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

Date: May 11, 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. Abbasi Family Trust, Sohaib and Sara Abbasi Trustees, 65 Shoreline, Incline Village, Nevada, Assessor’s Parcel Number (APN) 122-162-21, TRPA File #20060192. The applicant is proposing the construction of a buttressed shoreline boulder revetment structure to be installed along the edge of an existing lake front retaining wall. The proposed work involves the reduction in height and concealment of the retaining wall, the removal of access stairs on the east side and the removal of railroad ties in addition to the construction of the dynamic shoreline protective structure to match the characteristics of the surrounding natural shoreline. The proposed work is for the purpose of reducing the visual impact of the protective structure and accommodate the growth of native vegetation to be used as scenic mitigation. The project involves the introduction of a new shoreline protective structure and therefore requires Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. (Continuance)

B. Sheriff’s Department, 1352 and 1360 Johnson Blvd., El Dorado County, South Lake Tahoe, Assessor’s Parcel Number (APN) 025-010-21, TRPA File #20051106. This project is a request for the removal of the existing lattice communications tower on the subject property, and the construction of a new monopole communications tower in the same location. The new monopole tower will remain the same height as the existing tower at 123 feet, and carry all
existing antennas at the same mounting heights. The new tower will be painted a dark forest green color, will include the addition of three new panel antennas, and the construction of a new 154 square foot equipment shelter. The El Dorado County Sheriff’s Department also has antennas on the existing tower, which will continue to be carried on the new tower. The new tower will have the capacity to carry future antenna co-locations as well.

C. City of South Lake Tahoe, Portions of US Highway 50 right-of-way, Assessor’s Parcel Number (APN) 510-303-03, TRPA File #20060254. The applicant is proposing to replace an existing waterline under US Highway 50 in two locations: the first from San Jose Avenue to Al Tahoe Boulevard; and the second from Reno Avenue to a location near Meeks Lumber. The existing pipeline is over 30 years old and is at marginal capacity which affects fire and operational flow. The project will improve fire and operational flow by replacing the outdated pipe with a larger, more efficient sized pipe that can adequately convey water at current and future capacities.

D. City of South Lake Tahoe, California, Lake Road, Beach Road, Meadow Road, Azure Road, Pine Road, Cedar Road, and Wildwood Road, Assessor’s Parcel Number (APN) 29-091-02, TRPA File #20051760. The project consists of the installation of 15,000 feet of new 6-inch waterline and 12 fire hydrants, located on private roads and parcels within the Tahoe Meadows Association for the purpose of providing adequate water supply for fire fighting purposes. No new land coverage will be created as apart of this project.

E. El Dorado County Department of Transportation, just west of U.S. Highway 50 in Meyers, extending north from Santa Fe Road to the Lake Tahoe Golf Course, El Dorado County, California, Assessor’s Parcel Number (APN) 520-201-05, TRPA File #20051399. The applicant is proposing to construct Phase 1a of a two phase, new Class I/Shared Use bicycle and pedestrian path along a portion of U.S. Highway 50 in the town of Meyers. Most of the path is within the Caltrans right-of-way (ROW), crossing into to other publicly owned lands. The eight-foot wide path is part of a larger proposed network of Class I paths, which will connect the existing Pat Lowe Memorial Trail in Meyers with the South Tahoe “Y” via paths along U.S. Highway 50, Sawmill Blvd, and Lake Tahoe Blvd. Phase 1b, not included in this permit application, includes a bicycle bridge over the Upper Truckee River. The path will include a fiberglass boardwalk structure through an SEZ area. This boardwalk will replace existing hard land coverage in the SEZ. Throughout the project, the new trail either follows existing coverage or will relocate and restore existing land coverage.

VI. ADJOURNMENT

By: [Signature]

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.
Project Name: Abbasi Shoreline Revetment Project

Application Type: Placement of New Shoreline Protective Structure 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 approve the project. The recommended conditions of approval are listed in the Special Conditions of this staff summary and the evidence contained in the project record.

Project Description: This is a proposal for the construction of a buttressed shoreline boulder protective structure to be installed along the edge of an existing lake front retaining wall. The proposed work involves a reduction in height and concealment of the retaining wall, the removal of access stairs on the east side and the removal of railroad ties in addition to the construction of the dynamic shoreline protective structure to match the characteristics of the surrounding natural shoreline. The proposed work is for the purpose of reducing the potential for erosion and visual impact to structures on the site. The revetment will consist of small boulders ranging in size from 18 and 48 inches in diameter.

Site Description: The proposed site is 18,230 square foot lakefront property located in on the south side of Shoreline Circle. Currently the site is occupied by a single family residential structure and garage, a lakefront retaining wall, and an access point to a multiuse pier located to the west. The single family residence was recently approved for a modification/expansion by TRPA March 2008, STD# 20051432. In 2005 TRPA verified the land capability for this property 16,076 square feet of Class 6 land area and 2,154 square feet of class 1b land area; TRPA File Number 20050324. Surrounding land uses consist primarily of residences, a multi-use pier along the western property line and a rock breakwater which extend into the lake approximately 130 feet from HWL. The breakwater helps to form a partially protected lagoon shaped shoreline. The shorelines of both the adjacent properties to the east and west have been armored extensively with large boulders.

Issues: The proposed project involves the addition of a new shoreline protective structure, and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

Planning for the Protection of our Lake and Land
1. **Fish Habitat:** This project is presently located in an area mapped and verified as an escape/cover fish habitat. TRPA has reviewed the subject parcel in relationship to the configuration of the shoreline structure and has determined that the proposed placement of revetment material below high water line could adversely impact fish habitat and littoral processes. As a condition of approval the proposed static sloping revetment structure shall not extend lakeward of the highwater line. As a further condition of approval dynamic components in the form of small cobble or gravel shall be distributed along the toe of the shoreline protective structure for the purpose of re-nourishing beach and structure voids. These components shall be of a size that matches the existing substrate, typically 2” to 3” in diameter.

2. **Scenic Quality:** The proposed project is visible from Scenic Shoreline Unit Number 23.7 which is currently not in attainment with the established scenic threshold. A scenic assessment was done for the proposed shorezone structure which yielded a contrast rating score of 21. For the construction of this structure scenic mitigations are required to break up the expanse of the rock work. The applicant is proposing to mitigate any scenic impacts with the use of vegetation planted in the revetment structure which can aid in bio-stabilization. As a condition of approval, the applicant shall design the rock revetment to incorporate riparian vegetation consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including specifications for sizing and species of plants.

**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, as conditioned, not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer public hearing and at TRPA.

**B. Plan Area Statement:** This project is located within Plan Area Statement Number 037 Lakeview. The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed use (Shoreline Protective Structure) is a special use accessory structure with an associated residential allowed use.

**C. Shorezone Tolerance District:** The subject parcel is located with Shorezone Tolerance District 7. Projects within Shorezone Tolerance District 7 require that development is subject to the condition that there be an installation and maintenance plan for vegetation designed to stabilize backshore areas and protect existing cliffs from accelerated erosion. In addition access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

**E. Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 50, 51, 54, 55 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.
1. **Chapter 6 Findings:**

   a. **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 construction of a special use structure consistent with the Land Use Element of the Regional Plan. Surrounding land uses consist of residential properties with accessory shorezone development made up piers, a jetty, and lake front retaining wall. The proposed project will not alter any land use patterns.

   (2) **Transportation:** The proposed project will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel or vehicle miles traveled (VMT).

   (3) **Conservation:** The project, as conditioned, is consistent with the Conservation Element of the Regional Plan. The proposed colors and design are consistent with the TRPA Design Review Guidelines. The project area is within a Scenic Shorezone Unit 23 which is not in scenic attainment. This project shall demonstrate a degree of scenic improvement in order to be approved. The proposed shoreline protective structure will utilize rock and native vegetation that will allow the structure to blend rather than contrast with the surroundings. The top of the existing retaining wall is being modified to eliminate the linear appearance of the structure. Staff anticipates an improvement in the scenic quality ratings upon successful implementation of the project and all applicable scenic quality mitigation measures. This project will not result in the degradation of any scenic vista or view open to the public. The area is a mapped and verified feed and cover fish habitat. Tahoe Yellow Cress (Rorippa subumbellata) was reported to have been present during the 1993-1994 Lake wide survey. As such the applicant will need to complete a site survey for the plant prior to commencing work on the site. The survey needs to be conducted between June 15th and September 15. The applicant will install the required water quality Best Management Practices (BMPs) on the parcel in accordance with Chapter 25 of the TRPA Code as required in the residential modification project TRPA 20051432 approved by TRPA 2/17/06 per. There are no known special interest animal species or cultural resources within the project area.

   (4) **Recreation:** The project is visible from the Burnt Cedar Beach Recreation Area, an identified TRPA Scenic Resource. The proposed shoreline structure will be partially hidden by an existing rock jetty when viewed from the north. Scenic mitigation measures associated with the landscaping of the shoreline...
protective structure and the views to the existing house from the Lake and Burnt Cedar Beach will provide an improvement to the scenic threshold. The proposed revetment will be designed to blend with the natural elements in the area. The proposed shoreline protective structure will not adversely affect recreational boating or pier access.

(5) **Public Service Facilities:** This project does not require any additional 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.

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. **Shorezone Findings (Chapter 50):**

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 new shorezone protective structure will not adversely impact littoral processes based on the structures sloping permeable nature. The proposed structure will not impact fish habitat as the structure is made of boulders that will match the existing shoreline strata. As a condition of approval the structure will include a dynamic component consisting of cobble and gravel at the toe of the structure. This component is designed to minimize wave action and replenish cobble and gravel at the high-water line. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.
b. There are sufficient accessory facilities to accommodate the project.

The project is located in the shorezone of a property that is verified as residential. The shoreline protective structure is a permissible special use structure accessory to the associated upland Residential use.

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 is compatible with existing shorezone accessory uses (piers, buoys and rock jetties) in the vicinity.

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

The proposed pier is located in the backshore of Lake Tahoe and by its nature is designed to be water-dependent.

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

This approval prohibits the use of spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored in the foreshore or nearshore.

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

The applicant shall not store construction materials on the beach or in the backshore. Permanent disturbance to ground and vegetation is prohibited. All construction and grading activities will adhere to the standards found in Chapters 62 and 63 of the TRPA Code of Ordinances. Temporary BMP's will be required to ensure disturbance is minimized.

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 location of the protective structure will not extend beyond the Lake elevation of 6,229'.
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.

The project was taken to the Shorezone Review Committee and received no negative comments from the Nevada Division of State Lands and the U.S. Army Corps of Engineers.

3. Special Use Findings (Chapter 51) — [Required for Shorezone Protection Structure Only]

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 protective structure addresses scenic quality in a positive fashion, as it will mimic the natural rocky shoreline and be re-vegetated with vegetation appropriate for the area. The permit will be conditioned to require a monitoring plan to ensure that the project remains an appropriate use for this parcel and surrounding area.

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 shoreline protective structure is a special use under the Lakeview Plan Area Statement (PAS 037). The proposed revetment structure will serve an existing single family residence. The protective structure will utilize a blend of vegetation and rock to blend the new components of the structure with the natural surrounding environment. The proposed structure will help to improve the scenic quality of the project area as it will help to blend an existing lake front retaining wall with the existing surrounding environment. The permit will be conditioned to require a monitoring plan to ensure that the proposed scenic benefits relating to the longevity of the new vegetation in relationship to the Lake front retaining wall and revetment are realized. A scenic assessment for the shoreline structure yielded a contrast rating score of 21.

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 installation of the proposed shoreline protective structure will not change the character of the neighborhood or detrimentally affect or alter the purpose of the plan area statement. The proposed shoreline protective structure and landscaping will provide an improvement to the scenic unit. The proposed shoreline structure shall be for the Abbasi Family Trust property exclusively; APN 122-162-21 and will be confined to the subject parcel boundaries. The proposed structure will be designed to run approximately two thirds the width of the property and blending with the existing rock elements on the adjacent property located to the east of the property and up to the property line on the west side of the property.

4. Shorezone Findings (Chapter 54):

a. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protection structures.

The proposed project will reduce the potential for scenic impacts while meeting Code requirements for design. The dynamic sloping shoreline protective structure has been designed to transition into the surrounding natural environment by blending materials from the proposed protective structure into the existing rock structure on the adjacent property located to the east. The structure will work to protect the lands edge along this portion of shorezone and enhance scenic quality. The toe of the revetment shall begin at the high water level as a condition of approval.

b. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.

The shoreline revetment shall use clean material of a similar nature and color as the existing material in the backshore and foreshore. Sand material is not authorized for use as a dynamic component. There shall be no excavation on the site except for the installation of the dynamic toe portion of the structure when necessary. No materials shall be removed from the Lake or from any of the surrounding areas of the backshore. All construction material shall be brought in using land based equipment on condition that the limit of disturbance to the backshore is kept to minimum. The permittee shall provide TRPA with construction access details to ensure that any potential disturbance is kept to a minimum.
c. **Each protective structure has been designed to be sloping and permeable.**

The proposed design incorporates the design and construction standards contained in Chapter 54 of the TRPA Code of Ordinances and will be sloping and permeable. The proposed design incorporates the existing vertical retaining wall which will be reduced in height and screened by the proposed structure as a means of scenic mitigation. A large portion of the vertical wall will be retained to assist in protecting an existing sewer lateral running from the center of the property toward the southwestern corner of the property. A landscaping plan for the structure will provide substantial riparian plantings of willows, alders and cottonwoods to screen the structure, and once established, provide added stability to the site.

d. **Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.**

Shoreline processes within this area are man-modified. The project area is "protected" to the west by a large rock jetty. The existing shoreline protective structure meets this jetty at an approximate right angle. The proposed shoreline protective structure will meet the western property, but will not extend onto the neighboring property. The project is designed to increase protection against wave action especially during episodes of high water in addition to improving littoral processes along this segment of the shoreline.

5. **Shorezone Findings (Chapter 55):**

a. **The project, program or facility is necessary for environmental protection.**

See 4(a).

b. **There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.**

The proposed shoreline protective structure has been designed to minimize wave action and enhance overall scenic quality. The structure is also necessary to protect an existing sewer lateral during the construction phase of the project. The protective structure will be designed to blend with existing rock elements on the adjacent property located to the east. This will be done by using a sloping permeable design for the structure designed to obscure the existing vertical retaining wall while blending the proposed structure into existing rock elements and landscaping. This design should not accelerate backshore erosion on the adjacent property.
F. Required Actions: Agency staff recommends that the Hearings Officer approve the project by making the following motions based on this staff summary and evidence contained in the record:

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

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

//
//
//
CONDITIONAL PERMIT

PROJECT DESCRIPTION: Placement of Shoreline Protective Structure

APN: 122-162-21

PERMITTEE(S): Sohaib & Sara Abbasi, Trustees

FILE #: 20060192

COUNTY/LOCATION: Washoe County, Nevada/65 Shoreline Circle.

Having made the findings required by Agency ordinances and rules, TRPA Staff approved the project on May 11, 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 11, 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 MAY BE 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 PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND 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_____________________

PERMIT CONTINUED ON NEXT PAGE

AGENDA ITEM NO. V. A.

Planning for the Protection of our Lake and Land
Abbasi Shoreline Protective Structure
Page 11 of 13
122-162-21/20060192

APN 122-162-21
FILE NO. 20060192

Security Posted (1): Amount $_________  Posted _______ Type ______ Receipt No. _______

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

Shorezone Scenic Security Posted (3): Amount $5,000  Posted ______ Type ______ Receipt No. _______

Shorezone Security Administrative Fee (4): Amount $_________  Paid ______ Receipt No. _______

Notes:
(1) Amount to be determined. See Special Condition 3.B, below.
(2) $144 if a cash security is posted or $74 if a non-cash security is posted.
(3) Amount to be determined. See Special Condition 3.C, below.
(4) $144 if a cash security is posted or $74 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee  Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of a new shoreline protective structure along the shoreline of the subject parcel. Said structure which received a contrast rating score of 21, will be approximately ninety feet in length and approximately 5.9 feet above High Water Line at the structures greatest height. The structure shall be constructed along the existing shoreline at from HWL 6229.1 to elevation 6235 at a slope of 1:1.5. This permit does not authorize the creation of an artificial sand beach. The modification to temporary BMPs (Best Management Practices) may be required depending on Lake levels at the time of construction. No new land coverage shall be created nor is it approved as a result of this permit. No modification or expansion of any additional Shorezone structure or additional disturbance outside of the scope of this permit in the backshore is approved as a result of this permit. Any periodic maintenance may require further review and approval by TRPA.

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

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
   
   A. The site plan shall be revised to include:
      
      (1) A maintenance and monitoring plan shall be submitted to TRPA that lists the procedures and practices to be undertaken by the permittee to ensure the continued effectiveness of the shoreline protective structure, including the static and dynamic components, and the remaining components of the existing vertical wall.

      (2) The location of the existing sewer line which transverses the existing vertical retaining wall near the property’s western property line.

DL /05/11/06  AGENDA ITEM NO. V. A.
(3) A dynamic component consisting of cobble and gravel located at the toe of the revetment to include gravel sizes of 2" to 3" in diameter that is of a similar color and texture to the existing rock. The placement of sand is not authorized.

(4) Installation of a dual (double thickness) erosion control fence, fiber roll log or similar product located within 6 feet of the toe of the proposed rock revetment. The filter fabric fence shall be anchored to the exposed lake substrate by gravel bags or alternatively a fiber core roll may be anchored to the lake bottom with properly installed stakes and wires.

B. A sewage spill prevention plan that includes the size, type, and capacity of the existing sewage lift station to be removed. Proof that the removal of the lift station is in compliance with all applicable city, county, state, and federal standards for off-line contingency plans, emergency contacts, and long-term maintenance requirements.

C. The security required under Standard Condition A.3 of Attachment R shall be 110% percent to the cost of approved BMPs. Please see Attachment J, Security Procedures for appropriate ways to post a security and for calculation of the required Security Administrative Fee. In no case shall the security be less than $5,000.

D. The Shorezone Scenic security of $5,000 shall be required per TRPA Code of Ordinances Section 8.8. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

E. The Shoreland Scenic security shall be held for a minimum of 5 years to ensure that the landscaping considered a scenic mitigation measure, is determined to be healthy and well established per TRPA.

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

(2) A note stating that fertilizer use in the erosion control areas such as swales, backshore areas and shorezone area shall not be used except as outline in TRPA Code of Ordinances section 81.7.A. No fertilizer use in the backshore is authorized.

F. A written construction methodology, including the location of construction equipment and materials staging areas access pathways, etc., are denoted on the site plan and on site.

G. The permittee shall submit plans, cost estimates, calculations based on 1 hour storm, and installation schedule for the installation of all required water quality improvements BMPs which are a condition of approval for the Single Family Residential portion of this project TRPA File Number 20051432. All required BMPs outside of the construction site boundary, as well as all required BMPs inside the construction boundary, shall be installed prior to project completion.

H. Rock samples for the proposed shoreline protective structure shall be submitted to TRPA for review and approval of the color and type.

I. The applicant shall provide results of a completed site survey for the Tahoe Yellow Cress (Rorippa subumbellata) plant to TRPA prior to commencing work on the site. The survey needs to be conducted between June 15th and September 15th.
J. The permittee shall submit three (3) revised sets of final construction drawings and site plans to TRPA.

2. All existing and proposed trees and shrubs on this parcel that are visible from Lake Tahoe shall be maintained in accordance with the contrast rating score and approved landscape plan. Limited pruning of the existing and proposed vegetation is subject to TRPA written approval in order to maintain site conditions consistent with the analysis prepared for the project.

3. By acceptance of this permit, the permittee agrees that all scenic design and mitigation measures outlined on the project site plan, the landscaping plan and the contrast rating score sheets are hereby included as conditions of project approval and will be implemented as such.

4. Temporary Best Management Practices (BMPs) are to be installed and maintained prior to excavation and during all phases of the proposed project.

5. No fills or re-contouring, other than the placement of the material needed for the shoreline protective structure is allowed.

6. The toe of the revetment shall be redesigned so that it begins at the high water level 6229.1.

7. Should the shorezone protective structure exceeds (6) six feet in height from high water line, the permittee shall obtain a Washoe County building permit and provide evidence of such to TRPA. Permittee shall also provide evidence that said structure has been properly engineered by a licensed engineer.

8. 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.

9. All rock material (gravel, cobble, and/or boulders) imported to the site for use in the shoreline construction area shall be thoroughly washed and shall be free of any silt and clay material. The permittee shall submit a certification from a qualified professional that all the imported rock is free of minus #200 sieve material, prior to placing the material into the shoreline protection structure.

10. Any Gravel/Cobble used as backfill or for the filling of voids in the Shorezone structure shall be (3/4"-6" diameter). All other rock material components shall be of a size that matches the existing substrate.

11. No disturbance to lakebed materials is authorized by this permit during the construction of this project. Further restoration for any access points which are damaged during the construction phase is required.

12. The applicant is prohibited from storing construction material or equipment in the backshore area.

13. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited in a TRPA approved sites.

14. Grading and excavation is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is a saturated, muddy or unstable condition.

END OF PERMIT
Project Name: New Monopine Wireless Communications Facility

Application Type: New Transmission and Receiving Facilities

Applicant: Verizon Wireless

Applicant's Representative: Erin Merrill, Verizon Wireless

Agency Planner: Jason Ramos

Location: 1352 and 1360 Johnson Blvd., City of South Lake Tahoe

Assessor's Parcel Number/Project Number: APN 025-010-21/Project No. 20051106

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

Project Description: This permit specifically authorizes the removal of the existing lattice communications tower on the subject property, and the construction of a new monopole communications tower in the same location. The new monopole tower will remain the same height as the existing tower, and carry all existing antennas at the same mounting heights. The new tower will be painted a dark forest green color, will include the addition of three new panel antennas at the proposed mounting heights shown on the elevation plans, and the construction of a new 154 square foot equipment shelter. The El Dorado County Sheriff's Department also has antennas on the existing tower, which will continue to be carried on the new tower. The new tower will have the capacity to carry future antenna co-locations as well.

For land coverage purposes, the subject parcel is part of a project area deed restriction with the adjacent parcel, APN 025-010-53. The project area is located entirely within the Class 7 Land Capability District with 147,329 square feet of allowable base coverage. The project area has 250,919 square feet of existing land coverage, with 1,148.8 square feet of previously banked land coverage. The project will generate 190 square feet of land coverage for the equipment shelter building and associated concrete pad and utility boxes. The land coverage generated by the project will utilize 190 square feet of banked land coverage, which will result in 958.8 square feet of remaining banked land coverage for the project area. The total proposed land coverage will remain at 250,919 square feet for the project area. The project area has 15,421 square feet of unmitigated excess land coverage.

Site Description: The project site occurs at the El Dorado County Sheriff's Department in South Lake Tahoe. The project site is on a level area and adjacent to some mature pine trees. An existing parking lot surrounds the project site.
Transmission and Receiving Facility

**Issues:** Transmission and receiving facilities are identified as a special use in the Bijou/Al Tahoe Community Plan Area Statement, and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. There are no project related issues of specific concern.

**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 project is located within the Bijou/Al Tahoe Community Plan Area Statement. The Land Use Classification is commercial/public service, and the Management Strategy is redirection. Agency staff has reviewed the subject Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed project is listed as a special use.

C. **Land Coverage:** For land coverage purposes, the subject parcel is part of a project area deed restriction with the adjacent parcel, APN 025-010-53. The project area is located entirely within the Class 7 Land Capability District with 147,329 square feet of allowable base coverage. The project area has 250,919 square feet of existing land coverage, with 1,148.8 square feet of previously banked land coverage. The project will generate 190 square feet of land coverage for the equipment shelter building and associated concrete pad and utility boxes. The land coverage generated by the project will utilize 190 square feet of banked land coverage, which will result in 958.8 square feet of remaining banked land coverage for the project area. The total proposed land coverage will remain at 250,919 square feet for the project area. The project area has 15,421 square feet of unmitigated excess land coverage.

D. **Height:** The proposed monopine communications tower will be the same height as the existing communications tower, at 123 feet. The maximum height specified in Section 22.5 of TRPA Code may be increased for communication towers subject to findings 4 and 7 of Section 22.7. See the Findings section of this staff summary for further discussion.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, and 22 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.

**Chapter 6 Findings**

1. 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.
Sufficient evidence was submitted with the Project application, and is contained in the TRPA file, to make this finding.

2. **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. 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.

3. **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 question 2, above.)

Chapter 18 Findings, Special Uses:

1. **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.**

(see question 3, below)

2. **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.**

(see question 3, below)

3. **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 communications tower will replace an existing metal lattice communications tower. The proposed tower will have a slim-line pole design, to be painted dark forest green to enhance the visual quality of the project site. The proposed tower will continue to carry antennas for the El Dorado County Sheriff's Department. The project as conditioned is consistent with the Bijou/Al Tahoe Community Plan Area Statement and the existing public service use of the parcel.
(El Dorado County Sheriff’s Department), particularly to enhance emergency related communication for the general welfare of the project area.

Chapter 22 Findings

1. **The function of the structure requires a greater maximum height than otherwise provided for in the chapter.**

The proposed wireless communications tower requires height clearance from the surrounding trees and ridgelines for the operation of the tower. The broadcast communication of the tower antennas would not function properly if the tower was of a lesser height, due to substantial interference of surrounding trees and topography. The tower is negligibly higher than the surrounding trees, and is therefore the minimum height necessary for the project.

2. **The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.**

(see question 1 above)

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

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

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

**Exhibits:**

A. **Draft Permit**

B. **Site Plans**
TAHOE REGIONAL PLANNING AGENCY

128 Market Street P.O. Box 5310 (775) 588-4547
Stateline, Nevada Stateline, Nevada 89449 Fax (775) 588-4527
www.trpa.org Email: trpa@trpa.org

EXHIBIT A
DRAFT PERMIT

PROJECT DESCRIPTION: Transmission and Receiving Facilities
New Wireless Communications Tower

APN: 025-010-21

PERMITTEE(S): Verizon Wireless

FILE NO.: 20051106

COUNTY/LOCATION: City of South Lake Tahoe, 1352 and 1360 Johnson Blvd

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 11, 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 May 11, 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 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.
(4) A TRPA PREGRADING 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

__________________________
Hearings Officer/JR
May 3, 2006

Agenda Item No. V.B.

Planning for the Protection of our Lake and Land
APN 025-010-21
FILE NO. 20051106

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

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.E.
(2) Amount to be determined. See Special Condition 3.D.
(3) $144.00 if a cash security is posted, or $74.00 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 removal of the existing lattice communications tower on the subject property, and the construction of a new monopole communications tower in the same location. The new monopole tower will remain the same height as the existing tower, and carry all existing antennas at the same mounting heights. The new tower will be painted a dark forest green color, will include the addition of three new panel antennas at the proposed mounting heights shown on the elevation plans, and the construction of a new 154 square foot equipment shelter. The El Dorado County Sheriff’s Department also has antennas on the existing tower, which will continue to be carried on the new tower. The new tower will have the capacity to carry future antenna co-locations as well.

For land coverage purposes, the subject parcel is part of a project area deed restriction with the adjacent parcel, APN 025-010-53. The project area is located entirely within the Class 7 Land Capability District with 147,329 square feet of allowable base coverage. The project area has 250,919 square feet of existing land coverage, inclusive of 1,148.8 square feet of previously banked land coverage. The project will generate 190 square feet of land coverage for the equipment shelter building and associated concrete pad and utility boxes. The land coverage generated by the project will utilize 190 square feet of banked land coverage, which will result in 958.8 square feet of remaining banked land coverage for the project area. The total proposed land coverage will remain at 250,919 square feet. The project area has 15,421 square feet of unmitigated excess land coverage.

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

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

A. The site plans shall be revised to include:

Hearings Officer/JR
May 3, 2006

Agenda Item No. V.B.
(1) The land coverage calculation table on the site plans shall be revised as follows:

(i) At the top of the table, below the allowable land coverage notation, notation shall be provided for "modified total allowed coverage 147,329 square feet, non-transferred from APN 025-010-42".

(ii) The total existing and proposed land coverage shall be revised to 250,919 square feet.

(iii) The land coverage calculations table shall identify the amount of unmitigated excess land coverage for the project area as 15,421 square feet, the amount of excess coverage to be mitigated for the project in accordance with Condition 3.C., and the resultant amount of remaining unmitigated excess coverage for the project area.

(2) A written and schematic Temporary BMP Plan that identifies specific erosion control measures. Temporary BMPs shall include the use of 12" coir logs to stabilize filter fabric fence located downslope of the proposed construction, no more than 10 feet from the edge of construction area; notes indicating that there will be no storage of excavated material on site; and indication that the fill material will be disposed of in a TRPA approved location. Include a coir log detail on the detail sheet and vegetation fencing around vegetation within the construction site. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the Basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required. The site plans shall be revised to remove references for using straw bales.

(3) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."

(4) Provide a schematic detail on the site plans for the installation of erosion control filter fabric fencing, and identify the location of the erosion control fencing on the downslope side of the construction area, no more than 10 feet from the edge of the construction area.

(5) Provide a schematic detail on the site plans for the installation of protective fencing around the dripline of mature trees. Protective fencing for trees shall be constructed with metal posts, industry standard mesh fencing, and at least 4 feet tall, unless an alternative method is approved by TRPA. Protective fencing shall be place around the dripline of the four mature pine trees within the vicinity of the construction area, as shown on the site plans.

(6) The site plans shall identify vegetation protective fencing around the entire construction site, not more than 12 feet from the edge of proposed grading and paved areas.
(7) Notation shall be provided that the maximum depth of grading shall not exceed 5 feet below ground surface.

(8) Notation that all excavation equipment shall be limited to the footprint of the proposed areas of land coverage and grading as identified on the site plans to minimize site disturbance, and no grading or excavation shall be permitted outside of these areas.

(9) Notation identifying the construction staging area on the site plan.

(10) Identify the location of all recorded easements inherent to the property or resulting from this project.

B. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.

C. Subdued colors of earthtone ranges shall be used for the primary color of structures. See 30.6.A(3) of the Code; see Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines. The final construction drawings shall have notes indicating conformance to the following design standards:

(1) Color: The color of the tower and all adjacent electrical equipment, including any fences, shall be compatible to match the existing surrounding vegetation. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. The Munsell Color charts, located at the TRPA office, provides a reference for the appropriate range of earthtone colors approvable by TRPA to match surrounding vegetation. The approved colors shall be noted on the final site plans.

(2) Provide a material sample for the proposed color of the monopole tower, equipment shelter structure, and any proposed fencing. These structures shall be painted a dark forest green color.

D. The security required under Standard Condition 1.2 of Attachment Q and Section 8.8 of the TRPA Code of Ordinances shall be $3,000.00. Please see Attachment J, Security Procedures.

E. The project area has 15,421 square feet of unmitigated excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Upper Truckee Hydrologic Transfer Area No. 5, or by submitting an excess coverage mitigation fee, or by any other acceptable mitigation option pursuant to Subsection 20.5.A(2) of TRPA Code.

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

Estimated project construction cost multiplied by .0275 as identified in Table A (see attached) 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 (1) above) multiplied by the coverage mitigation cost fee of $6.50 per square foot for California projects. 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.

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

4. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

5. No trees are authorized for removal as part of this permit.

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

7. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

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.

9. All excavated material shall be hauled away from the site to a legally acceptable location. No fills, or re-contouring, other than backfill for cut-retaining structures, shall be allowed.

10. Blasting of rocks should be kept to an absolute minimum to avoid damage to surrounding rocks and vegetation.

11. If during the excavation groundwater is intercepted and TRPA staff are not present, then the applicant shall immediately notify the TRPA and the excavation and foundation design shall be immediately revised to not intercept groundwater. The revised depth shall be subject to approval by TRPA staff.

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

13. In accordance with FCC standards, the new antennas shall not interfere with any television, radio, telephone, satellite, or any other signals.

END OF PERMIT
MEMORANDUM

May 3, 2006

To: Jim Baetge

From: Chris M. Chambers, Associate Planner

Re: Linear Public Service Hearings; APN 510-303-03 / TRPA File Number 20060254

The above-mentioned Hearings Officer Review Item has been pulled; it has been determined to be approvable at TRPA Staff level.
TAHOE REGIONAL PLANNING AGENCY

Project Name: Tahoe Meadows Water Supply System

Application Type: Linear Public Service Addition

Applicant: Tahoe Meadow Association

Applicant's Representative: Jim Haen

Agency Planner: Chris M. Chambers, Associate Planner

Location: Lake Road, Beach Road, Meadow Road, Azure Road, Pine Road, Cedar Road, and Wildwood Avenue, City of South Lake Tahoe, California

Assessor's Parcel Number / File Number: 029-091-02 et.al. / 20051760

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

Project Description: The project consists of the installation of 15,000 linear feet of new 6-inch waterline and 12 fire hydrants, located on private roads and parcels within the Tahoe Meadows Association for the purpose of providing adequate water supply for fire fighting purposes. No new land coverage will be created as part of this project.

The site plan consists of a grading plan, trenching details and details of temporary Best Management Practices (BMPs) to control erosion. Construction will involve digging trenches within the compacted rights-of-way to install the new pipes. Anticipated construction is during the 2006 grading season.

Site Description: Installation of the waterline will occur within the existing disturbed areas in the right-of-way. No disturbance will occur outside the compacted dirt roadway, which crosses through land capability districts 1b and 7.

Issues: The proposed involves a special use, and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Land Use. The proposed new waterline project is a special use in the Tahoe Meadows Plan Area Statement (PAS 090). Special Use Findings are addressed in Required Findings #2, below.
2. **Grading and trenching.** The temporary disturbance will occur within the compacted dirt road right-of-way. Trenching will not exceed five feet below existing grade.

Meadow Road, Beach Road, and portions of Lake Road, Pine Road, and Wildwood Avenue cross the Stream Environment Zone (SEZ), although no disturbance is proposed outside the right-of-way. Because portions of the grading will occur in SEZ, ground water interception is likely. As conditioned in the draft permit, the permittee will be required to submit a dewatering plan to TRPA for review prior to permit acknowledgement.

The project is necessary for the public health and safety; therefore, certain exceptions to the prohibition of groundwater interception or interference may be applicable. South Tahoe Public Utility District requires that 4 feet of pipe cover over a 6 inch pipe with 6 inches of pipe bedding; the minimum excavation depth required (5 feet below ground surface) is being proposed.

The City of South Lake Tahoe and the Tahoe Meadows Association are currently working with TRPA on submitting a paving schedule to BMP the dirt roadways within the Tahoe Meadows.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – Required Findings:**

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

   There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

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

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.
(c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above.)

2. Chapter 18 – Special Use Findings:

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

(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.

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

The project is a water supply system for fire fighting purposes and is an appropriate use for the affected parcels and surrounding area. The contractor will ensure the trench excavations will be filled, compacted and finalized at the end of each day. The character of the Tahoe Meadows will remain as it currently is after completion of the project.

3. Chapter 33 Findings – Additional Public Service Facilities:

(a) There is a need for the project.

The project is necessary to provide adequate water supply for fire fighting purposes.

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

There is no evidence in the project file and record showing that the proposed project will have an adverse impact on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

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

There are no Environmental Improvement Program (EIP) projects slated for the project area and the proposed project will not compromise the goals of the EIP.
(d) **The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity.**

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 6.3B 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.

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

The proposed project will not be located within a community plan.

(f) **Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.**

The proposed project will not be located within a community plan.

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

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

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

**Attachments:**

1. Draft Permit
2. Site Plan and Grading Plan
-D-R-A-F-T-
PERMIT

PROJECT DESCRIPTION: Linear Public Service Addition
APN: 029-091-02

PERMITTEE(S): Tahoe Meadows Association
FILE # 20051760

COUNTY/LOCATION: City of South Lake Tahoe / Lake Road, Beach Road, Meadow Road, Azure Road, Pine Road, Cedar Road, and Wildwood Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 11, 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 May 11, 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 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; AND
(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 ___________________________

/cmc

PERMIT CONTINUED ON NEXT PAGE

Hearings Officer / CMC
May 11, 2006

AGENDA ITEM NO. V.D
D-R-A-F-T

APN: 029-091-02
FILE NO. 20051760

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

Security Administrative Fee (2): Amount $_______ Paid _____ Receipt No. _______

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

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

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

_________________________________________(Date)
TRPA Executive Director/Designee

SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of approximately 15,000 linear feet of new 6-inch waterline and 12 fire hydrants. The work will occur in the compacted road right-of-ways throughout Tahoe Meadows, Lake Road, Beach Road, Meadow Road, Azure Road, Pine Road, Cedar Road, and Wildwood Avenue. No new land coverage is authorized by this project. This approval is based on plans received by TRPA on April 26, 2006.

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

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

A. The site plan shall be revised to include:

   (1) Notations indicating:

   • "This project is located in an environmentally sensitive area. The contractor shall exercise utmost care to protect and maintain existing vegetation and minimize soil compaction (outside of existing road) within construction areas."

   • "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."
• “Temporary erosion control devices will be placed every 100 feet in excavated trenches. Temporary BMPs shall be maintained until site stabilized.”

• “All project related vehicles shall park on existing compacted surfaces or existing compacted road shoulders.”

B. The security required under Standard Condition 1.2 of Attachment Q shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of this cost estimate. In no case shall the security be less than $5,000.00. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative fee.

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

D. The permittee shall prepare a dewatering plan for TRPA review and approval should ground or surface water be intercepted during excavations. **No excavation shall occur until TRPA has reviewed and approved the dewatering plan.**

E. The permittee shall provide a detail of each staging area which shows that they will be fitted with temporary BMPs including construction limit fencing. Temporary staging and storage areas not located on paved surfaces shall be identified on the site through use of vegetation protection fencing and erosion control fencing where appropriate. Areas used as staging areas shall be scarified, revegetated, and blocked off (where appropriate) to prevent future use.

F. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.

4. The permittee shall not excavate more than 5 feet below ground surface.

5. The permittee is not responsible for paving the dirt roadway, but shall sufficiently compact the dirt road surface to pre-project condition. Loose side casting shall be cleaned from sides of roadway. The limits of the current road shall not be extended any further.

6. Blasting of rocks should be kept to an absolute minimum to avoid damage to surrounding rocks and vegetation.

7. All work associated with this permit requiring the use of heavy equipment or vehicles shall take place within existing compacted roadway, along existing compacted dirt shoulders, and at the identified locations on the project site plans.

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

9. The permittee shall submit a projected construction completion schedule to TRPA prior to the pre-grade inspection. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area. The construction schedule shall indicate that excavation will be phased to minimize the potential for erosion.

10. The permittee shall revegetate areas disturbed by construction outside of the compacted dirt roadway.
11. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently revegetated. Temporary erosion control structures shall be removed once the site has been stabilized or revegetated.

12. 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.

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

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

15. Soil stockpiles shall not be placed on top of existing vegetation. All temporary soil stockpiles shall be contained by temporary erosion control fences or fiber roll logs (12” minimum diameter) and covered with a non-permeable material.

16. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulder.

17. All construction equipment working in or near Stream Environment Zone (SEZ) areas must be steam cleaned prior to mobilization at the project site and maintained in clean and good working order with maintenance logs made available to TRPA at their request.

END OF PERMIT
MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Linear Public Service Addition
APN: 029-091-02

PERMITTEE(S): Tahoe Meadows Association
FILE # 20051760

COUNTY/LOCATION: City of South Lake Tahoe / Lake Road, Beach Road, Meadow Road, Azure Road, Pine Road, Cedar Road, and Wildwood Avenue

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

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

TRPA Chairman or Executive Director/Designee

Date
TAHOE REGIONAL PLANNING AGENCY

HEARINGS OFFICER STAFF SUMMARY

Project Name: Sawmill I Bicycle Path Project

Application Type: Linear Public Service, Special Use Determination

Applicant: El Dorado County Department of Transportation (ELDOT)

Applicant's Representative: Alfred Knotts, ELDOT

Agency Planner: Karen Fink, Associate Transportation Planner

Location: Just west of U.S. Highway 50 in Meyers, extending north from Santa Fe Road to the Lake Tahoe Golf Course, El Dorado County, California.

TRPA Project Number: 520-201-05 / TRPA File Number 20051399

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

Project Description: The applicant is proposing to construct Phase 1a of a two phase, new Class I/Shared Use bicycle and pedestrian path along a portion of U.S. Highway 50 in the town of Meyers. Most of the path is within the Caltrans right-of-way (ROW), crossing into lands owned by the California Tahoe Conservancy and California State Parks. The eight-foot wide path is part of a larger proposed network of Class I paths, which will connect the existing Pat Lowe Memorial Trail in Meyers with the South Tahoe "Y" via paths along U.S. Highway 50, Sawmill Blvd, and Lake Tahoe Blvd. Phase 1b, not included in this permit application, includes a bicycle bridge over the Upper Truckee River. The current application proposes approximately 5,500 feet of asphalt path with decomposed granite shoulders on either side and a 500-foot fiberglass boardwalk structure through an SEZ area. This boardwalk will replace existing hard coverage in the SEZ. Throughout the rest of the project, the new trail either follows existing coverage or will relocate and restore existing coverage. The SEZ impacts include a net decrease of approximately 0.77 acres and 0.25 acres of hard and soft coverage, respectively. Detailed site plans are available at TRPA for review.

Site Description: The project area is located primarily within the Caltrans right-of-way along a portion of U.S. Highway 50 in the town of Meyers. The path will travel through areas of Jeffrey and Lodgepole Pine as well as wet montane meadow. There is existing disturbance in the form of 50,000 square feet of hard and 20,000 square feet of soft coverage in land capability district 1b, and 6,000 square feet of hard and 17,000 square feet of soft coverage in land capability district 5. Immediately adjacent properties are all publicly owned, with some private parcels as close as 7 feet and with other parcels 70 to 100 feet away. The verified land capability districts are Classes 1b (SEZ) and 5 and the
100 feet away. The verified land capability districts are Classes 1b (SEZ) and 5 and the surrounding land uses are residential, conservation, and recreation. Specific project plans are available upon request at the TRPA offices.

The project is located within a number of Plan Area Statements and Community Plans. These include:

- Plan Area 119 – Country Club Meadow. The Land Use Classification is Recreation and the Management Strategy is Mitigation.
- Plan Area 120 – Tahoe Paradise - Meadowvale. The Land Use Classification is Residential and the Management Strategy is Mitigation.
- Plan Area 123 – Meyers Forest. The Land Use Classification is Conservation and the Management Strategy is Mitigation.
- Plan Area 124 – Meyers Residential. The Land Use Classification is Residential and the Management Strategy is Mitigation.

Issues: The proposed pedestrian path portion of the project involves a special use determination and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code.

The second phase of this project (not under this permit) requires a bicycle bridge across the Upper Truckee River. The scenic quality impacts of the bridge will be mitigated through paint choice and other scenic quality measures; however it is not clear at this stage what the height of the bridge will be and whether the visual impacts of the height can be mitigated.

Required Findings: The following is a list of the required findings as set forth in Chapter 5, 6, 18, 20, 25, 28, 29, 33, 64 and 71 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 5 - Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order assess the potential environmental impacts of the project. No significant environmental impacts were identified that would not be remedied through mitigation and staff has concluded that, with mitigation, 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.

2. Chapter 6 – Findings Necessary to Approve any Project. 6.3.A

(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.

There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation,
Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

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

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

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

(Refer to paragraph (b), above.)

3. Chapter 18 – Special Use, 18.1.B

(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 project is proposing to add a bicycle and pedestrian path to an existing transportation route which will help to separate bicycles and pedestrians from vehicular traffic. The proposed pedestrian path will serve the surrounding neighborhoods which contain residential, recreation, and conservation uses.

(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 applicant will be required to install temporary and permanent Best Management Practices (BMPs) on site as a part of project approval. The project meets all the conditions of the “Project Review Conformance Checklist and Article V(g) Findings”.

(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 is consistent with the applicable plan area statements.


(a) Existing land coverage may be relocated on the same parcel or project area if TRPA finds that: The relocation is to an equal or superior portion of the parcel or project area.

Coverage in Land Capability District 1b will be relocated to Land Capability District 5. Some coverage will be relocated from 1b to other 1b areas. Relocated coverage in the 1b area is necessary to avoid conflicts with plans for a future Caltrans water quality project.

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

Coverage will be restored in the ratio of 1:1.5 in Land Capability District 1b.

(c) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

See (a).

(d) If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

See (b).

5. Section 25.5.A – Infiltration Requirements Waiver:

(a) Infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a twenty year, one hour storm.

Due to the configuration of impervious coverage associated with bike trails, TRPA does not require infiltration facilities for stormwater generated from bike trails.

6. Chapter 29 - Historic Resource Protection:

(a) Historic resources shall not be demolished, disturbed, or removed, unless TRPA finds that (i) the action will not be detrimental to the historic significance of the
resource; (ii) the action is pursuant to a recovery plan approved by the applicable
state historic preservation officer; or (iii) it is the only feasible alternative to
protect the health and safety of the public.

Although not a designated historic resource, portions of Historic Highway 89 will
be retained in locations within and outside the project area. The County will
provide interpretive signs in consultation with the SHPO, TRPA, State Parks, and
CTC to document the history of the area.

7. Chapter 33 – Additional Public Service Facilities

(a) Approval of additional public service facilities shall only be permitted for
projects for which the sponsoring entity demonstrates, and TRPA finds
that:
   i. There is a need for the project;
   ii. The project complies with the Goals and Policies, applicable plan
      area statements, and Code;
   iii. The project meets the findings adopted pursuant to Article V(g) of
        the Compact as set forth in Chapter 6 as they are applicable to the
        project's service capacity;
   iv. If the proposed project is to be located within the boundaries of
       the community plan area, then to the extent possible consistent
       with public health and safety, the project is compatible with the
       applicable community plan;
   v. Where a public service project is proposed for construction in a
      community plan area before the community plan has been
      adopted by TRPA, the sponsoring entity shall demonstrate that
      the need for such a construction schedule outweighs the need for
      the prior completion of the community plan process.

      The project is an EIP project, and meets the findings adopted
      pursuant to Article V(g) as shown in the “Project Review
      Conformance Checklist and Article V(g) Findings”. The project is
      not within a community plan area.

6. Chapter 71 – Tree Removal

(a) Within lands classified by TRPA as conservation or recreation land use or
Stream Environment Zones, any live, dead or dying tree greater than or
equal to 30 inches diameter at breast height in westside forest types shall
not be cut, and any live, dead or dying tree greater than or equal to 24
inches diameter at breast height in eastside forest types shall not be cut.

      The applicant does not plan to cut trees exceeding the above limitations,
      and must show this on project plans as a condition of permit approval.

(b) Except as provided in subsections 71.5.B. and 71.5.J, all cutting of trees
six inches dbh and larger shall require approval by TRPA.

/KSF
04/19/06

AGENDA ITEM V.E.
The applicant does not plan to cut trees exceeding the above limitations, and must show this on project plans as a condition of permit approval.

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

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

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

**Attached:**
Draft Conditional Permit
Site Plan
Mitigated Finding of No Significant Effect

/KSF
04/19/06

AGENDA ITEM V.E.
Date: May 11, 2006

Subject: SAWMILL I BICYCLE PATH PROJECT, EIP#736, CALTRANS AND EDOT ROW/APN 33-592-03, TRPA PROJECT NUMBER 520-201-05, FILE NUMBER 20051399.

Dear Mr. Knotts:

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. **TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied.** Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.** I am usually available for telephone calls and appointments Monday through Friday.

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Karen Fink
Transportation Planner

Enclosures

cc:
Steve Kooymans, El Dorado County
Sarah McIlroy, Stantec
Paul Nielson, TRPA

/KSF
04/19/06
DRAFT PERMIT

PROJECT DESCRIPTION: Sawmill I Bicycle Path Project APN 520-201-05

PERMITTEE(S): El Dorado County Department of Transportation FILE # 20051399

COUNTY/LOCATION: El Dorado County/Hwy 50 between Santa Fe Road and the Lake Tahoe Golf Course

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 11, 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 May 11, 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 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 PREGRADING INSPECTION HAS BEEN CONDUCTED.

______________________________  __________________
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

/KSF  04/19/06

AGENDA ITEM V.E.
PERMIT CONTINUED ON NEXT PAGE
APN 520-201-05
FILE NO. 20051399

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 the construction of a Class I Bicycle and Pedestrian Path from Santa Fe Road to the Lake Tahoe Golf Course. Components of this project include construction of an 8 ft wide asphalt path with 2 ft decomposed granite shoulders on either side of the path, construction of 500 feet of 12 ft-wide fiberglass boardwalk, and revegetation of disturbed areas.

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

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

A. Project specifications shall be submitted.

B. The project plans and/or specifications shall be revised to include:

   (1) The following revised land coverage calculations:

   (a) Allowable land coverage for each land capability district.

   (b) Restoration of existing coverage at a ratio of 1.5 times the relocated coverage in land capability district 1b.

   (c) Restoration of existing coverage equal to the relocated coverage in land capability district 5.

/KSF
04/19/06

AGENDA ITEM V.E.
prevent pedestrian and bicycle encroachment into these areas.

(4) The following note shall be placed on any plan sheets that contain grading or construction activity within SEZ areas: “This project is located in an environmentally sensitive area. The Contractor shall exercise utmost care to protect and maintain existing vegetation and minimize soil compaction within construction areas.”

C. A plan for evaluating the need for vegetative screening along the full Sawmill Bike Path route, and obtaining the necessary permissions from Caltrans as part of Phase 1b shall be outlined.

D. Plans for connecting to the existing bicycle path network shall be demonstrated in the following manner:

(1) A detailed plan and schedule for resolving the lack of connectivity between the Pat Lowe Memorial Trail on the west side of U.S. Highway 50 and Santa Fe Road shall be submitted. In no case shall construction of Phase 1b of the Sawmill I Bicycle Path commence until this connection has been restored. The plan shall include:

(a) Timeline for contacting responsible parties for restoring the trail to Class I status and bringing it to the intersection of U.S. Hwy 50 and Santa Fe Road.
(b) Follow-up plans in the case that a timely or positive response is not received.
(c) Tentative construction timeline for path restoration.

(2) As part of the permit application for Phase 1b of the Sawmill I Bicycle Path, a plan to address the safe crossing of bicycle and pedestrian traffic across U.S. Highway 50 at Pioneer Blvd. must be included (this is not a condition of the Phase 1a permit).

E. The final construction drawings shall have notes indicating conformance to the following design standards for color:

(1) **Color:** The color of the boardwalk, including any footings or other associated structures, shall be compatible with the surroundings. Subdued colors in the earhtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

F. The permittee shall submit a projected construction schedule to TRPA prior to commencement of construction. This schedule shall identify dates for the following:

/KSF
04/19/06
• When installation of temporary erosion control structures will occur;
• When each stage of construction will start;
• When construction spoils and debris will be removed;
• When installation of all permanent erosion control structures will occur;
• When construction will be completed;
• When restoration of staging areas will occur (within 30 days of project finish, staging areas shall be fully restored, mulched, and re-seeded);
• The estimated date for when the final inspection by TRPA Environmental Compliance staff will take place to ensure that all conditions of project approval have been satisfied.

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

4. An onsite inspection by TRPA staff is required prior to any construction or grading activity. TRPA staff shall determine if the onsite improvements required by Attachment Q (Standard Conditions of Approval) have been properly installed. No grading or construction shall commence until TRPA pre-grade conditions of approval are met.

5. The adequacy of all required BMPs, as shown on the final construction plans, shall be confirmed at the time of the TRPA pre-grading or pre-construction inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time. Adequate BMPs must be installed prior to construction, regardless of the amount or type of BMPs shown on final construction plans.

6. Stockpiles shall be graded to reduce their visibility, and watered daily to reduce fugitive dust.

7. All construction equipment working in or near Stream Environment Zones (SEZ) areas must be steam cleaned prior to mobilization at the project site and maintained in clean and good working order with maintenance logs made available to TRPA at their request.

8. All material obtained from any excavation work that is not contained within foundations, retaining walls, or by other methods approved by TRPA shall be removed from the subject parcel and disposed of at a site approved by TRPA.

9. If artifacts, archaeological soils, or unusual amounts of bone or shell are uncovered during the construction activities, all work in the area will be stopped and a qualified archeologist will be immediately contacted for on-site consultation.
10. The roots of trees (adjacent to the pathway) over four inches in diameter shall not be severed, if avoidable, pursuant to Subsection 65.2F of the TRPA Code of Ordinances.

11. Although not expected, if groundwater is intercepted during construction, the permittee shall immediately notify the TRPA Environmental Compliance Division. All activities in the vicinity of the intercepted groundwater shall cease until permission to recommence work has been granted by TRPA, based on an approved dewatering plan.

12. 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 Landscape and Revegetation Plan.

13. The trail will be maintained over time consistent with the approved plans. Modifications to this facility, including improvements constructed in association with this project, shall be subject to TRPA review and approval.

14. The boardwalk will not be retrofit in the future to include any railing over 6 inches in height.

15. 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.

16. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.

17. 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.

18. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

19. Grading is prohibited any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or unstable conditions (pursuant to Subsection 64.2.C of the TRPA Code of Ordinances).

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

END OF PERMIT

/KSF
04/19/06

AGENDA ITEM V.E.
MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION:  Sawmill I Bicycle Path Project

TRPA PROJECT NUMBER:  520-201-05

FILE #20051399

PERMITTEE(S):  El Dorado County Department of Transportation

COUNTY/LOCATION:  El Dorado County/ Just west of U.S. Highway 50 in Meyers, extending north from Santa Fe Road to the Lake Tahoe Golf Course

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

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

TRPA Chairman or Executive Director/Designee  Date

/KSF  04/19/06

AGENDA ITEM V.E.