

Conditional Permit

PROJECT DESCRIPTION: Shoreline Protective Structure

APN: 083-162-017 & 018

PERMITTEE: Tahoe Partners and Sherry Dumke

FILE #: ERSP2016-0619

COUNTY/LOCATION: Placer/1302 West Lake Boulevard

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on July 12, 2016, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on July 12, 2019, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of excavation for the bottom course of rock and placement of geotextile fabric and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY 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

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)

**APN 083-162-017 & 018
FILE NO. ERSP2016-0619**

Security Posted (1): Amount \$5,000 Posted _____ Type _____ Receipt No. _____

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

Notes:

(1) See Special Condition 3.G, below.

(2) \$152 if a cash security is posted or \$135 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the installation of sloping rock revetment and bank stabilization to the shoreline bank on 1302 West Lake Boulevard and the vacant adjacent parcel. The slope is home to a number of mature trees that the applicant wants to protect from further damage. The shoreline has a mix of existing sloping rock revetment and wood retaining walls. The wood retaining walls have broken down with age and erosion has occurred along the bank. The top of the approximate 3 – 4 foot high bank is home to several large trees which may be compromised with further erosion. All work shall occur between elevation 6228 and elevation 6232. Construction staging and storage shall occur upland, outside of the backshore boundary. No additional land coverage or changes in land coverage is authorized as a result of this permit. No trees shall be removed as a result of this project.
2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan shall be revised to include:
 - (1) Demonstration that all staging and storage areas are located outside of the backshore boundary.
 - (2) Demonstration that the proposed staging area on the existing driveway does not prohibit access to the residence.

- (3) The inclusion of geotextile fabric to run the full extent (height and width) of the rock and smaller cobble at the toe of the shoreline protective structure designed to combat the affects or wave action and scouring. This work shall be field fit and/or verified by the TRPA Inspector.
 - (4) The inclusion of the double turbidity curtain, silt fence, or other device as described in the application findings 80.4.6 Construction dependent upon lake levels. This work shall be field fit and/or verified by the TRPA Inspector.
 - (5) A revision showing how the edges of the shoreline protective structures will be gradually feathered into the topography at the edges of the adjacent property lines. This work shall be field fit and/or verified by the TRPA Inspector.
 - (6) Removal of the notation that the mature willow located within the existing bank will be relocated. All existing mature vegetation shall remain.
 - (7) Details of the existing, temporary access and proposed condition of the lake access through the shoreline revetment. This permit does not authorize any permanent increase in coverage.
 - (8) Additional plantings of native vegetation (such as willow) within the shoreline revetment above elevation 6229 to break up the linear appearance of the stone. This condition addresses the need for scenic improvement within Scenic Shoreline Unit #14.
- B. The permittee shall submit a detailed construction methodology for TRPA review and approval. Vehicle access below elevation 6229 shall be avoided to the greatest extent possible.
- C. The permittee shall submit a revegetation plan for the project area. The revegetation plan shall include details of how all areas impacted by construction, such as the staging and storage areas and construction access will be restored, along with notations of the proposed added vegetation to the shoreline revetment area.
- D. The Permittee shall complete a TRPA Tahoe Yellow Cress (TYC) survey of the property prior to acknowledgment of the permit. If TYC is found, a copy of a Tahoe Yellow Cress (TYC) survey and protection/avoidance plan, prepared by a qualified professional, for TRPA review and approval shall be submitted. The Permittee shall comply with all TYC protection measures contained within the approved TYC protection plan, which may include modification of the proposed shoreline protective structure. The plan shall include, but not be limited to: the site plan illustration of TYC areas and protective fencing, construction methodology and staging, limitations on beach raking, limitations on vehicle and pedestrian access, and monitoring during construction.
- E. The permittee shall record a project area deed restriction as it relates the accessory use of the shoreline revetment structure on APN 083-162-017. TRPA shall consider APN 083-162-017 and 018 a project area for the purposes of shoreline accessory uses only. TRPA shall prepare the draft deed restriction upon submittal of the latest grant deeds

for the parcels. Evidence of recordation of the document is required prior to final acknowledgement of this permit.

- F. The permittee shall submit rock/stone samples for TRPA review and approval. The color of the rock/stone shall blend, rather than contrast, with the natural surroundings at this site.
 - G. The security required under Standard Condition A.3 of Attachment S shall be \$5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - H. The Permittee shall submit three sets of final construction drawings and site plans.
1. The permittee shall submit a projected construction completion schedule to TRPA prior to or at the TRPA pre-grade inspection. Said schedule shall include completion dates for each item of construction demonstrating completion by Oct 15th of each construction season.
 2. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
 3. It is the permittee's responsibility to receive authorization and/or obtain any necessary permits from other responsible agencies for the proposed project.
 4. All areas temporarily disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched where applicable.
 5. Any and all temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.
 6. Any and all removed material shall be hauled away from the site to a legally acceptable, TRPA

approved location.

7. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe outside of the scope of this permit is prohibited.
8. Best practical control technology shall be employed to prevent earthen materials from being re-suspended or transported to adjacent lake waters as a result of construction activities.
9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
10. All existing trees and shrubs located between the lake and the residence that are not approved to be removed as a part of the project may not be removed or trimmed without prior TRPA approval. Any such removal or trimming shall constitute a violation of project approval.
11. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
12. For the authorized construction area landward of the high water line, the site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

END OF PERMIT