MEMORANDUM

November 16, 2005

To: TRPA Hearings Officer
From: TRPA Staff

Proposed Action: The applicant’s, Richard A. Lowden Family Trust, request that the TRPA Hearing’s Officer review and approve the proposed Land Capability Challenge on a portion of the subject parcel.

Staff Recommendation: The staff recommends that the TRPA Hearings Officer approve the land capability challenge on a portion of the parcel changing the land capability from class 2 to class 4.

Background: The subject parcel is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE (Cagwin-Rock Outcrop, 15-30 percent slopes) soil map unit. The CaE soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in glacial-fluvial and lacustrine deposits derived from mostly granitic sources (granodiorite).

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

Findings: This parcel is located at 689 Lakeview Blvd. in Douglas County NV. The parcel is mapped within geomorphic unit C-1 (Granitic foothills, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by the TRPA staff soil scientist. Based on two soil auger samples, one representative soil profile was described (see Attachment A). After conducting the field visit on October 25, 2005 the soils on the portion of the property with slopes of less than thirty percent were determined to be consistent with land capability class 4, as per Table 4 of the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

Attachments:
SOIL INVESTIGATION FOR
DOUGLAS COUNTY APN 1318-10-310-019, 689 Lakeview Blvd., Zephyr Cove NV

INTRODUCTION
A soil investigation was conducted on APN 1318-10-310-019 on October 25, 2005. This parcel is located at 1689 Lakeview Blvd., in Douglas County NV. A land capability verification was not previously conducted on this parcel. A land capability challenge was filed with TRPA on June 23, 2005 to determine the appropriate land capability class for a portion of this parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 2 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE (Cagwin-Rock Outcrop, 15-30 percent slopes) soil map unit. The CaE soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin-Rock outcrop soil formed from mixed glacial-fluvial and lacustrine deposits that are mainly derived from intrusive igneous sources (granodiorite). This parcel is on a west-southwest facing slope. The natural grade ranges from 28 percent to over 40 percent. The vegetation is comprised of an overstory of Jeffery pine with an understory of bitterbrush, manzanita.

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

FINDINGS
A deep variant of the Cagwin soil series was identified on the portion of the property that was less than 30 percent slope. The soils on this portion of the parcel are deep and well drained. The soil is characterized as having a thin (1") surface mantle of organic matter over a dark grayish brown gravelly loamy coarse sand surface layer. A brown to olive brown, gravelly coarse sandy loam subsoil is present to a depth of 42 inches. This soil series variant has a different run-off potential because it is deeper. Therefore, under Table 4 of the Bailey Land Capability Classification system this soil would classify as Land Capability class 4 because of the soil profile depth, hydrologic group assignment and slope range.

CONCLUSION
Based on the results of the site visit, the soil on a portion of APN 1318-10-310-019 was determined to be a variant soil with features that are associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

Soil Classification (1999) Sandy-Skeletal, mixed, frigid, Typic Dystroxerept
Soil Series: Cagwin variant
Hydrologic Group: B
Drainage: Well Drained

Oi  1 to 0 inches; pine litter.

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

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

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

Cr  42 inches, weathered gruss; nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel and 10 percent cobbles.
MEMORANDUM

November 16, 2005

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Mr. Chad Smittkamp Land Capability Challenge; 2190 Lands End Drive, Glenbrook NV, Douglas County APN 1418-03-301-09, (TRPA does not recognize the existence of Douglas County Parcel APN 1418-03-301-08).

The applicant, Mr. Chad Smittkamp requests that the Hearings Officer review and approve the proposed Land Capability Challenge on the affected parcel.

Staff Recommendation: The staff recommends that the Hearings Officer approve the soil based land capability challenge, changing the soil land capability for a portion of the parcel from class 1b, 1a and 2 to classes 1a, 1b, 4 and 6. An un-named soil was described that is consistent with Land Capability classes 4 and 6 on those areas of the parcel that are outside of the SEZ boundary and associated with slopes of less than 30 percent. The SEZ boundary was adjusted based upon application of Chapter 37 criteria.

Please note that only the soil based Land Capability was challenged in this application. The Geomorphic map units in which this parcel resides are not changed and remain E-3 Alluvial Lands and C-2 Strongly Dissected Lands. Both of these Geomorphic Map units are classified as High Hazard lands. Therefore, the parcel is still assigned a prevailing Geomorphic Land Capability designation of 1a.

Background: The subject parcel is shown as land capability class 1b, 1a and 2 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE /F (Cagwin-Rock Outcrop, 15-50 percent slopes) soil map units. The CaE/ F soil map units are consistent with the C-2 (Strongly dissected lands, High Hazard Lands) geomorphic unit classification. The Cagwin soil formed in residual deposits derived mostly from granitic sources (granodiorite). The portion of the parcel adjacent to Slaughterhouse Creek was mapped as Ev (Elmira loamy coarse sand, wet variant) soil map unit. This soil map unit is consistent with E-3 (Alluvial Lands, High Hazard Lands) geomorphic unit classification. The Ev soils formed in alluvial deposits derived from volcanic and granitic sources.

A land capability verification was previously conducted on this parcel and was verified as land capability map units Ev (SEZ-1b) and CaD/E/F (classes 4,2 and 1a). A land capability challenge was filed to confirm the soil series and soil based land capability for the parcel.

Findings: This parcel is located at 2190 Lands End Drive Glenbrook NV. The parcel is mapped within geomorphic unit C-2 (Strongly dissected lands, High Hazard Lands) and...
E-3 (Alluvial Lands, High Hazard Lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. Based on retrieved soil samples, a representative soil profile was described (see Attachment A). After visits to the parcel on September 20, 2005 the soils on APN 1418-03-301-09 were determined to be consistent with land capability classes 1a, 1b, 4 and 6 in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

Attachments
INTRODUCTION
Soil samples were retrieved on Douglas County APN 1418-03-301-09 on September 20, 2005. This parcel is located on 2190 Lands End Drive, Glenbrook NV.

A land capability challenge was filed with TRPA of to determine the appropriate land capability class for this parcel based on a soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability classes 1a, 2 and 1b on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaE/F (Cagwin-Rock Outcrop, 15-50 percent slopes) soil map units and Ev (Elmira wet variant) soil map units. These soil map units are consistent with the C-2 (Strongly dissected lands, High Hazard Lands, High Hazard Lands) and E-3 (Alluvial Lands, High Hazard Lands) geomorphic unit classification. These soils formed in residual and alluvial deposits derived from mostly extrusive igneous sources. This parcel is on a southeast facing landform. The natural slopes on this parcel range from approximately 5 to 45 percent.

PROCEDURES
Soil auger samples were retrieved from the locations that the applicant’s consultant: Davis described on the parcel. After examination of the auger samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One un-named soil was identified outside of the SEZ boundary on this parcel. The unnamed soil described can be accurately characterized as having a thin (<1”) surface mantle of organic matter over a dark brown loamy coarse sand surface layer. A pale brown loamy coarse sand subsoil is present to a depth of greater than 50 inches. This soil is classified as Hydrologic Group B and would therefore be assigned to Land Capability class 4 and 6 depending on slope phase assignment.

The SEZ has been re-delineated based on application of Chapter 37 criteria. Please note that the designated Geomorphic Map Units C-2 (Strongly dissected lands, High Hazard Lands, High Hazard Lands) and E-3 (Alluvial Lands, High Hazard Lands) have not been affected by this Land Capability challenge. This entire parcel resides within the mapped boundaries of E-3 (Alluvial Lands, High Hazard Lands) and C-2 (Strongly dissected lands, High Hazard Lands, High Hazard Lands) and therefore the Land Capability is still designated as 1a because the mapped Geomorphic designation prevails in the Land Capability class assignment.

CONCLUSION
Based on the results of the site visit, the soil based Land Capability on Douglas County APN 1418-03-301-09 was determined to be demarcated and apportioned in to classes 1a, 1b, 4 and 6 in accordance with the soil based Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974). However, the mapped Geomorphic Land Capability for this parcel is still classified as High Hazard Lands -1a.
DOUGLAS COUNTY APN 1418-03-301-09

Representative Soil Profile #1: (Slope Phase; 0-16 percent)

Soil Classification: Sandy, mixed, frigid, Humic Dystroxerepts
Soil Series: Unnamed
Hydrologic Group: B
Drainage: Somewhat excessively well drained

Oi 1 to 0 inches; organic litter

A1 0 to 10 inches; grayish brown (10YR 5/2) gravelly loamy coarse sand; very dark brown (10YR 2/2) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; 20 percent gravel; clear smooth boundary.

A2 10 to 22 inches; dark brown (10YR 4/3), gravelly loamy coarse sand; dark yellowish brown (10YR 3/3) moist; moderate fine granular structure trending to weak, fine subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; clear smooth boundary.

C1 22 to 38 inches; yellowish brown (10YR 5/2) coarse sandy loam; yellowish brown (10YR 5/4) moist; single grain; slightly hard, friable, nonsticky and nonplastic; common very fine and fine roots; many very fine and fine interstitial pores; single grain; gradual wavy boundary.

C2 38 to 50+ inches; light yellowish brown (7.5YR 6/4) gravelly loamy coarse sand; dark yellowish brown (10YR 5/4) moist; single grain; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel.

Representative Soil Profile #2: (Slope Phase; 16-30 percent)

Soil Classification Sandy, mixed, frigid, Humic Dystroxerepts
Soil Series: un-named
Hydrologic Group: B
Drainage: Somewhat excessively well drained

Oi 1 to 0 inches

A1 0 to 10 inches; grayish brown (10YR 5/2) gravelly loamy coarse sand; very dark brown (10YR 2/2) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; 20 percent gravel; clear smooth boundary.
A2 10 to 26 inches; dark brown (10YR 4/3), gravelly loamy coarse sand; dark yellowish brown (10YR 3/3) moist; moderate fine granular structure trending to weak, fine subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; clear smooth boundary.

C1 26 to 42 inches; yellowish brown (10YR 5/4) gravelly loamy coarse sand; dark yellowish brown (10YR 4/4) moist; weak, medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common very fine and fine roots; many very fine and fine interstitial pores; 20 percent gravel; gradual wavy boundary.

C2 42 to 53+ inches; light yellowish brown (710 YR 6/4) gravelly loamy coarse sand; dark yellowish brown (10YR 4/4) moist, fine, medium subangular blocky; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; 20 percent gravel; many very fine and fine interstitial pores; gradual wavy boundary.
Project Name: Sunny Drive Improvement- Paving

Application Type: Linear Public Facility – Pave Road

Applicant: Blackwolf Family Trust

Applicant’s Representative: Gary Furumoto, Sagan Design Group

Agency Planner: Theresa Avance, AICP, Associate Planner II

Location: Sunny Drive at Alpine Avenue/ Placer County

Assessor’s Parcel Number / Project Number: 530-115-05 / 20051064

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

Project Description: The project consists of the paving of 125 linear feet of an undeveloped paper road (Sunny Drive) to provide paved access to a residential parcel. The access roadway project will result in the relocation of 1,563 square feet of existing land coverage within the Sunny Drive right of way, and the addition of 590 square feet of new land coverage. All additional land coverage shall be transferred to the project area.

Site Description: The proposed site is located in Placer County. The project area is in a residential neighborhood and has a land capability of Class 5. There are no Stream Environment Zones (SEZs) in the project area, and it is not visible from Highway 89 or Lake Tahoe.

Issues: According to Plan Area Statement 161, Tahoe Pines, Transportation Routes are a special use and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, 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 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 161. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (transportation route) is listed as a special use.
C. **Land Coverage:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area (utility easement)</td>
<td>5,690 sq. ft.</td>
</tr>
<tr>
<td>Allowable Coverage (Land Capability District 5)</td>
<td>1,423 sq. ft.</td>
</tr>
<tr>
<td>Existing Coverage</td>
<td>1,563 sq. ft.</td>
</tr>
<tr>
<td>Proposed Coverage</td>
<td>2,153 sq. ft.</td>
</tr>
<tr>
<td>Required Coverage Transfer</td>
<td>590 sq. ft.</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

   (Refer to paragraph 1(b), above.)

2. **Special Uses – Chapter 18:**

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

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

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

The applicant will be required to apply temporary Best Management Practices to protect the land, water, and air resources of the subject property and that of the surrounding property owners. Parking barriers may be installed at the discretion of Placer County to prevent unauthorized access past the area proposed to be paved.

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

The proposed paved roadway is located within an existing residential neighborhood, for whom the service is to be provided. The proposed project is a special use in the affected plan area.

3. Land Coverage (Linear Public Facilities And Public Health And Safety Facilities) – Chapter 20:

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

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

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

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

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

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

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

The paved road will be located within a right of way owned by Placer County, but will primarily provide access to property owners adjacent to the right of way.
Required Actions: Staff recommends that the Hearings Officer take the following actions:

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

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.
PROJECT DESCRIPTION: Linear Public Facility –Paved Road APN: 530-115-05

PERMITTEE(S): Blackwolf Family Trust FILE # 20051064

COUNTY/LOCATION: Placer County / Sunny Drive at Alpine Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on November 23, 2005, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on November 23, 2008 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pavement and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

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

(3) THE PERMITTEE OBTAINS 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.

_____________________________________   ______________________
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________________
D-R-A-F-T

APN: 93-360-02
FILE NO. 200303

Security Posted (1): Amount $ 500______ Posted _______ Receipt No. _______ Type ______

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

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

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

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

TRPA Executive Director/Designee ____________________________________________________________________________ Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the paving of 125 linear feet of an undeveloped paper road (Sunny Drive) to provide paved access to a residential parcel. The access roadway project will result in the relocation of 1,563 square feet of existing land coverage within the Sunny Drive right of way, and the addition of 590 square feet of new land coverage. The additional land coverage shall be transferred to the project area.

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

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

A. The site plan shall be revised to include:

   (1) The following revised land coverage calculations:

   Project Area Allowable Coverage
   Total Project Area: 5,690 sq. ft.
   5,690 sq. ft. @25%: 1,423 sq. ft.

   Existing Coverage
   Dirt Road: 1,563 sq. ft.
Proposed Coverage
AC Paving: 2,153 sq. ft.

Total Proposed Coverage in Project Area: 2,153 sq. ft.

(2) Clear identification of the proposed project area within the Sunny Drive right of way \((140' \times 40') + ((4.5' \times 40')/2)\)=5,690 sq. ft.

B. Permittee shall transfer 590 square feet of coverage to this project area. All transferred coverage shall be from land capability class 1,2,3, 4, or 5, or have any IPES score; and be located within Hydrologic Area 7. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

C. The security required under Standard Condition I.2 of Attachment Q shall be $500.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

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

END OF PERMIT
TAHOE REGIONAL PLANNING AGENCY

HEARINGS OFFICER STAFF SUMMARY

Project Name: Interim Relocation of City of South Lake Tahoe Offices to Lake Tahoe Airport

Application Type: Public Service/Special Use

Applicant: City of South Lake Tahoe

Applicant’s Representative: Teri Jamin, Community Development Director

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

Location: 1901 Airport Road, City of South Lake Tahoe, EL Dorado County, California

Assessor’s Parcel Number / File Number: APN 033-050-06 / 20051398

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 City of South Lake Tahoe is proposing to relocate some City administrative offices and related facilities from their current locations at 1900 Lake Tahoe Blvd. (City Services Center) and/or 1052 Tata Lane (Administrative Offices) to the existing Lake Tahoe Airport terminal building, which is located at 1901 Airport Road. The offices for approximately 25 employees, file storage, and the City Council Chambers, will be moved. These facilities will be utilizing existing vacant airport building space and no new structures are proposed to be constructed. The facility will also function as the City Emergency Operations Center when necessary, as the current City Council Chamber does.

An interior remodel of up to 8,500 square feet will be required to accommodate the project. The only exterior work will involve re-stripping existing concrete and asphalt in front of the terminal building to establish Americans with Disabilities Act (ADA) compliant parking and short-term parking spaces, and at the southern parking lot entrance to eliminate the exit lane, replacement of terminal building windows to meet Title 24 energy conservation requirements, and repair of the stairways between the parking lot and building entrance. No new structures or change in coverage will result from the project.

The City offices location at the airport is an interim use pending the development of a new city hall at a location that has not yet been determined. However, the interim period will exceed the timeframes for a temporary use allowed by Chapter 7 of the TRPA Code of Ordinances so the project is being reviewed as a standard project.

The airport is currently underutilized for aviation uses. The proposed project will not displace any existing uses at the airport and a limited amount of additional area will be

Hearings Officer / LB
November 23, 2005
available should a new aviation related use wish to locate at the airport. The interior remodel of the space in the terminal building that will be used for the City offices will not preclude accommodation of increased aviation activity in the future, should the need arise.

**Site Description:** The existing Lake Tahoe Airport is located on a site of approximately 371 acres, west of US 50/SR 89 and within the City of South Lake Tahoe. The site is accessed via Airport Road which has two driveway intersections with US 50 / SR 89 and provides internal circulation within the airport facility. The project area is within the boundaries of PAS 116 – Airport. The verified land capability districts within the project area are Classes 1b, 2, 3, 4, 5 and 6. Base allowable coverage has been calculated to be approximately 2,314,768 square feet, while existing coverage is approximately 3,529,124 square feet. A large portion of the site is stream environment zone (SEZ) associated with the Upper Truckee River which runs along the eastern side of the airport. A portion of the airport site is within the 100-year flood plain of the river. The site is heavily developed with airport facilities (runway, taxiway, terminal building, control tower, hangers, general aviation facilities, etc.). Most of the improvements, including the terminal building and parking lot are on Class 5 soils; both are also located outside of the mapped 100-year flood plain. Surrounding land uses consist of a commercial area (across US 50/SR 89) and open space. In addition, an area of residential use is located on the west side of the airport near the north end of the runway.

**Issues:** The proposed project involves establishing a Special Use (government offices) within PAS 116 Airport and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. **Plan Area Statement:** The project is located within Plan Area 116 Airport. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. The Planning Statement, Planning Considerations, and Special Policies for the plan area emphasize scenic improvement, primarily in the commercial area along US 50/SR 89, across the street from the airport. The airport terminal building and parking area are located well below the adjacent highway grade and screened by numerous trees. Neither contributes to the scenic quality of the roadway. The PAS also indicates that the airport "...should continue to provide commercial and general aviation service in accordance with the adopted Goals and Policies and environmental constraints." The proposed use (government offices) is listed as a special use within the Plan Area.

As noted above, the airport is currently underutilized for aviation uses. The proposed project will not displace any existing uses at the airport and a limited amount of additional area will be available should a new aviation related use wish to locate there. The interior remodel of the space in the terminal building that will be used for the City offices will not preclude accommodation of increased aviation activity in the future, should the need arise.

The City has consulted with the Federal Aviation Administration (FAA) to obtain FAA approval of the proposed project because the FAA has funded many improvements at the airport which must be maintained for aviation-related uses. Based on discussions to date, the City anticipates receiving approval based on the conclusions that: 1) the proposed project will not diminish the current aviation function of the
airport and, 2) the improvements made to the terminal building with this project will make it a better facility for aviation uses, if the need/opportunity arises in the future.

Based on these factors, staff has determined that the proposed project is consistent with the PAS and the primary aviation uses intended for the airport.

2. **Airport Master Plan:** The Lake Tahoe Airport Master Plan and Settlement Agreement between the City of South Lake Tahoe, TRPA, and the League to Save Lake Tahoe describes the vision for the Lake Tahoe Airport for 20 years from the date of adoption (1992). The Master Plan focuses on commercial service issues and is formally identified as the "Commercial Airline Access Plan and Airport Regulation for Lake Tahoe Airport, South Lake Tahoe, California (TVL)." The Master Plan anticipated continuing commercial airline services at the airport and established limitations on the number of passengers and flights permitted, and on noise from commercial aircraft operations. Currently, there are no commercial airline operations at the airport and none are foreseen in the immediate future. Because of this, the Master Plan and Settlement Agreement has not been implemented as envisioned.

The Master Plan and Settlement Agreement does not address uses or activities at the airport other than commercial air service. The proposed project does not conflict with the Master Plan and Settlement Agreement in any way.

3. **Land Coverage:** The airport site currently has excess coverage. However, the proposed project will utilize existing improvements and not affect coverage (no new structures or paving), so no excess coverage mitigation is required.

4. **Traffic/Air Quality Impacts:** The applicant has submitted a traffic/air quality analysis for the project as initially envisioned. Originally, all uses at the Services Center (1900 Lake Tahoe Blvd.) were to be moved to the airport without any changes at the Tata Lane building. Because the currently proposed project involves the same number of employees in the airport relocation but may not include the Services Center public counter, which would tend to create additional trips, the analysis remains valid as a worst case scenario.

The analysis demonstrates that the originally proposed project will result in the creation of 348 daily vehicle trip ends (dvte) and the traffic associated with the currently proposed project will not be any greater. Of the 348 dvte total, 147 (or 42%) are associated with City Council meetings which typically occur only once every two weeks. The TRPA Code of Ordinances considers increases of 200 or more dvte a significant increase in traffic which requires the preparation of a Traffic and Air Quality Analysis which was submitted. The analysis determined the impact to Vehicle-Miles of Travel (VMT) will be insignificant. To mitigate project related air quality impacts, the applicant will be required to pay an air quality mitigation fee of $10,440 (348 dvte x $30 per dvte) for the new dvte.

The traffic analysis also identified two potential issues at the airport exit driveway intersection with US 50/SR 89. First was a sight distance deficiency for drivers exiting the airport and looking south on US 50/SR 89 whose view was partially blocked by a mound and vegetation along the highway edge. Because this deficiency affected current activities at the airport, it was corrected by re-grading the mound area so that it is approximately at the same grade as the highway. The work
was completed prior to the October 15 annual grading deadline. The re-graded area was also hydro-seeded to re-vegetate the area. With the re-grading of the mound area, the sight distance deficiency no longer exists.

The second issue is intersection level of service (LOS). The exiting right-turn movement is expected to degrade from LOS B to LOS C during the noon peak hour. During the p.m. peak hour, the exiting left-turn movement would degrade from LOS E to LOS F. However, the traffic volumes for the left-turn movement are typically low (maximum 21 turns during a peak hour on a day without a Council meeting) and the traffic queue is not expected to exceed one vehicle during the noon and p.m. peak hours. Further, TRPA’s adopted LOS standards do not apply to driveway intersections such as this one.

The extent of impact and need for mitigation of this potential impact is not clear. The impact only occurs with City Council meetings which are typically scheduled once every two weeks. In addition, the impact has been assessed based on a “worst case” scenario, a full council chambers (100 persons in audience) concluding such that all attendees exit during the noon peak hour. Typically, City Council meetings attract far fewer audience members and meetings which draw large audiences due to controversial issues run longer. Realistically, the assessed impact would occur on very few occasions, if ever. The applicant will be required to monitor actual intersection conditions following occupancy and report to TRPA to determine the need for further mitigation for intersection LOS impacts.

Procedurally, a significant duty increase and a LOS decrease by one letter grade would normally require the project to be reviewed and approved by the Governing Board per Item I.12 of Appendix A to Chapter 4 of the Code of Ordinances. However, as noted above, the TRPA LOS standards do not apply to driveway intersections and no LOS impacts have been identified for any other intersection. Hence, this project may be reviewed and approved by the Hearings Officer.

5. **Growth Management:** Because the City offices exist at their current locations, the airport is an existing public service facility, and no expansion of office capacity is proposed, the relocation of the City offices to the airport is not considered an “additional” public service facility which would be subject to the required findings of Section 33.5.A of the TRPA Code of Ordinances. The project is also not an “airport expansion” which would require Governing Board approval, since it will not affect the aviation capabilities of the site.

6. **Water Quality BMPs:** In compliance with the 208 Water Quality Compliance Plan issued by TRPA and the National Pollutant Discharge Elimination System Permit issued by the Lahontan Water Quality Control Board, the City of South Lake Tahoe prepared the Lake Tahoe Airport Master Plan (1988) which includes the Lake Tahoe Airport Erosion Control Project. Portions of the 1988 plan were implemented by the City during the summer of 1988. The Lake Tahoe Airport Master Plan was updated in 1995 to address erosion and drainage problems that were not identified in the 1988 plan and to respond to TRPA and Lahontan permit conditions. The plan included a BMP retro-fit plan in compliance with Chapter 25 of the TRPA Code of Ordinances. The recommended Best Management Practices (BMPs) included in the 1995 plan have been completed but could be modified in the future based on monitored effectiveness.
Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Required Findings:
   
   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

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

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

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. The applicant has also 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, IEC and Traffic Analysis 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.)

4. Chapter 18 – Special Use Findings:

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

   The proposed project will utilize an existing public service facility as the interim location for the City offices public service use. The airport was designed for, and has in the past accommodated, large numbers of people and traffic in excess of that associated with the proposed project. The proposed use is consistent with the intended nature, scale, density, intensity and type of use of the airport parcel and surrounding area. The proposed project will not appreciably change the physical environment of the airport or its surroundings.
(b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The project will utilize the existing facilities at the airport and not significantly change the environment of the airport or the surrounding properties. The applicant has included necessary mitigation to address potential traffic impacts from the proposed project. Other than traffic, no impacts to health, safety and general welfare, or land, water or air resources are associated with the project.

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

The project is located in Plan Area 116 which has been identified as an area of commercial and public services uses. The proposed government offices use is a special use for the Plan Area. Continuing the use of the existing building with a new public service use will not change the character of the neighborhood, nor will it generate excessive traffic volumes or other impacts which could be detrimental to the area. This project is not located within a community or specific plan area, and it will not affect the purpose of the adopted Settlement Agreement and Airport Master Plan which is regulating commercial air service.

**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. Airport Site Plan
3. Floor Plan for Interior Remodel
4. Restriping Plan for Parking Area
PERMIT

PROJECT DESCRIPTION: Relocation of City Offices to Lake Tahoe Airport  APN: 033-050-06
PERMITTEE(S): City of South Lake Tahoe  FILE #20051398
COUNTY/LOCATION: El Dorado / 1901 Airport Road, City of South Lake Tahoe

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on November 23, 2005, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on November 23, 2008 without further notice unless the use has commenced prior to this date and diligently pursued thereafter. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO USE SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND
(3) THE PERMITTEE OBTAINS A CITY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.

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

/lb

PERMIT CONTINUED ON NEXT PAGE

Hearings Officer / LB  AGENDA ITEM NO. V.D
November 23, 2005
D-R-A-F-T

APN: 033-050-06
FILE NO. 20051398

Air Quality Mitigation Fee (1):
Amount $10,440  Paid _____ Receipt No. _____

Security Posted:  Amount $ N/A (City)  Posted _____ Type _____ Receipt No. _____

Notes:
(1) See Special Condition 3.A, below.

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 city building permit:

TRPA Executive Director/Designee ___________________________ Date __________

SPECIAL CONDITIONS

1. This permit specifically authorizes relocation of some City of South Lake Tahoe
offices to the existing terminal building at Lake Tahoe Airport. The use includes
offices for approximately 25 employees, file storage, and the City Council
Chambers. Exterior work includes re-striping existing concrete and asphalt in
front of the terminal building to provide ADA and short-term parking and at the
southern parking lot entrance to eliminate the exit lane, replacement of windows
to meet Title 24 energy conservation requirements, and repair of the stairways
between the parking lot and building entrance.

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

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

A. The permittee shall submit a $10,440 air quality mitigation fee. This fee is
based on the creation of 348 daily vehicle trip ends assessed at
$30.00/trip.

B. The permittee shall submit a maintenance schedule for existing Best
Management Practices (BMPs) within the project area.

C. The permittee shall submit a traffic monitoring and reporting plan for the
Airport exit driveway / US 50/SR 89 intersection for TRPA review and
approval. The plan shall include: 1) the collection and analysis of
accident data during the first year of occupancy; 2) collection and analysis
of intersection turning-movement counts and observed traffic delays

Hearings Officer / LB November 23, 2005
AGENDA ITEM NO. V.D
during representative peak periods; and, 3) recommendations from a qualified professional to eliminate any significant traffic problems identified by the monitoring. If significant traffic problems are identified, additional mitigation measures may be required pursuant to this approval.

D. The permittee shall provide evidence that the proposed parking meets the City of South Lake Tahoe parking requirements.

E. The permittee shall provide evidence of the Federal Aviation Administration (FAA) approval of the proposed project.

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

4. 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.

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

6. 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.

7. Any and all new signs or changes to existing signs associated with the project shall be reviewed and approved by the City of South Lake Tahoe in accordance with the City/TRPA MOU.

END OF PERMIT