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MEMORANDUM

Date: December 10, 2015

To: TRPA Hearings Officer

From: Wendy Jepson, Current Planning Manager

Subject: Jannetti Residential Water Intake Line Extension, 1146 Highway 50, Douglas County, Nevada; Assessor's Parcel No: 1418-34-302-001; TRPA File No: ERSP2015-1518

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

Staff Recommendation: Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the draft permit (Attachment A).

Project Description: The project involves a 349-foot extension of an existing residential water intake line. The waterline will extend from lake bottom elevation 6221.7 feet to lake bottom elevation 6205 feet. The water intake line will be installed from a barge and no disturbance to the lake bed will occur. No new land coverage is proposed. The water intake line serves six verified residential units of use.

Project Background: On October 8, 2015 the applicant requested that TRPA grant an emergency permit to extend the existing water intake line which was located in less than two feet of water. TRPA granted the emergency permit on October 14, 2015 based on the following health and safety concerns: 1) the water intake is not deep enough for safe drinking water; and 2) the water intake lacks the depth to adequately draw water in the event of fire. The work was successfully completed pursuant to the project plans on November 20, 2015. The TRPA Code of Ordinances allows emergency permits to be granted for public health and safety, provided it is followed up with a complete project review and issuance of a regular TRPA permit (see attached draft TRPA permit).

Site Description: The littoral parcel is located at 1146 Highway 50, Zephyr Cove and is within the Lakeridge - #64 Plan Area Statement, where water intake line projects are considered a special use. The subject property is surrounded by single-family residential homes to the north and south and is bounded by Lake Tahoe to the west and Highway 50 to the east. The subject property is a 2.77 littoral parcel occupied by six verified residential units, a boat house and a pier.

The project site is located in Shorezone Tolerance District 8, characterized as gently sloping, armored granite shorezone with high capability for development. Shorelines are in equilibrium and potential for erosion in the foreshore and nearshore is low.

Issues: The proposed project involves a special use determination and therefore requires Hearing Officer review in accordance with Chapter 2, Subsection 2.2.2.a of the TRPA Code. All other issues are discussed in the following Staff Analysis:

Staff Analysis:

- A. Environmental Documentation: TRPA staff completed the Initial Environmental Checklist (IEC) and “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and TRPA staff has made the Finding of No Significant Effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.
- B. Plan Area Statement: The proposed project is located within Plan Area Statement (PAS 064) Lakeridge, Douglas County in which water intake lines are identified as a special use within the plan area.
- C. Land Coverage: At present the project site exceeds the total allowable coverage permissible under TRPA Code. The property has 2,093 square feet of remaining unmitigated excess land coverage. Pursuant to Section 30.6 of the TRPA Code of Ordinances, the Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Cave Rock Hydrologic Transfer Area (3), or by submitting an excess coverage mitigation fee.
- D. Partial Shorezone Permitting Program: Due to a 2010 court ruling that recalled TRPA’s updated shorezone ordinances, TRPA is currently processing shorezone applications under the Partial Shorezone Permitting Program, which limits the type of shorezone applications that TRPA can accept and process. At this time, TRPA cannot accept or process applications to permit additional boating facilities such as new piers, buoys, and boatlifts. However, the 2010 court ruling does allow TRPA to process applications for certain non-boating facility projects, including water intake lines, and for the repairs, reconstruction, modification, and expansion of legally existing boating structures provided the facility would not adversely affect the environment, either individually or cumulatively. Specifically, all potential shorezone applications are screened and reviewed to ensure:

- There is no increase in boating capacity
- There is no net increase in visual mass along the shoreline
- There will be no increase in littoral drift impacts or increase in erosion
- There will be no increase in Prime Fish Habitat disturbance

In demonstrating that the water intake line meets the Partial Permitting Program, staff has analyzed the potential environmental impacts of the proposed project and determined that it will not have a negative environmental impact. This project proposes a water intake line extension which meets the screening criterion that allows TRPA to take action on this project.

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 80, and 81 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – 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 Plan Area Statement (PAS 064) Lakeridge, in which water intake lines are identified as a special use. The proposed project involves the expansion of an allowed accessory use and is consistent with the Land Use Element of the Regional Plan. No disturbance to the lakebed will occur and no new land coverage is proposed. There is no evidence in the file or record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan. The project, as conditioned, will not adversely affect the implementation of any applicable elements of the Regional Plan.

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

TRPA staff has completed the “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Section 4.4.2 of the TRPA Code of Ordinances and incorporates the checklist into this analysis. All responses contained in the project indicate compliance with the environmental threshold carrying capacities. In addition, the applicant has completed an Initial Environmental Checklist (IEC), which is hereby incorporated into this analysis. No unmitigated 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 offices.

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

The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the region.

2. Chapter 80 – Review of Projects in the Shorezone and Lakezone:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

The proposed water intake line extension will not adversely impact littoral processes as the proposed project is not located in an area mapped or verified as fish spawning habitat, but rather in an area identified as feeding and escape cover. No disturbance to lake bed materials will occur and the water line will avoid disturbance to boulders that comprise the fish feed and escape cover habitat. This project is located lakeward of the low water line will not create impacts to on-shore wildlife habitat, including waterfowl nesting areas. No construction in the backshore is proposed.

- (b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

Water intake lines are an allowed accessory structure (allowed as a special use) to the primary residential use. No additional accessory facilities are necessary to accommodate the project.

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

The proposed project involves an extension to an existing water intake line that is failing to meet public health and safety requirements. The waterline will extend from lake Bottom elevation 6221.7 feet to lake bottom elevation 6205 feet, a distance of 349 feet and serves an existing single family residential uses.

- (d) Use: The use proposed in the foreshore or nearshore is water dependent.

The proposed replacement water intake line is located in the foreshore, of Lake Tahoe and is, by its nature, water dependent.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

No hazardous materials are anticipated to be used for construction of the waterline. Construction equipment will be located on a barge in the lake. Emergency cleanup materials (booms, etc.) will be readily available on site.

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

All construction materials, equipment and tools for the water intake line installation will be transported to the site via barge to minimize any potential land disturbance. Steel pipe will be pre-cut and treated off site to minimize noise and debris. All existing pipe to be removed will be cut into manageable sections and loaded onto an amphibious barge and disposed of outside of the Tahoe Basin. All other material and equipment staging will be on the barge.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The proposed project involves the extension of the existing water intake line that serves the subject property in order to meet public health and safety needs. The line will be located on the lake floor. The small diameter (two inch) pipe will not project above the lake bottom and will therefore not adversely impact navigation or create a threat to public safety.

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

As of the date of this staff summary, TRPA received comments from the Nevada Division of Environmental Protection (NDEP) stating that they have granted a permit for the proposed water intake line project.

3. Chapter 81 – Permissible Uses and Structures in the Shorezone and Lakezone:

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

The project is an accessory use to the residential uses and the small water intake line will not be visible from or interfere with surrounding uses. The water intake line is the sole source of water for domestic use and fire protection that serves the parcel. The adjacent properties within the immediate area also have water intake lines, which is an appropriate use to support the residential use of the parcel.

- (b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.

The pipe will be placed on the lake bottom and will not extend into the water column where it might pose a threat to boaters and other lake users in the area. The extension is needed to ensure the pipe will continue to provide water supply for domestic use and fire protection.

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

The project construction methodology includes conscientious methods and temporary BMPs to prevent the generation of suspended sediment from the work area into the waters of Lake Tahoe. The duration of work will be temporary and will not negatively impact the environment, the subject parcel or the surrounding property owners.

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

The proposed project involves the extension of the existing water intake line that serves the subject property in order to meet public health and safety needs. The line will be located on the lake floor. The small diameter (two inch) pipe will not project above the lake bottom, will not adversely impact navigation or create a threat to public safety and won't be visible from the neighborhood and is permissible per allowed uses identified in the plan area statement.

4. 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, and record evidence, subject to the conditions contained in the attached Draft TRPA Permit (Attachment A).

Attachments:

- A. Draft Permit
- B. Site Plan

**ATTACHMENT A
Draft Permit**

PROJECT DESCRIPTION: Water Intake Line Extension

APN: 1418-34-302-001

PERMITTEE: Roberto Jannetti

FILE #: ERSP2015-1518

COUNTY/LOCATION: Douglas / 1146 Highway 50

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **December 17, 2015**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **December 17, 2018**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of installation of new water lines. 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.

INSTALLATION OF WATERLINES SHALL NOT 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 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)

**APN 1418-34-302-001
FILE NO. ERSP2015-1518**

MITIGATION FEES

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

Notes:

Amount to be determined. See Special Condition 2.C below.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. The project involves a 349-foot extension of an existing two-inch diameter residential water intake line. The waterline will extend from lake bottom elevation 6221.7 feet to lake bottom elevation 6205 feet. The water intake line will be installed from a barge and no disturbance to the lake bed is authorized occur. The waterline will be placed on top of the lakebed material. No new land coverage is proposed.
2. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan shall be revised to include existing, allowed, excess and remaining allowable coverage pursuant to the 2014 Land Capability Challenge.
 - B. The subject property has 2,093 square feet of remaining unmitigated excess land coverage. Pursuant to Section 30.6 of the TRPA Code of Ordinances, the Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Cave Rock Hydrologic Transfer Area (3), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 1.00%, divided by 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:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$25.00 per square foot for projects located within the Cave Rock Hydrologic Transfer Area (3).

Please provide a construction cost estimate prepared by a licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

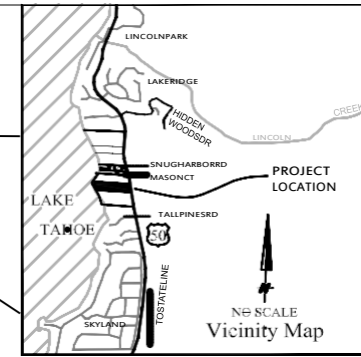
- C. The Permittee shall submit three sets of final site plans.
4. All permanent BMPs shall be installed prior to October 15, 2016 pursuant to BMP retrofit permit BMPP2008-0010.
 5. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the Permittee.

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

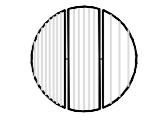
6. This approval is based on the Permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or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

END OF PERMIT

Attachment B
Site Plan



ENGINEERING · PLANNING RESOURCE MANAGEMENT
RESOURCE CONCEPTS, INC.
 2121 ELK POINT ROAD, STE. 443
 P.O. BOX 11796
 ZEPHYR COVE, NEVADA 89448
 PHONE: 775-588-7500
 WEBSITE: www.rci-nv.com



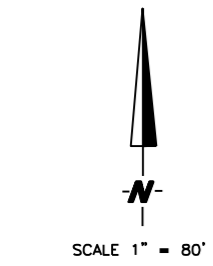
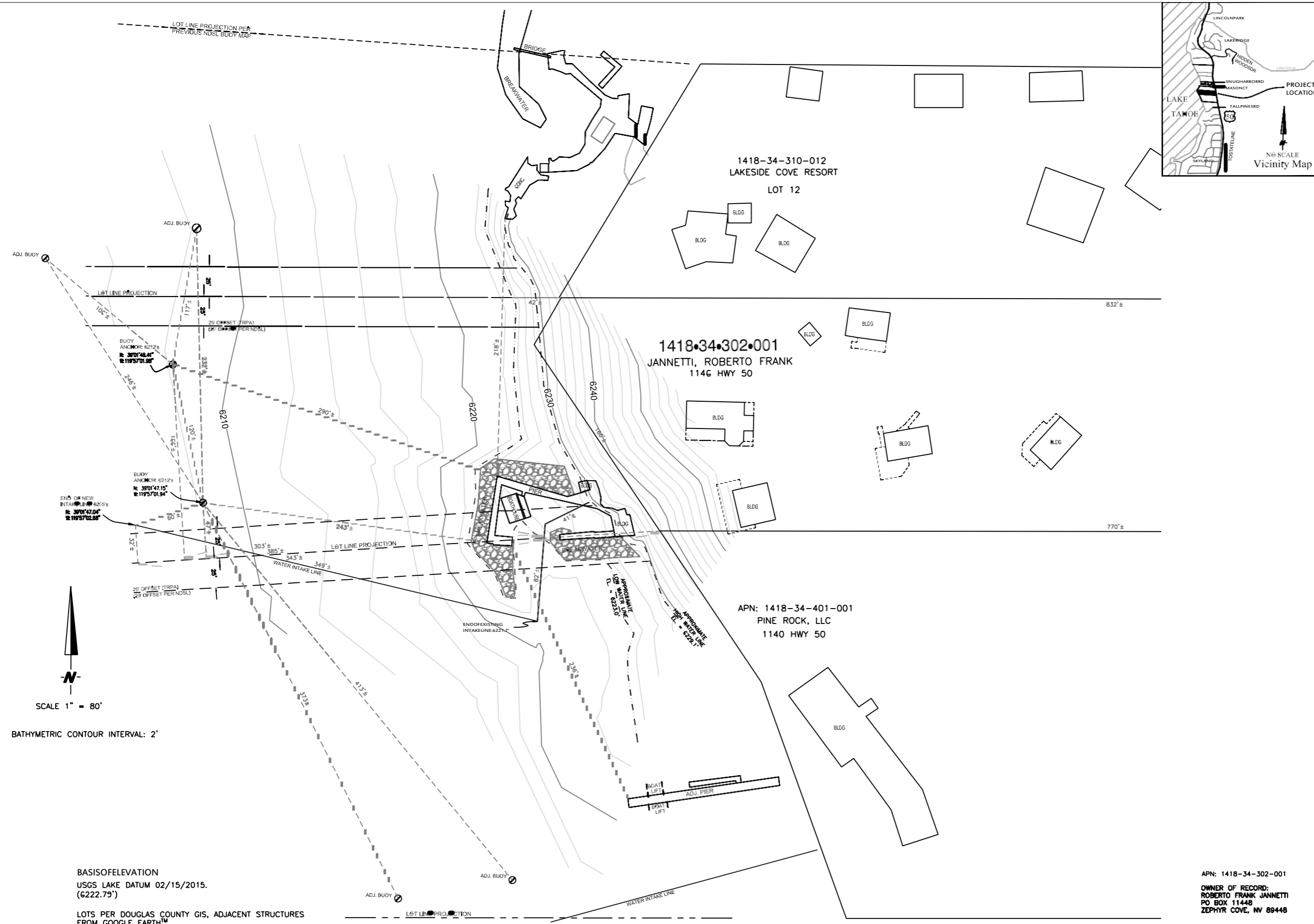
REVISION	DATE

2015 BATHYMETRIC PERMIT DRAWING
 FOR
ROBERTO JANNETTI
 APN: 1418-34-001-001
 1146 HWY 50
 DOUGLAS COUNTY, NEVADA

OWNER OF RECORD:
ROBERTO FRANK JANNETTI
 PO BOX 11448
 ZEPHYR COVE, NV 89448

JOBNO.: 15-119.1
 DATE: 11/20/15
 DESIGNED:
 DRAWN: CNJ
 CHECKED: RBB

AGENDA ITEM NO. 11
 SHEET 01



BATHYMETRIC CONTOUR INTERVAL: 2'

BASIS OF ELEVATION
 USGS LAKE DATUM 02/15/2015.
 (6222.79')

LOTS PER DOUGLAS COUNTY GIS, ADJACENT STRUCTURES
 FROM GOOGLE EARTH™.

LOT LINE PROJECTIONS PER PREVIOUS NDSL BUOY MAPS

TRPA REQUIRES 25' SETBACK,
 PROJECTION LINE FROM HIGH WATER LINE.

NDSL REQUIRES 20' SETBACK, PROJECTION LINE FROM LOW
 WATER LINE.

APN: 1418-34-302-001
 OWNER OF RECORD:
ROBERTO FRANK JANNETTI
 PO BOX 11448
 ZEPHYR COVE, NV 89448

PARCEL ADDRESS:
 1146 HWY 50
 ZEPHYR COVE, LAKE TAHOE
 DOUGLAS COUNTY, NEVADA