

TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name: Maintenance Yard Sprung Structure

Application Type: Public Service - Permit a new Local Public Health and Safety Facility

Applicant: Nevada Department of Transportation

Applicant's Representative: Tyler Thew, Nevada Department of Transportation

Agency Planner: Shannon Friedman, Associate Environmental Specialist II

Location: 1990 Logging Rd. Stateline, NV

Project Number/File Number: 1318-24-601-005/ ERSP2013-0892

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

Project Description: The Nevada Department of Transportation (NDOT) is proposing to install a pre-manufactured sprung structure to store stockpile materials, specifically winter road materials including salt and sand. The structure will be installed on existing pavement, causing no new disturbance. This is a satellite highway maintenance facility, which falls under Local Health and Safety facility, and is a special use in the project area.

Site Description: The NDOT parcel is located at 1990 Logging Road in Stateline, Nevada, off of State Route 207, Kingsbury Grade. The parcel is 1.28 acres with 25,204 square feet of verified coverage. Currently 23,277 square feet of the parcel is paved with asphalt, and appropriate Best Management Practices are installed. Historically the site was owned by Douglas County and used as a landfill Douglas County conveyed the parcel to NDOT in 1989, where it has since used the site as a maintenance yard and staging area to support construction activities, but no permanent use has been proposed until now. Surrounding uses include a Douglas County parcel that is open space, a commercial storage yard, and a few residential lots.

Issues: The proposed project involves a special use determination and therefore requires Hearings Officer review in accordance with Chapter 2.2.2 of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. 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 IEC will be made available at the Hearings Officer hearing and at TRPA.

- B. Plan Area Statement: The parcel is located in Special Area 1 of Plan Area Statement 080 - Kingsbury Drainage, which lists Local Public Health and Safety as a special use.
- C. Land Coverage: This project complies with land coverage requirements of the TRPA Code of Ordinances.
- D. Height: This existing structure complies with height requirements of the TRPA Code of Ordinances.

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 21, and 50 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 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.

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.

- (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 4, Subsection 4.3 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 project will have no impact upon water quality standards.

2. Chapter 21 – 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 use, satellite highway maintenance, is consistent with what the parcel has historically been used as, and the use of surrounding parcels, including a storage yard and the Douglas County site that has been used as staging for various projects. The residential parcel that is within the vicinity cannot see the parcel from theirs and do not need to access the parcel in any way. The project is an appropriate use for 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 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 includes measures to ensure that potential impacts that may result from the use are avoided. Installation of any necessary temporary and permanent Best Management Practices are required as a condition of the permit. The sprung structure will cover stockpile materials, protecting them from the elements and providing an air and water quality benefit.

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

The proposed project will not change the character of the neighborhood or alter the purpose of the Plan Area Statement. The satellite highway maintenance facility will permit a use that is consistent with the historical use of the parcel, and the area that surrounds it.

5. Chapter 50.7- Additional Public Service Facilities

- (a) There is a need for the project

The proposed project will benefit NDOT by allowing them to store stockpile materials in an enclosed sprung structure on-site, in close proximity to where the materials will be utilized. The sprung structure will provide an air and water quality benefit by covering up the materials, protecting them from wind and water displacement, and reducing the distance the vehicles and equipment must travel to acquire the materials necessary to provide a safe roadway to the traveling public.

- (b) The project complies with the Goals and Policies, applicable Plan Area Statements, and Code.

The proposed new public service facility is located in the Kingsbury Drainage Plan Area 080, Special Area 1; Local Public Health and Safety is a special use at the project site. Special Policy #2 of the Plan Area encourages the former Douglas County Landfill, of which this parcel used to be part of, to become a public service maintenance area, and a satellite highway maintenance facility is consistent with the Plan Area Statement. No new disturbance will occur as a result of the project and appropriate BMPs are already in place and will be maintained as a requirement of the permit. Based on this information, the project complies with the Goals and Policies, Plan Area Statements, and Code.

- (c) The project is consistent with the TRPA Environmental Improvement Program.

This project is consistent with and will not affect implementation of any portion of the TRPA Environmental Improvement Program.

- (d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: Required Findings, as they are applicable to the project's service capacity.

The project complies with all current plans and will not affect the service capacity of the site, community or region, will not exceed the environmental threshold carrying capacities, and will meet all federal, state, and local air and water quality standards. See Finding 1, above.

- (e) If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with the public health and safety, the project is compatible with the applicable community plan.

The project is not located within a community plan area.

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.

Attachments:

- A. Draft TRPA Permit
- B. Vicinity Map

Attachment A
DRAFT - PERMIT

PROJECT DESCRIPTION: Satellite Highway Maintenance Facility – Sprung Structure

TRPA PROJECT NUMBER: 1318-24-601-005

FILE #: ERSP2013-0892

PERMITTEE(S): Nevada Department of Transportation COUNTY/LOCATION: Douglas/1990 Logging Rd.

Having made the findings required by Agency ordinances and rules, TRPA approved the project on October 17, 2013, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on October 17, 2016 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. 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, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) _____

Date _____

**TRPA PROJECT NUMBER 1318-24-601-005
FILE NO. EIPC2013-0892**

Security Posted: N/A

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

Notes:

(1) Amount to be determined. See Special Condition 2.B, 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. This permit specifically authorizes the installation of a sprung structure to cover stockpiles, specifically sand and salt to support winter road safety operations and materials associated with NDOT construction activities. The sprung structure will prevent materials from the elements providing an air and water quality benefit.
2. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. Permittee shall submit three sets of final plans.
 - B. The affected property has 22,720 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 4 or by submitting an excess coverage mitigation fee.

PERMIT CONTINUED ON NEXT PAGE

TRPA PROJECT NUMBER 1318-24-601-005
FILE NO. EIPC2013-0892

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

Estimated project construction cost multiplied by the fee percentage of 3.25% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$15.00 for projects within Hydrologic Transfer Area 4. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

3. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
4. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
5. The permittee shall be responsible for ensuring that all temporary BMPs are constructed as directed by the TRPA Inspector and are maintained during all phases of the proposed project.
6. All permanent BMPs shall be maintained as part of this approval. Verification of their function will be a requirement to finalize the project.
7. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
8. 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.

PERMIT CONTINUED ON NEXT PAGE

TRPA PROJECT NUMBER 1318-24-601-005
FILE NO. EIPC2013-0892

9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.

10. 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 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.

END OF PERMIT

MITIGATED FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Satellite Highway Maintenance Facility – Sprung Structure

TRPA PROJECT NUMBER: 1318-24-601-005

FILE #: EIPC2013-0892

PERMITTEE(S): Nevada Department of Transportation

COUNTY/LOCATION: Douglas/1990 Logging Rd.

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.

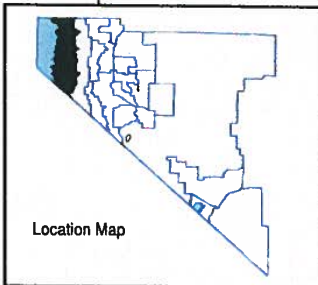
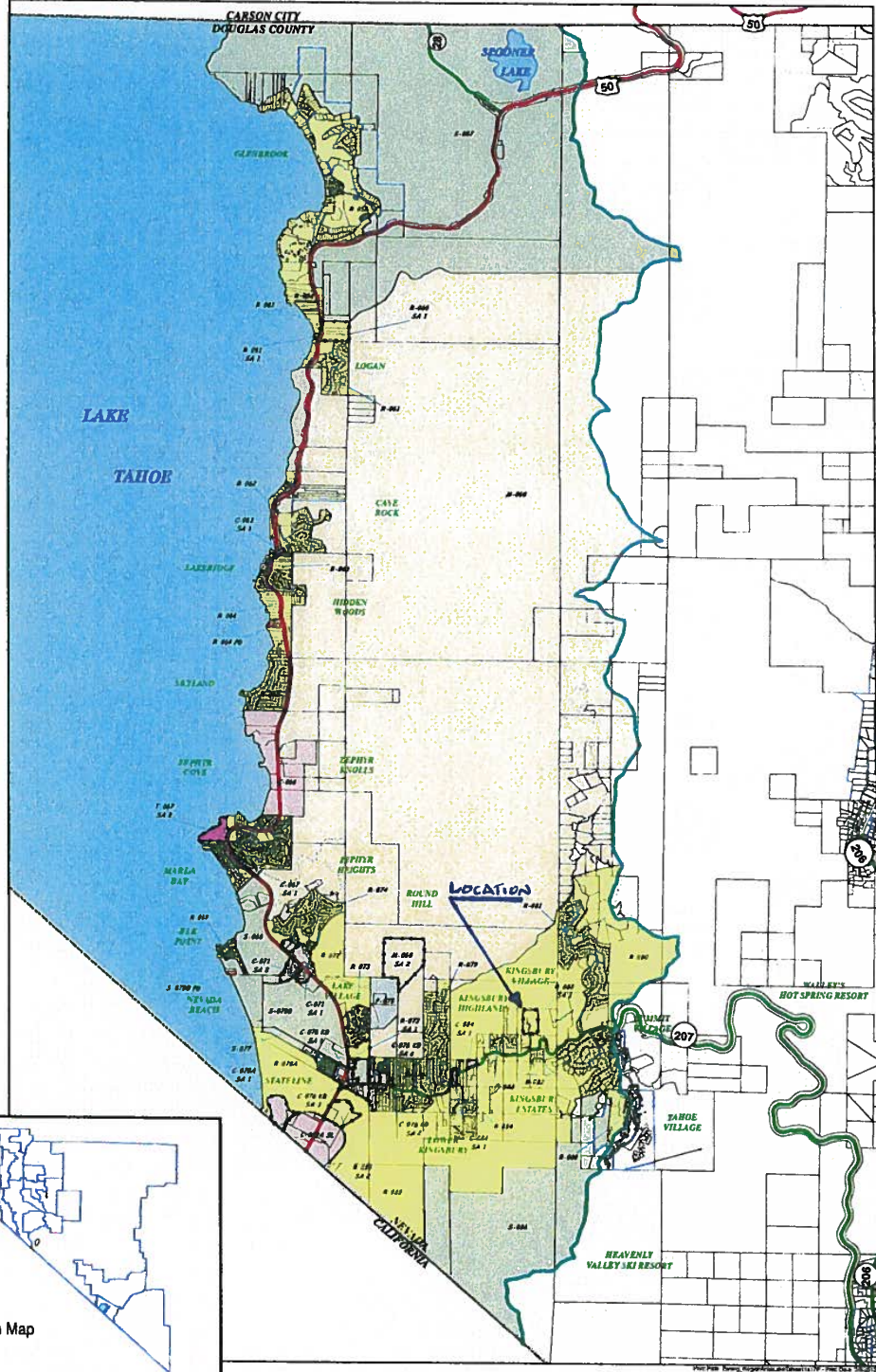
Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

TRPA Chairman or Executive Director

Date

OFFICIAL ZONING MAP - DOUGLAS COUNTY, NV

LAKE TAHOE PLAN



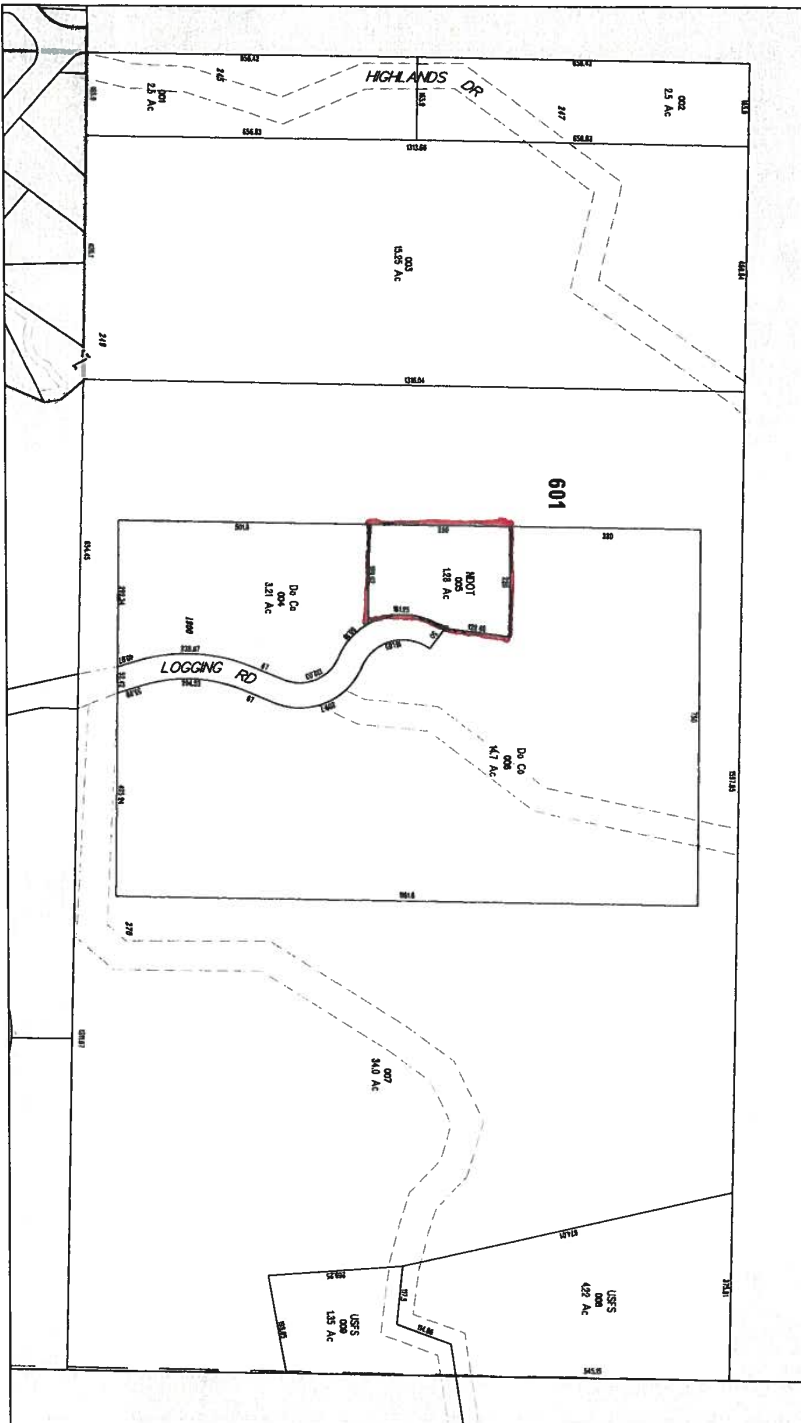
Legend			
	TRPA Community Area Boundaries		Commercial (C)
	Special Area (SA)		Managed Resource (M)
	Planned Development Overlay Boundary (PD)		Public Service (P)
	Subdivision		Tourist (T)
			Collector Roads



The data contained herein has been compiled on a geographic information system for the use of Douglas County. The data does not represent survey definition and should not be construed as a replacement for the authoritative source, plat maps, deeds, resurveys, etc. No liability is assumed by Douglas County as to the sufficiency or accuracy of the data.



NOTE: This map is prepared for the use of Douglas County Assessor, for assessment and illustrative purposes only. It does not represent survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated hereon.



Douglas County, Nevada
Assessor's Parcels
Douglas County Assessor

Map Legend

<ul style="list-style-type: none"> Parcel Boundary Subd Boundary Easements - See Recorded Documents Town Boundary Township/Range/Section Open Space/Conser. Eas. Receiving Area 	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> 110 Parcel Number 120 Parcel Sub/Seq Number 1 Parcel Acreage 1 Parcel Lot Number 110 Parcel Address </td> <td style="width: 50%; text-align: center;"> T13N R18 E Section Grid <table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr><td>8</td><td>3</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>14</td><td>13</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>30</td><td>29</td><td>28</td><td>27</td><td>26</td><td>25</td></tr> <tr><td>31</td><td>32</td><td>33</td><td>34</td><td>35</td><td>36</td></tr> </table> </td> </tr> <tr> <td style="text-align: center;">SEC. 24</td> <td style="text-align: center;">S 2 NE 4</td> </tr> <tr> <td style="text-align: center;"> <table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr><td>1</td><td>5</td></tr> <tr><td>2</td><td>6</td></tr> <tr><td>3</td><td>7</td></tr> <tr><td>4</td><td>8</td></tr> </table> </td> <td style="text-align: center;">1318-24-6</td> </tr> </table>	110 Parcel Number 120 Parcel Sub/Seq Number 1 Parcel Acreage 1 Parcel Lot Number 110 Parcel Address	T13N R18 E Section Grid <table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr><td>8</td><td>3</td><td>4</td><td>3</td><td>2</td><td>1</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>14</td><td>13</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>30</td><td>29</td><td>28</td><td>27</td><td>26</td><td>25</td></tr> <tr><td>31</td><td>32</td><td>33</td><td>34</td><td>35</td><td>36</td></tr> </table>	8	3	4	3	2	1	7	8	9	10	11	12	16	17	18	19	14	13	19	20	21	22	23	24	30	29	28	27	26	25	31	32	33	34	35	36	SEC. 24	S 2 NE 4	<table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr><td>1</td><td>5</td></tr> <tr><td>2</td><td>6</td></tr> <tr><td>3</td><td>7</td></tr> <tr><td>4</td><td>8</td></tr> </table>	1	5	2	6	3	7	4	8	1318-24-6
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SCALE: 1" = 200'
REVISED: 09/14/2010

Map of Douglas County, Nevada
Assessor's Parcels

11

AGENDA ITEM NO. V.A.