review. See Finding 5.d, below.

b. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

When excavation and installation of the replacement waterline occurs it is expected to impact vegetation. However, mitigation and control measures will assure no permanent degradation to trees or vegetation with in the project area.

c. Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impact to SEZ vegetation, if any would be affected, and to prevent any groundwater of subsurface water flow from leaving the project area as surface flow.

When suitable, excavated material will be utilized as backfill for the trench. Unsuitable material will be transported out of the Tahoe Basin for disposal.

d. TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

(1) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
Retaining walls are necessary to stabilize an existing unstable cut or fill slope;

Drainage structures are necessary to protect the structural integrity of an existing structure;

It is necessary for the public safety and health;

It is a necessary measure for the protection or improvement of water quality;

It is for a water well;

There are no feasible alternatives for locating mechanical equipment; or

It is necessary to provide two off street parking spaces.

Findings (1), (4) and (5) are applicable to this project. When applicable to a segment of the project excavation depth identified on the submitted plans is needed engineering criteria for cover over the pipe. Potential groundwater interception may occur and groundwater may still be present adjacent to these locations during the time of construction activity.

The water pipe line replacement is necessary for public health and safety. Replacement of deteriorating segments of the water line is needed to prevent leaks and failures that would discharge water into the surrounding environment and impact water quality within the Tahoe Basin. Any groundwater interception would be temporary during construction and a dewatering plan specific to the location will be developed in case groundwater is encountered. Trench plugs are also proposed to prevent groundwater movement along the newly reconstructed pipe.

G. Required Actions: Agency staff recommends that the Hearing’s Officer approve the project by taking the following actions:

I. Approve the findings contained in Section F above, and a finding of no significant environmental effect for the project.

II. Approve the project based on this staff summary subject to the conditions contained in the attached draft permit.

H. Attachments:

A copy of the Environmental Assessment with 11” x 17” plan reductions are enclosed under separate cover have been made available to the Hearing’s Officer and the public via posting on TRPA’s web site and a hard copy has been posted at TRPA’s front counter. Additional copies are available upon request.
PROJECT DESCRIPTION: Marlette Lake Hobart Water Line Replacement, APN: 130-350-005

PERMITTEE(S): Carson Water Subconservancy District
777 E. Williams, Suite 110A, Carson City, NV 89701

Project File Number: 20040637

COUNTY/LOCATION: The project Area is from Marlette Lake down the east slope within the Hobart drainage to Virginias City and Carson City.

Having made the findings required by Agency ordinances and rules, the TRPA Hearing's Officer approved the project on August 31, 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 August 31, 2009, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of first stage of excavation. 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 SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSEPTION HAS BEEN CONDUCTED. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

_____________________________________      __________________________
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______________________
Carson Water Subconservancy District

______________________________________  __________________________
Signature of Permittee(s) __________________________Date______________________
Nevada State Parks

PERMIT CONTINUED ON NEXT PAGE

Hearings Officer/TH  AGENDA ITEM NO. V.I.
8/31/2006
Security Posted (1): Amount $ *  Posted _______  Receipt No. _______  Type ________

Security Administrative Fee (2):  Amount $ **  Paid _______  Receipt No. _________

*To be determined, see permit conditions below.
**$141 if cash security posted, $73 if non-cash security posted, please see Attachment J.

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 the replacement of State of Nevada, Division of Building and Grounds (NDB&G). waterline identified as Segment 1 consistent with Alternative B of the Marlette Hobart Water System (MHWS) Line Replacement Project Environmental Assessment. Segment 1 is located within the Tahoe Basin. The length is approximately 3.4 miles long and all proposed work will occur within the existing pipeline corridor. The existing water line for Segment 1 will not be left in place and the new line will be installed parallel to the existing line within the existing project corridor.

The proposed project includes the elimination of diesel pumping facilities at Marlette Lake currently operated by NDB&G. This new replacement water line to serve the Virginia City and Carson City is also proposed to be placed within the existing waterline corridor.

2. The Standard Conditions of Approval, outlined in Attachment Q, shall apply to this project.

3. All construction details, Best Management Practices (BMPs) and mitigation measures outlined in the Environmental Assessment for Segment One, Alternative B, are required whether or not explicitly discussed in the following special conditions of approval.

4. Prior to TRPA final acknowledgment of the permit, the following special conditions of approval must be satisfied:

   A. The permittee shall submit a temporary Best Management Plan (BMP) prepared by a licensed professional engineer for the entire project area including construction details and plans, cost estimates and schedule for the installation of all required BMPs for TRPA review and approval. BMPs include construction
methods and procedures, dust control / abatement, surface erosion control measures along active segments of road including the installation and maintenance of properly spaced and engineered rolling dips and water bars, noise reduction, placement of permanent parking barriers for rehabilitated areas, proper containment of staging and stockpiling areas, contaminated soil management, dewatering plan if groundwater is encountered, a comprehensive winterization protocol, noxious weed abatement, and restoration of incidentally disturbed areas.

B. Construction staging and storage areas shall be identified to TRPA for review and approval. Staging and storage areas shall include temporary Best Management Practices (BMPs) and winterization plans. Temporary stockpile areas shall also be identified.

C. A spill prevention and control plan shall be submitted for TRPA review and approval.

D. The permittee shall provide a traffic management plan for TRPA review and approval. The traffic management plan shall be consistent with the requirements of the TRPA Code of Ordinances and EA. The traffic control plan shall be consistent with criteria identified in the EA.

E. The permittee shall develop an inspection monitoring program for TRPA review and approval prior to permit acknowledgement. Inspections and monitoring may be performed by independent inspectors selected by TRPA or TRPA staff, at the discretion of TRPA. Outside inspectors will be managed via a three-party contract with the inspector, TRPA and IVGID. This program shall incorporate all required inspections before, during and after construction and for the five-year post-construction monitoring period.

F. The required security shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall equal 110 percent of the submitted cost estimates. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required security administrative fee.

G. The permittee shall submit a land coverage restoration plan for the land coverage being removed within the Sheen Creek SEZ. The restoration plan shall include revegetation details, including any vehicle/pedestrian barriers to prohibit future disturbance. This project does not authorize the relocation or creation of new land coverage within the project area.

H. The permittee shall submit calculations of the required project application filing fee based on the final cost of the EA preparation fee. Any additional filing fee shall be paid to TRPA. If the EA preparation cost is under the original estimate, the difference will be refunded.

I. The permittee shall submit an EA conformance report documenting the proposed project complies with all applicable EA requirements for Segment 1 construction.
J. The permittee shall submit 3 sets of final construction drawings and specifications to TRPA.

K. All additional mitigations and control measures as cited in the EA as applicable.

5. Prior to commencement of construction activities, additional near term wildlife surveys survey shall be conducted by a qualified professional. The survey shall identify an active wildlife concerns within the construction corridor. The survey and resulting information shall be consistent with the mitigation requirements outlined in the EA.

6. If incidental discovery of archeological or historic resources are encountered during excavation or installation activities then TRPA and NSHPO shall be notified before activities resume.

7. No noise generating activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. within 300 feet of a residence.

8. Prior to, or at, the TRPA pre-grade inspection, the permittee shall provide TRPA with a detailed construction schedule for TRPA review and approval.

END OF PERMIT