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: November 16, 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. Land Capability Challenge, Patrick Higgins, 5999 Dodowah Road, APN 116-030-42, TRPA File Number STD20061468

B. Mixed use commercial/residential structure, Ken Curtzwiler, 1089 Magua Street, Meyers, El Dorado County, APN 034-322-01, TRPA File Number STD20061072

C. Beaver Street Water/Sewer Line Replacement, North Tahoe Public Utility District, Beaver Street R.O.W. (between State Route 28 and Bass Avenue), Kings Beach, Placer County, APN 530-302-06, TRPA File Number STD20060865

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.

Planning for the Protection of our Lake and Land
August 09, 2006

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Patrick Higgins Land Capability Challenge, 5999 Dodowah Road, Agate Bay, California, Placer County APN: 116-030-042.

Proposed Action: The applicant, Mr. Patrick Higgins requests that the Hearings Officer review and approve the proposed Land Capability Challenge on the affected parcel.

Staff Recommendation: The staff recommends that the Hearings Officer approve the land capability challenge for the parcel changing the land capability from class 1c to class 6.

Background: The subject parcel being challenged is shown as land capability class 1c on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the Sm (Stony colluvial land) miscellaneous map unit. The Sm miscellaneous map unit is consistent with the D-1 (Toe Slope Lands, low hazard lands) geomorphic unit classification. The Sm miscellaneous map unit is classified as a non-soil designation. The genesis for this type of setting formed geologically in colluvium derived from latite and andesite.

A 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.

Findings: The parcel is mapped within geomorphic unit the D-1 (Toe Slope Lands, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff. Based on two soil pits, a representative soil profile was described (see Attachment A). After the visit to APN:116-030-01 the soils were determined to be consistent with land capability class 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
PLACER COUNTY APN: 116-030-042, 5999 Dodowah Road, Agate Bay CA

INTRODUCTION
A soil investigation was conducted on APN: 116-030-042 in Placer County. A land capability verification was never conducted by TRPA staff on this parcel.

ENVIRONMENTAL SETTING
The parcel being challenged is shown as land capability class 1c on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the Sm (Stony colluvial land) miscellaneous map unit. The Sm miscellaneous map unit is consistent with the D-1 (Toe Slope Lands, low hazard lands) geomorphic unit classification. The Sm miscellaneous map unit is classified as a non-soil designation. The genesis for this type of setting formed geologically in colluvium derived from latite and andesite. This parcel is on an south southwest facing slope. The natural slopes associated with this part of the property are between 9 to 14 percent.

PROCEDURES
One soil pit and adjacent cut bank exposures were available for observation on this parcel. After examination the soil profiles, it was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One soil series phase was identified on this parcel. The soil on this parcel is generally deep and well drained. This soil is characterized as having a very thin (< 1") sparse surface mantle of organic matter over a dark brown extremely gravelly sandy loam surface horizon. The subsoil is comprised of an extremely gravelly-stony brown sandy clay loam to a depth of greater than 60 inches. This soil would be most accurately described as a phase of the Jorge soil series. These soils are skeletal members of Hydrologic Group B. The Jorge soils have an argillic horizon within the control section and exhibit textures that are described as gravelly to stony sandy loams and clay loams. Therefore, the soils on the property are most properly assigned to the JwD (Jorge-Tahoma very stony sandy loam, 2 to 15 percent slopes) soil map unit and are assigned to land capability class 6.

CONCLUSION
Based on the results of the site visit, the soils on APN: 116-030-042 is interpreted to be a extremely gravelly phase analog to the Jorge soils. Based on slope and previously cited characteristics, the soil on the affected parcel would be assigned to land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner / Soil Scientist
APN: 116-030-042

Representative Soil Profile:

Soil Classification: Loamy-skeletal, mixed, frigid, Ulltic Haploxeralf
Drainage Class: Deep, well drained,
Hydrologic Group B

Oi  2 to 0 inches; needles and duff.

A1  0 to 9 inches; Grayish brown (10YR 5/2) extremely gravelly sandy loam, dark brown (10YR 3/3) 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; 5 percent gravel, 50 percent cobbles, 40 percent stones; clear smooth boundary.

A2  9 to 17 inches; yellowish brown (10YR 5/3) extremely gravelly sandy loam, dark brown (10 YR 4/3) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 10 percent gravel, 30 percent stones, 40 percent cobbles; clear wavy boundary.

A3  17 to 24 inches; brown (10YR 6/3) extremely gravelly sandy clay loam, dark brown (10 YR 4/3) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 10 percent gravel, 35 percent stones; clear wavy boundary.

Bt1  24 to 38 inches; brown (7.5YR 5/4) extremely gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 25 percent gravel, 35 percent cobbles; clear wavy boundary.

Bt2  38 to 60 inches; yellowish brown (10 YR 5/6) extremely gravelly coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 10 percent gravel, 20 percent stones; gradual wavy boundary.
TAHOE REGIONAL PLANNING AGENCY

PROJECT DESCRIPTION: Curtzwiler Mixed Use Building

Application Type: Mixed Use Professional Office and Residential 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: 034-322-01/20061072

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

Project Description: This is a proposal for the construction of a two-story, 2,661 square foot mixed use commercial/residential building with an attached 2-car garage. The project will involve the transfer of 751 square feet of commercial floor area and approximately 3,535 square feet of Class 5 land coverage. The project will also require the transfer of two residential allocations reserved by El Dorado County from the basin wide pool. This project involves the allocation of commercial floor area of less than 3,000 square feet, and the approval of a special use (multi-family dwellings), which require Hearings Officer review per Chapter 4.7.B (Appendix A) of the TRPA Code.

Site Description: The proposed site is an 8,313 square foot (0.19 acres) lot located on the corner of Hopi Avenue and Magua Street in the West Meyers Land Use District, Special Area #3, El Dorado County. The project site is relatively flat with a slope between 0 – 5 percent and is currently vacant except for a single 30 inch pine tree near the parcel’s southeast corner. In October 2004, TRPA conducted a Land Capability Verification confirming a Class 5 soil type for the entire site (TRPA File 20041162). The parcel is partially visible from Highway 50 which is a TRPA designated scenic resource. The subject parcel, located 650 feet north of the U.S. Highway 50 right of way, can be accessed off the Highway by turning north onto Hopi Avenue and then west at Magua Street. The surrounding neighborhood consists of several vacant lots, residential and commercial uses. In January 2006, the Parcel was excised from a 1980 CTRPA project area deed restriction with the adjacent property.

Issues: The proposed mixed use (commercial/residential) structure requires the transfer of less than 3,000 square feet of CFA, which requires Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:
1. Plan Area Statement: The project is located within the West Meyers Land Use District (Special Area #3). The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. The proposed project site is located in a designated secondary commercial core within the plan area. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity mixed use; consists of professional offices which is an allowed use and multi-family residential which is a special use.

2. Density: The West Meyers Land Use District (Special Area #3) has a permissible multifamily density of 15 units per acre at market rate. Based on a project area of 8,313 square feet (0.19 acres), the base allowable density for this site is 2.8 units. The applicant is proposing a total of 2 residential units.

3. Allocation of Residential Units: Two residential allocations (EL-06-O-025 and EL-06-O-043) have been reserved by El Dorado County, for this project.

4. Land Coverage: The land capability of this property has been verified as Class 5, with a parcel size of 8,313 square feet (0.19 acres) in area.

   a. Land Coverage Calculations:

      | Land Capability District | Project Area | Percent Allowable Coverage | Base Allowable Coverage | Maximum Allowed Coverage with transfer | Total Proposed to be transferred | Total Proposed Coverage |
      |--------------------------|--------------|---------------------------|------------------------|-------------------------------------|------------------------------|------------------------|
      | 5                        | 8,313 SF     | 25%                       | 2,078 SF               | 5,819 SF (70%)                     | 3,535 SF (42.5%)             | 5,613 SF (68%)         |

Note: Per TRPA Code of Ordinances Subsection 20.3.C (2), the total land coverage allowed in a project area; (base land coverage plus transferred land coverage) is 70 percent for commercial facilities located within a community plan in which there is no existing development. The ratio for transferring coverage consists of the following: The base allowable land coverage up to 25 percent of the project site is 2,078. Further amounts eligible for transfer from 25 percent up to 50 percent at a transfer ratio 1:1 is 2,079 square feet. The final amount of coverage eligible for transfer from 50 percent up to 70 percent at a ratio of 2:1 is 1,621 square feet for a total of 3,700 square feet. Total proposed land coverage to be retired off site is 5,321 square feet.

   b. Coverage Mitigation: In 1980 the owners of APNs 034-322-01 thru -05 combined all five parcels into a single project area and reportedly deed restricted the coverage for two commercial projects. Historical CTRPA documents indicate that the allowable coverage on APNs 034-322-01, -02, -03, was transferred to the two properties at 1069 and 1073 Magua Street (APN 034-322-04, -05) for development of the two existing commercial buildings. The new owners of APN 034-322-01, in submitting an Administrative Determination request, reached an agreement with TRPA in January 2006 to excise their property (APN 034-322-01) from the adjacent properties. As part of the agreement, the previous owner was required to transfer 5,700 square feet of new allowable coverage back onto APNs 034-322-03, -04, and -05 for future development purposes. The amount of coverage transferred to APN 034-322-01 specifically was 2,100 square feet, or equivalent to the base allowable for the lot.

   The new mixed use project will create 2,078 square feet of new 'hard' coverage, subject to payment of a water quality mitigation fee of $13,507 to TRPA. This fee is based on a rate of $6.50/sq ft. for the Upper Truckee Hydrologic Transfer Area.
5. **Building Height**: This project consists of a single two-story building. The allowable and proposed building height is described in the table below:

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Roof Pitch</th>
<th>Building Cross Slope</th>
<th># of Stories</th>
<th>TRPA Code Max. Allowable Height</th>
<th>Proposed Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Building</td>
<td>10:12</td>
<td>0%</td>
<td>2</td>
<td>36 feet-0 inches</td>
<td>24 feet-4 inches</td>
</tr>
</tbody>
</table>

6. **Scenic Quality**: The proposed site is located approximately 650 feet north of U.S. Highway 50 which is designated as Scenic Roadway Unit 38, Upper Truckee River. This roadway unit is currently in attainment, which requires that any project proposed for the area not degrade the aesthetics of the manmade environment and that it be compatible with the natural environment. At its proposed height, the structure will be partially visible from the Highway through existing trees and building structures along Highway 50. The proposed project should have limited visual impact as the building design adheres to the Meyers Community Plan Design Review Guidelines for building setbacks (20 feet), landscaping and screening, building materials, and colors. The proposed offsite parking area will be placed to the north side of the building and thus will not be visible from Highway 50. Although the visibility of the parking area is not an issue, additional screening will be provided along Hopi Drive consistent with the Community Plan Design guidelines.

7. **Traffic, Air Quality**: This mixed use project will yield a total of 34.01 daily vehicle trip ends. These trip ends are based on TRPA’s published trip table (October 1995) for both commercial and residential uses. Per the trip table, each multi-family residential use will generate 6.72 trips per day. For a 2-unit residential project, this would equal a total of 13.44 new daily vehicle trip ends (DVTE). For the 751 square foot commercial portion (general office/office park) of the building the total number of trips generated would be 20.57 dvte which are considered minor increases in traffic.

   Commercial 6 trips/employee = 12 dvte
   11.42 trips/1000 SF x 751 sq. ft. = 8.57 dvte.
   12 dvte + 8.57 dvte/2 = 20.57 dvte

   Residential 6.72 dvte/unit x 2 units = 13.44 dvte

   Total number of trips generated
   20.57 dvte + 13.44 dvte = 34.01 dvte

Pursuant to Subsection 93.3.B of the TRPA Code of Ordinances, a traffic analysis is not necessary for such a minor increase in vehicle trips. However, as a condition of approval, the project proponent will need to pay an air quality mitigation fee based on all DVTEs generated to offset any regional or cumulative impacts. The air quality mitigation fee will be assessed at a rate of $30 per non-residential daily vehicle trip ends, or 20.57 dvte x $30 = $600. The air quality mitigation fee for new residential units is assessed at $270 per dvte x 13.44 dvte = $3,628.80.

The total air quality mitigation fees will be:
$600 + $3,628.80 = $4,228.80.
8. **Access and Parking:** Access into the proposed project parking lot will be via a two-way driveway west off of Hopi Avenue, or north off of Magua Street onto a single lane driveway leading to the two car garage. Pedestrian access into the building will be either from the east along Hopi Avenue or from the South along Magua Street. ADA access will be from the ADA parking space on the north side of the building to a ground floor entrance on the east side of the building.

Per Chapter 17.18 Off-Street Parking and Loading, El Dorado County Zoning Ordinance, the total number of required parking spaces for this project is 7 spaces, or 1 space per 250 GFA (Gross Floor Area) for Professional Office Use, and 1.6 spaces per Studio/1 bedroom apartment unit. The applicant is proposing a total of 10 on site parking spaces, 6 parking lot spaces, including one ADA compliant space and 2 residential garage parking spaces, with 2 overflow exterior residential parking spaces located on the south side of the structure on the driveway apron.

Required parking: 751/250 = 3 commercial spaces
1.6/Studio Apt x 2 = 3.2 (4) residential spaces
Total Requirement = 7 spaces

9. **Commercial Floor Area (CFA):** The proposed site is located within the Meyers Community Plan, West Meyers Land Use District, Special Area #3, in which professional offices are an allowed use. The professional offices will require the transfer of 751 square feet of commercial floor area (CFA). The applicant is proposing to transfer a total of 751 square feet of CFA through El Dorado County's Commercial Floor Area Allocation Procedures. These procedures allow applicants to compete for additional allocations of commercial floor area at a ratio of 3 to 1 or 75% allocation to 25% of private matching CFA for vacant properties within Priority Area #3. An applicant is required to provide a certain amount of the project's total CFA in order to take advantage of these procedures. For this project, the applicant will be providing a total of 188 square feet of CFA, with the remainder of 563 square feet to come from a pool of CFA associated with the Meyers Community Plan. As a condition of approval, the Applicant is required to secure the allocated CFA prior to acknowledgement of the permit.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) and ground water hydrology report 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/Community Plan:** The project is located within the Meyers Community Plan, West Meyers Land Use District, Special Area #3. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity, professional offices, is listed as an "allowed use" while residential has been identified as a "special use".

/ DL
11/16/06
C. **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 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.

   **Land Use:** The proposed project is located within the Meyers Community Plan, in which commercial buildings are identified as an allowed use while residences have been identified as a special use. The proposed mixed use project will be located adjacent to an existing residential structure and within a designated secondary commercial core with other existing commercial uses.

   **Transportation:** The proposed mixed use development will result in a daily vehicle trip end (dvte) average of 34.01 dvte. The applicant will be required to submit an air quality mitigation fee for this increase in accordance with the requirements of the TRPA Code. No significant impacts to Level of Service or Regional or Sub-Regional air quality are anticipated based on the Initial Environmental Checklist (IEC).

   **Conservation:** There is no habitat for TRPA special interest species within or near the project area, and the site does not contain any known historic or prehistoric resources. The project site approximately 650 feet north of U.S. Highway 50 a TRPA designated scenic corridor is located within an existing, developed subdivision, (Tahoe Paradise Unit N0 17A - Re Subdivision). Scenic impacts will be negligible as the project site is located one block north of the commercial block which fronts Highway 50. The final plans will include all of the required water quality and erosion control improvements for the project area.

   **Public Service and Facilities:** The proposed project will have access to water, sewer, and electrical service and is served by a paved road. Per Meyers Community Plan, all utilities for this project will be placed underground.

   **Implementation:** To implement this project, Commercial Floor Area (CFA) and land coverage will need to be transferred to this project site per Chapter 20 and 33 of the TRPA Code. In addition, the project will require 2 residential allocations that have been reserved through El Dorado County. Approximately 751 square feet of Commercial Floor Area (CFA) will be transferred to the site through the El Dorado County Commercial Floor Area Allocation Procedures. The applicant shall also transfer, through separate application, 3,535 square feet of coverage. All of the transferred land coverage shall come from within Hydrologic Area 5.
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 demonstrate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting.

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.)

d. **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 involves the introduction of a new mixed use (commercial/residential) building and associated parking. The proposed site is located in the vicinity of other existing commercial and residential uses, and is currently vacant. The adjacent structure to the north of the proposed site is of a similar size and scale as the proposed structure.

2. **Chapter 16 – Special Use Findings:**

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

The proposed mixed use structure will be located within a community plan area in which commercial uses are an allowed use and residential uses are a special use. The building will require the introduction of 751 square foot of CFA and a total of 10 on site parking spaces. The site is currently vacant and at present does not generate any vehicle trip ends. The proposed use will generate 34.01 daily vehicle trip ends, which will not pose a significant impact to Levels of Service or regional air quality.

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.**
As a condition of approval, the permit shall include a regular maintenance and monitoring plan for all on-site BMPs to ensure protection of land and water resources on the applicant's property and properties belonging to surrounding owners. Further, permit issuance is subject to meeting all TRPA, state and county regulations for parking facilities and landscaping.

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 for the construction of a mixed use (commercial/residential) structure in an area that contains a mixture of commercial and residential land uses, in a location which has been designated as a secondary commercial core wherein commercial uses (professional offices) are allowed. Structures adjacent to the subject parcel are of similar size and scale as the proposed structures.

3. Chapter 22 – Height Standards:

a. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed project is partially visible from the right of way of Highway 50, which is a designated Scenic Highway Corridor and major arterial. As such, the site will be extensively screened with new landscaping. The proposed building will not extend above the ridgeline or any existing forest canopy.

b. With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The proposed project will be partially visible from Highway 50, a Scenic Highway Corridor. The project has been designed to comply with the West Meyers Community Plan design standards by using subdued natural colors and materials. As such, views from TRPA scenic resources should not be adversely impacted.

c. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height, as described in Subsection 22.7(8).

The maximum height of any corner of two exterior walls for the new building will be in compliance with this requirement.

D. 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.
Draft

CONDITIONAL PERMIT

PROJECT DESCRIPTION: Mixed Use Professional Office and Residential Building  APN 032-322-01

PERMITTEE(S): Ken Curtzwiler  FILE # 20061072

COUNTY/LOCATION: El Dorado County, California/1089 Magua Street

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on November 16, 2006, subject to the standard conditions of approval attached hereto (Attachment J and Q) and the special conditions found in this permit.

This permit shall expire on November 16, 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 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/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

PERMIT CONTINUED ON NEXT PAGE

/DL  11/16/06

AGENDA ITEM B
Curtzwiler Professional Building
Page 10 of 13

APN 032-322-01
FILE NO. 20061072

Air Quality Mitigation Fee (1): Amount $4,228.8 Paid ___ Receipt No._____

Water Quality Mitigation Fee (2): Amount $13,507.00 Paid ___ Receipt No._____

Offsite Coverage Mitigation Fee (3) Amount $2,626 Paid ___ Receipt No._____

Security Posted (4): Amount $_____ Type _____ Paid ____ Receipt No._____

Security Administrative Fee (5): Amount $_______ Paid ____ Receipt No._____

Notes:
(1) See Special Condition 3 C., below.
(2) See Special Condition 3 D., below.
(3) See Special Condition 3 E., below.
(4) Amount to be determined. See Special Condition 3 F., below.
(5) $144 if a cash security is posted or $74 if a non-cash security is posted.

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

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

__________________________________________________________
TRPA Executive Director/Designee Date

__________________________________________________________

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of a two story, 2,661 square foot mixed use commercial/residential building with an attached 2-car garage at 1089 Magua Street. The project will transfer 751 square feet of commercial floor area (CFA) through El Dorado County’s ‘matching’ CFA Allocation Procedures. The applicant will also use two residential allocations reserved by El Dorado County. The applicant, through separate application, will transfer approximately 3,535 square feet of Class 5 land coverage per Subsection 20.3.C(1)(b), TRPA Code.

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) Removing the bollards located on the north side of the parking lot and replacing with field boulders.

(2) 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.

/DL
11/16/06

AGENDA ITEM B
(3) Notes indicating that there will be no storage of excavated material on site, and that fill material will be disposed of in a TRPA approved location.

B. The elevations shall be revised to include maximum excavation, including foundation footings, shall not exceed 5 feet below natural grade per Subsection 64.7 of the TRPA Code.

C. The permittee shall submit an air quality mitigation fee of $4,228.8. This fee is based on the creation of 13.44 residential and 8.57 non residential daily vehicle trip ends at the following rate;

\[(13.44 \times 270 = 3,628.80) + (20.57 \times 30. = 600)\]

The total air quality mitigation fees will be $3628.8 + $600 = $4,228.8

D. A water quality mitigation fee of $13,507 shall be paid to TRPA. This fee is based on the creation of 2,078 square feet of land coverage in Hydrologic Transfer Area 5 at a rate of $6.50 per square foot.

E. The permittee shall pay an offsite coverage mitigation fee of $2,626 assessed at $6.50 per square foot for the creation of 404 square feet of impervious coverage in the public right-of-way in Hydrologic Transfer area 5.

F. The security required under Standard Condition 1.B. of Attachment Q shall be equal to 110 percent of all required Best Management Practices required for the project, but not less than $5,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

G. Through separate applications, the permittee shall transfer a total of 3,535 square feet of land coverage to this parcel. The transferred coverage shall be from land capability Class 5 or higher or have an IPES score of 725 or higher. All of the transferred land coverage shall be located within Hydrologic Area 5. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances and the TRPA Rules of procedure).

H. Through separate application, the permittee shall transfer a total of 751 square feet of CFA to this project site. As an alternative, commercial Floor Area (CFA) may be allocated to the project from the El Dorado County Pool of CFA associated with the Meyers Community Plan. Allocation of commercial floor area may require Hearings Officers or Governing Board review under separate application as a plan revision.

I. The permittee shall submit a BMP maintenance and monitoring plan detailing the annual maintenance for all BMPs installed on the property.

J. Landscaping plans shall include plants from the Home Landscaping Guide for Lake Tahoe and Vicinity. Non-native/ adapted plants shall be used as accent plants only per TRPA Code 30.7.C.

/DL
11/16/06

AGENDA ITEM B
K. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code.

L. 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.

M. The permittee shall submit a Community Plan compliance report demonstrating that all applicable design standards and guidelines contained in the Meyers Community Plan are satisfied in the final project design. Design guidelines in the community plan may only be waived for good reason if reviewed and approved by staff, and if requested in writing by the permittee with the report submittal.

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

5 By acceptance of this permit, the permittee agrees that any of the remaining native trees that fail due to the project construction, or within five years of project completion, shall be replaced in substantially the same location by a healthy specimen of the same or similar species.

6 The permittee shall not construct any finished floor that is more than three and a half (3.5) feet below natural grade, measured at the location where the floor meets the foundation wall. Any modification of this structure shall conform to TRPA’s height standards.

7 Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the approved disturbance areas.

8 No grading or excavation shall be permitted except as shown on the plans.

9 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.

10 All excavated material must be hauled away from the site to a legally acceptable location and no fills or re-contouring, (other than backfill or as shown on the approved grading plan) shall be allowed.

11 All design standards for off-street parking facilities shall be in conformance per Guidelines for the Meyers Community Plan Parking Standards. This shall include proper identification of ADA accessible parking spaces and correct dimensioning for all parking stalls, and driveway widths.

12 Any signs needed for the project will require a separate TRPA sign application and approval.

/DL
11/16/06

AGENDA ITEM B
All exterior lighting shall be consistent with Meyers Community Plan Standards and TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

End of Permit
2006 RESIDENTIAL ALLOCATION

Allocation Number: EL-06-O-43 County: EL DORADO APN: C34-322-61

The above-referenced parcel is the holder of an allocation distributed pursuant to Chapter 33 of the TRPA Code of Ordinances. This Allocation represents one new residential unit and entitles the holder to apply for an approval to build on the above-referenced parcel if the parcel is eligible to build under the criteria set forth in chapter 37 (Individual Parcel Evaluation System IPES) of the TRPA code. If the above-referenced parcel is not eligible to be built upon, then the holder of this allocation may apply for a one-time-only transfer of this allocation to an eligible parcel.

This allocation must be exercised no later than 5:00 p.m. December 31 2006. Failure to exercise the allocation shall result in the forfeiture of the allocation to TRPA. Exercise of the allocation may be accomplished in one of the two following ways:

1. A complete application (as defined by TRPA Rules of Procedure) for construction of a residential unit is on file with TRPA or the applicable City/County no later than 5.00 p.m., December 31, 2006.

2. Transfer of the allocation to an eligible parcel has been completed (as defined by chapter 33 of the TRPA Code) no later than 5.00 p.m., December 31, 2006.

(Note: Applications for construction filed pursuant to transferred allocations must be filed no later than 5.00 p.m., June 1, 2007)

This section is to be filled out only if allocation is to be transferred.

CERTIFICATE OF TRANSFER: Allocation Transferred to APN ________________

Approved by TRPA________________________, 2006 By________________________

TRPA Executive Director/Desigee

Approved by County________________________, 2006 By________________________

Signature

Date: ________________

Signature of Owner of Transferor Parcel

Date: ________________

Signature of Owner of Transferee Parcel

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINALS ON FILE IN THE EL DORADO COUNTY BUILDING DEPARTMENT.

DATE ___________________________ BY ___________________________
2006 RESIDENTIAL ALLOCATION

Allocation Number: EL-06-O-25  County: EL DORADO  APN: 334-342-01

The above-referenced parcel is the holder of an allocation distributed pursuant to Chapter 33 of the TRPA Code of Ordinances. This Allocation represents one new residential unit and entitles the holder to apply for an approval to build on the above-referenced parcel if the parcel is eligible to build under the criteria set forth in chapter 37 (Individual Parcel Evaluation System (IPES)) of the TRPA code. If the above-referenced parcel is not eligible to be built upon, then the holder of this allocation may apply for a one-time-only transfer of this allocation to an eligible parcel.

This allocation must be exercised no later than 5:00 p.m. December 31, 2006. Failure to exercise the allocation shall result in the forfeiture of the allocation to TRPA. Exercise of the allocation may be accomplished in one of the two following ways:

1. A complete application (as defined by TRPA Rules of Procedure) for construction of a residential unit is on file with TRPA or the applicable City/County no later than 5:00 p.m., December 31, 2006.

2. Transfer of the allocation to an eligible parcel has been completed (as defined by chapter 33 of the TRPA Code) no later than 5:00 p.m., December 31, 2006.

(Note: Applications for construction filed pursuant to transferred allocations must be filed no later than 5:00 p.m., June 1, 2007)

This section is to be filled out only if allocation is to be transferred.

CERTIFICATE OF TRANSFER: Allocation Transferred to APN

Approved by TRPA ___________________________ 2006  By ___________________________
TRPA Executive Director/Designee

Approved by County ___________________________ 2006  By ___________________________
Signature

Date: ________________

Date: ________________

Signature of Owner of Transferor Parcel

Signature of Owner of Transferee Parcel

I certify that this document is a true and correct copy of the original on file in the El Dorado County Building Department.

DATE ____________ BY ___________________________

Planning for the Protection of our Lake and Land
TAHOE REGIONAL PLANNING AGENCY

PROJECT DESCRIPTION: Beaver Street Water/Sewer Line Replacement

Application Type: Water/Sewer Line Replacement, Special Use Determination

Applicant: North Tahoe Public Utility District

Applicant's Representative: Auerbach Engineering Corporation

Agency Planner: David L. Landry, Associate Planner II, Environmental Review Services

Location: Placer County, Beaver Street R.O.W (between State Rte. 28 & Bass Avenue)

Assessor's Parcel Numbers: APN 530-302-06/TRPA File No. 20060865

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 draft permit.

Project Description: This is a proposal for the removal and replacement of a 6 inch, 2000 linear foot sanitary sewer main and the construction of a new 10 inch, 2,500 linear foot water transmission main. The project is needed to replace aging sanitary sewer collection and water service pipelines currently serving residences along Beaver Street. All work will take place within the paved portions of Beaver Street between State Route 28 and Bass Avenue. As trenches are prepared, pipe will be installed and backfilled on a continuous basis during a given work period. Approximately 450 linear feet of trench will be open at any given time during daylight hours. At the end of a given work period, all open trenches will be backfilled or where possible trench plates will be used to facilitate traffic flow.

Disturbance and Grading: Ground disturbance for the water line portion of the project will include trenching, and backfilling for the new 10 inch water main, new laterals and new water meters, (all within the NTPUD R.O.W.). Ground disturbance for the sewer line will include separate trenching specifically for the removal and replacement of the existing 6 inch sewer main, (including manholes) and the reconnection to sewer laterals. The total amount of trenching required for the entire project will be around 2,500 linear feet. The estimated volume of soil to be disturbed will be approximately 7,500 cubic yards. All trenching work will take place within the Beaver Street R-O-W at a minimum trench width for the water main at 24 inches and the sewer main at 18 inches. The maximum excavation depth for both the water and sewer main trenches will be 6 feet as approved by the Soil Hydrological Approval (TRPA File # 20060200).

Plan Area: The project area has been identified as physically lying with Kings Beach Residential (028) and Brockway (031) Plan Area Statements, and the Kings Beach Community Plan which all identify pipelines and power transmission as a special use, requiring Hearings Officer approval in accordance with Chapter 4, Appendix A of the Code of Ordinances.
Site and Project Area Description:
The project area spans a large portion of Beaver Street from the intersection with State Route 28 to an area near Bass Street to the north. All work will be conducted within the road right-of-way which will require the closure of different sections of Beaver Street at any given time, (see attached site plan)

Issues: The primary issues associated with the project are:

Land Use. The construction of the water main and the removal and replacement of the sewer main are both a special use and as such Special Use Findings are addressed in the Staff Analysis Item C2 and Required Findings, below.

Grading and trenching.
The primary components of this project which will create temporary ground disturbances will consist of trenching and backfilling conducted at approximately 450 foot intervals per day. The trenches will be either backfilled or temporarily covered with steal plates or repaved bringing the project area back to its original state. These measures will be introduced with the purpose of reducing potential daily traffic impacts. In the event ground water is encountered during trenching an approved TRPA dewatering plan will be put into affect for the purpose of reducing the possibility of contaminated water leaching into the lake.

BMP and Construction Phasing Plan. Temporary BMPs will need to be introduced as a means of combating potential run-off from sediment piles created during trenching and pipe construction. Site disturbance created during the trenching operations will amount to approximately 450 linear feet of trench to be opened at any one time. The trench areas in addition to any drop inlets will need to have temporary BMPs in place to also combat the possibility of migrating soil particles into the storm drain system. As a condition of approval all drop inlets, manholes, and equipment and temporary stockpiling areas etc., shall be protected with fiber roll logs or other device to prevent potential discharges of soil into storm drains.

Ground Water: It is anticipated that during trenching, excavation depths will be below documented ground water levels at some locations. Per March 2006 Geotechnical Report; groundwater was encountered at depths between 5 and 9.5 feet below ground surface, (bgs). Excavation depths for all mains and lateral connects are projected to be at a maximum depth of 6 feet (bgs). In the event ground water is encountered, it shall be removed via pump and conveyed into the sanitary sewer system, or other means as approved by TRPA.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. Some potential environmental impacts were identified and staff has concluded that these impacts are temporary in nature and when mitigated will have less than a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

/DL
Hearings Officer
11/16/06

AGENDA ITEM C
B. **Community Plan Area**: The project area spans the Kings Beach Residential (028) and Brockway (031) Plan Area Statements, and the Kings Beach Community Plan Special Area #2, East Entry Commercial Area, which all identify pipelines and power transmission as a special use. The Land Use Classifications and Management Strategies are as follows:

   a. Kings Beach Residential (028) – Residential and Redirection
   b. Brockway (031) – Residential and Mitigation
   c. Kings Beach Community Plan - Commercial/Public Service and Redirection

**Per Plan Area Statements** the Environmental Improvement Program says that capital and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. Based on the following findings and special permit conditions, this project has been determined to be consistent with the planning statement, planning considerations and special policies as the Beaver Street project is a single project within a larger pipe resizing and grid improvement NTPUD Grid Water Line Project.

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

1. **Chapter 6 – Threshold-Related Findings**:

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

   i. **Land Use**. The project, identified as a Pipeline and Power Transmission project within the Kings Beach Residential and Brockway Plan Area Statements and the Kings Beach Community Plan is categorized as a special use. The proposed project is a public service that is compatible with the surrounding land uses, is non growth inducing, and with the special permit conditions, the project will meet all TRPA codes and ordinances.

   ii. **Transportation**. This project is not anticipated to create additional permanent daily vehicle trip ends (dvte) to the site. Air quality mitigation fees for temporary vehicle trips are not required as a condition of the permit.

   iii. **Conservation**. There are no identified special interest species or sensitive or uncommon plants located in the County or Cal-Trans Rights-of-Way. Temporary BMPs will protect trenched area, staging and other areas from the potential impact of soil discharging into the lake.

   iv. **Recreation**. The project will not impact existing or proposed recreation areas, and eliminate other potential impacts to recreational activity on Lake Tahoe.

   v. **Public Service and Facilities**. This Linear Public Service project will upgrade and improve the public service facilities in this area. No additional services or facilities outside of this work will be added with the improvements.

/DL
Hearings Officer
11/16/06

AGENDA ITEM C
vi. **Implementation.** The project complies with the Regional Plan and TRPA
Ordinances and Regulations.

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

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

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

(Refer to paragraph b, above.)

2. **Chapter 18 - Special Use Findings:**

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

The proposed project will replace an existing aging sanitary sewer main and
introduce a new water main, water meters and connections to residences along
Beaver Street. The method and timing of the backfilling of the trenches shall be
of a degree and methodology as to reduce the impacts to the surrounding
neighborhood, i.e.

(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.**

Although there will be temporary disturbances to traffic flow along Beaver Street,
a construction schedule in addition to a Traffic Control Plan, demonstrating that
the project will be phased in a manner to reduce traffic impacts shall be submitted
to TRPA as a condition of approval. The site plan shall also identify the location
of all equipment and material staging area(s) and method in which temporary
BMPs are to be installed. In addition temporary BMPs shall be introduced to
mitigate any potential environmental impacts to water quality during the trenching
and installation of laterals and meter boxes. Further in the event that ground
water is encountered during trenching, an approved dewatering plan
demonstrating how all waters will be diverted to the sanitary sewer or disposed of
in a TRPA approved location as a condition of approval shall be instituted.

/ DL
Hearings Officer
11/16/06

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

The proposed public facility is an improvement to existing aging sanitary sewer collection service line and water service pipelines as well as water and sewer service connections for residences along Beaver Street.

**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 Effect.

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

**Attachment:**
Exhibit 1, Location Map

/DL
Hearings Officer
11/16/06
DRAFT

-PERMIT-

PROJECT DESCRIPTION: Water/Sewer Line Replacement & Installation

APN 530-302-06

PERMITTEE: North Tahoe Public Utility District

FILE # STD 20060865

COUNTY/LOCATION: Placer County, Beaver Street R.O.W. (between State Rte. 28 & Bass St.)

Having made the findings required by Agency ordinances and rules, the Hearings Officer approved the project on November 15, 2006, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on November 15, 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 APPROPRIATE COUNTY/CITY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES' 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)

/DL
Hearings Officer
11/16/06

AGENDA ITEM C
SPECIAL CONDITIONS

1. This permit specifically authorizes the removal and replacement of a 2,000 linear foot, 6 inch, sanitary sewer main and the construction of a new, 2,500 linear foot, 10 inch water transmission main and associated lateral connections, manholes and meter boxes. The approximate number of laterals will include 4 new dual service water and 21 new single service laterals, and 10 new and 14 existing sanitary sewer connections. The project is needed to replace aging sanitary sewer collection and water service pipelines currently serving residences along Beaver Street. Installation of the two lines will involve open trenching of 450 linear feet of ground to a maximum depth of 6-feet at a time for both systems. Continual backfilling of the trenches will take place as each section of work is completed, with steel trench plates being used when necessary. All trenching and back filling shall take place within the paved portions of Beaver Street right-of-way between State Route 28 to approximately Bass Street. No new land coverage shall be created nor relocated, nor is it approved as a result of this permit.

2. The standard conditions of approval listed in Attachment Q shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

A. The permittee shall revise the site plan to include:

   (1) The location of the project’s equipment and material staging area(s), including temporary stock-piles and proper methods used for temporary BMPs.
(2) Permittee shall revise plans to include notes indicating that there will be no storage of excavated material on site. Any excess excavated material shall be hauled away from the site to a legally acceptable location. No fills or re-contouring, other than backfilling for structures, shall be allowed.

B. The security required under Standard Condition I.2 of Attachment S shall be $3000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

C. 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 and demonstrating completion by Oct 15th of each construction season.

D. The permittee shall submit further details which specifically addresses how any wastewater from project activities or water removed from within the work area, is to be routed to an approved, designated holding or disposal area to ensure that fine sediment and other contaminants are not discharged into lake. The plan should include methods for ensuring that water quality threshold standards per section 81.2 of the TRPA Code, are not exceeded.

E. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

4. All work associated with this permit requiring use of heavy equipment or vehicles shall take place within existing paved roadway or along existing compacted dirt shoulders. Any work encroaching into areas requiring minor temporary disturbance to existing vegetation or undisturbed areas shall employ the use of land mats and other protective devices. All areas temporarily disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched following backfilling of trenches and/or access holes.

5. The permittee shall employ best management practices (BMPs) to prevent earthen materials from being resuspended or transported to the lake as a result of the proposed work.

6. All temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags and shall be located outside of the Shorezone including the backshore. Please note that hay bales are no longer preferred for temporary erosion control. The use of straw has contributed to the spread of noxious weeds throughout the basin.

7. No grading or excavation shall be permitted except as shown on the plans.

8. 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. Receipts obtained from an approved disposal location shall be submitted to TRPA Compliance Inspector within 3 weeks of delivery of material.

/DL
Hearings Officer
11/16/06
9. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.

10. Temporary erosion control structures must be installed prior to and maintained until disturbed areas are stabilized. Temporary erosion control structures shall be removed once the site has been stabilized.

11. Dust control in the way of sweeping of dirt tracked onto pavement at the end of each day is required.

12. Before water is introduced into the new lines, stabilization work, vegetation and other work shall be completed.

13. 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.

14. The permittee is responsible for insuring that the project meets all federal, state, and county regulations and design specifications.

15. 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

/DL
Hearings Officer
11/16/06

AGENDA ITEM C
MITIGATED STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Water/Sewer Line Replacement & Installation   APN 530-302-06

PERMITTEE: North Tahoe Public Utility District   FILE # STD 20060865

COUNTY/LOCATION: Placer County, Beaver Street R.O.W. (between State Rte. 28 & Bass St.)

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 Executive Director or designee                      Date
OVERALL DEVELOPMENT PLAN

KINGS BEACH, PLACER COUNTY, CALIFORNIA
WATER/SEWER REPLACEMENT
BEAVER STREET
NORTH TAHOE PUBLIC UTILITY DISTRICT

IMPROVEMENT PLANS FOR

PN-XXX X-EFF-2006649