

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
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HEARINGS OFFICER AGENDA OF MEETING FOR

Tahoe Regional Planning Agency
128 Market Street, TRPA Conference Room
Stateline, NV 89449

Date: May 25, 2006
2:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Hearings Officer on any agenda item not listed as an Announcement of Appeal Right or Public Hearing Item, or on any other issue, may do so at this time. However, public comments on Announcement of Appeal Rights or Public Hearing Items will be taken at the time those agenda items are heard.

NOTE: THE HEARINGS OFFICER IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. ANNOUNCEMENT OF APPEAL RIGHTS
- V. PUBLIC HEARING ITEMS

- A. David and Mary Lou Widdifield Land Capability Challenge, 8660 Beach Lane, El Dorado County, Assessor's Parcel Number (APN) 016-142-20, TRPA File #20060297.
- B. Dale Denio, 451 Lakeshore Blvd., Washoe County, Nevada, Assessor's Parcel Number (APN) 123-250-03, TRPA File #20021423. This is a linear public facility that consists of improvements in the public right of way and adjacent private driveway that provides access to a garage serving an existing single family dwelling. The purpose of the improvements is to provide additional paved surface to accommodate vehicles entering and exiting the single family residence. Existing conditions are such that the existing garage is sited with a zero setback and a driveway apron is completely with the ROW, causing vehicles to back onto Highway 28 when exiting the property. The lack of adequate driveway turning area combined with inadequate site distances at this juncture of Highway 28 creates hazardous traffic conditions.
- C. Brian McGeever, 3080 North Lake Boulevard, Dollar Hill, Placer County, California, Assessor's Parcel Number (APN) 93-130-47, TRPA File #20060811. The applicant is proposing to use a portion of the existing office building for government offices on a temporary basis for the Tahoe Regional Planning Agency and the U.S. Forest

Service. While professional offices are currently permissible within the applicable plan area statement, government offices are not. The applicant has separately applied for a Plan Area Statement (PAS) amendment to add Government Offices as a permissible use. The applicant has applied for a temporary use permit to allow government offices to operate for a six to twelve-month period, until the Plan Area Statement amendment is processed. No changes to the building are proposed.

VI. ADJOURNMENT

By: Mr. Barnett, FOR:
John Singlaub
Executive Director

This agenda has been posted at the TRPA office and at the following places: Zephyr Cove and Stateline Nevada Post Office, Al Tahoe California Post Office and the El Dorado County Library.

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MEMORANDUM

May 18, 2006

To: TRPA Hearing's Officer

From: TRPA staff

Subject: Dave and Mary Lou Widdefield Land Capability Challenge; El Dorado County APN: 016-142-20, 8660 Beach Road

Proposed Action: The applicants, Dave and Mary Lou Widdefield request that the Hearing's Officer review and approve the proposed Land Capability Challenge for the affected parcel.

Staff Recommendation: The staff recommends that the Hearing's Officer approve the land capability challenge for the parcel changing the land capability class from 2 and 1b to class 6 and 1b.

Background: The subject parcel is shown as land capability class 2 and 1b on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the MsE (Meeks very stony loamy coarse sand, 15 to 30 percent slopes) soil map unit. The MsE soil map unit is consistent with the E-1 (Moraine Land-undifferentiated, moderate hazard lands) geomorphic unit classification. The soils of the Meeks series formed in deposits derived from mixed sources comprised mainly of intrusive igneous material (granodiorite).

A land capability verification was conducted on this parcel by El Dorado county staff. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is 10,628 square feet in size and located at 8660 Beach Road in El Dorado County. The parcel is mapped within geomorphic unit E-1 (Moraine Land-undifferentiated, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. TRPA staff conducted the soils investigation. Based on one soil pit, a representative soil profile was described (see Attachment A). After a visit to the parcel on April 12th, 2006 the soils on APN: 016-142-20 were determined to be consistent with land capability class 6 and 1b in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

Attachments:

5/18/06
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HEARING'S OFFICER ITEM A

SOIL INVESTIGATION FOR
EL DORADO COUNTY APN: 016-142-20, 8660 Beach Road, CA.

INTRODUCTION

A soil investigation was conducted on Washoe County APN at 8660 Beach Road in El Dorado County on April 12th, 2006. This parcel is approximately 10,628 square feet in size and is located at 8660 Beach Road in El Dorado County

A land capability challenge was filed with TRPA on February 24th, 2006 to determine the appropriate land capability class for this parcel based on an on-site soil investigation.

ENVIRONMENTAL SETTING

This parcel is shown as land capability class's 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 MsE (Meeks very stony loamy coarse sand, 15-60 percent slopes) soil map unit is consistent with the E-1 (Moraine Land-undifferentiated, moderate hazard lands) geomorphic unit classification. The soils of the Meeks series formed in residual glacial deposits derived from mostly intrusive igneous sources (granodiorite). This parcel is on an west-southwest facing slope. The natural grade of the parcel ranges from 17 to 19 percent. The native vegetation is Jeffery Pine and White fir with an understory of manzanita and whitethorn.

PROCEDURES

One soil pit was dug on this parcel, using hand excavation. After examination of the pits, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured in the field with a clinometer.

FINDINGS

One known soil series was identified on this parcel. The soils on this parcel are generally deep and are well drained. The soil is characterized as having a thin (< 1") surface mantle of organic matter over a brown to dark grayish brown sandy loam surface horizon. Yellowish brown gravelly sandy clay loam subsoil is present to a depth of greater than 50 inches. This soil is similar to the Elmira series (EfB map unit) listed in the Soil Survey for the Lake Tahoe Basin.

CONCLUSION

Based on the results of the site visit, the soil on APN: 016-142-20 were determined to be the Elmira soil series (EfB map unit) which is associated with land capability class 6 and Stream Environment Zone which is associated with land capability class 1b in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan

Principal Planner / Soil Scientist.

Soil Classification: mixed, frigid Typic Xeropsamment

Soil Series: Elmira

Drainage: Excessively Well Drained

Hydrologic Group: A

- Oi 2 to 0 inches; Jeffrey pine and White fir needles.
- A1 0 to 7 inches; dark grayish brown (10YR 4/2) gravelly loamy coarse sand, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots, few medium coarse roots; many very fine and fine interstitial pores; 15 percent gravel, 5 percent cobbles; clear smooth boundary.
- A2 7 to 14 inches; brown (10YR 5/4), gravelly loamy coarse sand, dark brown (10YR 4/3) moist; moderate, fine granular trending to weak, fine subangular blocky structure; slightly hard, very friable, nonsticky and slightly plastic; many very fine and fine, few medium and coarse roots, many very fine and fine interstitial pores; 15 percent gravel, 5 percent cobbles; gradual wavy boundary.
- C1 14 to 28 inches; yellowish brown (10 YR 6/4) gravelly loam coarse sand, dark brown (10 YR 3/4) moist; moderate, medium subangular blocky structure; hard, friable, slightly sticky and plastic; common fine and few medium and coarse roots; many very fine and fine interstitial pores; 15 percent gravel, 5 percent cobbles; clear wavy boundary.
- C2 28 to 44 inches; strong brown (10 YR 6/4) coarse sand, dark brown (10 YR 4/4) moist; moderate, medium subangular blocky; hard, friable, slightly sticky and plastic; few fine, medium and coarse roots; many very fine and fine interstitial pores; 20 percent gravel, 5 percent cobbles; clear wavy boundary.
- C3 44 to 50+ inches; strong brown (10 YR 6/4) coarse sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular blocky; hard, friable, slightly sticky and plastic; few fine, medium and coarse roots; many very fine and fine interstitial pores; 20 percent gravel, 5 percent cobbles; clear wavy boundary.

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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Denio Residence Driveway Modification

Application Type: Linear Public Service/Transportation Route/Grading

Applicant: Dale Denio

Applicant's Representative: Midkiff and Associates

Agency Planner: Melissa Shaw, AICP, Senior Planner

Location: 453 (Formerly 451) Lakeshore Blvd., Washoe County, Nevada

Project Number/File Number: TRPA File #20021423 / APN 123-250-10 (Formerly APN 123-250-03)

Staff Recommendation: Staff recommends conditioned approval of the driveway/transportation route project, based on this staff summary and evidence contained in the project record. The required actions and recommend conditions of approval are contained in the attached draft permit.

Project Description: This is a grading permit for a linear public facility that consists of improvements in the public right of way and adjacent parcel, expanding a private driveway serving an existing single family dwelling. The purpose of the improvements is to provide additional paved surface to accommodate vehicles entering and exiting the single family residence. Existing conditions are such that the existing garage is located with a zero setback and a driveway apron is completely within the ROW, causing vehicles to back onto Highway 28 when exiting the property. In the opinion of the applicant, the lack of adequate driveway turning area combined with inadequate site distances at this juncture of Highway 28 creates hazardous traffic conditions.

Site Description and Project Area: The project area is located along Highway 28 in Crystal Bay, Nevada, adjacent to and including modifications to the driveway connecting an existing single family dwelling to Highway 28. The entire project area is located in low land capability class 1a (additional confirmation of land capability in the right of way is required with the permit). The majority of the modifications will be off-site within the public right of way that currently consists of an existing road shoulder and guard rail, and steep (approximately 68 percent), undeveloped land that slopes down to the subject property. (See the attached site plan in Exhibit 2.) The existing 43,985 square foot (measured to low water) single family residence parcel contains verified land coverage of 5,876 square feet, with total allowable coverage of 439 square feet. There is no existing verified coverage in the right of way portion to be improved with the project.

As noted in the project description, the applicant states that the existing conditions are hazardous to drivers exiting and entering the existing driveway due to the "zero setback"

garage and short sight distances onto SR 28. Letters in support of the project have been submitted from the North Lake Tahoe Fire Protection District, for safety design, and from the State of Nevada Department of Transportation for the drainage and guardrail improvements.

The grading plan consists of grading and paving, retaining wall details, and temporary and permanent Best Management Practices (BMPs) for control erosion. Construction will involve an approximately 17.5 foot high retaining wall, and then back-filling (the cubic yard amount is unknown at this time) and paving of approximately 2,744 square feet of coverage in the SR 28 right of way. An additional 98 square feet of coverage will be required on the single family residential parcel to connect the driveway to the right of way improvements, and additional disturbance (fill) is proposed on the private parcel to below the retaining wall.

The project is located within Scenic Roadway Unit 21 and Scenic Shorezone Unit 23, both non-attainment areas.

Issues: The primary issues associated with the project are:

1. Land Use. The proposed Linear Public Service/Transportation Route project is a special use in the Crystal Bay Plan Area Statement. Special Use Findings are addressed in Required Chapter 20 Findings, below.
2. Land Coverage, Filling and Disturbance. The new pavement in the right of way is proposed to be constructed on new, compacted fill contained by a new 17.5 feet retaining wall. Fill below and lakeward of the wall is also proposed (additional information is required regarding the source and content of the proposed fill). All of the new construction and disturbance is proposed in land capability district 1a. New disturbance is not permitted in low land capability, and this is recommended to be minimized with alternative site design. The site design could be designed so that new coverage and disturbance is minimized to a driveway pad that served to provide an area for vehicles to backup and turn around prior to exiting the site. A permit condition requires that an alternative design showing the minimum amount of fill and disturbance be evaluated by both the North Lake Tahoe Fire District and NDOT. The proposed project could be approved if no alternative design is feasible, as discussed in the findings section below.
3. Scenic. The project area is visible from Lake Tahoe, and from State Highway 28. Although no new buildings are proposed, the new retaining wall will be visible from Lake Tahoe and as such, may require scenic analysis and potentially scenic mitigation. The draft permit contains a condition requiring a scenic impact assessment and further scenic analysis if it is determined to be visible from Lake Tahoe. The condition presents two options for scenic analysis and mitigation of the new retaining wall: 1), designing the wall so that it appears to "simulate" natural conditions or 2), preparation of a Scenic Assessment under Scenic Quality Review in the Shoreland Ordinances.
4. BMP Plan. There are no existing BMPs on site. Currently, a drainage pipe conveying stormwater from the highway empties onto this property and drains directly into Lake Tahoe. The proposed plans contain a new, longer pipe with a

new rock-lined swale to capture the stormwater however, there is no containment or pre-treatment proposed. A permit condition requires that conveyance of the stormwater be designed for a 10 year, 24 hour storm, per Section 25.5.D. A permit condition is included to require that water from the new pavement be treated and infiltrated, and BMPs be installed for the existing residence and driveway.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project, as conditioned, will not have 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. Plan Area Statement: The project is in Plan Area Statement 34, Crystal Bay, with a Residential Land Use Classification and Mitigation as the Management Strategy. Transportation routes are special uses in this Plan Area, requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances. Planning considerations identified that Highway 28 has capacity problems compounded by single family dwelling encroachment, and that the area is not "up to minimal BMP standards". No new encroachment is proposed with this project, and existing stormwater draining into Lake Tahoe from the highway should be improved with project construction.
- One of the special polices states that further encroachment permits should be discouraged on Highway 28. An encroachment permit will be required from NDOT however, this will not be for a new residence, and the applicant has provided a letter from NDOT indicating that agency's support of the project.
- C. Building Height: Not applicable.
- D. Air Quality: No new vehicle trips will be created with the proposed project.
- E. Noise: Temporary noise impacts are expected within the affected residential areas during project construction. However, pursuant to Section 23.8 of TRPA Code, any normal construction activities 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.
- F. Proposed Land Coverage: The proposed land coverage will be off-site from the subject property within land capability district 1a. No additional land coverage or other permanent land disturbance is permitted in Land Capability Districts 1a, 1c, 2, and 3 and 1b, with certain exceptions. The exception for the additional land coverage in the right of way is permitted with mitigation under TRPA Code of Ordinances Section 20.4.A(3). The findings for this coverage and disturbance are addressed below. The land coverage transfer for the driveway improvements is permitted by Sec. 20.3.B(1)(d), up to 400 square feet, and will also be mitigated by the same section.

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18 and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Threshold-Related Findings:

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

- i. *Land Use.* Transportation routes are special uses in this plan area statement. The proposed project is compatible with the surrounding land uses.
- ii. *Transportation.* This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.
- iii. *Conservation.* Mitigation for development of the project in low land capability requires that a restoration project be undertaken to offset the impacts of development at a 1:5:1 ratio. The project will need to be identified prior to permit acknowledgment. There are no identified special interest species or sensitive or uncommon plants located on this site. The applicant will be required to apply temporary Best Management Practices (BMPs), to the project area to mitigate impacts to water quality. No known historic or archeological resources exist on the property.
- iv. *Recreation.* The project will not impact existing or proposed recreation areas.
- v. *Public Service and Facilities.* Although the improvements will serve a single family residence, improvements to public safety by alleviating unsafe access to Highway 28 from this residence are anticipated, as indicated by the letters of support from the Fire Department and Nevada Department of Transportation.
- vi. *Implementation.* There are no allocations of development required for the project.

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

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

(c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained

pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.
(Refer to paragraph b, above.)

2. Chapter 18 - Special Use Findings:

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

The proposed project may provide an improvement the traffic safety to an existing public transportation route. There will be no increase in development potential with the new paved section of right of way.

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

Temporary BMPs will be constructed to mitigate potential environmental impacts to water quality during the construction. The site plan will also identify the location of a materials staging area(s).

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

The proposed public facility is an improvement to existing public services and will not change the character of the neighborhood.

3. Chapter 20 Findings – Land Coverage. Exceptions for Land Capability Districts 1a, 1c, 2 and 3 Prohibition for Public Service Facilities:

- (a) The project is necessary for public health, safety or environmental protection.

As the applicant has stated and supported with letters from the Nevada Department of Transportation and North Lake Tahoe Fire District, that the proposed paving in the right of way will be an improvement to sight distance and therefore improve the traffic safety for vehicles entering and exiting the private residence.

- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and

Alternative designs are feasible to the proposed site layout that would require less paving, fill and disturbance. However, the Fire District

recommends that the paved section be a minimum of 18 feet in width, as shown on the proposed site plans.

- (c) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4A(2)(e).

The referenced code section requires that the coverage and disturbance be mitigated by the application of best management practices and restoration of land capability districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land ins such districts covered or disturbed for the projects. A permit condition requires that a restoration project be proposed for the mitigation.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment: Exhibit 1, Draft Conditional Permit
Exhibit 2, Site Plans

DRAFT
CONDITIONAL PERMIT

PROJECT DESCRIPTION: Linear Public Facilities/Transportation Route

PERMITTEE (S): Dale Denio TRPA FILE #: 20021005 APN: 123-250-04

COUNTY/LOCATION: 451 Lakeshore Blvd, Washoe County, Nevada

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **May 25, 2006**, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on **May 24, 2009** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

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

_____ Date _____
TRPA Executive Director/Designee

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

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

**DRAFT PERMIT
APN 123-250-04
FILE NO. 20021005**

Security Posted (1): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

Scenic Security Posted (2): Amount \$ _____ Posted _____ Type _____ Receipt No. _____

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

Notes:

- (1) Amount to be determined. See Special Condition 3.K, below.
- (2) Amount to be determined. See Special Condition 3.J, below.
- (3) \$144 if a cash security is posted, or \$74 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of improvements to the public right-of-way (ROW) and adjacent private driveway that provides access serving an existing single family dwelling. The purpose of the improvements is to provide additional paved surface to accommodate vehicles entering and exiting the single family residence. Existing conditions are such that the existing garage is sited with a zero setback and a driveway apron is completely within the ROW, causing vehicles to back onto Highway 28 when exiting the property. The lack of adequate driveway turning area combined with inadequate site distances at this juncture of Highway 28 may create hazardous traffic conditions. Approximately 2,744 square feet of additional land coverage is proposed in the public ROW for the new linear improvement, and 98 square feet on-site to the existing driveway to allow for connection to the ROW improvement. The land coverage transfer for the driveway improvements is permitted by Sec. 20.3.B(1)(d), up to 400 square feet, and for the additional land coverage in the low land capability portion of the right of way, as provided by Sec. 20.4.A(3). The impacts of the additional land coverage and disturbance will be mitigated on a 1:1.5 percent basis. The approval is subject to the following conditions:
 2. The standard conditions of approval listed in Attachment Q and R.
 3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. The site plan shall be revised to include:

- (1) A site plan of existing conditions.
- (2) An adequate design that minimizes the amount of new disturbance in low land capability. This shall include:
 - (a) A design demonstrating the minimum amount of coverage and disturbance needed to provide an area for backing out and turning vehicles to provide safe exit from the property. This shall include a written, stamped assessment from a licensed traffic engineer verifying that the design of the proposed improvements are the minimum needed to improve traffic safety in the project area.
 - (b) A re-designed retaining wall with no additional fill beyond the extent of the new retaining wall needed for the paved ROW improvement. Re-designed plans shall include a stamp from a professional engineer (PE) certifying that the designs of the retaining wall and ROW improvements meet sound engineering and safety requirements. The plans for the redesigned retaining wall may also include a "constructed planting terrace" at the base of the wall sufficient to contain native landscaping and plantings for the purpose of screening the new retaining wall, based on the requirements of Condition 3.H, below.
- (3) Revised BMP plan and drainage facilities, consistent with Conditions 3.B, below.
- (4) Expand the site plan diagram to illustrate how the new ROW improvements will connect to the existing pavement on the adjacent property by including the extent of the adjacent pavement on the site plans. Label the existing edge of pavement on the plan.
- (5) Include curbing with the paving detail to enhance the BMP design and to prevent encroachment onto the un-paved portion of the ROW.
- (6) Any signage or striping, conforming to NDOT standards, proposed with the new improvements. The new pavement shall be stripped for "No Parking", in order to maintain the area clear for sight distance and emergency vehicle usage.
- (7) Provide additional details, including materials, design, color and height, of the safety wall located on the south side (the lake-ward side) of the new linear improvement.
- (8) The verified land capability district designation (Class 1a) for the private parcel and for the ROW portion; the verified backshore and SEZ boundaries, including setbacks; high and low water lines.
- (9) All trees greater than 6 inches in diameter.

- (10) The following notations shall be added to the site plan:
 - (a) The coverage transferred for the additional driveway connection shall only be permitted as driveway coverage and shall not be utilized as coverage for any other purposes.
 - (b) No additional improvements to the existing residence are permitted with this permit.
 - (11) The following revised land coverage calculations:
 - (a) The correct total of existing land coverage for the residence (5,876 square feet), itemized as per the land coverage verification file 20000777, under APN 123-250-03.
 - (b) Clarify the total amount of new proposed coverage for the right of way. The existing offsite coverage is 774 square feet; proposed offsite coverage is 2,996 and the total was stated as 2,744.
 - (c) For the residential portion, the total permitted amount of land coverage (one percent allowable), and the amount of existing excess coverage.
 - (d) Under "TRPA allowed Impervious Coverage", revise the amount to be transferred in for the driveway to the actual amount needed for the driveway. Remove the coverage proposed for the "emergency access walk".
 - (12) Location of all recorded easements inherent to the property or resulting from this project.
 - (13) Identify an equipment and construction staging area.
 - (14) Identify a snow storage area that is not in conflict with the "constructed planting terrace".
 - (15) Detail of the vegetation protective fencing, to be no more than 12' from the edge of the construction area.
 - (16) Proposed excavation depth.
- B. A detailed, engineer-stamped grading and BMP plan shall be submitted to include the following:
- (1) BMP's for the existing driveway, residence and new coverage, including infiltration trenches, slotted drain or valley gutter, and appropriate sized drywell to infiltrate runoff (consistent with Standard Conditions A.1.d of Attachment R). The permittee shall submit calculations demonstrating that the proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. The infiltration for the new right of way paving shall be located under the new paved area.

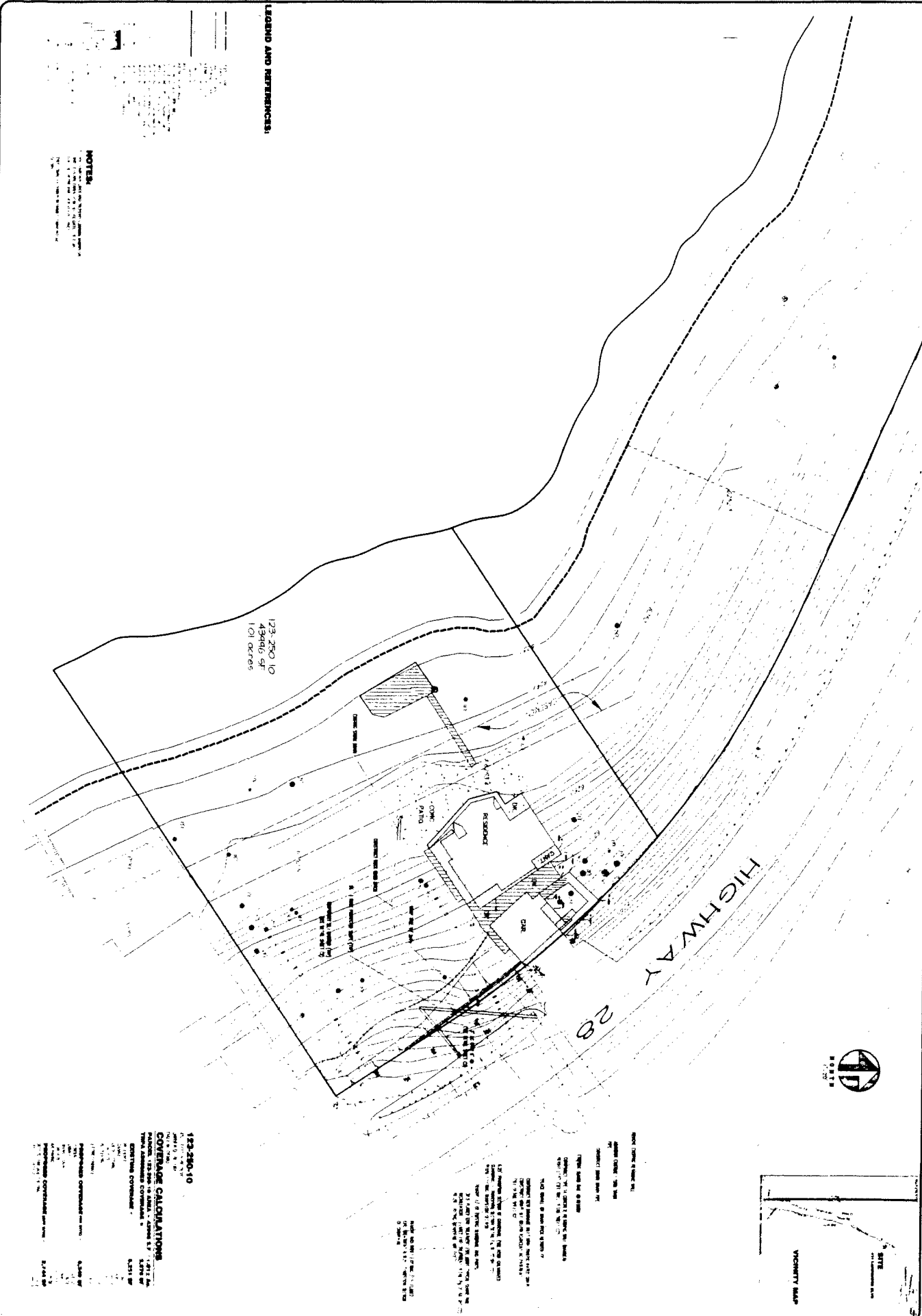
- (2) An estimation of the volume of the highway stormwater and calculations to demonstrate that the rock-lined swale is appropriately-sized to contain the combined project and highway drainage shall be provided. A construction detail of the rock lined swale shall be provided showing that check dams are included in the design to slow water velocity and maximize infiltration. Conveyance of this drainage shall be designed in accordance with Chapter 25 of the TRPA Code of Ordinances, Sec. 25.5.D.
 - (3) The overall slope of the existing driveway and the new ROW improvements.
 - (4) The amount needed in cubic yards and the source of the material for the improvements, and a confirmation that the fill material is clean and free of any hazardous materials.
 - (5) Temporary BMPs to include sediment protection on the down-hill side of the site plan that is no further than 12 feet from the edge of the construction area. Temporary BMPs shall include the use of fabric filtration fence and coir logs, keyed in 6" deep (not backfilled). Due to the steep slopes, the temporary BMPs materials shall be doubled and securely staked in place. Provide details on the site plan.
- C. Written approval from the Nevada Department of Transportation for the design of the new paved linear facility. Written approval (an encroachment permit) from the Nevada Department of Transportation for the new ROW encroachment.
- D. The land coverage required for the linear facility in the right-of-way and for the additional driveway paving project shall be mitigated at a ratio of 1.5 to 1, based on the amount needed for the improvements as per the revised land coverage calculations. The additional coverage shall be mitigated in accordance with the Restoration Requirements of Section 20.4.C, and a restoration project acceptable to TRPA, or an approved transfer application for restoration credit completed prior to permit acknowledgment.
- E. The scenic impact of the proposed project from Lake Tahoe will be evaluated. Submit photographs of the area proposed for improvements, consistent with the Baseline Scenic Assessment application requirements. Two options are available to mitigate scenic impact:
- (1) Construct the new retaining wall to simulate natural conditions, including utilizing native granite boulders and vegetation to conceal the new construction. A scenic simulation and post-construction photos, taken 5 years after completion of the project, shall be provided to document that there will be no scenic impact on the shoreline scenic unit if this form of mitigation is selected.
 - (2) Submit a Baseline Contrast Rating Score and Proposed Contrast Rating Score shall be submitted for the proposed project. These evaluations may be submitted concurrently as conditions of this permit

and are required prior to permit acknowledgment to determine what, if any, scenic mitigation shall be required.

- F. A scenic security shall be posted that will be 110% of the landscaping construction estimate, depending on which option is utilized
 - G. A revegetation and landscape plan shall be submitted, showing revegetation of any areas disturbed by construction. If required by Condition 3.F for scenic mitigation, additional details shall be provided for required landscape planting.
 - H. The permittee shall submit a projected grading and construction completion schedule to TRPA prior to commencement of construction, as provided by Section 62.2. This schedule shall identify dates for the following: BMP installation for the entire project area, installation of temporary erosion control structures; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
 - I. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
 - J. 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.
 - K. Additional filing fees in the amount of \$204.20 for the required Hearing Officer level of review and IT surcharge.
- 4. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.
 - 5. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval. Additionally, no trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the conditions of the Landscape and Revegetation Plan.
 - 6. The permittee shall indemnify and hold harmless TRPA, its agents, officers or employees for all court costs, attorney's fees, and any other expenses incurred by TRPA, its agents, officers or employees in the defense of any legal action brought against TRPA, its agents, officers or employees, in their official or individual capacities, associated with the approval or implementation of this permit. Such expenses shall include, but not be limited to, any court costs, attorney's fees, damage award, or any other payment which TRPA, its agents, officers or employees may be required by court order, consent decree, or settlement agreement to pay as a

result of such action. TRPA shall have the exclusive, unilateral right to select and employ defense counsel of its own choosing in such action.

END OF PERMIT

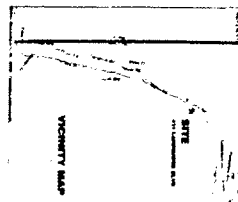


LEGEND AND REFERENCES:

123-250-10
43946 SF
1.01 acres

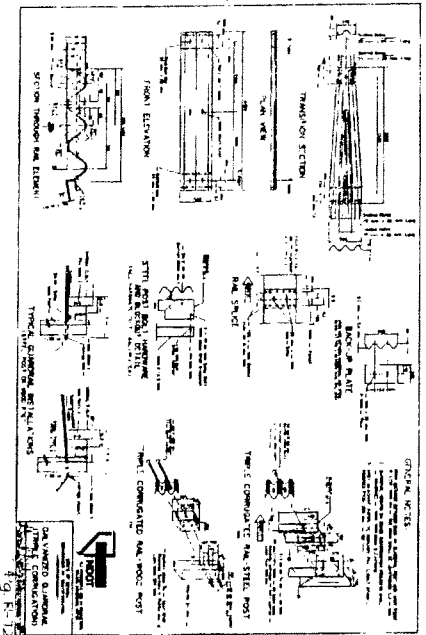
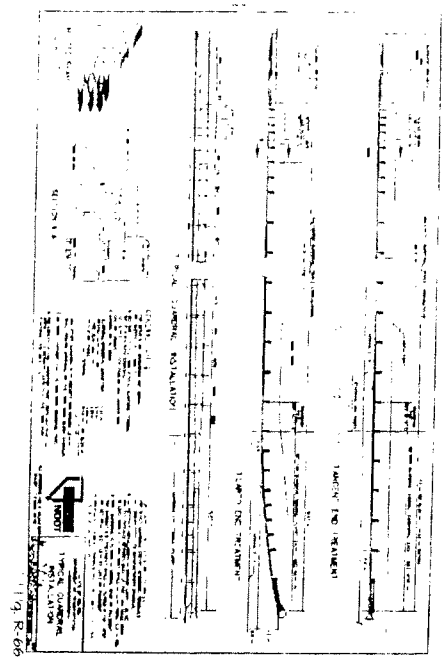
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1. THIS PLAN IS THE PROPERTY OF K.B.FOSTER CIVIL ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF K.B.FOSTER CIVIL ENGINEERING, INC.

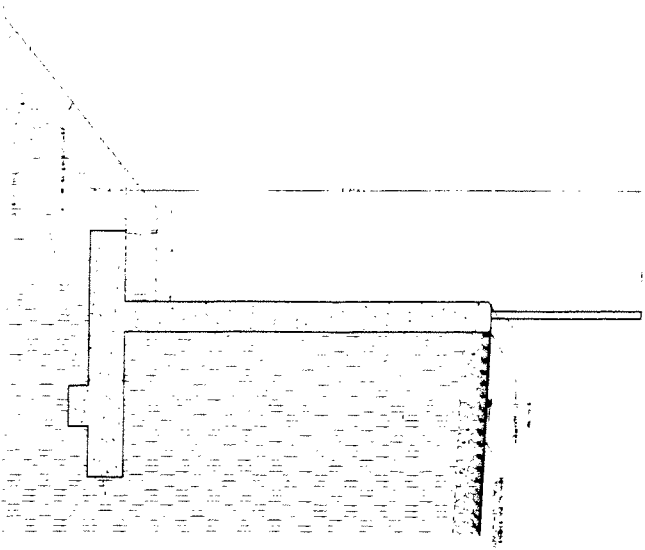


123-250-10
 123-250-10
 43946 SF
 1.01 acres
CONTRADICTORY CALCULATIONS
 123-250-10
 43946 SF
 1.01 acres
 123-250-10
 43946 SF
 1.01 acres

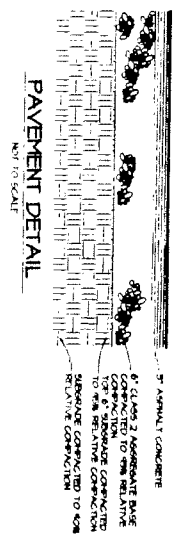
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 2. THE GRADING AND PAVING PLAN IS BASED ON THE SURVEY DATA AND THE PROPOSED ROAD LAYOUT.
 3. THE GRADING AND PAVING PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES.
 4. THE GRADING AND PAVING PLAN IS SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF TRANSPORTATION.



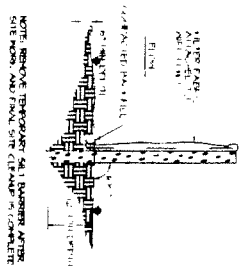
TYPE 1A RETAINING WALL



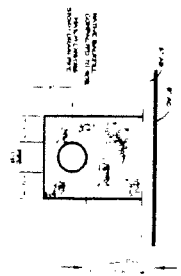
PAVEMENT DETAIL



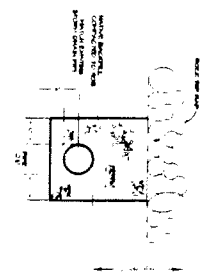
FILTER FABRIC FENCE
TEMPORARY SILT BARRIER



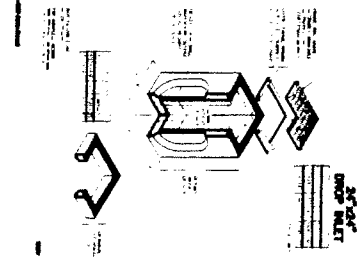
STORM DRAIN TRENCH UNDER PAVING



STORM DRAIN TRENCH UNDER RIP RAP



DRAINAGE INLET



TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: TRPA/USFS Temporary Use of Dollar Hill Office Center

Application Type: Temporary Use- Government Offices

Applicant: Brian McGeever

Applicant's Representative: Bonnie Jessee

Agency Planner: Theresa Avance, AICP, Associate Planner II

Location: 3080 North Lake Blvd./ Placer County

Assessor's Parcel Number / Project Number: 93-130-47 / 20060811

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

Project Description: The applicant is proposing to use a portion of the existing office building for government offices on a temporary basis. While professional offices are currently permissible within the applicable plan area statement, government offices are not. The applicant has separately applied for a Plan Area Statement (PAS) amendment to add Government Offices as a permissible use. The applicant has applied for a temporary use permit to allow government offices to operate for a six to twelve-month period, until the Plan Area Statement amendment is effective. No changes to the building are proposed, and the use would not commence under this temporary use unless the Plan Area Statement Amendment is approved. The Plan Area Statement Amendment is anticipated to go to the Advisory Planning Committee and the TRPA Governing Board in June.

Site Description: The proposed site is located at 3080 North Lake Boulevard in Placer County. The project area is in a commercial strip within a residential area and has a land capability of Class 5. There are no Stream Environment Zones (SEZs) in the project area. The property is visible from Highway 28. Existing uses on the parcel include professional offices and personal services.

Issues: The proposed temporary use, Government Offices, is not listed as a permissible use in the applicable Plan Area Statement. However, Section 7.3 of the TRPA Code of Ordinances allows for an otherwise non-permissible use to be permitted as a special use on a temporary basis. As a special use, the project requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: An Initial Environmental Checklist (IEC) has been completed in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project

TA
5/08/06

AGENDA ITEM V.C.

will not have 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. Plan Area Statement: The project is located within Special Area #1 of Plan Area Statement 007, Lake Forest Glen. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area Statement and has determined that the proposed use is not listed as a permissible use. Per Section 7.3 of the TRPA Code of Ordinances, the proposed use (Government Offices) may be permitted as a special use on a temporary basis.

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. Environmental Documentation – Chapter 6

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

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

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

The basis for this finding is provided on the checklists entitled "TRPA Initial Environmental Checklist" 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.

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

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

2. Special Uses – Chapter 18:

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

The proposed use, Government Offices, will be within a portion of an existing 2-story structure currently housing professional offices, health care services, and personal services, and is compatible with these uses. Nearby uses include other office buildings, a church, and single family homes and condominiums.

- (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 use will utilize existing office space as a government office. No changes will be made to the existing structure, and all parking will be within the existing parking areas. All existing Best Management Practices will be maintained.

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

The proposed temporary use will replace an existing commercial use (professional office) with a public service use (government offices). While Government Offices are not listed as permissible in the Plan Area Statement, they are similar and compatible to professional offices. The Plan Area Statement also has Local Post Office listed as a special use within this plan area, a use similar to Government Offices, but with a much higher visitation intensity. Based on these facts, the proposed use will not change the character of the neighborhood or alter the purpose of the Plan Area Statement.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

-D-R-A-F-T-

TEMPORARY PERMIT

PROJECT DESCRIPTION: Temporary Use- Government Offices APN: 93-130-47

PERMITTEE(S): Brian McGeever

FILE # 20060811

COUNTY/LOCATION: Placer County / 3080 North Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 25, 2006, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on November 25, 2006 without further notice. As a temporary use, this permit is eligible for a one-time six-month extension. A request for the six month extension must be received prior to the expiration date and is not automatic.

NO ACTIVITY 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-ACTIVITY CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s)

Date

PERMIT CONTINUED ON NEXT PAGE

D-R-A-F-T

APN: 93-130-47
FILE NO. 20060811

Security Posted: N/A

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 offices within 3080 North Lake Boulevard to be used as Government Offices on a temporary basis. This permit will be effective in the interim from when the associated Plan Area Statement Amendment to make Government Offices an allowed use is approved and when the amendment becomes effective 60 days later.
2. Prior to commencement of the activity the permittee shall:
 - A. Provide evidence that the Plan Area Statement Amendment (TRPA RGN File # 20060008) has been approved by the TRPA Governing Board.
3. This permit shall be effective on May 25, 2006 and shall expire on November 25, 2006. A one-time six month extension may be granted if the request for extension is received prior to the expiration of the permit.

END OF PERMIT

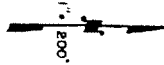
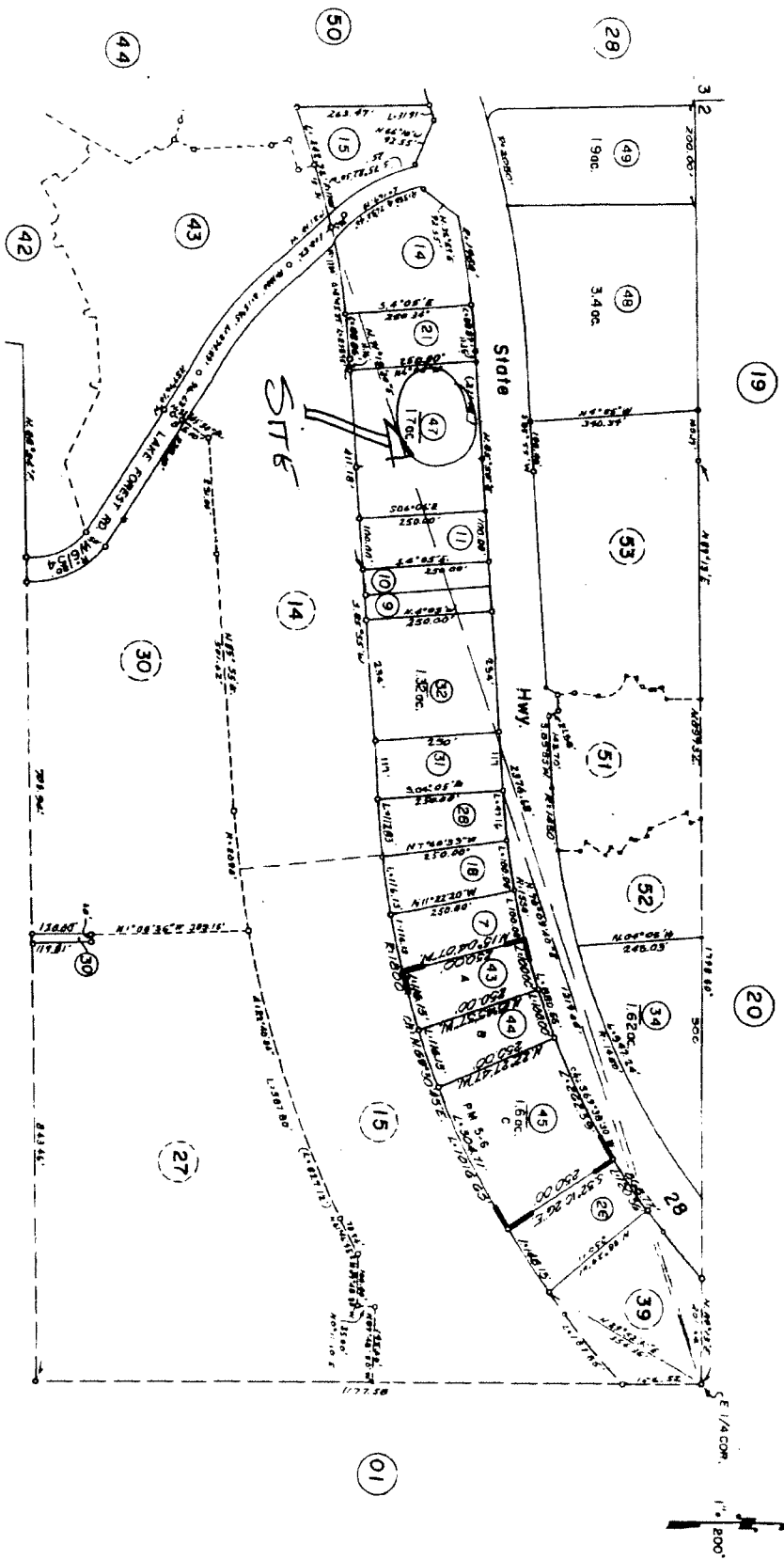
POR. S.E. 1/4 SEC. 32 T.16N. R.17E. M.D.B. 6M.
Parcel Map MOR, Bk. 5, Pg. 6

93-13

- 10-23-92
- 08-29-88
- 07-27-88
- 1-74
- 6-72
- 6-72
- 1-71
- 8-10
- 5-70
- 7-59
- 4-58

NOTE - ASSESSOR'S BLOCK
& LOT NUMBERS
SHOWN IN CIRCLES

Assessor's Map Bk. 93, Pg. 13
County of Placer, Calif.

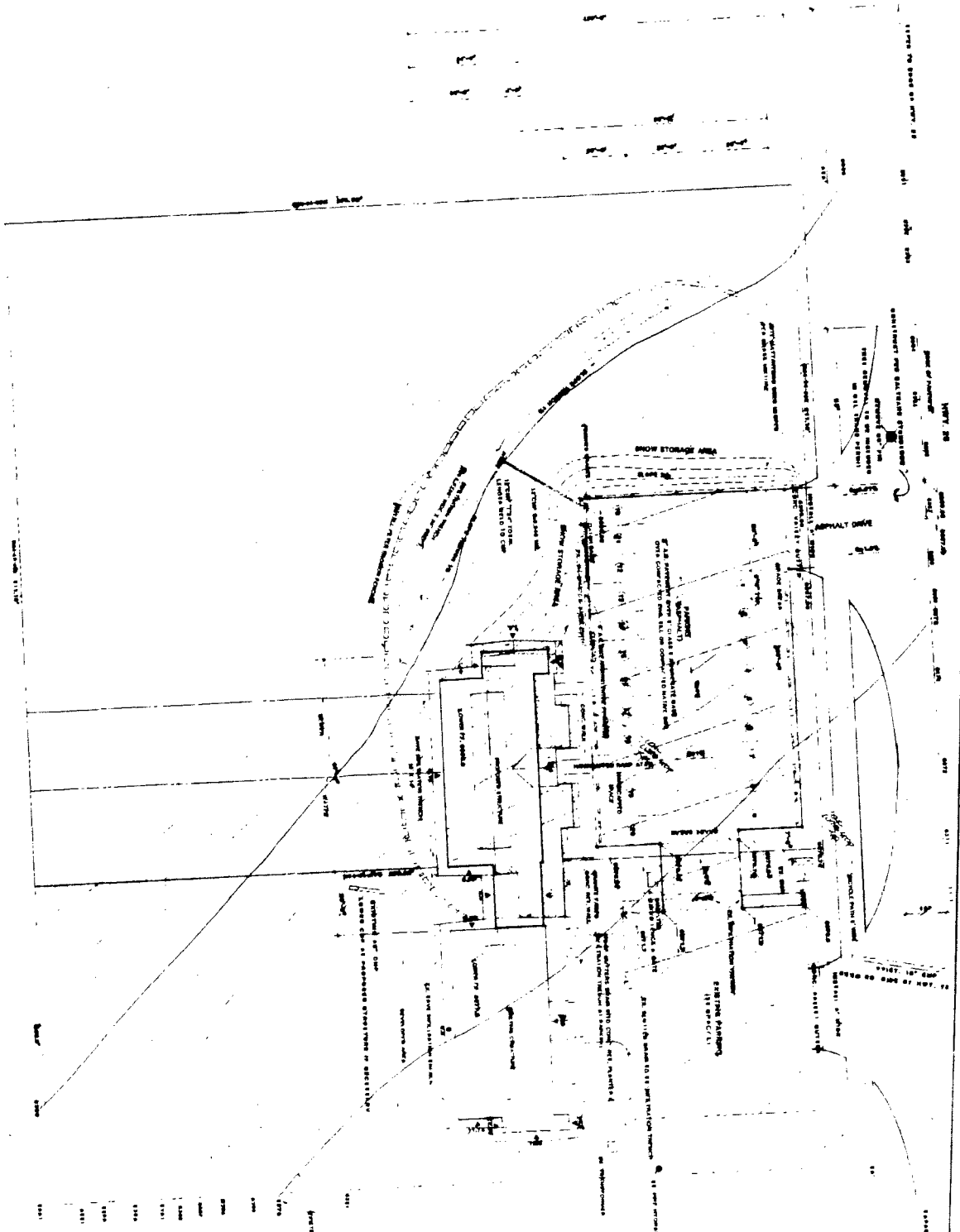


SITE PLAN

APR 27-1967 8000 NORTH LAKE BLVD

DOLLAR HILL OFFICE CENTER

C1



PREPARED BY
 ARCHITECTURAL
 FIRM
 1000 NORTH LAKE BLVD
 SUITE 1100
 DALLAS, TEXAS 75205