MEMORANDUM

September 29, 2005

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Incline Lake Corporation Land Capability Challenge; 15580 Mount Rose Highway, Nevada, Washoe County APN: 048-041-15 and 048-042-01.

Proposed Action: The applicant, Incline Lake Corporation requests that the TRPA Hearings Officer review and approve the proposed Land Capability Challenge for the affected parcel.

Staff Recommendation: TRPA staff recommends that the Hearings Officer approve the land capability challenge on portions of the affected parcel changing the land capability classes 3 and 5 to class 4 and 6 with additional refinement to the delineation of the Stream Environment Zone. The areas of the parcel that have slopes that exceed 30% remain as class 1a.

Background: The subject parcel is shown as land capability class 1a, 3 and 1b-SEZ on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsG (Meeks very stony loamy coarse sand, 30-60 percent slopes) and MsE (Meeks very stony loamy coarse sand, 15 to 30 percent slopes) soil map unit. The MsG/E soil map units are consistent with the E-1 (Moraine Land-undifferentiated, moderate hazard lands) geomorphic unit classification. The soils of the Meeks series formed in deposits derived from mixed sources comprised mainly of intrusive igneous material (granodiorite).

A land capability verification for the SEZ was conducted in December 2004 based on remote imagery and contour information. This land capability challenge was filed to confirm the SEZ boundaries, the soil series and the land capability for portions of the parcel’s based on an on-site investigation.

Findings: This parcel is approximately 588 acres in size and is located at 15580 Mount Rose Highway in Washoe County. The parcel is mapped within geomorphic unit E-1 (Moraine Land-undifferentiated, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. TRPA staff conducted the soils investigation. Based on multiple soil pits, a representative soil profile was described (see Attachment A). Staff accepted the soil descriptions advanced by Davis earth scientists who visited and conducted an investigation on the parcel on July 26th and 27th, 2005. The final classification of the soils on APN: 048-041-15 and 048-042-01 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:  A. Soil Investigation
              B. Land Capability Map
SOIL INVESTIGATION FOR
WASHOE COUNTY APN: 048-041-15 and 048-042-01, 15580 Mount Rose Highway.

INTRODUCTION
A soil investigation was conducted on Washoe County APN’s: 048-041-15 and 048-042-01 by Davis’s earth scientists on July 26th and 27th, 2005. These two parcels are approximately 588 acres in size and are located at 15580 Mount Rose Highway. A land capability verification for SEZ delineation was conducted by TRPA staff using remote imagery and contour information in December of 2004.

A land capability challenge was filed with TRPA on May 9th, 2005 to determine the appropriate land capability classes and boundaries for this parcel based on an on-site soil investigation. However, the technical information generated by the applicant’s consultants to support the re-designation of Land Capability were not received by TRPA until August 19th, 2005.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class’s 1a, 3 and 1b-SEZ on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsG/E (Meeks very stony loamy coarse sand, 15-60 percent slopes) soil map units. The MsG/E (Meeks very stony loamy coarse sand, 15-60 percent slopes) soil map unit are consistent with the E-1 (Moraine Land-undifferentiated, moderate hazard lands) geomorphic unit classification. The soils of the Meeks series formed in residual glacial deposits derived from mostly intrusive igneous sources (granodiorite)

PROCEDURES
Multiple soil pits were dug on this parcel, using hand excavation. After examination of the pits, 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 and with survey grade contour information.

FINDINGS
Two unknown soil series were identified on this parcel. The soils on this parcel are generally deep and are somewhat excessively drained to well drained. The soils are characterized as having a thin (< 1”) surface mantle of organic matter over a brown to dark grayish brown gravelly or very gravelly loamy coarse sand surface horizon. Yellowish brown gravelly, very gravelly or stony sandy loam subsoil is present to a depth of greater than 60 inches. This soil is not similar to any soil series listed in the Soil Survey for the Lake Tahoe Basin. Based on percent slope and Hydrologic Group this parcel would be assigned classes 1a, 1b, 4 and 6 as per Table 4 of the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soil on APN’s: 048-041-15 and 048-042-01 were determined to be an unnamed soil series which are associated with land capability classes 1a, 1b, 4 and 6 in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner / Soil Scientist
Representative Soil Profile 1:

Soil Classification (1998) Sandy-skeletal, mixed, frigid, Humic Dystroxerepts
Soil Series: Unknown
Hydrologic Group: A
Drainage: Somewhat excessively well drained

Oi 1 to 0 inches; Organic litter
A1 0 to 5 inches; brown (10YR 4/2) gravelly loamy coarse sand, dark brown (10YR 3/3) moist; weak fine granular structure; soft, loose, 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 15 inches; brown (10YR 5/3), gravelly loamy coarse sand; dark brown (10YR 4/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 25 percent gravel, 5 percent cobblestone; clear wavy boundary.
C1 15 to 29 inches; pinkish gray (10YR 5/3) very gravelly loamy coarse sand; dark yellowish brown (10YR 4/4) moist; single grain; loose, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 25 percent gravel, 5 percent stone; gradual wavy boundary.
C2 32 to 60 inches; light brown (10 YR 6/4) stony loamy coarse sand; dark brown (10 YR 4/4) moist; single grain; loose, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 15 percent gravel, 20 percent cobblestone; clear wavy boundary.

Representative Soil Profile 2:

Soil Classification Mixed, frigid, Dystric Xeropsamments
Soil Series: Unknown
Hydrologic Group: A
Drainage: Somewhat excessively well drained

Oi 1 to 0 inches; Fir and Pine litter
A1 0 to 7 inches; brown (10YR 4/2) loamy coarse sand, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.
A2 7 to 18 inches; brown (10YR 5/3), dark brown (10YR 4/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; 35 percent stone; clear wavy boundary.

C1 18 to 30 inches; pinkish gray (10 YR 5/3) very stony loamy coarse sand; dark yellowish brown (10YR 4/4) moist; single grain; loose, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 15 percent gravel, 35 percent stone; gradual wavy boundary.

C2 30 to 55 inches; light brown (10 YR 6/4) very stony loamy coarse sand; dark brown (10 YR 4/4) moist; single grain; loose, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 15 percent gravel, 35 percent stone.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Davidson New Single Family

Applicant: Robert Davidson, Owner

Applicant’s Representative: Gary Taylor, Agent

Agency Planner: Mike Cavanaugh, Environmental Review Services

Location: 445 Annaho Road, Crystal Bay, Washoe County, Nevada

Assessor’s Parcel Number/File Number: APN 123-144-06/20050120

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

Project Description: The Applicant is proposing the construction of a new single family residential dwelling unit at 445 Annaho Road in Washoe County. The subject property is located in the Crystal Bay Plan Area (PAS 034) and a residential unit is considered as a Special Use. The parcel is currently vacant and the Applicant is proposing approximately 2020 square feet of new land coverage.

Site Description: The parcel is currently vacant with the exception of a retaining wall located at the lower portion of the property adjacent to Gonowabie Road. The site is moderately to heavily forested.

Issues: According to Plan Area Statement 034, Crystal Bay, all residential development is a special use and therefore requires Hearings Officer review and approval in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is avalanche hazard.

The proposed new single family dwelling will be located in a potential avalanche hazard area. The applicant has submitted a copy of an avalanche hazard study prepared by Converse Consultants. The study concludes that snow avalanches do not threaten the property. As a condition of project approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

Staff Analysis:

A. Environmental Documentation: The applicant has submitted an avalanche report prepared by Converse Consultants. In addition, 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 034, Crystal Bay. The Land Use Classification is Residential and the Management Strategy is Mitigation.
Agency staff has reviewed the subject Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed use (single family dwelling) is listed as a special use.

**Required Findings**: The following is a list of the required findings as set forth in Chapters 6 and 18 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – Environmental Documentation**:
   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 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 1b, above.)

2. **Chapter 18 – Special Use**:
   a. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

      The location of the proposed project is within an existing residential neighborhood with structures of similar size and scale.

   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 applying both temporary and permanent Best Management Practices (BMPs) on the parcel to protect the land, water and air resources of the subject property and that of the surrounding property owners. The applicant has
submitted a report from Converse Consultants, which concludes that the subject property is not expected to be threatened by snow avalanches. As a condition of project approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

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 residence is located within an existing residential neighborhood with structures of similar size and scale. The proposed project is not located within a community plan or subject to a specific master plan.

3. Chapter 22 – 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 building height is 42 feet based on a cross slope of 24% and a roof pitch of 10/12. The maximum roof height elevation is approximately 74 feet lower than the elevation and more than 200 feet from the centerline of Highway 28. Photographs of the site documenting existing adjacent trees indicate that the structure will not extend above the forest canopy or ridgeline.

**Required Actions:** Agency staff recommends that the Hearings Officer take the following actions:

I. Approve the findings contained in the 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 permit.
October 13, 2005

Gary R. Taylor  
Post Office Box 1715  
Crystal Bay, Nevada 89402

Dear Mr. Taylor:

Subject: NOTICE OF CONDITIONAL PERMIT APPROVAL, NEW SINGLE FAMILY DWELLING, 445 ANAHO ROAD, WASHOE COUNTY, ASSESSOR’S PARCEL NUMBER (APN) 123-144-06, TRPA FILE NUMBER 20050120

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans. I am usually available for telephone calls and appointments on Mondays, Wednesdays, and Fridays.

Please note that combined security and mitigation fee payments cannot be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled “Attachment J.”

Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Mike Cavanaugh  
Senior Planner  
Environmental Review Services  
MC/Isl

Enclosures

cc: Robert Davidson  
6020 Mountain Shadow Lane  
Reno, Nevada 89511
DRAFT PERMIT

PROJECT DESCRIPTION: New Single Family Dwelling APN 123-144-06

PERMITTEE(S): Robert Davidson FILE # 20050120

COUNTY/LOCATION: Washoe County/445 Anaho Road

Having made the findings required by Agency ordinances and rules, TRPA approved the project on October 13, 2005, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on October 13, 2008, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(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 PREGRADE 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

MC/Isl

PERMIT CONTINUED ON NEXT PAGE
Air Quality Mitigation Fee (1): Amount $2,700.00 Paid _____ Receipt No. _____
Offsite Coverage Mitigation Fee (2): Amount $3,380.00 Paid _____ Receipt No. _____
Security Posted (3): Amount $5,000.00 Posted _______ Type _____ Receipt No. _____
Security Administrative Fee (4): Amount $_______ Paid _____ Receipt No. _____

Notes:
(1) See Special Condition 3. C, below.
(2) See Special Condition 3. E, below.
(3) See Special Condition 3. D, below.
(4) $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

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SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of a New Single Family Dwelling.

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

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:

      (a) Review the onsite coverage for the building and provide a land coverage schematic with dimensions of all areas. The building coverage appears to be 1,593 square feet.

      (b) New off-site land coverage being created in the public right-of-way appears to be 520 square feet.

   (2) Show on the plans how the runoff from front center section of the roof will get around the chimney, to the ground, and then into an infiltration device without causing ice accumulation and creating a safety issue.

   (3) A note indicating: “All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.”
(4) Vegetation protective fencing around the entire construction site. Provide an illustration showing compliance with TRPA Code section 65.2.1.

B. The permittee shall submit a $2,700.00 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at $270.00/trip.

C. The security required under Standard Condition A.3 of Attachment R shall be $5,000.00. Please see Attachment J, Security Procedures.

D. The permittee shall submit an offsite coverage mitigation fee of $3,380.00 for the creation of 520 square feet of land coverage in the public right-of-way.

E. The permittee shall submit an arborists report recommending measures needed to protect the two twenty-four inch and the one thirty-six inch trees on the South side of the project area. Additionally the arborist must assess these trees after the excavation is complete to determine if the trees are a hazard because of the effects of the excavation. If trees must be removed provide a landscape plan that includes the replacement planting of three trees for every one tree removed. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.

F. Permittee shall transfer the square feet of land coverage required for this project (see 3.A.1.a above) to this parcel. All transferred coverage shall be from land capability class 1a, or have an IPES score of 409 or less; and be located within Hydrologic Area 9, Agate Bay. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

G. The permittee shall indicate the proposed height of the building. The measurements must be from the lowest point of natural grade.

H. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

   (1) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. 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.

   (3) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

I. The permittee shall provide documentation indicating that Washoe County has reviewed and will approved the structures in the public right-of-way and the setback of the main building.

J. The permittee shall provide the manufacturer’s documentation showing that the wood burning fireplace will comply with TRPA emission standards.

K. The permittee shall submit three sets of final construction drawings and site plans to TRPA. Provide photographs of the project area from Lake Tahoe.
4. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.

5. The permittee shall not make an excavation greater than approved by the TRPA Ground Water Technical Advisory Committee. Any modification to this structure shall conform to TRPA’s height standards.

6. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.

7. By acceptance of this permit, the permittee agrees that all scenic design and mitigation measures outlined in the project application and the final approved plans are hereby included as conditions of project approval and will be implemented as such.

8. 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.

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

10. 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.

11. 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.

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

END OF PERMIT
October 13, 2005

Mike Schwartz  
The Back Country  
P.O. Box 6706  
Tahoe City, CA 96145

COMMERCIAL BUILDING EXPANSION, 690 NORTH LAKE BOULEVARD, PLACER COUNTY, CALIFORNIA, ASSESSOR’S PARCEL NUMBER (APN) 094-090-18, TRPA FILE NUMBER 20050104

Dear Mr. Schwartz:

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. TRPA will acknowledge the 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.

It should be noted that the second level floor area has not been verified as Commercial Floor Area. The second floor area may be eligible for conversion to Commercial Floor Area if the requirements in Section 33.7 of the TRPA Code of Ordinances can be satisfied, and the proper building permits for conversion are obtained.

Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans. Should you have any questions, please feel free to contact at your convenience.

Sincerely,

David L. Landry  
Associate Planner  
Environmental Review Services

Enclosures
TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

PROJECT DESCRIPTION: The Back Country

Application Type: Commercial Building Expansion

Applicant: Mike Schwartz

Applicant’s Representative: Ron Driller

Agency Planner: David L. Landry, Associate Planner, Environmental Review Services

Location: 690 North Lake Boulevard, Tahoe City, Placer County, California

Assessor’s Parcel Numbers (APN)/Project Number: APN 094-090-18 /TRPA File No. 20050104

Staff Recommendation: Staff recommends that the Hearings Officer approve the project. The recommended conditions of approval are listed in the Special Conditions of this staff summary.

Project Description: This is a proposal for the construction of a new two story addition onto the rear or east side an existing 3,453 square foot commercial building. The addition will result in additional 400 square feet of commercial floor/storage space on the basement level, a 195 square foot loading dock and 237 square foot receiving area on the first floor, as well as an additional 478 square feet of commercial/office space on the second floor. Associated with the project will be the removal and replacement of the front entry located on the south side of the building structure, modifications to windows and door, and the introduction of a trash enclosure to the rear of the property. The proposal also calls for the changing of the existing use on the second floor from residential to commercial office space which will result in a total commercial floor area of 2,277 square feet.

Site Description: The project site is a 10,202 sq ft (0.23 acres) lot located in the Tahoe City Community Plan 001A. The surrounding neighborhood consists of a mixture of residential and commercial uses. The building is currently used for bicycle retail, repair and rental operations and office space.

Issues: The proposed project involves the allocation of less than 3000 square feet of commercial Floor Area (CFA) and therefore requires Hearings Officer review. The applicant has received a commercial allocation of 2,277 square feet of commercial floor area from Placer County’s Tahoe Community Plan. The proposed uses, commercial retail and office space are allowed uses within the Community Plan.
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 the Tahoe City Community Plan Special Area #1. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Staff has reviewed the subject community plan and has determined that project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (commercial retail, repair services, professional offices) are listed as allowed uses.

C. **Land Coverage:** No new land coverage is proposed for this site.

The land capability for the project site was verified by TRPA in October 2004 as Class 5 with an allowable base coverage of 25% or coverage of 2,551 square feet. In November 1997 TRPA conducted a land coverage verification for the project site and verified 8,790 square feet of legally existing ground coverage, (TRPA 970570 - 11/20/97). Of this amount approximately 276 square feet of coverage has been removed as a result of the installation of BMPs which were certified in 11/28/04 Certification number 4201 resulting in 8,514 square feet of coverage.

D. **Scenic Impacts:** The project is located in Scenic Highway Unit 15, which is currently in attainment with the TRPA Scenic Threshold. The proposed addition will be located to the rear of the existing structure and for the most part will not be visible from the Scenic Highway Unit 15. While the proposed height of the structure is 31 feet 6 inches the structure will not extend above the forest canopy or the height of the existing structure. Although a minor portion of the proposed addition could be seen from the side of the building the likelihood of the structure causing the score to drop is remote. Further the exterior finish of the proposed addition is designed to match that of the existing structure allowing the addition to blend in with the existing environment.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

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

   The proposed project is located within Tahoe City Community Plan Special Area #1 in which commercial retail, repair services are an allowed use in this Plan Area. Further, the other proposed uses; commercial
retail, repair services, professional offices are allowed uses within the community plan. These uses will not adversely affect implementation of the Regional Plan.

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 Review 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 b, above.)

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 planning area statement, community plan and specific or master plan, as the case may be.

The proposed addition will be located within an area with existing commercial uses. Structures adjacent to the subject parcel are of similar size and scale as the proposed structure.

2. Chapter 18 – Permissible Use Findings:

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

The proposed project involves the construction of a two story addition to an existing commercial building which will be used for commercial bicycle retail, repair, rental, and storage space in addition to professional offices. All the uses are allowed except the basement storage of 404 square feet which is a special use and incidental to the other primary uses. All of the uses combined will generate 80 vehicle trips a decrease of 188 trips less than the previous use which generated a total 268 vehicle trips.

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 issuance of a permit shall include a regular maintenance and monitoring measures for all on-site BMPs to ensure protection of land and water resources of the applicant’s property and properties belonging to surrounding 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 proposed project is located in an area that contains a mixture of commercial and residential uses. The proposed bicycle retail, repair and office uses are allowed under the Tahoe City Community Plan while the basement storage is a Special Use. The basement storage area is an accessory which is incidental and secondary to the primary use.

3. Chapter 22 – Height Standards:

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.

With the proposed addition the new height of the building will be 31 feet, 10 inches in height when measured from the new lowest point at natural grade. This new point is 2 feet 6 inches lower or further down slope of the previous lowest point at natural grade and as a result the total new building height is 31 feet 6 inches even though the ridge line of the existing structure will match the ridgeline of the proposed addition.

E. Required Actions: Agency staff recommends that the Hearings Officer approve the project by taking 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.

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Having made the findings required by Agency ordinances and rules, TRPA Staff approved the project on **October 13, 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 **October 13, 2008**, 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.

**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/CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
4. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

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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.

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Signature of Permittee(s) ___________________________   Date ___________________________ 

(PERMIT CONTINUED ON NEXT PAGE)
APN 094-090-18
FILE NO. STD-20050104

Excess Coverage Mitigation Fee (1): Amount $ * Posted _____ Type _____ Receipt No._____

Security Posted (2): Amount $ 2,500 Posted _____ Type _____ Receipt No._____

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

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

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

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

______________________________
TRPA Executive Director/Designee

________________________________________________________
Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the addition of a new two story addition to the east side of an existing 3,453 square foot commercial building. The addition will include 195 square foot loading dock and a 237 square foot receiving area on the first floor with an additional 478 square foot of commercial/office area on the second floor. The project also includes extensive modifications to the front entry and stairs, interior wall, window and door modifications and the introduction of a trash enclosure to the rear of the property. Further this proposal requires a change in the existing use on the second floor from residential to commercial office space. As such this permit verifies the removal and banking of the two residential units of use located on the second floor which were verified by TRPA 11/10/97 Number 970570. It should be further clarified that the interior stairwell has not been verified as commercial floor area.

2. The standard conditions of approval listed in Attachment Q shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

A. The permittee shall revise the site plan to include:

   (1) Parking barriers (boulders or bollards) to be installed to prevent off-pavement parking to rear or east side of the property.

   (2) Revised second level floor plan to reflect commercial/office space floor area specifically, eliminating any and reference to residential use.
(3) Revised basement floor plan showing appropriate floor area totals.

B The affected property has 5,965 square feet of excess land coverage. The permittee shall mitigate a portion of or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 8 or by submitting an excess coverage mitigation fee.

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

\[
\text{Estimated project construction cost} \times 0.0125 \div \text{mitigation factor of 8.}
\]

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:

\[
\text{Coverage reduction square footage (as determined by formula (1) above)} \times \text{coverage mitigation cost fee of $12.00 per square foot for Nevada projects. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.}
\]

C. The security required under Standard Condition I.2 of Attachment Q shall be $2500.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

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

C. The Permittee shall transfer 2,277 square feet of commercial floor area to this parcel. All transferred commercial floor area shall be reviewed and approved under separate application to TRPA. (Note all transfers must be in compliance with applicable provisions of the TRPA Code of Ordinances).

D. 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.

E. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

5. Parking of vehicles off approved pavement is prohibited. Vehicle barriers in the form of field boulders or bollards shall be installed to prevent the parking of vehicles on surfaces other than on-site paved areas. The rock boulder vehicle barriers at the rear of the property shall be illustrated on the final plans.
6. Any exposed or bare soil areas on site shall be re-vegetated with plant species on the TRPA recommended Native and Adapted Plant list.

7. The color of the approved structure shall match the existing building color unless approved by TRPA.

END OF PERMIT
STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: The Back Country              APNs: 094-090-18
PERMITTEE(S): Mike Swartz                          FILE #  20050104
COUNTY/LOCATION: Placer County / 690 North Lake Boulevard, Tahoe City, CA

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
October 13, 2005

South Lake Tahoe PUD
Nick Zaninovich, P.E
1275 Meadow Crest Drive
South Lake Tahoe, CA 96150

LINEAR PUBLIC SERVICE EXPANSION, PORTION OF TAHOE MEADOWS, HWY 50, WILDWOOD AVE., OSGOOD AVE., CITY OF SOUTH LAKE TAHOE, EL DORADO COUNTY, CALIFORNIA, ASSESSOR’S PARCEL NUMBER (APN) 520-301-05, TRPA FILE NUMBER 20050011

Dear Mr. Zaninovich:

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. **TRPA will acknowledge the 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.

It should be noted that the second level floor area has not been verified as Commercial Floor Area. The second floor area may be eligible for conversion to Commercial Floor Area if the requirements in Section 33.7 of the TRPA Code of Ordinances can be satisfied, and the proper building permits for conversion are obtained.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.** Should you have any questions, please feel free to contact at your convenience.

Sincerely,

David L. Landry
Associate Planner
Environmental Review Services

Enclosures
PROJECT DESCRIPTION: Wildwood Sewer Interceptor Project

Application Type: Linear Public Service Expansion, Special Use Determination

Applicant: STPUD

Applicant’s Representative: Nick Zaninovich, P.E.

Agency Planner: David L. Landry, Associate Planner, Environmental Review Services

Location: Portion of Tahoe Meadows, Hwy 50, Wildwood Ave., Osgood Ave., and City Storm Drain Basin South Lake Tahoe, El Dorado County, California

Assessor’s Parcel Numbers (APN)/Project Number: APN 520-301-05/TRPA File No. 20050011

Staff Recommendation: Staff recommends that the Hearings Officer approve the project. The recommended conditions of approval are listed in the Special Conditions of this staff summary.

Project Description: This is a proposal for the installation of a sanitary sewer pipeline along Wildwood and Osgood Avenues and microtunneling under Highway 50 for the purpose of relieving existing surcharge and maintenance problems on existing sanitary sewer collector lines on Sonora Avenue, crossing Highway 50 to the District’s Bijou Sewer Pump Station. Work will consist of laying 8 and 10 inch PVC sanitary sewer pipe by either digging trenches, (the maximum depth of any given trench will be 20 feet below the ground surface. Pipe will be installed and then backfilled continuously as work progresses. Approximately 150 linear feet of trench will be open at a given time during daylight hours. Where possible trench plates will be used to facilitate traffic flow. Other work will involve microtunneling beneath storm drain basin sites and under Highway 50. This work will not require trenching or the need for back filling.

Plan Area: The project is located in the Pioneer/Ski Run Plan Area (#092), with a Residential Land Use Classification and Redirection as the Management Strategy. Pipelines and power transmission are special use in this Plan Area, requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances.

Disturbance and Grading: The total amount of trenching required for the project is +/- 1,400 linear feet. The trenches in the ROW will be a minimum of 2 feet 10 inches wide and a maximum of 20 feet deep. No trenches, either in the ROW or on private property, will exceed 20 feet in depth.

Site and Project Area Description: The Tahoe Meadow Subdivision contains an area called the “The Desert” where there is a storm water drainage channel that is no longer used. The channel was constructed during an emergency to allow flood water from Highway 50 to flow into Lake Tahoe in the 1970’s.
The backfilling and re-vegetation of the storm water drainage channel located in the subdivision will eliminate the possibility of sanitary sewage coming in contact with the City’s storm water drainage system. The entire project area consists of portions of the Tahoe Meadows subdivision, road rights of way for Highway 50, Wildwood Avenue, Osgood Avenue and the area around the Bijou Sewer Pump Station. (See attached map).

Land uses surrounding the subdivision are primarily condominiums and single-family dwellings. The project area straddles Highway 50 between Osgood Avenue to the South and Azure Road to the North. Lake Tahoe is to the North of Azure Road. The entire Pioneer/Ski Run Plan Area containing the project area has been identified as being in an SEZ zone.

**Issues:** The primary issues associated with the project are:

- **Land Use.** The proposed sanitary sewer pipeline project is a special use in the Pioneer/Ski Run plan area statement. Special Use Findings are addressed in Staff Analysis Item C2 and Required Findings, below.

- **Grading and trenching.** There are three components of this project which will be subject to temporary ground disturbances. Component A consists of a man-made storm water ditch located within an area commonly known as the “The High Desert” within the Tahoe Meadows Subdivision. The drainage channel no longer used was once used as an emergency flood water relief system between Highway 50 and Lake Tahoe. The channel will be backfilled and re-vegetated bringing it back to a natural state and reducing the possibility of sewage contamination into the lake. Component B will consist of temporary disturbances in the public right-of-way created by trenching, for the purpose of installing +/-1,330 linear feet of 8 or 10 inch sanitary sewer line, backfilling and road surface re-paving. Component C will consist of a trench-less pipe installation technique called microtunneling. This technique which uses a remote-controlled guided boring system will be used to install approximately 705 linear feet of sanitary sewer line beneath Highway 50 between Azure Road and Osgood Avenue.

- **BMP and Construction Phasing Plan.** Mitigation with temporary BMPs of potential run-off from sediment piles will be required during construction. Site disturbance created during the trenching operations is described in the General Construction notes. The notes indicate that no more than 150 linear feet of trench will be opened at any one time. Additional details of temporary BMPs will be included with the construction notes and on the site plan to address run-off mitigation. All drop inlets, culverts and drainage swales will be protected with fiber roll logs or other techniques to prevent potential discharges of soil into storm drains.

- **Ground Water:** Excavation on the proposed project will be below the documented ground water level. Per geotechnical report, groundwater was encountered at depths between 2.5 feet and 5 feet. Excavation depths for this project are projected to be as low as 20 feet below ground level. In the event ground water is encountered, it will be removed via pump and conveyed into the sanitary sewer system.
Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that there will be some temporary impacts that when mitigated will have less than a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

B. Community Plan Area: The Pioneer/Ski Run (#092) Plan Area Statement’s Land Use Classification is Residential and the Management Strategy is Redirection. Pipelines and power transmission are a special use. The Planning Statement indicates that this area should “continue as a residential area of the same type and character”. The environmental description of the Plan Area Statement states that the 30 percent of the area is within an SEZ. The area has also been identified as subject to frequent flooding especially near Highway 50. Environmental Improvement Program statement says that the capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. Based on conclusion of the findings and on special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies.

C. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 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 – Threshold-Related 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.

   i. Land Use. Pipeline and power transmission are special uses in this plan area statement. The proposed project is a public service that supports and is compatible with the surrounding land uses, and with the special permit conditions, the project meets all TRPA codes and ordinances.

   ii. Transportation. This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.

   iii. Conservation. There are no identified special interest species or sensitive or uncommon plants located in the City Right-of-Way, Cal-Trans Right-of-Way or Tahoe Meadows Subdivision. Temporary BMPs will protect excavated areas from the potential impact of soil discharging into the lake.

The applicant will be required to apply temporary Best Management Practices (BMPs), to the entire project area to mitigate impacts to water quality, and to provide a detailed grading plan. A special permit condition requires design and submittal of the grading plan and temporary and permanent BMPs.
iv. *Recreation.* The project will not impact existing or proposed recreation areas, and will eliminate other potential impacts to recreational activity on Lake Tahoe.

v. *Public Service and Facilities.* This Linear Public Service project will upgrade and improve the public service facilities in this area. No additional services or facilities will be added with the improvements.

vi. *Implementation.* The project complies with the Regional Plan and TRPA Ordinances and Regulations.

(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 b, above.)

2. Chapter 18 - Special Use Findings:

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

The proposed project will relieve existing surcharge and maintenance problems with the existing sewer collector line on Sonora Avenue crossing Highway 50 leading to the District’s Bijou Sewer Pump Station. The backfilling and re-vegetation of the storm water drainage channel located with the Tahoe Meadows subdivision will also eliminate the possibility of sanitary sewage coming in contact with the City’s storm water drainage system.

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

Temporary BMPs will be constructed to mitigate potential environmental impacts to water quality during the construction of the trenches. A special permit condition requires that the project site plan be amended to include the location of
temporary BMPs that specifically address protection for drainage conveyances including drop inlets, culverts, and drainage swales. Further, the special conditions of the permit requires the submission of a construction schedule to accompany the Traffic Control Plan, demonstrating that the project will be phased in a manor to reduce the impact of the effects of the trenching on traffic flow. The site plan will also identify the location of a materials staging area(s).

(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 public facility is an improvement to existing sewer line which will alleviate problems with the existing line which crosses Highway 50 leading to the Bijou Sewer Pump Station.

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.

Attachment:
Exhibit 1, Location Map
-DRAFT PERMIT-

PROJECT DESCRIPTION: Wildwood Sewer Interceptor Project

APN 520-301-05

PERMITTEE: STPUD

FILE # STD 20050011

COUNTY/LOCATION: Portion of Tahoe Meadows, Hwy 50, Wildwood Ave., Osgood Ave., and City Storm Drain Basin South Lake Tahoe, CA

Having made the findings required by Agency ordinances and rules, TRPA Staff approved the project on October 13, 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 October 13, 2008, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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/city building permit. TRPA’s acknowledgement may be necessary to obtain a county/city building permit. The county/city permit and the TRPA permit are independent of each other and may have different expiration dates and rules regarding extensions; and

4. A TRPA pre-grading inspection has been conducted with the property owner and/or the contractor.

TRPA Executive Director/Designee ____________________ Date ____________________

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(s) ____________________ Date ____________________

(PERMIT CONTINUED ON NEXT PAGE)
**SPECIAL CONDITIONS**

1. This permit specifically authorizes the trenching, sanitary sewer pipe installation, and backfilling in the right of way associated with sections of Wildwood Avenue, Osgood Avenue, Highway 50, and Parcels 027-072-34, a portion of the Tahoe Meadows Subdivision and the City of South Lake Tahoe storm drain basin. The primary installation technique will involve trenching 150 linear feet of ground at a time, backing filling as work is completed and using trench plates where necessary. The secondary technique is to use microtunneling, a remote-controlled pipe jacking operation which requires minimal trenching or backfilling. This permit allows for the introduction of a new linear facility which will intercept existing sewer lines along Wildwood Avenue to relieve surcharge and maintenance problems of the existing sewer collector line on Sonora Avenue crossing Highway 50 to the public utility districts Bijou Sewer Pump Station. This permit also authorizes the backfilling and re-vegetation of the storm water drainage channel located with the Tahoe Meadows subdivision.

2. The standard conditions of approval listed in Attachment Q shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

   A. The permittee shall revise the site plan to include:

      (1) A restoration plan for the drainage channel in “The High Desert” section of the Tahoe Meadows subdivision to be backfilled and re-vegetated.
(2) The location of temporary BMPs that specifically address protection for drainage conveyances including drop inlets, culverts, and drainage swales.

B. The security required under Standard Condition I.2 of Attachment Q shall be $3000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

C. 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.

D. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

5. All work associated with this permit requiring use of heavy equipment or vehicles shall take place within existing paved roadway or along existing compacted dirt shoulders. Any work requiring minor temporary disturbance to existing vegetation or undisturbed areas shall be accomplished using hand equipment.

6. All areas temporary disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched following backfilling of trenches and access holes.

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

8. All temporary soil stockpiles shall be contained by temporary erosion control fences or coir logs with sand bags. *Hay bales are not longer preferred for temporary erosion control. The use of straw has contributed to the spread of noxious weeds throughout the basin.*

9. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders.

10. Tree removal is prohibited.

11. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently re-vegetated. Temporary erosion control structures shall be removed once the site has been stabilized or re-vegetated.

12. The site shall be winterized prior to October 15th.

13. Dust control in the way of sweeping of dirt tracked onto pavement at the end of each day is required.

END OF PERMIT
STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Wildwood Sewer Interceptor Project  APN 520-301-05

PERMITTEE: STPUD  FILE # STD 20050011

COUNTY/LOCATION: Portion of Tahoe Meadows, Hwy 50, Wildwood Ave., Osgood Ave., and City Storm Drain Basin South Lake Tahoe, CA

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