TAHOE REGIONAL PLANNING AGENCY

Project Name: Abbasi Shoreline Revetment Project

Application Type: New Shoreline Revetment on residential littoral parcel

Applicant: Abbasi Family Trust

Applicant’s Representative: Agan Consulting Corporation

Agency Planner: David L. Landry, Associate Planner

Location: 65 Shoreline Circle, Incline Village, Nevada

Assessor’s Parcel Number/File Number: 122-162-21 / 20060192

Staff Recommendation: Staff recommends that the Hearings Officer continue this item to the next Hearings Officer hearing.

Project Description: Proposal for the construction of shoreline boulder revetment.

David L. Landry
Associate Planner
Environmental Review Services

Planning for the Protection of our Lake and Land
MEMORANDUM

March 30, 2006

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Gary Gerlach Land Capability Challenge, 533 Eagle Drive, Washoe County APN 131-213-001.

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

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

Background: The subject parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa very stony sandy loam, 30-50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlands, moderate hazard lands) geomorphic unit classification. The Umpa soil formed from weathered latite, andesite and andesitic conglomerate.

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

Findings: This parcel is located at 533 Eagle in Washoe County NV. The parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by the TRPA staff soil scientist. Based on an excavated soil pit, one representative soil profile was described (see Attachment A). After conducting the field visit on February 14, 2006, the soils on the property with slopes of less than thirty percent were determined to be consistent with land capability class 4, as per Table 4 of the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

Attachments:
INTRODUCTION
A soil investigation was conducted on APN 131-213-001 on February 14, 2006. This parcel is located at 533 Eagle in Washoe County NV. A land capability challenge was filed with TRPA on February 14, 2006 to determine the appropriate land capability class for this parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa very stony sandy loam, 30-50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlands, moderate hazard lands) geomorphic unit classification. The Umpa soil formed from weathered latite, andesite and andesitic conglomerate. This parcel is on a south facing slope with a natural grade ranging from 25 to 26 percent.

PROCEDURES
One soil pit was excavated to 60 inches below ground surface. After examination of the soil profile, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One unknown soil series was identified on this parcel. The soils on this parcel are deep and well-drained. The soil is characterized as having a thin (3") surface mantle over a very dark brown gravelly sandy loam surface layer. The subsoil is comprised of a dark brown to brown gravelly stony loamy sand to a depth of 30 inches, and stony loamy sand to 60 inches. This soil is dissimilar to the Umpa series listed in the Soil Survey for the Lake Tahoe Basin, and would be most accurately described as an unnamed soil because of the depth exceeding 40 inches and the coarse fragments being less than 35 percent by volume. As a result, this unnamed well-drained soil is appropriately placed in the hydrologic group B. Based on the physical characteristics, and the entirety of the parcel having a slope of less than 30 percent, this parcel is assigned land capability classes 4, per reference to Table 4 under the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soil on APN 131-213-001 was determined to be a variant soil with features that are associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Heather Gustafson, Associate Planner / Soil Scientist
APN 131-213-001

Representative Soil Profile:

Soil Classification: Fine coarse-loamy, mixed, frigid, Typic Dystroxerept
Soil Series: Umpa variant
Hydrologic Group: B
Drainage: Well Drained

Oi  1 to 3 inches; pine litter.

A1  0 to 4 inches; very dark brown (10YR 2/2) sandy loam; dark brown; fine granular structure; few fine roots; gradual wavy boundary.

A2  4 to 9 inches; dark brown (10YR 3/3) stony loamy sand; fine granular structure, common fine to medium roots; 15 percent gravel and 5 percent stones; clear smooth boundary.

B1  9 to 30 inches; dark brown/brown (10YR 5/3) sandy loam, common fine medium roots; fine granular structure; 10 percent gravel and 5 percent stones; clear smooth boundary.

BC  30 to 60 inches; brown (10YR 5/3); stony loamy sand, few fine roots, fine granular structure, common clay films on gravel and cobble faces; 10 percent gravel, 10 percent stones, 30 percent cobblestones.
TAHOE REGIONAL PLANNING AGENCY

Applicant: Bruce and Nancy Eisenhard

Application Type: Buoy Application

Applicant's Representative: Bruce and Nancy Eisenhard

Agency Staff: David L. Landry, Associate Planner

Location: 6790 North Lake Blvd., Placer County, CA

Assessor's Parcel Number/Project File Number: 117-072-12 / 20051595

Staff Recommendation: Staff recommends that the Hearings Officer approve the project based on this staff summary and evidence contained in the project record. The recommended conditions of approval are listed in the Special Conditions of the draft permit attached to this staff summary.

Project Description: This is a proposal for the placement of two new structures (2 new mooring buoys) within the Shorezone. The proposed buoys are to be located 225 and 300 feet from the shore measured from High Water Line within the TRPA required 20-foot setback lines. These mooring buoys are considered new Shorezone structures as there are no previous TRPA or other governmental permits or approvals for this site. No other physical modifications to the subject property are proposed in relation to this application at this time.

Site Description: The project area is within the shorezone of APN 117-072-12, which is currently occupied by a single-family dwelling. The property contains +/-70 linear feet of shoreline from which to project the two buoys. The proposed buoys will be located in a mapped and confirmed Marginal Fish Habitat; TRPA File Number 19921187.

Issues: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone and therefore requires a Hearings Officer public hearing in accordance with TRPA Code of Ordinances, Chapter 4, Appendix A. The primary issues relating to the proposal are scenic quality and the right to the proposed single use buoys.

Discussion: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone. Under TRPA Code of Ordinances Section 54.6, TRPA may approve up to two new single use buoys on an individual littoral parcel.

A. Scenic Analysis:
The project is located in TRPA Shoreline Scenic Unit 22, Brockway which is currently in attainment with scenic threshold standards. The project was reviewed under Level 3 of the Shoreland Scenic Ordinances, TRPA Code Section 30.15.C (3). A baseline scenic assessment was completed for this parcel and a contrast rating score of 21 was verified, which equals the minimum required contrast rating score 21. The
potential allowable visible area for a score of 21 is 680 square feet. The scenic assessment verified the baseline visible area for this property is 533 square feet. The visual mass of the 2 buoys is (.5 sq. ft.) plus the area of a standard boat (60 sq. ft.), as measured in the water for a total score of 60.5 square feet for one buoy and 121 square feet for two. The applicant is required to provide an additional 121 square feet of screening for the buoy field. This does not affect the 680 square feet of allowed visible area for the residence or the verified baseline visible area of 533 square feet.

B. Single Use Facility
The applicant has submitted information; subdivision map and grant deed, which indicates that this parcel was never a part of the adjacent PUD or other subdivision. It should also be noted that this parcel is not a part of any residential land development for more than one person or family. The littoral parcel is not held in common ownership with a residential land development, or association. The littoral parcel is not within a residential land development served by multiple-use facilities.

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. The project is not located in TRPA mapped prime fish habitat. No significant environment 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 Statements: The project is located within the Tahoe Vista Community Plan, Special Area #1. The Land Use Classification is Tourist with Single-family dwellings are identified as a Special Use. An application for a residential rebuild on the subject parcel was submitted and approved by TRPA in March 2000 (File Number 20000133). Mooring buoys are allowed accessory use structures to the primary single family residential use. Agency Staff has reviewed the Community Plan and Shorezone Ordinances and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. A portion of the new residence, as verified by the contrast score is seen from the Lake.

C. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 1. The standards in Shorezone Tolerance District 1 require that access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore. Further vegetation shall not be manipulated or disturbed and that access shall be restricted to planned footpaths. This project, as conditioned, complies with the Shorezone Tolerance district standards.

Required Findings: The following is a list of the required findings as set forth in Chapter 6 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 for the placement of the two mooring buoys on the subject property, or has briefly summarized the evidence on which the finding can be made.
1. Chapter Six 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.

(1) Land Use: The proposed project involves the placement of two mooring buoys offshore of the privately owned subject parcel. The project is consistent with the goals and policies of the Regional Plan in that it: a) directs the amount and location of new land use appropriately; b) promotes the use of the waters of the Region for water-dependent outdoor recreation; and c) is conditioned to protect the scenic and natural qualities of Lake Tahoe and the surrounding area. The Land Use Designation in this area is Tourist while the Management Strategy is Redirection. The buoys are allowed as an accessory use to the existing single family residence per Tahoe Vista Community Plan Special Area #1 guidelines. The placement of two mooring buoys is consistent with TRPA Code of Ordinances, Chapter 54, Mooring Buoy Location Standards Section 54.6 which specifically states a maximum of two mooring buoys may be permitted per littoral parcel. This permit has been conditioned to require that the placement of the two mooring buoys is consistent with the location, design and construction standards outlined in TRPA Code Section 54.

(2) Transportation: The proposed mooring buoys will not result in an increase of daily vehicle trip ends (dvtb) to the subject parcel.

(3) Conservation: The project is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan in that a) it is located in TRPA mapped marginal fish habitat; and will not impact prime fish habitat areas b) the use is water dependent (two mooring buoys) and access to the buoys will be via non-motorized water craft from an established access point in the backshore or public easement. The project does not propose any new access to the backshore areas; c) a scenic analysis has been completed to assess potential visual impacts. Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance district development standards (see Staff Analysis Section C for additional information). The proposed color and design of the buoys are consistent with the TRPA Design Review Guidelines and will be conditioned to comply with Section 54.6 of the TRPA Code. This project will not result in the obstruction or degradation of the scenic vista or view open to the public.
(4) **Recreation:** This project does not require any additions to public recreational facilities. The project will provide private recreational opportunities for the single family dwelling on the parcel.

(5) **Public Service Facilities:** The proposed project does not require any additions to public services or facilities.

(6) **Implementation:** The proposed project does not require any allocations of development.

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 the 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 V9g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph 1.b, above.)

2. **Chapter 50 – Required Shorezone Findings:**

a. **The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.**

The proposed project will not have an adverse impact on littoral processes because the mooring buoys will be placed consistent with Section 54.6 of the TRPA Code. The mooring buoys are proposed to be located in marginal fish habitat; therefore there shall be no impact upon spawning habitat. Access to the proposed mooring buoys shall be consistent with the Shorezone Tolerance district development standards. Please refer to 1.a (1) above.

b. **There are sufficient accessory facilities to accommodate the project.**

The placement of two mooring buoys off the subject, privately owned, littoral parcel is consistent with the use of the property.
c. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

The project, as conditioned, is compatible with existing lake and shorezone uses and structures in the vicinity. The surrounding Shorezone uses consist of piers and buoys.

d. The use proposed in the foreshore or nearshore is water-dependent.

The buoys are located lakeward of the high water mark of Lake Tahoe and are water dependent.

e. Measures will be taken to prevent spills or discharges or hazardous materials.

The conditions of this approval prohibit the discharge of hazardous waste materials including petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of Lake Tahoe. The design and construction of the mooring buoys must comply with the TRPA Code, Section 54.6B which adheres to the US Army Corp of Engineers or Coast Guard standards. No containers of fuel, paint, or other hazardous materials may be stored in the shorezone or backshore areas.

f. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

Buoy placement shall be done in a manner consistent with the TRPA Code, Section 52.3.k and 54.6.

g. 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 mooring buoys, as conditioned, will not adversely impact navigation or create a threat to public safety. The U.S. Army Corps of Engineers must also review this project for navigational safety. The U.S. Army Corps of Engineers must a review of the project in order to identify any safety or navigation impacts.

h. 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 this project.

This project must receive approval from the California State Lands Commission and the U.S. Army Corps of Engineers. Comments from
these agencies, and those agencies who are members of the Shorezone Review Committee as part of the review of this project, had not yet been received at the time of the writing of this staff summary. To date, the other agencies have not received applications for the new buoys from the property owner.

Required Actions: Agency Staff recommends that the Hearings Officer approve the project as modified by taking the following actions based on this staff summary and the evidence contained in the record.

I. Approve a finding of no significant environment effect, based on this staff summary and evidence contained in the project file, for the findings contained in this staff summary.

II. Approve the project, based on the staff summary, subject to the special conditions set forth in the attached Draft Permit.

Attachments and Exhibits:

Attachment A: Project Site Plan
Attachment B: Mooring Buoy Detail
Attachment C: Fish Habitat
TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

DRAFT PERMIT

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

PROJECT DESCRIPTION: Two Mooring Buoys
APN: 117-072-12

PERMITTEE(S): Bruce and Nancy Eisenhard
FILE #: 20051595

COUNTY/LOCATION: Placer County / 6790 North Lake Blvd., Tahoe Vista

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on April 13, 2006, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on April 13, 2009 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of placement of the mooring buoy block. 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/CITY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_________________________________________  ____________________________
TRPA Executive Director/Designee            Date

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

_________________________________________
/dl

PERMIT CONTINUED ON NEXT PAGE
(4) Additional screening in the upland to mitigate the 121 square feet of visible area of the new buoys.

(5) The location, species type, and size of screening/landscaping required in the upland to reduce the 121 square feet of visible mass as scenic mitigation for the authorization of the mooring buoys.

B. Construction schedule for the installation of the two proposed mooring buoys.


D. All previous outstanding conditions of approval as well as any outstanding issues, i.e. violations have been resolved.

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

4. The mooring buoys shall conform to the location and design standards stated in Section 54.6 of the TRPA Code of Ordinances.

5. At no time shall the two mooring buoys extend beyond 350 linear feet from the high water line (6,229.1 LTD) of the subject property.

6. The two mooring buoys shall be located within the 20-foot TRPA setback lines. The setback lines are established by measuring 20 feet inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline.

7. The location of the two mooring buoys shall avoid placement of the mooring buoy blocks in rock or cobble substrate that may be considered prime fish habitat.

8. The permittee shall display a Red (Residential) TRPA Buoy Identification Tag for each permitted buoy at all times. Upon placement of the two mooring buoys, the permittee shall tag the buoys and contact the TRPA Environmental Compliance Officer to schedule a site inspection to allow the structures to be mapped with a Global Positioning device.

9. The mooring buoy floats shall be removed by October 15th and replaced no earlier than May 15th.

10. Disturbance of the lakebed materials shall be kept to the minimum necessary for the installation of the two mooring buoy blocks.

11. The two buoys shall be associated with parcel 117-072-12 only.

12. Gravel, cobble, and or small boulders shall not be disturbed or removed leaving exposed sandy areas, before, during or after construction.
13. Spray painting and the use of tributyltin is prohibited.

14. By accepting this permit, the permittee acknowledges that permits for this project may also be required from other regulatory agencies, including, but not limited to, the US Army Corp of Engineers, and California State Lands Commission.

15. By acceptance of this permit, the permittee agrees that the allowable visible area for all future development on the shoreland of the subject parcel shall maintain the 121-square feet mitigation to account for the placement of the mooring buoys.

END OF SPECIAL CONDITIONS
EXHIBIT

Por N.E.1\4 Sec.14, T.16 N., R.17 E., M.D.B.&M.

Agate Bay Sub. M.O.R. Bk. D, Pg.25
Survey M.O.R. Bk. 4, Pg.71
Survey M.O.R. Bk.12, Pg.38
Survey M.O.R. Bk.16, Pg.157, No.2342

Parcel M.O.R. Bk.29, Pg.145, P-75685
Bk.112
Parcel M.O.R. Bk.30, Pg.27, P-75763(COTTONWOOD EST.)

Final Map Of Vista Pines Tract #827, M.O.R. Bk.W, Pg.61
Survey M.O.R. Bk.17, Pg.149

117-07

1" = 200'

Lake Tahoe

11-17-2004
Survey M.O.R. Bk.17, Pg.65, No.2402

Assessor's Map Bk. 117 Pg.07
County of Placer, Calif.

NOTE
This map was prepared for assessment purposes only and is not intended to illustrate legal boundaries or establish precedence over local ordinances. Official information concerning size or identity of any parcel should be obtained from recorded documents and local governing agencies.

NOTE
Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Site
18", 24", or 30"
Round chain through float

3/8" or 1/2"
Galvanized chain

2' W x 4' L x 32" H
Proposed Buoy Location

Agate Bay

Marginal Fish Habitat

Eisenhard 117-072-12, TRPA 200511270