MEMORANDUM

August 8, 2007

To: TRPA Hearings Officer

From: TRPA Staff

Subject: David Jonsson Family Trust, Land Capability Challenge, 7701 & 7741
Emerald Bay Road (adjacent properties), El Dorado County, APNs 016-300-38 &
016-300-57 TRPA File #s 20061648 & 20061649

Proposed Action: The applicant, David Jonsson Family Trust, requests that the TRPA
Hearing’s Officer review and approve the proposed Land Capability Challenge on the
subject parcel.

Staff Recommendation: Staff recommends the TRPA Hearings Officer approve the land
capability challenge on the parcel changing the land capability from classes 1a, 1b and 3
to classes 1b, 2, 4 and 6.

Background: The subject parcel is shown as land capability classes 1a, 1b and 3 on the
TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the
Lake Tahoe Basin places this parcel within the MsD and MsG (Meeks very stony loamy
coarse sand, 5 – 15 percent and 15-30 percent slopes respectively) soil map units. The
Meeks soil map unit is consistent with the E-1 (Moraine land undifferentiated)
geomorphic unit classification. The Meeks soil formed on glacial moraines and outwash
fans in deposits of basic igneous, metamorphic and granitic rock.

A land capability challenge was filed to confirm the soil series and land capability for the
parcel.

Findings: This parcel is located at 7701 & 7741 Emerald Bay Road in El Dorado County,
CA. 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. A field visit was conducted on May 29, 2007 to review the Stream Environment
Zone (SEZ) and backshore delineations. TRPA reviewed soils data and determined that
soils in the 0-16 percent slope range and Soil Hydrologic Group B are Class 6, soils in
the 16–30 percent slope range are Class 4, and soils with a slope greater than 30
percent are Class 2.

If you have questions on this agenda item, please contact Heather Gustafson, at 775-
588-4547 (ext. 313).

Attachments:
SOIL INVESTIGATION FOR
EL DORADO COUNTY APNs 016-300-038 & 016-300-057,
7701 & 7741 Emerald Bay Road

INTRODUCTION
A soil investigation was conducted on APNs 016-300-038 & 016-300-057 on May 29, 2007. This parcel is located at 7701 & 7741 Emerald Bay Road in El Dorado County CA. A land capability challenge was filed with TRPA on September 20, 2006 to determine the appropriate land capability classes for this parcel.

ENVIRONMENTAL SETTING
This parcel is shown as land capability classes 1a, 1b and 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsD and MsG (Meeks very stony loamy coarse sand, 5 – 15 percent and 15-30 percent slopes respectively) soil map units. The Meeks soil map unit is consistent with the E-1 (Moraine land undifferentiated) geomorphic unit classification. The Meeks soil formed on glacial moraines and outwash fans in deposits of basic igneous, metamorphic and granitic rock.

PROCEDURES
Six soil pits were excavated up to 60 inches below ground surface. After examination of the soil profiles, the soils were described in detail as representative of the soils on the parcel. A copy of the description is included in this report. Slopes were measured based on the topographic survey.

FINDINGS
One unknown soil series was identified on this parcel. The soils on this parcel (with the exception of 1b soils) are deep and well to moderately well-drained. The soils are characterized as having a dark brown sandy loam top soil approximately 15 inches thick over dark yellowish brown subsoil from 44 to 64 inches deep. This soil is dissimilar to the Meeks series as they lack significant amounts of coarse fragments and would be most accurately described as an unnamed soil because of the depth exceeding 40 inches and the coarse fragments being less than 35 percent by volume. As a result, this unnamed well-drained soil is appropriately placed in the Soil Hydrologic Group B. Based on the physical characteristics and the various slope ranges, this parcel is assigned land capability classes 1b, 2, 4 and 6, per reference to Table 4 under the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soil on APNs 016-300-038 & 016-300-057 was determined to be a variant soil with features that are associated with land capability class 1b, 2, 4 and 6 in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974). The SEZ and backshore are as delineated on the site map.

Heather Gustafson, Associate Planner / Soil Scientist
APNs 016-300-038 & 016-300-057

Representative Soil Profile:

Soil Classification: Fine-loamy, mixed, frigid, Humic Dystorxerepts
Soil Series: Unnamed
Hydrologic Group: B
Drainage: Moderately well

Oi  2 to 0 inches; Litter.

A1  0 to 5 inches; fine sandy loam, dark brown (10YR 4/3) moist, moderate very fine granular structure, soft, very friable, nonsticky and non plastic, many very fine and fine roots, many fine and fine interstitial pores, clear smooth boundary.

A2  5 to 15 inches; fine sandy loam, dark brown (10YR 4/3) moist, moderate fine granular structure, soft, very friable, nonsticky and non plastic, many fine and medium roots, many fine and fine interstitial pores, clear smooth boundary.

Bw1 15 to 34 inches; fine sandy loam, dark brown (10YR 4/3) moist, weak fine subangular blocky structure, soft, very friable, nonsticky and nonplastic, common fine and medium roots, many fine an fine interstitial pores, gradual smooth boundary.

Bw2 34 to 40 inches; fine sandy loam, faint yellowish red (5YR 4/6) moist, weak fine subangular blocky structure, slightly hard, very friable, slightly sticky and nonplastic, common fine and medium roots, many fine an fine interstitial pores,gradual smooth boundary.

Bw3 40 to 48 inches; fine sandy loam, olive brown (2.5Y 4/4) moist, weak fine subangular blocky structure, slightly hard, very friable, slightly sticky and nonplastic, common fine and medium roots, many fine an fine interstitial pores,gradual smooth boundary.
MEMORANDUM

August 9, 2007

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Nancy Roberts, Land Capability Challenge, 8691 Mountain View Drive
        El Dorado County, APN 016-171-06 TRPA File #s 20070311

Proposed Action: The applicant, Nancy Roberts, requests that the TRPA Hearing’s
Officer review and approve the proposed Land Capability Challenge on the subject
parcel.

Staff Recommendation: Staff recommends the TRPA Hearings Officer approve the land
capability challenge on the parcel changing the land capability from class 1a to class 4.

Background: The subject parcel is shown as land capability classes 1a on the TRPA
Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake
Tahoe Basin places this parcel within the MsE (Meeks very stony loamy coarse sand,
15-30 percent slopes) soil map unit. The Meeks soil map unit is consistent with the E-1
(Moraine land undifferentiated) geomorphic unit classification. The Meeks soil formed on
glacial moraines and outwash fans in deposits of basic igneous, metamorphic and
granitic rock.

A land capability challenge was filed to confirm the soil series and land capability for the
parcel.

Findings: This parcel is located at 8691 Mountain View Drive, El Dorado County, CA.
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 reviewed soil data and determined that soils are very deep, somewhat
excessively drained and members of Soil Hydrologic Group A. Based on this analysis
and slopes ranging from 16 to 30 percent, they are classified as land capability Class 4.

If you have questions on this agenda item, please contact Heather Gustafson, at 775-
588-4547 (ext. 313).

Attachments:
INTRODUCTION
This parcel is located at 8691 Mountain View Drive in El Dorado County CA. A land capability challenge was filed with TRPA on March 22, 2007 to determine the appropriate land capability classes for this parcel.

ENVIRONMENTAL SETTING
This parcel is shown as land capability classes 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsE (Meeks very stony loamy coarse sand, 15-30 percent slopes) soil map unit. The Meeks soil map unit is consistent with the E-1 (Moraine land undifferentiated) geomorphic unit classification. The Meeks soil formed on glacial moraines and outwash fans in deposits of basic igneous, metamorphic and granitic rock.

PROCEDURES
One soil pits were excavated to 60 inches below ground surface. After examination of the soil profiles, the soils were described in detail as representative of the soils on the parcel. A copy of the description is included in this report. Slopes were measured based on the topographic survey.

FINDINGS
The Gefo soil series was identified on this parcel. The soils on this parcel are very deep and somewhat excessively drained. The soils are characterized as having a very dark brown loamy coarse sand top soil approximately 20 inches thick, over dark yellowish brown loamy coarse sand subsoil to 54 inches deep. This soil is dissimilar to the Meeks series as it lacks significant amounts of coarse fragments. This soil is best categorized as a member of the Gefo series. As the soil survey identifies soil units in the Gefo series having slopes up to only 20 percent, the land class must be determined by using Table 4 of the Land-Capability Classification of the Lake Tahoe Basin. Per Table 4, soils within Soil Hydrologic Group A and within the 16 to 30 percent slope range are classified as land capability Class 4.

CONCLUSION
Based on the results of the site visit, the soil on APNs 016-171-06 was determined to be of the Gefo series. As the soils are within Soil Hydrologic Group A and within the 16 to 30 percent slope range, the soils are classified as land capability Class 4.

Heather Gustafson, Associate Planner / Soil Scientist
Representative Soil Profile:

Soil Classification: Sandy, mixed, frigid, Humic Dystroxepts
Soil Series: Gefo
Hydrologic Group: A
Drainage: Somewhat excessive

Oi  1 to 0 inches; Litter.

A   0 to 8 inches; loamy coarse sand, grayish brown (10YR 5/2) moist, weak fine granular structure, soft, loose, sticky and non plastic, many fine and medium roots, many fine and very fine interstitial pores, 10% gravel, gradual smooth boundary.

AC  8 to 20 inches; loamy coarse sand, dark brown (10YR 3/3) moist, weak fine granular structure, soft, loose, sticky and non plastic, many fine medium coarse roots, many fine and very fine interstitial pores, 10% gravel, gradual smooth boundary.

C1  20 to 48 inches; loamy coarse sand, dark yellowish brown (10YR 3/4) moist, single grain, soft, loose, sticky and non plastic, many fine medium coarse roots, many fine and very fine interstitial pores, 10% gravel, gradual wavy boundary.

C2  48 to 56 inches; loamy coarse sand, grayish brown (10YR 4/4) moist, single grain, soft, loose, sticky and non plastic, many fine medium roots, many fine and very fine interstitial pores, 10% gravel, gradual wavy boundary.
MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff, David L. Landry, Senior Planner

Date: August 23, 2007

Subject: Removal of an existing eating establishment (Café 333) and the construction of a new 8,374 square foot professional building at 333 Village Boulevard, Washoe County, Nevada, Assessor’s Parcel Number (APN) 132-020-11 & 12, TRPA File Number ERSP2007-0071. Commercial – Professional Offices.

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Section I of this Staff Summary.

Staff Recommendation:
Staff Recommends that the Hearings Officer make the required findings and approve the proposed project subject to the special conditions in the draft permit (attached).

Project Description: This is a proposal for the removal of an existing eating establishment (Café 333) and the construction of a new 2-story, 8,374 square foot professional building with both covered and uncovered parking. The project will involve the transfer of 3,000 square feet of commercial floor area and approximately 4,239 square feet of Class 1a land coverage. The project involves the transfer of commercial floor area of less than 3,000 square feet and as such requires Hearings Officer review per Chapter 4.7.B (Appendix A) of the TRPA Code.

Site and Project Area Description: The project site, which is located off of Village Boulevard near the intersection of State Highway 28 and Village Boulevard, is a total of 31,928 square feet (0.73) in area and is made up of two distinct parcels: APNs 132-020-011 and 132-020-12. The parcel identified as APN 132-020-011 is a vacant strip of land used for an easement, formerly owned by the Incline Village General Improvement District (IVGID), (although they still retain access rights), and is approximately 6,959 square feet (0.15 acres) in area. The second parcel, identified as APN 132-020-12, consists of 24,969 square feet (0.57 acres) and is currently occupied by Café 333, a single story restaurant building with a patio, outdoor dining area, and associated parking. In February 2006 TRPA verified parcel 132-020-12 as having 10,548 square feet of existing hard coverage and 2,572 square feet of Commercial Floor Area within the restaurant (TRPA File #20051134). In November 2005 the parcel was also verified as having Class 6 soil type with an allowable coverage of 7,491 square feet or 30 percent of the site, (TRPA File #20051023). The site has a slope between 2 and 9 percent running from a north to a south direction. In January 2006 TRPA verified parcel 132-020-11 as having Class 4 soils type with allowable coverage of 449 square feet and Class 6 soil type with an allowable coverage of 1,415 square feet. In the same year, TRPA determined that the compacted dirt and gravel located on the IVGID strip could not be verified as Staff could not confirm that the coverage was legally created prior to 1972.

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/dl

AGENDA ITEM V. C. Planning for the Protection of our Lake and Land
The project site is directly visible from Village Boulevard and partially visible from the intersection with Tahoe Boulevard (Highway 28), which is a TRPA designated scenic travel route. The surrounding neighborhood consists primarily of other commercial uses of varying types.

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

1. **Land Use:** The proposed 8,374 square foot commercial structure involves the transfer of less than 3,000 square feet of CFA, thus, requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code.

2. **Community Plan:** The project is located within the Incline Village Commercial Community Plan, Special Area #1 in which professional office buildings are an allowed use. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. As the project requires the transfer of coverage of less than 3,000 square feet of CFA, Special Use Findings are addressed in the Staff Analysis, and Required Findings in Item H, below.

3. **Commercial Floor Area (CFA):** As mentioned, the proposed project site is located within the Incline Village Commercial Community Plan, Special Area #1 where commercial development is allowed. However any new commercial development creating additional floor area either requires the transfer or the allocation of Commercial Floor Area (CFA). The proposed 8,374 square foot commercial structure involves an initial transfer of 3,000 square feet of CFA obtained through private sources while the remainder of the floor area is to be used for public service purposes; deed restricted to that use, or obstructed in such a way as to not be used until such time as the appropriate CFA can be acquired and transferred to the building project.

4. **Land Coverage:** The land capability for parcel 132-020-12, the larger portion of the project site intended for the two-story building, has been verified as Class 6. The smaller portion, parcel 132-020-11, identified as Class 4 and Class 6, is intended for parking use exclusively. The project calls for the transfer of 4,239 square feet of new Class 1 hard coverage purchased from a restored site in Incline Village in order to accommodate total on site coverage of 14,787 square feet (building and stairs 9,657 SF, parking 4,154 SF, and other paved surfaces 976 SF). As the total base allowable coverage for this project area is 9,355 square feet, the applicant will need to transfer additional coverage to accommodate the new building footprint and other hard surfaces. It should be noted that for parcels 132-020-12 where there legally exists development as of the effective date of the Regional Plan, the maximum land coverage that can be transferred into the site based on Community Plan parameters would be 50 percent of the project area or 50% of 31,928 square feet.

5. **Traffic:** It is anticipated that the new use, Professional Office, will result in a total of 103 new daily vehicle trip ends (dote) while the previous use, Eating and Drinking establishment, generated 231 (dote). These trip ends are based on TRPA's published trip table (October 1995) for commercial uses. Pursuant to Subsection 93.3.B of the TRPA Code of Ordinances, a traffic analysis would only be required for projects which resulted in an increase of 200 daily vehicle trips.
6. **Access and Parking:** The proposed two story building will be located solely on parcel 132-020-12 with the majority of the parking (23 stalls) placed on the first floor of the structure with the remaining parking (16 stalls) located to the rear or west side of the building. Of the sixteen stalls nine, will be located within the former IVGID easement strip and designated as compact parking spaces. Vehicle access into the first floor parking garage area will need to be west off of Village Boulevard onto a descending ramp in order to reach the first floor parking area and still keep the building height reasonably low. In order to meet the total parking demand, a portion of the parking has been located outside of the building footprint and in the former IVGID easement strip. The total number of required parking spaces for the project will be based on the off-street – commercial uses section of the Parking Demand Table Appendix A, Washoe County Development Code category (professional services - 4 spaces per 1000 GFA (Gross Floor Area).

7. **Visual Impact:** The proposed site is located off of Village Boulevard, which intersects State Highway 28 and is designated as a TRPA Scenic Travel Route. The 2-story structure will be wholly visible from Village Boulevard and based on Visual Simulations marginally visible from the intersection of Village and Highway 28. In order to reduce visual impacts from scenic corridors, the TRPA Scenic Quality Improvement Program (SQIP) as well as Community Plan design guidelines emphasizes the use of landscaping along road sides and within parking areas in order to screen views of paving and parked vehicles.

8. **BMP and Construction Phasing Plan:** Temporary Best Management Practices (BMPs) will need to be introduced as a means of combating potential run-off from construction activity and temporary sediment piles created during foundation, driveway and parking work. The project site is also located within Water Shed Priority 1 in which permanent BMPs were to be installed and approved by October 2004. The previous use, Café 333; eating and drinking establishment did not have its permanent BMPs installed. As a condition of approval for this project all permanent BMPs shall be installed prior to release of the security deposit.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. Some potential environmental impacts were identified and staff has concluded that these impacts are temporary in nature and 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:** The project is located within Incline Village Commercial Community Plan, Special Area #1 which identifies this area as a commercial use zone and designates professional offices as an allowed use. The Land Use Classification is commercial/Public Service and the Management Strategy is Mitigation. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.

C. **Land Coverage:** The land capability for the project site has been identified as both Class

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4 and Class 6 with the project area being a total of 31,928 square feet. The verified amount of existing on site land coverage is 10,548 square feet. The project proposal calls for the commercial building to be built on parcel 132-020-12 with a small amount of parking situated on parcel 132-020-11 and within the LVGID utility easement. The proposed final total of onsite land coverage, 14,787 square feet for the project area, is more land coverage than was verified for the combined parcels in 2006. As such, the applicant will need to transfer an additional amount of coverage to the site based on parameters set forth in TRPA Code Subsection 20.3.B. (2)(b), which allows for transfers of up to 50% of the project area for projects with existing development within a community plan. The following is a breakdown of the land coverage strategy for this project area.

1. **Land Coverage Calculations:**

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Land Capability District</th>
<th>Project Area</th>
<th>Base Allowable Coverage (Percent)</th>
<th>Base Allowable Coverage (Maximum per land capability)</th>
<th>Additional Allowable Coverage (Percent)</th>
<th>Additional Max. Allowable Coverage (Per TRPA Transfer Ratios)</th>
<th>Total Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>132-020-11</td>
<td>6</td>
<td>4715 SF</td>
<td>30%</td>
<td>1,415 SF</td>
<td>50%</td>
<td>2,358 SF</td>
<td>78 SF</td>
</tr>
<tr>
<td>132-020-11</td>
<td>4</td>
<td>2044 SF</td>
<td>20%</td>
<td>449 SF</td>
<td>50%</td>
<td>1,022 SF</td>
<td>976 SF</td>
</tr>
<tr>
<td>132-020-12</td>
<td>6</td>
<td>24,969 SF</td>
<td>30%</td>
<td>7,491 SF</td>
<td>50%</td>
<td>12,485 SF</td>
<td>13,733 SF</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>31,928 SF</strong></td>
<td></td>
<td><strong>9,355 SF</strong></td>
<td></td>
<td><strong>15,965 SF</strong></td>
<td><strong>14,787 SF</strong></td>
</tr>
</tbody>
</table>

Note: Per TRPA Code of Ordinances Subsection 20.3.B (2), the base allowable land coverage up to 30 percent of the project site is 9,355 SF. For parcels upon which there legally exists development as of the effective date of the Regional Plan, the maximum land coverage is 50 percent of the project area, which are located within land capability districts 4 through 7.

2. **Coverage Mitigation:**

The project area currently has 10,548 square feet of verified on site land coverage which is grandfathered and allowed to remain on site. The total base allowable coverage for the project area is 9,355 square feet. Based on the current design, the project will not create any new base allowable coverage as the site is already over covered and, per the community plan, a water quality mitigation fee designed to mitigate new base coverage can not be assessed. In addition, a proposed 4,239 square feet of new allowable land coverage using the (50% coverage transfer) method will be transferred to the property, which will also not be subject to a water quality mitigation fee.

D. **Traffic, Air Quality:** The proposed commercial use project will yield a total of 103 new daily vehicle trip ends (dvte) while the previous use, eating and drinking establishment, generated 231 (dvte). These trip ends are based on TRPA’s published trip table (October 1995) for commercial uses. Per the trip table, the 8,374 square foot commercial building will yield a total number of destination vehicle trip ends per the following:
Commercial  3.32 trips/employee x 2 = 6.64 dvte
11.57 trips/1000 SF of GFA x 8,374 sq. ft. GFA = 96.88 dvte.

Total number of trips generated
6.64 dvte + 96.88 dvte = 103.52 dvte

Previous use 231 dvte – 103.52 dvte = 104 dvte reduction

Pursuant to Subsection 93.3.B of the TRPA Code of Ordinances, a traffic analysis is not necessary for a total number of trips less that 200 dvte. The project proponent will not need to pay an air quality mitigation fee based on the reduction of total DVTEs. The project will not have a significant impact on area traffic or to regional and sub-regional air quality.

E. Access and Parking: Automobile access into the first floor parking garage will be west off of Village Boulevard along a two way driveway ramp which descends at a rate of 7.6% from Village Boulevard. Parking stalls will be laid out at 90 degree angles perpendicular to either side of the 24 foot wide driveway aisle. Additional parking will be located to the rear or west side of the building and accessed through the garage along the two way driveway aisle. The needed number of parking spaces for the project is 29 stalls based on the requirement of 4 spaces per 1000 square feet of Gross Floor Area (GFA) for professional services with an additional peak demand of 11 spaces. This requirement is based on the Parking Demand Table Appendix A, Washoe County Development Code. As such, the applicant is proposing a total of 42 on site parking spaces which includes two ADA compliant spaces located near the garage entry door. The bulk of the parking (23 spaces) is located within the garage with an additional 16 spaces located to the rear of the building and 9 spaces located within the IVDI utility easement. As a condition of approval, the applicant will need to obtain written approval for use of the easement strip for parking. The remaining three spaces are located in the front or east side of the building. Pedestrian access into the building will also be west off of Village and into a vestibule entry and hallway located along the north side of the building.

F. Scenic Impacts: The proposed site is highly visible from Village Boulevard which intersects with State Highway 28, a TRPA designated travel route currently in non-attainment. The proposed structure will be marginally visible from the intersection of Highway 28 and Village based on Visual Simulations provided by the applicant. While the site is visible from Highway 28 a sparse number of trees between the project site and the intersection will help to screen views of the two story building, reducing the visual impact from the scenic corridor. Based on the submitted Visual Simulations, Staff has determined that the proposed height of the 2-story structure will be well below the tree canopy of the surrounding trees. Also, as a further means of reducing the visual impact of the project, the use of an appropriate landscaping scheme and building colors will help the project to be consistent with the requirements of the Scenic Quality Improvement Program and the Community Design Policies of the Community Plan.

G. Building Height: The proposed project will consist of a new two-story building. Allowable and proposed building height are described as follows:
H. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 20, 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – 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.**

   **Land Use:** The project is located within Incline Village Commercial Community Plan, Special Area #1 in which professional offices are an allowed use. There is no evidence that the proposed use will have an adverse effect on Land Use, or implementation of sub-elements of the Regional Plan.

   **Transportation:** The proposed commercial use will result in a daily vehicle trip end (dvte) average of 103.44 dvte, a reduction of 104 (dvte) from the previous eating and drinking establishment use. As such, no air quality mitigation fee for a decrease in vehicle trips is required. No significant impacts to Level of Service or Regional or Sub-Regional air quality are anticipated based on the Initial Environmental Checklist (IEC).

   **Conservation:** There is no habitat for TRPA special interest species within or near the project area, and the site does not contain any known historic or prehistoric resources. The project site located just north from the corner of Village Boulevard and State Highway 28, a TRPA designated scenic corridor. The project will be marginally visible from the scenic corridor, and will be screened so as to have a minimal visual impact. Final project plans shall include all required water quality and erosion control improvements for the project site as conditions of approval.

   **Public Service and Facilities:** The proposed project will have access to water, sewer, and electrical service and is served by a paved road. As a condition of approval the applicant will be required to provide written confirmation of such from the local utility provider for inclusion into the project folder.

   **Recreation:** The project will not have an impact to existing or proposed recreation areas, nor will it create other long term impacts to recreational activity on Lake Tahoe as the project is not located near public recreation areas. The applicant is willing to take steps in introducing a connecting link of the meandering bicycle path along Alder Avenue.

   **Implementation:** To implement this project a portion of the building not receiving Commercial Floor Area (CFA) through a separate application process will either
be deed restricted for exclusive public use or obstructed in a manner so that the space can not be used until the appropriate CFA can be acquired in the amount of 2,802 square feet as follows:

Commercial Floor Area Banked from previous use 2,572 square feet

Commercial Floor Area to be transferred 3,000 square feet

\[3,000 \text{ SF} + 2,572 \text{ SF} = 5,572 \text{ SF}\]

Total Proposed New Building CFA 8,374 SF

\[8,374 \text{ SF} - 5,572 \text{ SF} = 2,802 \text{ SF}\]

Amount to be Deed Restricted and/or obstructed 2,802 square feet

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 be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed professional office building will be located within a community plan area in which commercial development is an allowed use. The project site is located in an area with other commercial and professional office uses. Access into the project site will be via two way driveway off of Village Boulevard.

b. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.
The proposed project will generate 103 new daily vehicle trip ends (dvte) and represents a reduction of 104 trips from the previous use that will be replaced. No air quality impacts were identified in the IEC. The applicant will not be required to pay an air quality mitigation fee as there is a decrease in vehicle trips. The proposed project will be required to meet all TRPA water quality improvements in addition to paying a water quality mitigation fee for the creation of new coverage. In order to satisfy design standards as outlined in the Community Plan, landscaping will be incorporated into the project’s design to screen views into the parking area and act as a buffer between the professional offices and main thoroughfare. Exterior lighting shall not shine directly onto adjacent properties or off-site locations. All project design elements shall be in conformance with the design requirements of the Incline Village Commercial Community Plan and the TRPA Code. As such, the project will not be injurious or otherwise disturb surrounding uses and property owners.

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

As mentioned, the proposed project is located in Incline Village Commercial Community Plan, Special Area #1 which has identified Commercial (Professional Offices) as an allowed use. The commercial building will not change the character of the neighborhood, which is primarily commercial, nor will it generate excess traffic volumes or other impacts which could be detrimental to the area. In addition, because the project is an allowable use within the community plan and all impacts have been addressed. This project will not affect the purpose of the adopted community plan or regional plan.

3. Chapter 20 – Land Coverage Findings:

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

The total amount of land coverage to be transferred to the site per TRPA Code Subsection 20.3.B. (2) (b), which allows for transfers of up to 50% of the project area for commercial projects, is 4,239 square feet. This new Class 1 hard coverage has been purchased from a restored site in Incline Village and is being relocated to a Class 6 project area.

b. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

The area from which the Class 1 hard coverage is being transferred, has been removed from a restored site in Incline Village. The applicant shall demonstrate proof of restoration as a condition of approval.
c. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district.

The relocation of land coverage is to a site with a verified land capacity class, Class 4 and Class 6 (TRPA File Numbers 20051023, 11/0/05 and 20051753, 1/26/06).

4. Chapter 64 - Excavations:

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

In July 2007 TRPA reviewed the Soils/Hydrologic Scoping Report dated June 24, 2007 (TRPA File # 20041393) in conjunction with site visits to assess the proposed excavation depth of nine (9) feet bgs for the new building foundation. After reviewing the report, the Ground Water Technical Advisory Committee (GWTAC) waived the requirement for subsurface investigation and approved the excavation depth of nine (9) feet below ground surface (bgs) because it found that the project would not likely interfere or intercept groundwater.

b. Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A (1).

As conditioned in the TRPA Soils/Hydrologic approval, all excavated material must be hauled away from the site to a legally acceptable location and no fills, or re-contouring other than the cut-retaining structures, shall be allowed.

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

As a condition of approval the permittee shall not excavate more than nine (9) feet below natural grade. As a result of re-grading in preparation of the project site, 13 living non-native pine trees located throughout the proposed building site will be removed. One of the trees is 30 inches in diameter at breast height (dbh) with two at 26 inches (dbh) with the remaining at less than 24 (dbh) which are necessary for the introduction of the project. The remaining trees will not be affected by the introduction of this project.

I. 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 Effect.

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

1. Draft Permit
2. Site Plan
3. Floor Plan
4. Elevations
D-R-A-F-T
-PERMIT-

PROJECT DESCRIPTION: Professional Office Building
APN 132-020-11 & 12

PERMITTEE: Little Rock Investment, LLC
FILE # ERSP2007-007

COUNTY/LOCATION: Washoe County, 333 Village Boulevard

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **August 23, 2007**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **August 23, 2010**, 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 SATISFACTORY AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; 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)

8/23/07 AGENDA ITEM V. C.
/dl
D-R-A-F-T

APN 132-020-11 & 12
FILE NO. ERSP2007-007

Offsite Coverage Mitigation Fee (1): Amount $3,444  Paid_______ Receipt No. _____

Security Posted  (2): Amount $_______ Type ____ Paid _____ Receipt No._______

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

Notes:
(1) See Special Condition 3 H., below.
(2) Amount to be determined. See Special Condition 3 I., 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/Desigee                          Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the removal of an existing eating establishment (Café
   333) and the construction of a new 2-story, 8,374 square foot commercial (professional
   offices) building and associated parking at 333 Village Boulevard. The project will
   involve the transfer of 3,000 square feet of commercial floor area and approximately
   4,239 square feet of new Class 1 hard coverage through separate application per
   Subsection 20.3.C(1)(b), TRPA Code. Additional work approved as a result of this
   permit is one free standing monument sign not to exceed 12 feet in height or 45 square
   feet in area and one building sign per building face, none of which are to exceed 45
   square feet in area, with a total of three building signs.

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

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/dl
(2)  Notes indicating that there will be no storage of excavated material on site; and fill material will be disposed of in a TRPA approved location.

(3)  Proposed locations of the required snow storage for the project area of a size adequate to store snow removed from parking, driveway and pedestrian access areas, or have arrangements to remove and store accumulated snow offsite to an approved location. The snow storage system shall be designed to avoid ice-sheeting within the parking lot and walkways that can result as the snow melts.

(4)  The final plans shall include all required water quality and erosion control improvements for the project area.

(5)  The location of all temporary BMPs and sediment control devices located on all drop inlets and down slope of all site repaving and other improvements.

B.  The permittee shall provide evidence that the area from which the Class 1 hard coverage is being obtained from has been fully restored per TRPA specifications.

C.  The permittee shall provide a separate building elevation depicting a 5 years growth of all proposed and existing vegetation

D.  The permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction and demonstrating completion by Oct 15th of each construction season.

E.  The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code.

F.  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 and a requirement that completion be demonstrated by Oct 15th of each construction season.

G.  The permittee shall submit calculations demonstrating that the proposed infiltration trenches and other BMPs are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. This is a repeat of A3 above.

H.  The permittee shall submit a BMP maintenance and monitoring plan detailing the annual maintenance for all BMPs installed in the project area.

I.  The permittee shall submit a compliance report that demonstrates that the project is in compliance with all applicable standards or guidelines contained in the Incline Village Commercial Community Plan Signage, Lighting, Parking and Design Standards and Guidelines plan and all design standards contained in Chapter 30 of the TRPA Code. Some guidelines may be waived by TRPA (if it
can be demonstrated that the guidelines may cause a negative impact to TRPA threshold attainment). Design standards shall not be waived.

J. The permittee shall pay an offsite coverage mitigation fee of $3,444 assessed at $12.00 per square foot for the creation of 287 square feet of impervious coverage in the public right-of-way.

K. The permittee shall submit a project security as required pursuant to Standard Condition 1.2 of Attachment Q. The amount of the security shall be determined upon the permittees’ submittal of required water quality plans and related cost estimates. In no case shall this security be less than $2,000. Please see Attachment J, Security Procedures.

L. The permittee shall submit a project area deed restriction permanently assuring that the coverage calculations for both parcels within the project area (132-020-11 and 132-020-12) shall always be made as if the parcels had been legally consolidated.

M. The permittee shall do one of the following two actions to assure that the areas not receiving transferred (CFA) are not used in an unauthorized fashion;

1. Record a deed restriction with the county recorder and provide a copy to TRPA for the purpose of permanently assuring that the remaining floor areas not receiving transferred Commercial Floor Area (CFA) because they are designated for Public Use, will be used for public uses only, and shall not be used in a fashion which constitutes a non-public use nor be leased, rented, or used in a manner which is not public in nature. Said deed restriction shall be deemed a covenant running with the land.

N. Through separate applications, the permittee shall transfer a total of 4,239 square feet of land coverage to this project. The transferred coverage shall be from land capability Class 1 or higher or have an IPES score of 725 or higher. All of the transferred land coverage shall be located within Hydrologic Area 1 (Incline). (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances and the TRPA Rules of procedure).

O. Through separate application, the permittee shall transfer a total of 3000 square feet of CFA to this project site.

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

4. All proposed parking and driveway isle improvements shall meet all Washoe County parking requirements.

5. Pursuant to subsection 25.5.A of the TRPA Code of Ordinances, the property owners is required to install BMP infiltration facilities designed to accommodate the volume of runoff from a six-hour storm with a two-year recurrence probability (or a twenty year/one hour storm, which is approximately one inch of precipitation in an hour) prior to release

8/23/07
AGENDA ITEM V. C.
/dl
of the security deposit.

6. The permittee shall not construct any finished floor area that is more than nine (9) feet below natural grade, as authorized in the TRPA Soils/Hydrology approval (TRPA File #LCAP 2007-0205), measured at the location where the floor meets the foundation wall. Any modification of this structure shall conform to TRPA's height standards.

7. All work associated with this permit requiring use of any heavy equipment or vehicles shall take place within the foundation footprint, existing paved roadways or along existing compacted dirt shoulders. Any work requiring minor temporary disturbance to existing vegetation or undisturbed areas such as in the backshore shall employ the use of land mats and other protective devices.

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

9. All temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.

10. No grading or excavation shall be permitted except as shown on the plans for foundations, driveway and parking improvements.

11. Any and all excavated materials shall be hauled away from the site to a TRPA approved location. No fills or re-contouring, other than backfill for structures, shall be allowed.

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

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

14. 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.

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

16. Any additional signs or changes to approved signs associated with the project shall be reviewed and approved in accordance with the County/TRPA MOU.

17. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards to be (downward facing, shielded, low voltage lighting standards.

18. 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.

8/23/07

AGENDA ITEM V. C.
19. All design standards for off-street parking facilities shall be in conformance with the Washoe County and Incline Village Commercial Community Plan, Parking Standards. This shall include proper identification of ADA accessible parking spaces and correct dimensioning for all parking stalls, and driveway widths.

20. Any normal construction activity creating noise in excess of 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.

21. This site shall be winterized in accordance with the provisions of Attachment S by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

END OF PERMIT
TAHOE REGIONAL PLANNING AGENCY
128 Market Street P.O.Box 5310 Phone: (775) 588-4547
Stateline, Nevada Stateline, Nevada 89449-5310 Fax (775) 588-4527
www.trpa.org Email: trpa@trpa.org

MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Building Remodel APN 1418-34-111-024
PERMITTEE: Tahoe Douglas Sewer District FILE # ERSP2007-0158
COUNTY/LOCATION: Douglas County, 1303 Highway 50

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

8/23/07 AGENDA ITEM V. C.
/dl
MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff, Wendy Jepson, Senior Planner

Date: August 23, 2007

Subject: U.S. Forest Service Linear Public Facilities Addition, 760 Hwy 50, Zephyr Cove, Douglas County, Nevada, Assessor’s Parcel Number 1318-10-000-002, TRPA File #ERSP2007-0146

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Section D of this Staff Summary.

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: The proposed project consists of installing 1,320 linear feet of 2" (two inch) polyethylene pipe and 115 linear feet of ½" (one half inch) service stubs for gas lines to existing cabins within the Zephyr Cove Resort Cabin area. All installation of pipe will be in previously disturbed areas and inside existing roadways. Excavation will not exceed 36 inches below ground surface. There is no coverage associated with this project.

Site Description: The proposed project is on a U. S. Forest service parcel located in Douglas County, Nevada. The parcel size is 229,528 square feet with verified Land Capability Classes 1b, 2 and 7. The installation of gas lines occurs only in Land Capability Class 7.

Issues: According to Plan Area Statement 066, Zephyr Cove, Pipelines and Power Transmissions 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 Initial Environmental Checklist (IEC) and “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 checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 066, Zephyr Cove. The Land Use Classification is Recreation and the Management Strategy is Mitigation. Agency Staff has reviewed the subject Plan Area and has determined that the project

Hearings Officer / WJ
08/23/2007

AGENDA ITEM NO. V.D.

Planning for the Protection of our Lake and Land
is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (pipelines) is listed as a special use.

C. **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.**

   Based on the findings provided on the Initial Environmental Checklist and the Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding. The proposed project is compatible with surrounding linear public facilities, is non growth inducing, and with the special permit conditions, will meet all TRPA Codes and Ordinances.

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

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

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

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

2. **Chapter 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 is to install gas lines and service stubs to existing cabins in the Zephyr Cove Resort Cabin area. The gas lines are the same type of facilities
that are currently on the property and the surrounding properties. The excavation will not exceed 36" (thirty six inches) below ground surface and will be entirely in roadways or existing disturbed areas. There is no coverage associated with this project. As a result of this project the applicant will install permanent Best Management Practices on the parcel. All construction will occur in Land Capability Class 7.

(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.

All potential effects will be mitigated through the use temporary Best Management Practices. Excavation for the gas lines will not exceed 36" below ground surface and is not anticipated to intercept ground water. No coverage is associated with this project. Permanent Best Management Practices will be installed as a result of this 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 will not adversely affect the plan area statement as the proposed project involves installation of underground utilities and includes installation of Permanent Best Management Practices.

**Required Actions:** Agency staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

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

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

**Attachments:**

1. Draft Permit
2. Site Plan
PROJECT DESCRIPTION: Gas pipeline installation

PERMITTEE(S): U.S. Forest Service

COUNTY/LOCATION: Douglas County/760 Highway 50

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on August 23, 2007, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on August 23, 2010 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 HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

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

(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.

(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) ___________________________________________ Date _________________

PERMIT CONTINUED ON NEXT PAGE
D-R-A-F-T

APN: 1318-10-000-002
FILE NO. ERSP2007-0146

Security Posted (1): Amount $_________ Posted _____ Type_____ Receipt No.______

Security Administrative Fee (2): Amount $_________ Paid______ Receipt No. ______

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

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

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

TRPA Executive Director/Designee ____________________ Date ___________

SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of approximately 1,320 linear feet of 2" (two inch) polyethylene pipe and 115 linear feet of ½" (one half inch) service stubs for gas lines within the Zephyr Cove Resort Cabin area. There is no coverage associated with this project. All work will take place in the existing road ways. Excavation depth will not exceed 36 inches below ground surface.

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

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

A. The site plan shall be revised to include:

   (1) 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.”

   (2) A note indicating: “All project related vehicles shall park on existing paved surfaces or existing compacted road shoulders.”

   (3) Identify all temporary stockpile areas, equipment and machinery staging areas, and material storage locations.

Hearings Officer / WJ 08/23/2007

AGENDA ITEM NO. V.D.
(4) Temporary erosion control measures located downslope of the proposed construction areas.

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

C. An excavation/disposal plan shall be submitted to TRPA for review and approval, indicating the amount of material excavated and the disposal location.

D. The permittee shall submit a dewatering plan to TRPA for review and approval in the event of ground or surface water is intercepted during excavations. No excavation shall occur until TRPA has reviewed and approved the dewatering plan.

E. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

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

4. All work associated with this permit requiring use of heavy equipment or vehicles shall take place within existing paved roadways or along existing compacted dirt shoulders. Any work requiring temporary disturbance to existing vegetation or undisturbed areas shall be kept to the minimum necessary. Existing vegetated areas disturbed by construction activities shall be revegetated upon completion of project activities.

5. Soil stockpiles shall not be placed on top of existing vegetation. All excavated material shall be placed uphill of trench locations. All temporary stockpiles shall be contained by temporary erosion control fences or fiber roll logs (12” minimum diameter) and covered with non-permeable material at the end of the work day and/or during periods of precipitation of high winds. Hay bales are no longer preferred for temporary erosion control and straw is no longer a recommended mulch material in the Lake Tahoe Basin.

6. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by temporary erosion control fences or fiber roll logs (minimum 12 inch diameter).

7. The establishment of equipment and/or vehicle storage areas outside of previously disturbed road shoulder is prohibited unless specifically authorized by TRPA.
8. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently revegetated. Temporary erosion control structures shall be removed once the site has been stabilized or revegetated.

9. All temporary erosion control and vegetation protection fencing shall be maintained in a functioning condition during construction staging activities and until the site is revegetated, if applicable.

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

11. 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.

END OF PERMIT
FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Gas pipeline installation
APN: 1318-10-000-002

PERMITTEE(S): US Forest Service
FILE #ERSP2007-0146

COUNTY/LOCATION: 760 Highway 50/Douglas County

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

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

_________________________  __________________________
TRPA Chairman or Executive Director/Designee  Date

Hearings Officer / WJ  AGENDA ITEM NO. V.D.
08/23/2007