Date: July 5, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Daley Single-Family Dwelling Demolition/Addition - 3112 Oakland Avenue, South Lake Tahoe, El Dorado County, California; APN 026-084-05 TRPA File Number ERS2012-0652.

Requested Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A).

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed 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 (Attachment B).

Required Motions: Staff recommends that the Hearings Officer make the findings and approve the project based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary, including a Finding of No Significant Effect; and

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

Background/Project Description: The project area consists of 0.34 acres within one parcel, APN 026-084-05, located at 3112 Oakland Avenue in the Al Tahoe neighborhood in South Lake Tahoe, California. The project is situated within Plan Area Statement 099 – Al Tahoe Special Area #1, and entirely within the Class 7 land capability district. The project area is currently developed with a one-story, 1,110 square foot, potentially eligible historic cabin. The cabin was constructed in 1926 and used as a single-family residence. Surrounding land uses include a mix of residential uses, including single-family dwellings, duplexes, apartment buildings, and condominiums. Several of the residences in the area have been recognized as having significant historical value.

Pursuant to TRPA Code of Ordinances Subsection 2.2.2.A.2 (c), additions, reconstruction, or demolition of eligible or designated historic resources are subject to review and approval by a Hearings Officer. The applicant is proposing to demolish the existing 168 square foot outbuilding and the 63 square foot well house, and construct a 1,572 square foot residential
addition that would attach to the cabin. The addition would be situated to the side and behind the 1,110 square foot cabin. The proposed addition would consist of a single-story structure; its scale and mass, exterior colors, and materials would complement the existing “log cabin” architectural style. The project includes the installation of permanent Best Management Practices (BMPs) to improve water quality.

**Issues/Concerns:**

- **Historical Resources.** The primary concern of this project is loss of a potentially eligible historical resource. According to El Dorado County Assessor records, the cabin on the property was built in 1926, making it over 50 years in age, and therefore potentially eligible as a historic resource pursuant to the TRPA Code of Ordinances. TRPA consulted with the State Historic Preservation Officer that identified the structure a potentially eligible resource. Subsection 67.7 of the TRPA Code of Ordinances states, “Historic resources shall not be demolished, disturbed, or removed, unless TRPA finds that either the action will not be detrimental to the historical significance of the resources, the action is pursuant to a recovery plan, or the action is the only feasible alternative to protect the health and safety of the public.” After informal consultations with TRPA, the project applicant revised the building layout according to the recommendations offered by the State Historic Preservation Officer (SHPO). The SHPO recommended setting back the addition so that the original cabin would not be dwarfed by the addition. The SHPO also recommended removing the front porch addition because it is not consistent with the U.S. Secretary of Interior’s Standards. The revised layout proposes the one-story addition to be recessed to the side and behind the cabin. The proposed building’s scale and mass would be similar to the existing cabin, and the proposed design incorporates exterior colors and materials that would complement the log cabin architecture and preserve its historic character.

**Regional Plan Compliance:** The proposed project, as conditioned in the Draft Permit, complies with all requirements of the TRPA Goals and Policies, Plan Area Statement 099 – Al Tahoe Special Area #1, and Code of Ordinances, including all required findings in Chapters 4, 21, 30, 33, and 67 of the TRPA Code of Ordinances (see Attachments A and C for details).

**Contact Information:** For questions regarding this project please contact Jae Hill, Assistant Planner, at (775) 589-5274 or jhill@trpa.org.

**Attachments:**

- A. Required Findings/Rationale
- B. Draft Permit
- C. Regional Plan Compliance Analysis
- D. Proposed Plans
Attachment A – Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 4, 21, 30, 33, and 67 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 4.4.1 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 located within the Plan Area Statement 099 – Al Tahoe Special Area #1. The plan designation is residential and the management strategy is redirection. The planning statement suggests, “The area should remain residential with upgrading areas identified as substandard.” The project includes an addition to an existing potentially eligible historic single-family residence. Existing single-family dwellings within Special Area #1 are an allowed use. There is no change in use associated with the proposed project and the property will retain its land use classification. Also, the proposed project is outside the area considered in PAS 099 for designation as a historical district. The project is consistent with applicable special policies of PAS 099 Special Area #1. It will environmentally improve the property by removing land coverage in the Class 7 land capability district, constructing a residential addition that preserves the historic integrity of an existing cabin, and installing Best Management Practices (BMPs).

   (2) **Transportation:** Construction traffic associated with the proposed building addition will be short-term and temporary. Because the proposed project will remain a single-family residential use, no additional daily vehicle trip ends (DVTE) will result from this project.

   (3) **Conservation:** The proposed removal of Class 7 land coverage, the installation of permanent BMPs to infiltrate storm water runoff volumes for a 20 year/1 hour event, and the incorporation of building design measures offered by the State Historic Preservation Officer (SHPO) make the project consistent with the Conservation Element of the TRPA Goals and Policies and the Plan Area Statement 099 – Al Tahoe.

   (4) **Recreation:** The proposed project is not within a recreation area and there are no known impacts to the Recreation threshold.

   (5) **Public Service Facilities:** The project does not require additional public services and facilities. Although the proposed project includes the
expansion to an existing single-family residence, no new water supply or sewage services connections are required.

6. Implementation: The 2010 TRPA Land Capability Verification acknowledged 5,727 square feet of existing on-site coverage. Upon completion, the proposed project would remove and bank 1,104 square feet of coverage and 123 square feet of coverage would remain.

(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 4, Subsection 4.4.1 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 related to the modification of the potentially eligible historic cabin and staff concluded that the project would not have a significant effect on the environment. A copy of the completed checklist will be made available at the Hearings Officer meeting and at the TRPA offices.

(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.

The proposed project complies with all applicable air and water quality standards through the removal and restoration of Class 7 land coverage, the installation of permanent BMPs, and landscaping, as conditioned in the Draft Permit, and the payment of excess coverage mitigation fees.

2. Chapter 21 – Permissible 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 project includes an addition to an existing potentially eligible historic single-family dwelling that was built in 1926 and is over 50 years in age. Existing single-family dwellings within Special Area #1 are an allowed use. There is no change in use associated with the proposed project, the property will retain its land use classification, and the use is consistent with the provisions of the TRPA and the City of South Lake Tahoe Code requirements. The surrounding area includes a mix of residential uses, and several residences that have been recognized as having significant historical value.
(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.

As an expansion of an existing residential use, the proposed project would not be injurious or disturbing to the neighborhood, as the Al Tahoe neighborhood is designated for variety of compatible residential uses, including a mix of single-family dwellings, duplexes, apartment buildings, and condominiums. Consistent with Chapter 33 of the TRPA Code of Ordinances, the project would benefit water quality and vegetation due to the installation of onsite BMPs, sized to treat and infiltrate a 20-year, 1-hour storm event and protect existing onsite vegetation.

(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 single-family residence has existed on the site since 1926, is over 50 years in age, and is identified by the TRPA as a potentially eligible historic resource. The proposed project consists of an addition that is set back and to the side and would attach behind the potentially eligible historic cabin to maintain architectural features and historical integrity.

3. **Chapter 30 – Land Coverage:**

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

The property is classified as Class 7 land capability. The proposed addition will occur on lands of equivalent slope and vegetation. The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

All areas from which land coverage is being relocated will be restored (revegetated) in accordance with subsection 30.5.3 of the TRPA Code. The applicant shall submit a landscape plan documenting the proposed restoration for the areas of removed land coverage.

(b) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district:
All land coverage relocation and restoration will occur on Class 7 land.

4. **Chapter 67.7 – Projects Relating to Historic Resources:**

(a) **The action will not be detrimental to the historic significance of the resource.**

   Based on recommendations from the State Historic Preservation Officer (SHPO) the project applicant modified the site plan and building layout for the proposed addition to the existing potentially eligible historic cabin. The revised plans are in accordance with the U.S. Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and would therefore not result in a potentially detrimental impact to the cabin.

(b) **The action is pursuant to a recovery plan approved by the applicable state historic preservation officer; or**

   Refer to paragraph (a), above.

(c) **It is the only feasible alternative to protect the health and safety of the public.**

   Refer to paragraph (a), above.
July 5, 2012

Jay Kniep
P.O. Box 18601
South Lake Tahoe, CA 96150

SINGLE-FAMILY DWELLING ADDITION/MODIFICATION, 3112 OAKLAND AVENUE, SOUTH LAKE TAHOE, EL DORADO COUNTY, CALIFORNIA, APN 026-084-05 TRPA File Number ERSP2012-0652

Dear Mr. Kniep:

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

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

Please note that combined security and mitigation fee payments can be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled “Attachment J.” Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one days.

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

Sincerely,

Jae Hill, Assistant Planner

Enclosures
Draft Permit

PROJECT DESCRIPTION: 3112 Oakland Avenue, Daley Residence Demolition/Addition

APN: 026-084-05   FILE: ERSP2012-0652   PERMITTEE: Monty and Melissa Daley

COUNTY/LOCATION: El Dorado County, 3112 Oakland Avenue South Lake Tahoe, California

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **July 5, 2012** subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **July 5, 2015**, without further notice, unless the construction has commenced prior to this date and is 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, GRADING, or CONSTRUCTION SHALL COMMENCE UNTIL:

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

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PERMITTEES’ 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 __________________________     Date__________________

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(PERMIT CONTINUED ON NEXT PAGE)
D-R-A-F-T
PROJECT NO. APN 026-084-05
FILE NO. ERSP2012-0652

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) Amount to be Determined. See Special Condition 3.G., below.
(2) Amount to be Determined. See Special Condition 3.F., below.
(3) $152 if a cash security is posted or $135 if a non-cash security is posted.

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

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

______________________________________       ______________________________
TRPA Executive Director/Designee                           Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the demolition of a 168 square foot outbuilding and a 63 square foot well house, the construction of a 1,572 square foot addition to an 1,110 square foot potentially eligible historic cabin, and the reconfiguration of the existing driveway, which involves the removal of 2,111 square feet of asphaltic concrete, 247 square feet of concrete, and 87 square feet of compacted dirt. This permit authorizes the installation of permanent Best Management Practices (BMPs), the restoration of 1,104 square feet of land coverage, tree removal, and landscaping. This permit also recognizes 5,727 square feet of verified land coverage based on the 2010 TRPA Site Assessment and Land Capability Verification (#LCAP2010-0126, -0127), and other documentation found in the TRPA project files are correct.

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. A Best Management Practices (BMP) plan shall be submitted for the project area. The BMP plan shall include:
AGENDA ITEM V. A.

(1) A note indicating: “Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures.”

(2) A note indicating: “All existing disturbed areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.”

(3) 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.

(4) 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 placed beyond the drip-line of the outermost branches or, in limited instances, at the limit of the residential foundation. No equipment, personnel, or disturbance is allowed within the vegetation fencing. The exact location of the vegetation fencing shall be approved by the TRPA at the pre-grade inspection. Modifications may be made at the time of the inspection as approved by a TRPA Inspector.

(5) Location of all permanent infiltration devices, including dripline trenches, parking lot infiltration and treatment devices, slotted drains and drywells. Sizing calculations shall be provided for all required devices. All runoff generated on site shall be infiltrated onsite.

B. The project construction plans shall include:

(1) Identification of construction staging areas for construction equipment and materials. Staging areas shall be located on existing paved surfaces or existing previously disturbed areas and must install fencing. If staging is proposed in the City right-of-way, an encroachment permit is required prior to acknowledgement of this permit.

(2) Submittal of calculations demonstrating that the proposed infiltration trenches and rain stores are sized accordingly for the slope and soil type of the property, and will capture and infiltrate a 20 year/1 hour storm event using the updated spread sheet available at www.tahoebmp.org.

(3) Parking barriers, wood bollards, or other types of barriers to restrict parking to approved parking surfaces and the reconfigured driveway. Previous
asphaltic concrete and concrete areas shown for restoration shall also include some type of barrier or plantings to prohibit future disturbance.

(4) A TRPA approved landscaping plan in accordance with the standards required in Section 36.7 of the TRPA Code of Ordinances for TRPA review and approval. The landscape plan must include:

(a) Temporary and proposed permanent irrigation systems.

(b) Details of what the description of “revegetation” will include, such as the identification of the plantings for these areas.

C. The permittee shall submit plans, cost estimates, and a schedule for the installation of all required water quality improvements (BMPs) for the entire project area. The security required under Standard Condition I.B of Attachment Q shall be equal to 110 percent of the estimated BMP costs.

D. The affected property has 123 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 #4 (South Stateline) according to a coverage relocation and restoration plan, 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 of 0.6% (as identified in Table 30.6.1-2 of Subsection 30.6.1 of the TRPA Code of Ordinances) 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 above) multiplied by the coverage mitigation cost fee of $8.50 for projects within Hydrologic Transfer Area #4 (South Stateline). 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 final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

(1) **Color:** The color of the proposed structures, including any fences on the property, shall be compatible with the existing log cabin residence and surroundings. Consistent with the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors of the TRPA Code of Ordinances, subdued
colors in the earthtone and dark woodtone ranges shall be used for the primary color of the addition. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing cabin, vegetation, and earth hues. Earthtone 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 and appear similar to the roof of the existing log cabin residence.

(3) **Fences**: Wooden fences shall be used whenever possible. While a metal fence is not recommended in order to maintain the historic integrity of the property, if a metal and wood fence must be used, the metal shall be coated with brown or black vinyl, including fence poles to reduce glare and blend with the surrounding vegetation.

F. The permittee shall submit three sets of final construction drawings, site plans, and final landscape 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.

5. Upon return of the project security, TRPA will recognize 1,104 square feet of banked coverage within the project area.

6. According to the State Historic Preservation Officer (SHPO), the addition of a front porch would not be consistent with the U.S. Secretary of the Interior Standards and would alter the integrity of the cabin. The permittee shall remove the existing concrete patio wall surrounding the southwest corner of the existing residence.

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

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses
as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

8. All waste resulting from the saw-cutting of asphaltic concrete and concrete 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 is prohibited and constitutes a violation of this permit.

9. No trees shall be removed (other than those shown on the approved site plan) or trimmed without prior TRPA approval according to the conditions of the Landscape Plan.

10. All materials not utilized within the land coverage footprint shown on the submitted site plan, such as the existing outbuildings, shall be removed from the site and disposed of at a location acceptable to the TRPA.

11. Excavation depths of more than five feet (5’) are not authorized by this permit. If groundwater is intercepted during construction, permittee shall contact TRPA immediately.

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

13. 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.

14. All exterior lighting shall be consistent with Chapter 36.8: Exterior Lighting Standards of the TRPA Code of Ordinances.

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

16. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate. During the Pre-Grade Inspection, the TRPA inspector may require additional Temporary BMP’s.

17. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. Before completion of the construction project and at the end of each grading season, all surplus or waste earthen materials shall be
removed, transported, and disposed of at a TRPA-approved location, and the site stabilized.

END OF PERMIT
A. **Environmental Documentation:** Environmental documentation is provided on the checklist entitled “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 4, Subsection 4.4.1 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at the TRPA offices.

B. **Plan Area Statement:** The project area is located within Special Area #1 of Plan Area Statement (PAS) 099 – Al Tahoe. The land use designation is residential, and the management strategy is redirection. Single-family dwellings are allowed uses in Special Area #1. Agency staff has reviewed PAS 099 – Al Tahoe and has determined that the project is consistent with the subject land use designation and management strategy.

C. **Land Coverage:** The project parcel includes 15,000 square feet (0.34 acres) and is entirely within Land Capability Class 7. There is 5,727 square feet of verified onsite land coverage, which is 1,227 square feet over the total base allowable coverage of 4,500 square feet (TRPA File #LCAP2010-0126, -0127). Project implementation will result in 4,623 square feet (30.8% of total land coverage). 1,104 square feet of coverage will be banked for future onsite use or transfer and 123 square feet of excess land coverage will remain. Below is a table with the project area land coverage calculations:

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<th>Description</th>
<th>Value</th>
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<td>Land Area</td>
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<tr>
<td>Base Allowable Coverage</td>
<td>4,500 sq. ft.</td>
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<tr>
<td>Existing Coverage</td>
<td>5,727 sq. ft.</td>
</tr>
<tr>
<td>Proposed Coverage</td>
<td>4,623 sq. ft.</td>
</tr>
<tr>
<td>Restored/Banked Coverage</td>
<td>1,104 sq. ft.</td>
</tr>
<tr>
<td>Excess Coverage</td>
<td>123 sq. ft.</td>
</tr>
</tbody>
</table>

D. **Historic Resources:** See staff summary discussion.
MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff

Date: June 20, 2012

Subject: Sauer Single Family Dwelling Addition, 155 Wassou Road, Crystal Bay, Washoe County, NV, Assessor’s Parcel Number 123-071-05, TRPA File #ERSP2012-0555

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A)

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 and Site Description: The project proposes to construct an addition to an existing single family dwelling. The project is located in Plan Area Statement 034 Crystal Bay where all development is considered a Special Use due to avalanche hazards and steep slopes in the general area. This project complies with land coverage and height requirements of the TRPA Code of Ordinances. The project site consists of a developed residential lot in a residential neighborhood.

Issue: According to Plan Area Statement 034, Crystal Bay, Single Family Dwellings are a special use due to avalanche danger and therefore require Hearings Officer review in accordance with Section 2.2.2 of the TRPA Code.

Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicates 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 034, Crystal Bay. The Land Use Classification is Residential and the Land Use Strategy is Mitigation. Agency Staff has reviewed the subject Plan Area and has determined that the project is consistent with the
applicable planning statement, planning considerations, and special policies. The proposed use (single family dwellings) is listed as a special use.

C. **Required Findings:** The following is a list of the required findings as set forth in Chapter 4, 21, 30, 33 and 37 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 4 – 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 Initial Environmental Checklist and the Article 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.

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 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.

   All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of construction, the projects will have no impact upon water quality standards.

2. **Chapter 21 – 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 is an addition to an existing single family dwelling within a residential area. The project is an appropriate use for the parcel and is compatible with the surrounding area. The project also includes the installation of permanent Best Management Practices.
(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 proposed project will not change the current use of the property which is consistent with surrounding residential uses. The applicant will be required to apply temporary and permanent Best Management Practices to protect land, water and air resources of the subject property and that of the 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 will not adversely affect the plan area statement as the proposed project is a single family dwelling addition and remodeling. The single family dwelling is located within a residential plan area and is surrounded by residential property. The project will not change the character of the neighborhood.

3. Chapter 30.4.5 - Relocation of TRPA Verified Existing Land Coverage

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

(1) Whether the area of relocation already has been disturbed;

The majority of the relocation is a consolidation of existing paved coverage (parking pads and walkway) to building additions which are extensions of the existing structure. The additions are in the most disturbed areas on the site.

(2) The slope of and natural vegetation on the area of relocation;

The relocation of existing coverage will not negatively affect the slope and natural vegetation of the site.

(3) The fragility of the soil on the area of relocation;

The fragility of the soil in the area of relocation is no greater than the current areas of coverage.

(4) Whether the area of relocation appropriately fits the scheme of use of the property;

The area of relocation is appropriate to the scheme of use of the property (expanded single family residence).
(5) 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;

Not applicable. There is no Stream Environment Zone (SEZ) on the site.

(6) The project otherwise complies with the land coverage mitigation program set forth in Section 30.6;

There will be excess coverage on the site which will be mitigated per the mitigation program in Section 30.6.

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

The restoration will be completed pursuant to Subsection 30.5.3 of the TRPA Code of Ordinances.

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

The relocation is from Class 1a to Class 1a.

(d) If the relocation is from one portion of a SEZ to another portion, there is a net environmental benefit to the SEZ.

Not applicable. There is no SEZ on the property.

4. Chapter 33 – Excavation Limitations

(a) A soils/hydrologic report prepared by a qualified professional, which 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; and

A Soils/Hydrologic Scoping Report application was submitted for the proposed project. Based on soil hydrologic investigations and approvals on neighboring properties and general knowledge of the area, TRPA staff waived the requirement to conduct a subsurface investigation and approved an excavation of 13 feet below natural grade which will not interfere with groundwater.

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: Tree Removal, including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and
The project has been designed to avoid unnecessary tree removal or to have negative effects on the trees that are to remain after project construction.

Excavated material is disposed of pursuant to subsection 33.3.4: Disposal of Materials, and the project area’s natural topography is maintained pursuant to subparagraph 36.5.1.A. If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, then the excavation can be made as an exception pursuant to subparagraph 33.3.6.A.2, provided measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any groundwater or subsurface water from leaving the project area as surface flow.

As conditioned in the TRPA Soils/Hydrologic approval and conditioned in the attached Draft Permit, all excavated material shall be hauled away from the site to a legally acceptable location. Backfilling for approved cut-retaining structures is approved, but cutting/filling and recontouring is not authorized. Natural ground elevations will be retained wherever feasible.

5. Chapter 37- Height

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

The proposed structure is visible from the Hwy 28 scenic corridor. However, the additional height will not extend above the forest canopy.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The proposed residence is located in Plan Area Statement 034 Crystal Bay which has the Land Use Classification of Residential. The proposed project is an addition to an existing single family residence and the proposed height is consistent with the surrounding residential uses.

(c) The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof.

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

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:

A. Draft Permit
B. Regional Plan Compliance
C. Site Plan
Attachment A

-D-R-A-F-T-

PERMIT

PROJECT DESCRIPTION:  Single Family Dwelling Addition  APN:  123-071-05

PERMITTEE(S):  Tim Sauer  FILE #ERSP 2012-0555

COUNTY/LOCATION:  Washoe,  155 Wassou Road

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on July 5, 2012, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on July 5, 2015 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 HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;

(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY 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 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

AGENDA ITEM V. B.
Excess Coverage Mitigation Fee (1): Amount $________ Paid ____ Receipt No.______

Offsite Coverage Mitigation Fee (2): Amount $________ Paid ____ Receipt No.______

Security Posted (3):   Amount $ _______   Posted _____Type_____ Receipt No.______

Security Administrative Fee (4): Amount $________ Paid_____ Receipt No. ______

Notes:
   (1) Amount to be determined. See Special Condition 3.E, below.
   (2) See Special Condition 3.C, below
   (3) See Special Condition 3.D, below.
   (4) $152 if a cash security is posted, or $135 if a non-cash security is posted.

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

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

___________________________________________________________________

TRPA Executive Director/Designee    Date

SPECIAL CONDITIONS

1. This permit specifically authorizes a garage addition and new driveway, and expansion/remodel of the existing single family dwelling and located at 155 Wassou Road, Crystal Bay, NV. The parcel has an allowable base coverage of 138 square feet, existing verified coverage of 2,501 square feet and proposed coverage of 2,501 square feet. Excavation will not exceed 13 feet below ground surface as approved by the Soils/Hydrologic Approval – Waiver (File# LCAP2012-0124). All conditions of the Soil Hydrologic approval shall be applied to the project.

2. The Standard Conditions of Approval listed in Attachment R 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:  

AGENDA ITEM V. B.
(1) Elimination of proposed recontouring behind the retaining structures on either side of the new driveway. Natural or existing grade shall be maintained wherever feasible.

(2) 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.

(3) The permittee shall submit calculations using demonstrating that the proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event using the updated spread sheet available at www.tahoebmp.org.

(4) A note indicating the reduced front setback for the garage addition and the driveway reconfiguration within the County ROW have been approved by Washoe County.

B. The project plans shall be revised to demonstrate compliance with the maximum excavation limitation approved by TRPA in the Soils/Hydrology Waiver (File #LCAP2012-0124).

C. The permittee shall submit an offsite coverage mitigation fee of $2,448 for the creation of 136 square feet of land coverage in the public right-of-way at $18/SF.

D. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee’s submittal of the required permanent Best Management Practices Plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

E. The affected property has 2,363 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 9 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 of 1%, (as identified in Table 30.6.1-2, Chapter 30 of the TRPA Code of Ordinances) 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 above) multiplied by the coverage mitigation cost fee of $18.00 for projects within Hydrologic Transfer Area 9 Agate Bay (NV). 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.

F. No boulders or rock outcrops shall be moved or modified.

G. The permittee shall submit final exterior color and material samples for TRPA approval.

H. The permittee shall record a TRPA approved deed restriction to hold TRPA harmless from any and all liabilities. Evidence of document recording is required prior to final acknowledgement of the permit.

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

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

5. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 36, Section 36.8, Exterior Lighting Standards.

6. Temporary and permanent BMPs may be field-fit by the Environmental Compliance Inspector where appropriate.

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

8. All excavated materials that are not reused on site shall be hauled to a TRPA approved disposal site or a legal disposal site outside of the Tahoe Region.

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

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

Included within the Permittee’s indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay costs, including attorney’s fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
a. **Plan Area Statement / Avalanche Hazard:** The proposed project is located within Plan Area Statement 034 – Crystal Bay where all further development is considered a Special Use per Special Policy #3. The avalanche path in Crystal Bay is mapped in the *Avalanche Hazard Study Washoe County, NV* prepared by Dick Penniman, dated October 29, 1993. The avalanche path is located on the southeastern slope of Peak 7450, north of the project site. The southern edge of the mapped avalanche path is located approximately one-half mile north of the existing residence. Because of the distance between the project site and avalanche path, the avalanche safety hazard at the site is not significant and no special design standards or planning policies need be applied to the project.

B. **Land Coverage:** The land capability of the project site has been verified as Class 1a with base allowable coverage of 1%, or 138 square feet on the 13,833 square foot parcel. Existing coverage has been verified as 2,501 square feet. The proposed project will reconfigure the existing coverage but maintain the 2,501 square feet of coverage, as permitted by the TRPA Code of Ordinances. Because the existing coverage exceeds the base allowed coverage, 2,363 square feet of excess coverage exists on the site. Excess coverage mitigation will be provided through payment of a mitigation fee per Chapter 30 of the TRPA Code of Ordinances.

C. **Scenic Quality:** The existing residence is visible from Hwy 28, a scenic corridor. Roadway Unit 21, Stateline, is currently not in attainment with the scenic threshold. The 2011 Threshold Evaluation identified this roadway travel unit as one of 14 with “scores that are slightly below the Threshold Standard, and are stable with little or no change.” The current residence is a light color which contrasts with the surrounding forested setting. The proposed project will result in new exterior colors and materials for the entire structure. The new materials will be dark brown (composition and metal roofing, and vinyl clad windows) and natural stain wood siding. These colors and materials are consistent with the design standards in Chapter 36 of the TRPA Code of Ordinances and will contribute to scenic improvement by allowing the residence to better blend with the visual setting.
FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Single Family Dwelling Addition/Remodel

APN: 123-071-05

PERMITTEE: Tim Sauer    FILE # ERSP 2012-0555

COUNTY/LOCATION: Washoe / 155 Wassou Road, Crystal Bay, NV

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 4.3 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

AGENDA ITEM V. B.
East Elevation
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 Homewood Villas project (successor to Villas at Harborside) currently comprises an approved permit to construct a total of six detached residential design timeshare units, two on each of the three subject parcels located in Homewood, CA (TRPA File 20050823). Four of the six units are still under construction. The applicant is proposing to consolidate the three existing lots, and subdivide the existing six structures into separate footprint lots, with the rest of the area as one common area. The applicant is also proposing to change the use from timeshare (tourist) to single family dwelling (residential). No additional development potential will be created, and no physical modifications to the site will occur as a result of this subdivision.

Issues: Single family dwellings are a special use in this Plan Area Statement, and therefore the change in use requires Hearings Officer review in accordance with Subsection 2.2.2.A.2. of the TRPA Code.

Required Findings: The following is a list of the required findings as set forth in Chapters 4 and 21 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 4 – 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 project is located within the Homewood Commercial Plan Area Statement. The Land Use Classification is Tourist and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (Single Family Dwelling) is listed as a special use.

(2) **Transportation**: The subdivision and change in use will not result in an impact to transportation. All required parking spaces for the new use are already included in the existing development, and the change in use will result in a decrease 0.53 daily vehicle trip ends per unit.

(3) **Conservation**: No physical modifications to the site will occur as a result of this subdivision or change in use.

(4) **Recreation**: The project will not impact existing or proposed recreation areas or uses.

(5) **Public Service Facilities**: Existing public services and facilities are adequate to serve the proposed change in use.

(6) **Implementation**: As a condition of project approval, six residential units of use will be transferred to the project site under a separate application. The existing tourist accommodation units will be banked onsite for future transfer.

All evidence in the project files and records indicate that the proposed project will not 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 4, Subsection 4.4.1 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 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 21 – 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 change in use to single family dwellings is an appropriate and permissible use for the project site and surrounding area. The site is surrounded by Lake Tahoe to the east, single family dwellings to the north, the Homewood Ski Area across the Highway to the west, and tourist accommodation units, the West Shore Café, and the Homewood Marina to the south. The special use findings for the structures themselves were made with the residential timeshare use permit (TRPA File 20050823).

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. Tentative Subdivision Maps
PROJECT DESCRIPTION: Subdivision of Existing Structures and Change in Use from Timeshare to Single Family Dwelling

APN: 097-130-027, 097-130-028, and 097-130-029

FILE # SUBD2012-0147 and ERSP2012-0335

PERMITTEE(S): Homewood Villas, LLC

COUNTY/LOCATION: 5110, 5120, and 5130 West Lake Blvd., Homewood, Placer County, CA

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on July 5, 2012, subject to the special conditions found in this permit.

This permit shall expire on July 5, 2015 without further notice unless the permit is acknowledged and recorded with the Placer County Recorder’s Office. 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.

1. NO RECORDING OF THE SUBDIVISION MAP 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.

2. THE USE SHALL NOT COMMENCE UNTIL:
   a. THE SUBDIVISION MAP HAS BEEN RECORDED, AND
   b. THE PERMITTEE OBTAINS A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.
   c. ALL CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS 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
DRAFT PERMIT

APN: 097-130-027, 097-130-028, and 097-130-029
FILE NO. SUBD2012-0147 and ERSP2012-0335

Security Posted (1): Amount $_______ Posted_______ Type_____ Receipt No.______

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

Notes:
(1) See Special Condition 2.E., below.
(2) $152 if a cash security is posted, or $135 if a non-cash security is posted.

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

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

_____________________________________ ________________________________
TRPA Executive Director/Designee   Date

SPECIAL CONDITIONS

1. This permit specifically authorizes at 5110, 5120, and 5130 West Lake Blvd. in
   Homewood, Placer County:

   A. The consolidation of the three existing lots,

   B. The subdivision of the six existing structures on the project site into
      separate footprint lots, and creates a common area of the rest of the
      parcel, and

   C. The change in use of the six structures from timeshare (tourist) to single
      family dwelling (residential), and banking of the six tourist
      accommodation units.

2. Prior to permit acknowledgement, the following special conditions of approval must
   be satisfied:

   A. Permittee shall transfer six residential units of use to this parcel. (Note all
      unit of use transfers must be in compliance with Section 51.5 of the TRPA
      Code of Ordinances.)
B. The permittee shall provide, prior to final recordation of the subdivision, a final Mylar map, or a similar document, for the approved subdivision which contains a signature block for TRPA to document regional approval, and three copies of the subdivision map.

C. If the approval for the construction of the six residential units expires (TRPA File Number 20050823), in whole or in part, then this subdivision map approval is void as to the subdivision of incomplete or unbuilt units. The final subdivision map, if recorded prior to completion of all units, shall include, on its face, this condition. The incomplete or unbuilt units shall revert to common area. In no event shall this approval operate to create a subdivision of land unassociated with a complete residential unit.

D. The permittee shall submit covenants, conditions, and restrictions (CC&Rs) pursuant to Subsection 43.4.M of the TRPA Code of Ordinances for review and approval which must include the following:

1. A requirement that provisions be made for maintenance of all BMPs located within the common area.

2. A requirement that each residence comply with the exterior lighting standards as applicable in Subsection 30.8 of the TRPA Code of Ordinances.

E. The permittee shall post a security in the amount of $500. The security is required to ensure that the subdivision map is recorded and that a copy of the recorded map is provided to TRPA. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

3. Within 30 days of recordation, the permittee shall provide to TRPA a copy of the recorded subdivision map and any new Assessor’s Parcel Numbers.

4. All land outside the footprints of the structures shall be established as common area.

5. The subject parcels are and remain part of a land coverage project area which includes APNs 097-130-026, 097-130-027, 097-130-028, 097-130-029, 097-130-030, 097-130-031, 097-130-032, and 097-130-033, and the Homewood Marina building.

6. Upon recordation of the subdivision map, TRPA will recognize the six Tourist Accommodation Units as banked and available for transfer from the Resultant Lot A (Common Area).
HOMEWOOD VILLAS
VESTING TENTATIVE MAP
(RESUBDIVISION OF LOTS 2, 3, AND 4,
HARBORSIDE AT HOMEWOOD)
MARCH 26, 2011

OVERALL DEVELOPMENT MAP
MEMORANDUM

Date: July 5, 2012
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Tahoe Lobster Company, Inc.’s Lake Tahoe Invasive Crayfish Removal Project (EIP 01.04.02.06); Lake Tahoe, Nevada and, California; File #: 560-101-00/EIPC2012-0007.

Requested Action: Hearings Officer action on the proposed Lake Tahoe Invasive Crayfish Removal Project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Project Description/Background: The Tahoe Lobster Company, Inc. is proposing a commercial boating operation to remove Signal crayfish from Lake Tahoe.

The purpose of the proposed project is to reduce the environmental impacts of Signal crayfish on native fisheries and water quality through mechanical removal. The project objectives are to remove as many Signal crayfish as possible and to monitor the effects of mechanical removal on the resident crayfish population. Through this pilot project, Tahoe Lobster Company, Inc. is exploring the feasibility of sustaining a crayfish removal effort through the commercial sale of biomass harvested.

The proposed project entails commercial boating operations associated with a commercial crayfish harvest. One commercial watercraft will be used to set and collect crayfish traps on the lake bottom. Traps will be removed 12-48 hours later along with all crayfish caught in the traps. Traps will be set in water depths ranging from 15 to 120 feet. Traps will be deployed individually or on a line of 5 to 20 traps. Normal operations will start at dawn and end at approximately 7:30pm. When necessary, night operations to collect traps at 6 hour intervals will be conducted in a manner that does not cause excessive noise or light. Watercraft will be launched and harvested crayfish will be unloaded at existing marina facilities, most likely Cave Rock and Sand Harbor marinas on the east shore.

Issues/Concerns: The proposed project includes a commercial boating operation. Commercial boating is a special use in the shorezone and lakezone of Lake Tahoe; the proposed project...
therefore requires a public hearing. The primary project related issues are:

Source Water Intakes: Water purveyors with source-water intakes in Lake Tahoe identified a potential for the deployment of crayfish traps to interfere with, disrupt, or damage water intakes. Through coordination with purveyors and partner agencies, TRPA has established a 1000-foot “exclusion” zone around all source-water intakes. The placement of crayfish traps or trapping equipment in the 1000-foot exclusion zone is not permitted. TRPA will provide and update a map that identifies required exclusion zones.

Shorezone and Lakezone Structures: TRPA identified a potential for the deployment of crayfish traps or other trapping equipment to interfere with the use and operation of existing structures. Therefore, staff developed a 50-foot exclusion zone around all structures, including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters, and a 1000-foot exclusion zone around a boat-launching facilities. TRPA will provide and update a map that identifies required exclusion zones.

Crayfish Transport and Sale: Although this permit does not pertain to the transport and sale of Signal crayfish, TRPA has coordinated with the Nevada Department of Wildlife to ensure that invasive crayfish are not transported in the Tahoe Basin other than for the purpose of commercial distribution. Signal crayfish may not be released in any waters in the Tahoe Basin, detailed Record of Transfer forms are required for all catch, and the sale of Signal crayfish to private entities is not permissible under this permit.

Removal Effectiveness/Environmental Improvement Program: The effectiveness of this project at controlling the Signal crayfish population and/or reducing the ecologic and environmental effects of crayfish on Lake Tahoe is unknown at this time. The draft permit therefore includes a large amount of monitoring and reporting, and the opportunity for adaptive management through coordination with other agencies. Further, this project will be evaluated annually and prior to July 1, 2014 to assess effectiveness as an Environmental Improvement Project. This EIP permit application will not be renewed under the EIP unless there is evidence that control efforts like those in this project can be effective at controlling Signal crayfish or reducing the environmental impacts of crayfish on Lake Tahoe.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 80, and 81 of the TRPA Code of Ordinances (see attachment A for details).

Contact Information: If you have any questions, please contact (Patrick Stone, Senior Fisheries and Wildlife Biologist) at (pstone@trpa.org) or (775-589-5213).

Attachments:
A. Required Findings/Rationale
B. Draft Permit
**Required Findings/Rationale**

*Required Findings:* The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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 4.4.1 – Required Findings:**
   
a. **Land Use:** The project area lies within the Lake Tahoe lakezone. The project is designed to have no net change in existing uses within the project area. The project would effectively implement goals and policies of the TRPA Regional Plan. Specifically, the proposed project would partially implement an Environmental Improvement Program (EIP) project (01.04.02.06: Control of Aquatic Invasive Species). Therefore this project, as conditioned in the Draft Permit, is consistent with the Regional Plan and will not adversely affect implementation of Land Use or implementation of sub-elements of the Regional Plan.

   **Transportation:** This project will not adversely affect implementation of the Transportation Element of the Regional Plan. The project is designed to have no net change in existing uses and public access within the project area. Although project uses would not result in significant traffic impacts or additional Daily Vehicle Trip Ends (DVTE) after construction, additional DVTE would be generated on a short-term basis during harvest operations.

   **Conservation:** Implementation of this project may result in aquatic habitat enhancement consistent with the TRPA Goals and Policies. The project may benefit water quality by reducing the effects of Signal crayfish on aquatic algae, nutrient loading, and lake clarity. The project is a pilot-study that includes effectiveness monitoring and evaluation to determine project effects on Signal crayfish; therefore, the level and certainty of habitat enhancement is unknown. No negative impacts to cultural or historic resources area are expected.

   **Recreation:** This project will not affect recreation. Through the special conditions of the permit, any potential impacts to navigation and recreational users have been addressed through requirements that equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. The applicant must also maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe, including avoidance of navigational hazards. The project is designed to have no net change in existing recreational uses and public access within the project area.

   **Public Service and Facilities:** This project will not affect public services or facilities. The project is design to have no net change in existing public services and access within the project area. The project will utilize existing boat-launching facilities for the launch and retrieval of the watercraft.
Implementation: This project will not affect the Implementation Element of the Regional Plan.

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

TRPA staff has reviewed the “Initial Environmental Checklist” prepared by Tahoe Lobster Company, Inc., and Article (V)g “Findings” in accordance with Chapter 4, Subsection 6.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed (V)g checklist is available at the TRPA front desk and will be available at the public hearing.

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 b, above)

2. Chapter 21.2.2 – Permissable Uses: Special Uses

Commercial Boating is a special use in the lakezone of Lake Tahoe. Before issuing an approval, TRPA shall make the following 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;

Commercial boating associated with the project is of relatively small scale and intensity. This permit authorized the use of one watercraft to be used at any time. The type of boating is consistent with existing recreational fishing activities, and existing commercial and recreational boating on Lake Tahoe. Commercial boating operations like this crayfish removal project are an appropriate use for Lake Tahoe.

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

The project applicant has included in the boating operation plan reasonable measures to avoid areas where crayfish traps could disturb the health, safety, enjoyment of property, or general welfare of the Lake Tahoe region. 9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

c. The project to which the use pertains will not change the character of the
neighborhood, or detrimentally affect or alter the purpose of the applicable.

The project is designed to not change the character of Lake Tahoe or alter the purpose of the lakezone. Boating operations, watercraft launching, and harvest or equipment loading/unloading associated with this project will occur within existing boating facilities (ie. marinas) that are characterized by similar existing activities.

3. Chapter 80.4 – Review of Projects in the Shorezone and Lakezone; Required Findings

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

a. **Significant Harm** - The project will not adversely impact littoral processes; fish spawning; backshore stability, or on-shore wildlife habitat, including wildfowl nesting areas.

The project will occur on Lake Tahoe or at established lake-access facilities; therefore, the project will not adversely affect backshore stability or onshore wildlife habitat. Trapping equipment will be located in areas with water-depths greater than 15 feet; therefore it is unlikely that the project will impact littoral processes or fish spawning. The project may have a beneficial impact on fish spawning by removing predatory crayfish.

b. **Accessory Facilities** - There are sufficient accessory facilities to accommodate the project.

Sufficient accessory facilities exist to accommodate the project. The project will utilize existing boat-launching facilities for the launch and retrieval of all watercraft. Accessory facilities potentially accommodating the project are marinas, boat storage, access to public waters, and restrooms.

c. **Compatibility** - The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The project is compatible with existing lakezone uses. No modifications to existing uses or structures in the shorezone or lakezone are allowed under this permit. No additional shorezone structures are authorized under this permit.

d. **Use** - The use proposed in the foreshore or nearshore is water dependent.

The project area does not include the foreshore. Commercial boating operations are, by nature, water dependent.

d. **Hazardous Materials** - Measures will be taken to prevent spills or discharges of hazardous materials.

Measures have been included in project design to prevent the spill or discharge of hazardous materials. The applicant will comply with TRPA Code of Ordinances pertaining to boating, engines, and hazardous materials. Refueling will occur on at existing refueling stations or pumps.

f. **Construction** - Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

No disturbance to the ground or terrestrial vegetation is allowed under this permit. Traps will be deployed in areas that will minimize disturbances to aquatic vegetation.
g. Navigation and Safety - The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The project will not adversely impact navigation or create a threat to public safety. Commercial activities will be restricted in the vicinity of all boating facilities and structures according to TRPA defined exclusion zones. Trapping equipment is not allowed within 50 feet of a structure or within 1000 feet of a launch facility. Trap lines will be marked with buoys that are submerged at least 5-feet from the water surface and will be clearly marked with a light or reflective surfaces. Surface markers for this project were designed in coordination with the US Coast Guard and the Nevada Department of Wildlife.

h. Other Agency Comments - TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on the project.

TRPA has solicited comments from and developed this permit in coordination with Nevada State Lands Commision, Nevada Department of Wildlife, US Coast Guard, California Department of Fish and Game, and Lake Tahoe water purveyors. Additional written comments will be accepted through July 3, 2012 and all comments will be available on July 5, 2012.

4. Chapter 81.2.2 – Permissible Uses and Structures in the Shorezone and Lakezone; Special Uses

Before issuing an approval for special uses in the shorezone or lakezone, TRPA shall make the following 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.

   (Refer to paragraph 2.a, above)

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 in the region.

   (Refer to paragraph 2.b, above)

c. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

   The project has been designed to protect the land, water, and air resources through elements to minimize travel, prevent a hazardous material spill, and avoid transport of non-target aquatic invasive species. The project is designed to restore water resources by removing Signal crayfish.

d. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be. (Refer to paragraph 2.c, above)
DRAFT PERMIT

PROJECT DESCRIPTION: Lake Tahoe Invasive Crayfish Removal Project (EIP #20104032/01.04.02.06)

FILE #: EIPC2012-0007  APN: 560-101-00

PERMITTEE(S): Tahoe Lobster Company, Inc.

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on July 5, 2012 subject to the special conditions found in this permit.

This permit shall expire on July 5, 2014 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action that delayed or rendered impossible the diligent pursuit of the permit.

NO COMMERCIAL OPERATION 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-PROJECT CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND,
(3) A TRPA INSPECTION HAS BEEN CONDUCTED WITH THE BOAT OWNER AND THE OPERATOR, AND A COMMERCIAL OPERATION SCHEDULE SUBMITTED.

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 __________________________
TRPA PROJECT NUMBER 560-101-00
FILE NO. EIPC2012-0007

Security Posted:  N/A    EIP Project # 20104032/01.04.02.06

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

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

_____________________________________             ______________________________
TRPA Executive Director/Designee                               Date

SPECIAL CONDITIONS

1. This project is part of the Lake Tahoe Environmental Improvement Program (EIP), project number 20104032/01.04.02.06, Aquatic Invasive Species Control.

2. This permit specifically authorizes commercial boating for the use of one watercraft at a time on Lake Tahoe for commercial purposes. All watercraft used for this commercial boating operation shall be described in the operations plan (see below). This permit authorizes certain uses on land and water as conditioned with this permit.

3. This permit is valid for a period of 2 (two) years, expiring on July, 5, 2014. This permit may be renewed prior to expiration, pending a review of the Environmental Improvement resulting from the commercial harvest operation.

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

   A. The permittee shall submit a final operations schedule which includes:
      
      (1) An operations plan outlining the planned method of watercraft launch and retrieval, planned method for storing or unloading daily catch, and number of vehicle and boat trips per day.

      (2) Copies of all current permits and certifications from the Nevada Department of Wildlife and Nevada Division of State Lands; and other permitting agencies, as appropriate. This includes copies of current vessel registration documentation and commercial harvest permits.

      (3) Compliance with annual TRPA Lake Tahoe watercraft inspection and sticker program.

   B. The permittee shall submit an air quality mitigation fee. This fee is based on the addition of commercial daily vehicle trips at a rate of $36.20/trip.
C. The permittee shall sign the permit form stating that the permit was received, the permit is understood, and the contents accepted prior to any activity within the project area. Plans shall not be stamped approved without receiving the signed permit.

D. The permittee shall submit a monthly report to the TRPA Aquatic Invasive Species Program Coordinator detailing the number and type of traps used; the date, time, location and depth for each trap set, emptied and removed; the poundage and count of crayfish caught, harvested and disposed of; the type and quantity of bait used; the quantity, length, identity and condition of non-target fish caught and/or released; the quantity of crayfish sent to market and the poundage retained for bait. This report shall be submitted in Microsoft Excel or equivalent electronic format. The monthly report is due 15 days following the end of each month.

5. The permittee shall submit an annual operations schedule by April 1 of each year. The annual operations schedule requires TRPA approval prior to yearly operation. The information shall include an updated operations schedule including those items requested in Special Condition 2.A. of this permit.

6. It is the permittee’s responsibility to maintain conformance with all U. S. Coast Guard requirements for use of the watercraft on Lake Tahoe. It is the permittee’s responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations for the commercial operation at all times.

7. Commercial boating under this TRPA permit is authorized in the entirety of the waters of Lake Tahoe. Any commercial fish harvesting is subject to the regulations, exclusion or location zones, and authorizations of the respective resource authorities. All trapping equipment, traps, pods, floats or ropes shall not be placed in any area identified for closure in permits issued by any other land management or permitting agency.

8. Commercial boating is not authorized in areas where water levels do not allow clearance of watercraft draft. At no time shall any part of the watercraft come into contact with the lake bottom or subsurface erosion control structures (i.e. lake bottom revetments, rock gabions, etc.).

9. All trapping equipment, traps, pods, floats or ropes shall be placed no less than 50 feet from any structure – including but not limited to piers or docks, mooring or navigation buoy floats or anchors, breakwaters - in the shorezone or lakezone of Lake Tahoe. Equipment shall not be placed within 1,000 feet of any launch ramp or drinking water intake structures/lines. Equipment shall not interfere with the navigation of motorized or non-motorized watercraft, swimming areas, topline fishing, or other recreational uses. Any surface floats shall be clearly visible and/or display reflective or lighted surfaces when deployed.

10. All trapping equipment will be designed and tested to avoid incidental catch of native minnows and other non-target fish species. If native fish are captured in traps or pods, they will be measured, identified, and visually assessed for evidence of physical trauma. Information on all incidental catch will be included in monthly reports. TRPA may exclude certain trapping
equipment or pod designs from this commercial boating operation if significant quantities of native fish species are caught.

11. No permanent structures are authorized under this permit. The temporary placement of floating markers is permitted, however temporary placement of such equipment shall not exceed 48 hours in the same location.

12. This commercial activity shall not cause violation of any of the community noise equivalent levels (CNEL) of the Plan Area Statements in which this operation will occur.

13. Any watercraft used for this commercial boating operation shall meet the TRPA Code requirements for watercraft, including subsection 60.1.3.E, prohibition of two-stroke engines; subsection 63.4, aquatic invasive species inspections and decontaminations; and subsection 68.3.1.C, maximum allowable single-noise event levels.

14. All commercial boating operations conducted within 600 feet of the waterline of Lake Tahoe shall observe the no-wake-zone and may not create a wake or exceed 5 MPH.

15. This permit authorizes commercial boating activities on Lake Tahoe. No operations are permitted on the tributaries of Lake Tahoe or in any other lakes in the Region.

16. All project and employee vehicles, including trailers, shall be parked on existing paved surfaces.

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

18. Information contained in special reports prepared for the project, including, but not limited to, U. S. Coast Guard Temporary Certificates of Inspection, are considered conditions of project approval.

19. The stated conditions of this permit shall be adhered to throughout the lifetime of this operation. This permit may be revoked if at any time the operation is out of compliance with the conditions of this permit.

20. The discharge of petroleum products, waste and litter, or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus bait and other materials shall be removed from the water body and deposited in a proper disposal site.

21. The project may be subject to the permitting requirements of other agencies with jurisdiction over the proposed project activities, including the U.S. Army Corps of Engineers, Washoe County Building Department, and all other applicable County Departments.

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

Included within the permittee's indemnity obligation set forth herein, the permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT
MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Lake Tahoe Invasive Crayfish Removal Project (EIP #20104032/01.04.02.06)

TRPA PROJECT NUMBER: 560-101-00

FILE #: EIPC2012-0007

PERMITTEE(S): Tahoe Lobster Company, Inc.

COUNTY/LOCATION: The project area is located in Lake Tahoe, Nevada and California.

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  Date