TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

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

HEARINGS OFFICER
AGENDA OF MEETING FOR

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

Date: September 28, 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) Chinquapin HOA Land Capability Challenge Phase II, 3600 North Lake Boulevard, Placer County, Assessor’s Parcel Number 093-620-47, TRPA Number 20060696.


C) Tahoe City Public Utility District, Temporary use permit Farmers Market and Concert series. 280 North Lake Blvd., Placer County, APN 094-070-13, TRPA File No.20061423.

D) Ken Curtzwiler, 1089 Magua Street, Meyers, El Dorado County, APN 032-322-01, TRPA File No. 20061072. The applicant proposes to construct a commercial building with a 2-car garage.

E) Pino Grande Right-of-Way, Placer County, California, APN 530-201-03, TRPA File No. 20061598. The applicant is proposing to extend utilities approximately 230 linear feet from State Route 28 to APN 117-100-34 within the existing Pino Grande right-of-way.

VI. ADJOURNMENT

[Signature]
For 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.

Planning for the Protection of our Lake and Land
MEMORANDUM

September 21, 2006

To: TRPA Hearing’s Officer

From: TRPA Staff

Subject: Chinquapin HOA Land Capability Challenge (phase 2), 3600 North Lake Blvd. Placer County APN: 093-620-47

Proposed Action: The applicant, the Chinquapin HOA, requests that the TRPA Hearing’s Officer review and approve the second phase of this Land Capability Challenge for the Backshore and Stream Environment Zone.

Staff Recommendation: The staff recommends that the TRPA Hearing’s Officer approve this second phase of the Land Capability Challenge and approve the delineations for the Backshore and Stream Environment Zone and their respective setbacks.

Background: The first phase of this Land Capability Challenge was addressing the majority upland portions of the parcel. This second phase of this Land Capability Challenge is focused strictly on the Stream Environment Zone setback assignment and the delineation of the Backshore.

Land capability verification was never conducted on this property. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Procedures:
After the second visit to the parcel the Shore Zone Tolerance Districts were verified as being consistent with Shore Zone Tolerance District 2 with minority portions of 4. These Shore Zone Tolerance Districts warrant a backshore delineation method that identifies the Area of Instability and adds ten feet.

Findings: The parcel is mapped within geomorphic unit the D, and E (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The Backshore and Stream Environment Zone investigation was conducted by TRPA staff. Based on a site visit the attached delineation was produced. (see Attachment A). After the visit to the parcel the Shore Zone was verified as being comprised of Shore Zone Tolerance Districts 2 with minor sections of 4. These two Shorezone Tolerance Districts warrant a backshore delineation method that identifies the Area of Instability and adds ten feet.

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AGENDA ITEM V.A

Planning for the Protection of our Lake and Land
ENVIRONMENTAL SETTING and FINDINGS

This parcel is on an east-southeast facing slope. The natural slopes associated with this part of the property are between 5 to 50 percent. The overstory vegetation is Jeffrey pine and White fir with black cottonwood, scouler and pacific willow and mountain alder. The Shorezone is classified and has been verified as principally Shorezone Tolerance District 2 with minor sections of Shorezone Tolerance District 4 because a consistent Shorezone bluff with backshore slopes mostly over thirty percent.

Tolerance District 2 typically has Shorezones comprised of volcanic and morainic debris with slopes thirty percent (30%) or greater, and Shorezones comprised of alluvial soils with slopes of nine to thirty percent (9-30%). The potential for disturbance in the nearshore, and for erosion and cliff collapse in the backshore, is high. TRPA may require additional or existing development to install and maintain vegetation to stabilize backshore areas, and to protect eroding areas from further destruction. Additionally, no activity shall be permitted if it is likely to accelerate or initiate backshore erosion.

Shorezone Tolerance District 4 has volcanic rock shorelines with a moderate potential for erosion. Erosion potential is increased whenever colluvium of volcanic debris is present, with slopes of stony, sandy loam lying on thirty percent (15%-30%) slopes. Erosion potential is also increased above the shoreline, wherever the shoreline is comprised of moronic debris, or wherever the alluvial shorezone is characterized by steep crumbling cliffs with continuing erosion problems. Additionally, Shorezone Tolerance District 4 requires additional or existing development to install and maintain vegetation to stabilize backshore areas, and to protect eroding areas from further destruction. No backshore activities shall be allowed, unless TRPA finds that the activity will not require the mechanical stabilization of the cliff area, nor will it accelerate cliff crumbling, beach loss or erosion.

CONCLUSION

Based on the results of the on site visit the Stream Environment Zone, because it delineates a perennial stream in average condition, is assigned a twenty foot setback from the edge of terrace. (see Attachment A). The backshore was delineated as being principally Shorezone Tolerance District 2 with minor sections of Shorezone Tolerance District 4. These two Shorezone Tolerance Districts warrant a backshore delineation method that identifies the Area of Instability and adds ten feet. (see Attachment A).

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

September 21, 2006

To: TRPA Hearing's Officer

From: TRPA Staff


Proposed Action: The applicant, Mr. Thomas Dirks requests that the TRPA Hearings Officer review and approve the proposed Land Capability Challenge for the affected parcel.

Staff Recommendation: The staff recommends that the TRPA Hearings Officer approve the land capability challenge for portions of the parcel, changing the land capability classes for a portion of the parcel from class 4 to classes 4 and 6. The areas of class 1b/SEZ are affirmed as delineated by staff on the licensed survey parcel map provided with this Land Capability Challenge staff summary.

Background: The subject parcel is shown as land capability classes 1b and 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaD (Cagwin-Rock Complex, 5-15 percent slopes) soil map unit and (1b/SEZ). The CaD soil map unit are consistent with the C1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in residual deposits derived from intrusive igneous (granodiorite) sources.

Findings: This littoral parcel is 17,488 square feet in size and is located at 254 Pleasant Circle, Douglas County Nevada. The parcel is mapped within C1 (Granitic foothills, moderate hazard lands) geomorphic unit on the TRPA Geomorphic Map of the Lake Tahoe Basin. TRPA staff conducted the soils investigation and prepared this report. Based on two soil pits, and several auger samples representative soil profiles were described (see Attachment A). After visits to the parcel, the soils on APN 1318-23-611-006 were determined to be consistent with land capability classes 1b, 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

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

INTRODUCTION
A soil investigation was conducted on Douglas County APN: 1318-23-611-006. This parcel is approximately 17,488 square feet in size and is located on 254 Pleasant Circle, Nevada.

A land capability challenge was filed with TRPA on October 16, 2003 to determine the appropriate land capability class for this parcel based on a soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability classes 1b, 2 and 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaD/E (Cagwin- Rock Complex, 5-15 percent slopes) and soil map unit and 1b / SEZ. The CaD map unit is consistent with the C1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in residuum derived from intrusive igneous (granodiorite) sources.

PROCEDURES
Two soil pits were dug and several auger samples on this parcel. After examination of the exposed profiles, the soils were described as being representative of those on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer and by slope analysis off the licensed survey of the parcel.

FINDINGS
One unnamed soil series was identified on this parcel. A major portion of the soils on this parcel can be characterized as being moderately deep to deep and somewhat excessively well drained. The unknown soil is derived from residuum and paleo-lake deposits. It can be physically described as having a very thin (< 1") surface mantle of organic matter over a brown to dark brown loamy coarse sand surface layer. The subsoil is comprised of light yellowish brown to pale brown loamy coarse sand to a depth of greater than 60 inches. This soil is dissimilar to any of the soil series listed in the Soil Survey for the Lake Tahoe Basin. Therefore, the soils on this parcel are appropriately divided into land capability classes 1b, 4 and 6, per Table 4 of the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soils on portions of APN 1318-23-611-006 were determined to be most accurately characterized as moderately deep to deep residuum and paleo-lake deposits that were derived from local and in situ granitic sources. These unnamed soils are associated with land capability classes 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974). However, the portion of the property classified as class 1b / SEZ has been mapped and verified by staff. The upper portions of the parcel that were classified as class 4 are now delineated by slope class to Land Capability classes 4 and 6.

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AGENDA ITEM V.B
Representative Soil Profile

Soil Classification (1998) Sandy skeletal, mixed, frigid, Dystric Xeropsamment
Soil Series: Unknown
Hydrologic Group: A
Drainage Class: Somewhat excessive

Oi  1 to 0 inches; Jeffrey pine needles and duff.

A1  0 to 8 inches; brown (10YR 5/3) loamy coarse sand, very dark brown (10YR 3/2) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; clear smooth boundary.

AC  8 to 16 inches; brown (10YR 5/3), loamy coarse sand, dark yellowish brown (10YR 4/4) moist; weak fine granular structure; soft, loose, nonsticky and nonplastic; few coarse roots; many very fine and fine roots, many very fine and fine interstitial pores; clear smooth boundary.

C1  16 to 32 inches; yellowish brown (10YR 5/4) loamy coarse sand, dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, very friable, nonsticky and nonplastic; common very fine, medium and coarse roots; many very fine and fine interstitial pores; gradual smooth boundary.

C2  32 to 48+ inches; light yellowish brown (10YR 6/4) loamy coarse sand, yellowish brown (10YR 5/4) moist; single grain; slightly hard, very friable, nonsticky and nonplastic; common very fine, medium and coarse roots; many very fine and fine interstitial pores; gradual smooth boundary.
Project Name: TCPUD Farmer’s Market and Summer Concert Series

Application Type: Temporary Activity – Food and Beverage Retail Sales and Publicly Owned Assembly and Entertainment

Applicant: Tahoe City Public Utility District

Applicant’s Representative: Bob Bolton, Director of Parks and Recreation, TCPUD

Agency Planner: Patrick Dobbs, Assistant Planner

Location: 280 North Lake Blvd., Placer County, California

Assessor’s Parcel Number / File Number: 094-070-13/20061423

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 Tahoe City Public Utility District (TCPUD) is proposing a seasonal Farmer’s Market and Summer Concert Series to be held at Common’s Beach in Tahoe City. The Farmer’s market is a weekly event that brings local produce growers to Tahoe City, offering fresh fruits and vegetables to locals and visitors. The Farmer’s Market will operate at Commons Beach on Thursdays starting in May and continuing through October. The “Market” will be open to the public from 8:00 AM to 1:00 PM. Vendors are welcomed to set-up their stands between 6:00 AM and 8:00 AM and breakdown will take place from 1:00 PM to 3:00 PM.

The Summer Concert Series is an opportunity to enjoy free music every Sunday afternoon beginning in late June and continuing through the middle of September. Set up time begins at 2:00 PM with the music starting at 4:00 PM and continuing until 7:00 PM. Breakdown and cleanup will be completed by approximately 8:30 PM.

Site Description: Commons Beach is a public park located on the northwest shore of Lake Tahoe, directly opposite the commercial core of Tahoe City. The parcel is approximately 5.9 acres and was completely renovated in 2003 to improve its public recreation facilities. The Farmer’s Market is held in the Commons Beach parking lot and adjacent pavers’ area. The Summer Concert Series will utilize the East end of the parking lot for the stage. Concertgoers have the sandy beach or lawn area available to them while enjoying the music. Common’s Beach is located within the Tahoe City Community Plan, Special Area #3, and the size and substance of these events are consistent with the character of the immediate neighborhood.

Issues: The proposed activities involve special uses within the Tahoe City Community Plan and the project could result in a significant increase in traffic, therefore, this application requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue for the Farmer’s Market is:

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1. Traffic and parking: The Commons Beach parking lot is the vendor area during the Farmer’s Market, therefore, parking is not available on site. The Tahoe City Public Utilities District has implemented a traffic management strategy to accommodate the public during this event. This strategy includes: the presence of TCPUD staff located at the parking lot regulating entry to Farmer’s Market participants (vendors), Tahoe Marina Lodge residents, emergency service vehicles and district vehicles. The TCPUD is responsible to provide free Tahoe City Shuttle continuous service to various off-site parking areas during the event. There are two kids available to help carry the shoppers’ bags to their cars, or watch the bags while individuals get their car. The TCPUD calls this "Veggie Valet" and will provide this service for the duration of the Market. Four parking spaces are provided along Commons Beach Road for use by Farmer’s Market customers with special needs (handicap parking). The District is responsible for communicating all of the parking management measures to the public (and vendors). These strategies were generated in response to an LSC Transportation Consultants, Parking Study for the Commons Beach Farmers Market, which is available for review. The TCPUD is encouraged to revisit that study and take advantage of the time this temporary permit affords to "monitor parking conditions around the site and contact adjacent commercial businesses located within 300 feet of Commons Beach for one full season of Farmer’s Market activity to identify and discuss any parking-related problems."

The applicant is seeking a temporary use permit which exempts them from air quality fees and a traffic analysis. The TCPUD has been notified that should they wish to continue this activity, they will need to provide a traffic analysis which will determine the fees, level of project review, and mitigation measures required.

2. The primary project related issue for the Summer Concert Series is:

Noise: The TCPUD has provided an environmental noise analysis to determine if the activities associated with the concert series will exceed the Tahoe City Community Plan noise level criteria. Continuous and short term noise level measurements were conducted at various monitoring sites within the Tahoe City Community Plan during a concert held at Commons Beach on June 25th, 2006. The outcome of the analysis was that the Summer Concert Series noise levels comply with the Tahoe City Community Plan (and surrounding PAS) noise level criteria.

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

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.
The proposed use is consistent with applicable policies and requirements of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances, and the Tahoe City Community Plan. The Farmer’s Market and Summer Concert Series achieve the community plans goals by offering commercial, cultural, and tourist opportunities in the Tahoe City area. Common’s Beach lies within Special Area #3 of the Tahoe City Community Plan, in which the primary objective is recreation opportunities and public access to the Lake. The proposed activities bring people together, to the Lake, enhancing their sense of community and offering events that retain the character of the community. 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.

The TCPUD has applied for a temporary permit. There is not potential for significant environmental impacts due to the limited lifespan of the permitted activities.

(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 Commons Beach Farmer’s Market and Summer Concert Series are the appropriate size and scale for this facility. The nature and intensity of the events are thought to be very "low key" and is generally considered a family affair. The sense of community one feels at these events enhances the enjoyment of the property and general welfare of the neighborhood and region. The TCPUD and volunteer presence during these activities is a reasonable step to preserve and protect the parks resources and patrons, as well as that of the surrounding
properties. The proposed activities will not change the character of the neighborhood or adversely affect the implementation of the Tahoe City Community Plan, assuming that TCPUD's traffic management strategy remains effective and community noise equivalent levels stay within the acceptable range.

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 Building Elevations
3. LSC Transportation Consultants, Inc. Parking Analysis
PROJECT DESCRIPTION: Temporary Activity for Commercial Food and Beverage Retail Sales and Publicly Owned Assembly and Entertainment

PERMITTEE(S): Tahoe City Public Utility District

COUNTY/LOCATION: Placer County/COMMONS Beach, 280 North Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 28, 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 September 28, 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 THE PERMITTEE OBTAINS A PLACER COUNTY BUILDING PERMIT. THE PLACER COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A PLACER COUNTY BUILDING PERMIT.

TRPA Executive Director/Designee

Date

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

Signature of Permittee(s) __________________________ Date __________

AGENDA ITEM NO. V.C

Hearings Officer /PD
9/28/2006
D-R-A-F-T

APN: 094-070-13
FILE NO. 20061423

Security Posted (1): 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

This permit specifically authorizes a temporary activity permit for Food and Beverage Retail Sales and Publicly Owned Entertainment and Assembly associated with the Farmer's Market and Summer Concert Series held at Commons Beach through the summer of 2006. This permit may be extended for an additional 6 months during the 2007 summer by application from TCPUD, in accordance with Chapter 7, Subsection 7.3 of the TRPA Code of Ordinances.

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

2. The Farmer's Market is authorized to operate at Commons Beach every Thursday from May 1st, 2006 through October 15th, 2006 from 8:00 am until 1:00 pm.

3. The Summer Concert Series is authorized to operate at Commons Beach every Sunday from May 1st, 2006 through October 15th, 2006 from 4:00 pm until 7:00 pm.

4. The Tahoe City Public Utility District is required to provide 135 off-site parking spaces for the Farmer's Market as prescribed by the "Commons Beach Farmer's Market Parking Study" conducted by LSC Transportation Consultants, Inc., dated April 18, 2006. The TCPUD shall provide free Tahoe City Shuttle service running a continuous loop servicing the area within the outermost off-site designated parking areas for the duration of the Farmer's Market that is open to the public.

7. The four (4) parking spaces provided along Commons Beach Road behind the fire station, shall be available for use by Farmer's Market customers with special needs (handicap parking).

8. The Tahoe City Public Utility District is responsible for communicating all of the above parking management measures to the public (and to vendors).

Hearings Officer /PD
9/28/2006

AGENDA ITEM NO. V.C
9. No signs are authorized with this project.

10. The permittee shall provide adequate trash receptacles in the project area during the Farmer's Market and Summer Concert Series.

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

END OF PERMIT
COMMONS BEACH LAKE ACCESS ENHANCEMENT

OE CITY, CALIFORNIA

LOCATION MAP

KEY MAP / VICINITY MAP
TAHOE REGIONAL PLANNING AGENCY

Project Name: Curtzwiler Professional Offices

Application Type: Commercial/Office Building

Applicant: Ken Curtzwiler

Applicant's Representative: Mike Dill/Aspen Environmental

Agency Planner: David L. Landry, Associate Planner II

Location: 1089 Magua Street, Meyers, El Dorado County

Assessor's Parcel Number/File Number: 032-322-01/20061072

Staff Recommendation: Staff recommends holding this project over until the next Hearings Officer meeting.
Project Name: Pino Grande Right-of-Way Utility Extensions – Plan Revision

Application Type: Public Service, Special Use Determination

Applicant: Jim & Diane Reinstra, Don Starbard

Applicant’s Representative: K.B. Foster Civil Engineering, Inc.

Agency Planner: Jeanne McNamara

Location: Pino Grande Right-of-Way, Placer County, California

TRPA Project Number: 530-201-03 / 20061598

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

Project Description: The applicant is proposing to extend utilities 230 linear feet within the Pino Grande Avenue right-of-way (ROW) to serve a proposed single family residence to be located at 256 Pino Grande Avenue. The proposed residence was previously approved by TRPA under File #20021530. A joint trench will be constructed which will contain water, electric, gas, cable, and telephone and will be 5 feet deep and 5 feet wide. A new 6-inch sewer line will also be constructed in a separate trench within the ROW. These utilities are main extensions and will be available to other parcels to tap into. A permit was issued by TRPA in 2004 for construction of a paved road within the Pino Grande ROW (TRPA File #20030099) however, that approval did not include any utility extensions. This project to extend the utilities is a plan revision to that original permit. No new land coverage will be created by this project.

Site Description: The project area is a portion of the unimproved Pino Grande ROW. Construction of a paved roadway within this portion of the ROW recently began earlier this month so the site is currently disturbed. No trees are proposed to be removed with this project and the verified land capability district for the entire project area is Class 5. Surrounding land uses include open space and residential.

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

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the

/JMC 9/20/06

AGENDA ITEM V.E.

Planning for the Protection of our Lake and Land
TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name:  Pino Grande Right-of-Way Utility Extensions – Plan Revision

Application Type:  Public Service, Special Use Determination

Applicant:  Jim & Diane Reinstra, Don Starbard

Applicant’s Representative:  K.B. Foster Civil Engineering, Inc.

Agency Planner:  Jeanne McNamara

Location:  Pino Grande Right-of-Way, Placer County, California

TRPA Project Number:  530-201-03 / 20061598

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

Project Description:  The applicant is proposing to extend utilities 230 linear feet within the Pino Grande Avenue right-of-way (ROW) to serve a proposed single family residence to be located at 256 Pino Grande Avenue.  The proposed residence was previously approved by TRPA under File #20021530.  A joint trench will be constructed which will contain water, electric, gas, cable, and telephone and will be 5 feet deep and 5 feet wide.  A new 6-inch sewer line will also be constructed in a separate trench within the ROW.  These utilities are main extensions and will be available to other parcels to tap into.  A permit was issued by TRPA in 2004 for construction of a paved road within the Pino Grande ROW (TRPA File #20030099) however, that approval did not include any utility extensions.  This project to extend the utilities is a plan revision to that original permit.  No new land coverage will be created by this project.

Site Description:  The project area is a portion of the unimproved Pino Grande ROW.  Construction of a paved roadway within this portion of the ROW recently began earlier this month so the site is currently disturbed.  No trees are proposed to be removed with this project and the verified land capability district for the entire project area is Class 5.  Surrounding land uses include open space and residential.

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

Staff Analysis:

A.  Environmental Documentation:  The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project.  No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the

/JMC  9/20/06

AGENDA ITEM V.E.
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 Plan Area Statement 023,
Tahoe Vista Subdivision. The Land Use Classification is Residential and the
Management Strategy is Mitigation. The proposed activity (pipelines and power
transmission) is listed as a special use. Agency staff has reviewed the subject
Plan Area and has determined that the project is consistent with the applicable
planning statement, planning considerations, and special policies.

C. Land Coverage: The project is consistent with Chapter 20 of the TRPA Code.
No new land coverage will be created by this project.

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 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.

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

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

(Refer to paragraph b, above).

2. Chapter 18 Findings:

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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 utilities will service an approved single family residence to be located at 256 Pino Grande Avenue and are needed in order to provide the basic service requirements of Chapter 27 of the TRPA Code of Ordinances as conditioned in the TRPA permit for the new single family dwelling. Although the utilities will be serving one residence at this time, they are designed and sized so that other vacant parcels along the Pino Grande ROW could tap into these lines if they were to be developed at some time in the future. There are approximately eight vacant parcels that front the ROW where these utilities will be extended. As such, the proposed utilities will be able to serve the surrounding parcels.

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 utility extensions will provide utilities to existing vacant parcels that front the Pino Grande ROW and are designed so that at some point, all these lots could tap into these utility lines. Approval of the utility extensions will also need to be obtained by the appropriate districts. The applicant will be required to install both temporary and permanent Best Management Practices (BMPs) within the project area as a part of project approval.

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 statement and is a permissible use in the plan area. The project is not located within an approved community, specific, or master plan area.

3. Chapter 33 Findings:

There is a need for the project.

The proposed utility extensions are needed in order to meet the basic service requirements of Chapter 27 of the TRPA Code of Ordinances to provide utilities to serve a new single family dwelling. There are no other main utility lines nearby so the utilities must be extended within the Pino Grande ROW to allow the subject residence to construct utility service connections.

The project complies with the Goals and Policies, applicable plan area statements, and Code.
The project as proposed, and as conditioned in the attached Draft Permit, is consistent with the TRPA Goals and Policies, the applicable Plan Area Statement, and the Code of Ordinances.

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

There is no evidence in the project file and record showing that the proposed project is inconsistent with the TRPA Environmental Improvement Program.

(d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 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 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

(e) 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.

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

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

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

Attachments:

1. Draft Permit
2. Project Plans

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Pino Grande Right-Of-Way Utility Extensions – Plan Revision
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D-R-A-F-T
PERMIT

PROJECT DESCRIPTION: Pino Grande Right-of-Way Utility Extensions

TRPA PROJECT NUMBER: 530-201-03

FILE # 20061598

PERMITTEE(S): Jim & Diane Reinstra, Don Starbard

COUNTY/LOCATION: Placer County / Portion of the Pino Grande Right-of-Way

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 28, 2006, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit, the special conditions of approval found in the original permit (TRPA File #20030099), and in the special conditions of approval found in the first plan revision permit (TRPA File #20051093).

As a plan revision, this permit shall expire on July 9, 2007 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, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. TRPA RECEIVES A COPY OF THIS PERMIT UPTO WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;

3. THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

4. A TRPA 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 Permitee(s) ___________________________ Date ____________

/ JMC

PERMIT CONTINUED ON NEXT PAGE

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TRPA PROJECT NUMBER 530-201-03
FILE NO. 20061598

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

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

Notes:
(1) Amount to be determined. See Special Condition 3.A, 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:

TRPA Executive Director/Designee ______________________________ Date ____________________________

SPECIAL CONDITIONS

1. This permit specifically authorizes the extension of utilities 230 linear feet within the Pino Grande right-of-way (ROW) to serve a proposed single family residence to be located at 256 Pino Grande Avenue. A joint trench will be constructed which will contain water, electric, gas, cable, and telephone and will be 5 feet deep and 5 feet wide. A new 6-inch sewer line will also be constructed in a separate trench within the ROW. No new land coverage will be created by this project.

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 security required under Standard Condition I.2 of Attachment Q shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative fee. The security shall be equal to 110 percent of this cost estimate. In no case shall the security be less than $5,000.

   B. The permittee shall provide authorization from the appropriate utility companies/districts (water, electric, gas, cable, and telephone) authorization extension of their utility lines and approval of the proposed design.

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

3. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

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. Per the TRPA Soils/Hydrologic approval, the permittee shall not excavate more than eight (8) feet below ground surface. This excavation depth is approved based on the following conditions:

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

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

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

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

6. All areas of temporary soil stockpiles shall be contained by temporary erosion control fences or coir logs with sand bags. Straw bales are no longer preferred for temporary erosion control and straw is no longer a recommended 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 strongly encouraged.

7. The establishment of equipment and/or vehicle storage areas is prohibited.

8. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders.

9. Tree removal is prohibited.
10. 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.

11. 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