

TAHOE REGIONAL PLANNING AGENCY

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www.trpa.org

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HEARINGS OFFICER AGENDA OF MEETING FOR

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

Date: November 30, 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. Irene T. Midgley, Placement of two new mooring buoys, 6630 North Lake Boulevard, Placer County, APN 117-072-05, TRPA File Number STD20060823
 - B. Fulton Water Company, Public Utility Center, Between Piney Wood Road and Huckleberry Lane, Carnelian Bay, Placer County, APN 091-162-04, TRPA File Number STD20061758

- VI. ADJOURNMENT

By: 

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.

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TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Applicant: Irene T. Midgley

Application Type: Buoy Application

Applicant's Representative: Kevin Agan, Agan Consulting Corporation

Agency Staff: Gretchen Gibson, Associate Planner

Location: 6630 North Lake Boulevard/Placer County

Assessor's Parcel Number/Project File Number: 117-072-005/20060823

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

Project Description: This is a proposal for the placement of new structures (2 new mooring buoys) within the shorezone. The proposed buoys are to be located 275 feet and 350 feet from the shore measured from High Water Line. These mooring buoys are considered new shorezone structures as there are no previous TRPA permits or approvals for these two buoys. The project will also include the removal of fencing and fence posts which are currently located below high water line. With the exception of necessary scenic mitigation measures and installation of permanent best management practices (BMPs) no other physical modifications to the subject property are proposed in relation to this application at this time.

Site Description: The project area consists of an approximately 37,050 square foot littoral parcel APN 117-072-005 located in Placer County. The parcel contains approximately 90 linear feet of shoreline. The proposed buoys would be located in mapped and verified Marginal Fish Habitat.

Issues: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone and therefore requires a Hearings Officer public hearing in accordance with TRPA Code of Ordinances, Chapter 4, Appendix A. The main issues relating to this project proposal are scenic quality and single use. Additionally, the existing single family dwelling is a special use within the Tahoe Vista Community Plan, Special Area One. The special use findings for this existing residential use have not been made prior to this project currently under review.

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

- A. Scenic Analysis: The project is located in TRPA Shoreline Scenic Unit 21, Agate Bay which is currently identified as in attainment but at risk of nonattainment with scenic threshold standards. The project was reviewed under Level 3 of the Shoreland Scenic

Ordinances, TRPA Code subsections 30.15.C (3) and 30.15.H (3). A baseline scenic assessment was completed for the parcel. The property has a Composite Scenic Baseline Contrast Rating Score of 29. The property meets the minimum contrast rating score of 21. Additionally, the applicants will demonstrate an improved contrast rating of 30 which would provide up to 200 square feet of additional allowable visible area consistent with the visual assessment tool for the review of projects located within the shoreland.

The visual mass of the 2 buoys (.5 sq. ft.) with a standard boat (60 sq. ft.), as measured in the water is equal to 60.5 square feet per buoy. Due to the project location within a scenic unit which is in attainment, mitigation shall be applied at the ratio of 1 to 1 for the new development. Due to existing native vegetation and site conditions the upland development on the property is already screened from view. The additional allowable visible area of 200 square feet will mitigate the new shorezone development consisting of 121 square feet of new visible mass. This method of scenic mitigation has been discussed with the applicant's representative, Kevin Agan, who stated this was the preferred method for mitigating the scenic impact associated with the buoys. While upland vegetative screening within the scenic shoreline unit is another option for scenic mitigation, TRPA staff is satisfied with the method of scenic mitigation proposed.

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

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. The project is not located in TRPA mapped prime fish habitat. No significant environment impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer public meeting and at TRPA.
- B. Plan Area Statements: The project is located within the Tahoe Vista Community Plan, Special Area One. The Land Use Classification is Tourist. Buoys are considered an allowed use within this Community Plan. The mooring buoys are allowed accessory structures when associated with an allowed primary use. The special use findings necessary for the residence in the upland portion of the property are discussed in the Required Findings section below. Agency Staff has reviewed the Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.
- C. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 1. The standards in Shorezone Tolerance District 1 state that access to the shoreline shall be restricted to planned footpaths. No manipulation of vegetation shall be authorized within this shorezone tolerance district. Additionally, no drainage of

wetland areas shall be authorized as part of this project. This project, as conditioned, complies with the Shorezone Tolerance District standards.

Required Findings: The following is a list of the required findings as set forth in Chapter 6, 18 and 50 of the TRPA Code of Ordinances. Following each finding, Agency Staff has indicated if there is sufficient evidence contained in the record to make the applicable findings for the placement of the two mooring buoys on the subject property, or has briefly summarized the evidence on which the finding can be made.

1. Chapter Six Findings:

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

(1) Land Use: The proposed project involves the placement of two mooring buoys offshore of the privately owned subject parcel. The project is consistent with the goals and policies of the Regional Plan in that it: a) directs the amount and location of new land use appropriately; b) promotes the use of the waters of the Region for water-dependent outdoor recreation; and c) is conditioned to protect the scenic and natural qualities of Lake Tahoe and the surrounding area. The project is an allowed use within the Tahoe Vista Community Plan and is consistent with the permissible uses outlined in the Shorezone Chapters of the TRPA Code. The Land Use Classification in this area is Tourist. The mooring buoys are accessory structures to the existing Single Family Dwelling use. The placement of two mooring buoys is also consistent with the TRPA Code of Ordinances, Chapter 54, Mooring Buoy Location Standards. Section 54.6 specifically states a maximum of two mooring buoys may be permitted per littoral parcel. The placement of the two mooring buoys must be consistent with the location, design and construction standards outlined in TRPA Code Section 54.

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

(3) Conservation: The project is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The proposed buoys are located in TRPA mapped marginal fish habitat; and will not impact prime fish habitat areas: a) the use is water dependent (two mooring buoys) and access to the buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore via the use of non-motorized personal water craft from the Shorezone b). The project does not propose any new access to the backshore areas; c). Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance District development standards (see Staff Analysis Section C for additional

information). The proposed color and design of the buoys shall be consistent with the Section 54.6.B of the TRPA Design and Construction Standards.

This project will not result in the obstruction or degradation of the scenic vista or view open to the public. The project was reviewed under Level 3 of the Shoreland Scenic Ordinances, TRPA Code Section 30.15.C and TRPA Code Section 30.15.H. The visual mass of the buoys (.5 sq. ft.) and standard boats (60 sq. ft.), as measured in the water, is equal to 121 square feet. The Draft Permit has been conditioned to ensure that the project will achieve a composite contrast rating of 30. Mitigation is being applied at a 1 to 1 ratio (base amount 121 square feet) 300 feet upland of high water in a scenic unit which is in attainment per TRPA Code Section 30.15.C and 30.15.H.

- (4) Recreation: This project does not require any additions to public recreational facilities. The project will provide private recreational opportunities for the single family dwelling on the parcel.
- (5) Public Service Facilities: The proposed project does not require any additions to public services or facilities.
- (6) Implementation: The proposed project does not require any allocations of development.

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

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

- c. Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V9g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above.)

- 2. Chapter 18 – Required 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 primary use on the property has been residential since the construction of the residence in 1954. This residential use is appropriate for the parcel and surrounding area.

- b. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

No adverse environmental impacts to surrounding properties or land, water and air resources have been identified concerning the proposed project. No new land coverage or new disturbance is necessary or proposed for the project. Best Management Practices (BMPs) will be installed within the project area.

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

The project is located within Special Area 1 of the Tahoe Vista Community Plan. The proposed activity is listed as a special use and is consistent with the policies of the community plan.

3. Chapter 50 – Required Shorezone Findings:

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

The proposed project will not have an adverse impact on littoral processes because the mooring buoys will be placed consistent with Section 54.6 of the TRPA Code. Staff is requiring the applicant to place the two buoys within 350 feet of high water line. Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance district development standards with the use of non-motorized personal water craft.

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

The subject property contains a single family dwelling with appropriate littoral access to the Shorezone. The placement of two mooring buoys off the subject privately owned littoral parcel is consistent with the use of the property.

- c. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that

modification of such existing uses or structures will be undertaken to assure compatibility.

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

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

The buoys by their nature are water dependent.

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

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

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

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

- g. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

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

- h. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, Lahontan RWQCB and California Department of Fish and Game and the U.S. Army Corps of Engineers. Comments from these agencies, and those agencies who are members of the Interagency Shorezone Coordination Group, were solicited as part of the review of this project. The agencies have indicated that they do not have concerns regarding the proposed project; to date, California State Lands

Commission has permitted the mooring buoys and U.S. Army Corps of Engineers has an application pending review.

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

- I. Approve a finding of no significant environment effect, based on this staff summary and evidence contained in the project file, for the findings contained in this staff summary.
- II. Approve the project, based on the staff summary, subject to the special conditions set forth in the attached Draft Permit.

Attachments and Exhibits:

Attachment A: Draft Permit

Attachment B: Project Site Plan and Mooring Buoy Detail

DRAFT PERMIT

PROJECT DESCRIPTION: Two Mooring Buoys

APN: 117-072-05

PERMITTEE(S): Irene T. Midgley Trust

FILE #: 20060823

COUNTY/LOCATION: Placer County / 6630 North Lake Boulevard

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on **November 30, 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 30, 2009** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of placement of the mooring buoy block. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION 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.

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 _____

/gg

PERMIT CONTINUED ON NEXT PAGE

APN: 117-072-05
FILE NO. 20060823

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

Filing Fee (2): Amount \$840.00 Paid _____ Receipt No. _____

Security Posted (3): Amount \$2,500 Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (4): Amount _____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3.D, below.
- (2) See Special Condition 3.E, below.
- (3) See Special Condition 3.F, below.
- (4) \$144 if a cash security is posted or \$74 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

- 1. This permit specifically authorizes the installation of two mooring buoys in Lake Tahoe offshore of the subject littoral property. This permit does not waive the requirement for mitigation fees and/or the requirement for Best Management Practices (BMP's) to be placed on the upland development of the subject parcel. This permit does not authorize any additional new Shorezone Structures for the subject parcel. No change in land coverage is authorized by this permit. Special use findings may be required for future projects in the event substantial changes to the residence are proposed (such as a rebuild).
- 2. The standard conditions of approval listed in Attachment S shall apply.
- 3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. The site plan shall be revised to include:
 - (1) Land coverage calculations consistent (for all structures and all land capability districts) with those in the site assessment completed by Placer

County on August 18, 2004 and as amended by TRPA staff on March 27, 2006.

- (2) TRPA 20-foot setback lines.
 - (3) Clear indication that the buoys will be no more than 350 feet from high water line.
 - (4) Delineation of the backshore boundary consistent with the land capability verification completed by TRPA staff on June 23, 2004.
 - (5) Stabilization methods for the dirt driveway southwest of the residence. Suitable options include but are not limited to re-vegetation and banking of the associated land coverage, installation of parking barriers, application of a mulch within disturbed areas and removal of boats, vehicles and equipment from this area.
 - (6) A notation that the infiltration trench dimensions will vary based on drainage calculations for the driveway and paved parking area.
 - (7) A note stating that the mooring buoys will be installed by use of a barge.
 - (8) Modification of note six (6) so that it reads, "No existing vegetation shall be removed or trimmed without written approval from TRPA. Any vegetation removal deemed necessary by TRPA for health and safety or forest health reasons may require a revised scenic analysis and additional scenic mitigation measures."
 - (9) The permittee shall provide for TRPA review and approval material samples for the siding demonstrating the project will achieve a scenic contrast rating score of 30. Please note that the proposal to use a siding color with a Munsell color of 7.5 YR $\frac{3}{4}$ does not meet the necessary criteria within the color matrix in the visual assessment tool for the review of projects located within the shoreland.
 - (10) Clarification and delineation of any existing legal public access to Lake Tahoe.
 - (11) A notation on the plans that all fencing and fence posts below the high water line of Lake Tahoe shall be removed.
- B. The permittee shall submit calculations demonstrating that all proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.
- C. The affected property has 5,968 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 9, Agate Bay or by submitting an excess coverage mitigation fee.

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

Estimated project construction cost multiplied by the fee percentage of 1.75% (as identified in Table A of Subsection 20.5.A (3), Chapter 20 of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

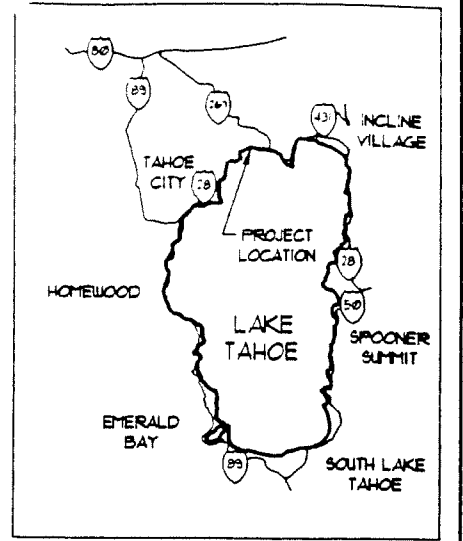
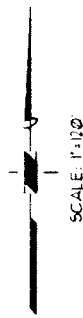
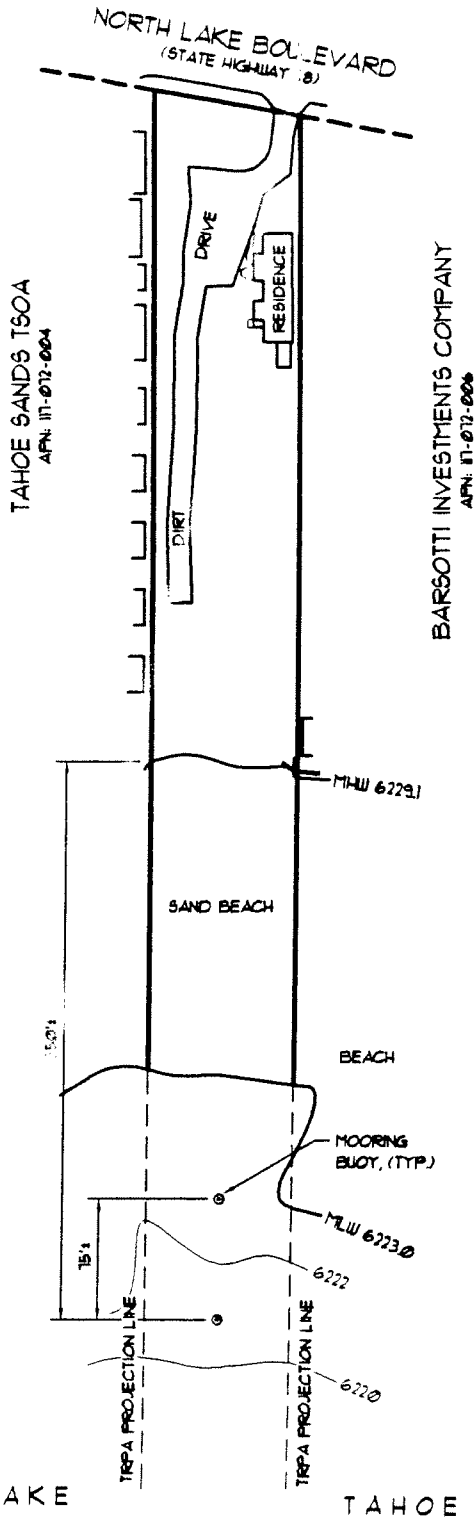
Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$8.50 for projects within Hydrologic Transfer Area 9, Agate Bay (California side). Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- D. The permittee shall submit to TRPA a filing fee in the amount of \$840.00. This fee reflects the hearings officer review multiplier of 1.4 multiplied by the base fee of \$2,100.00 in the TRPA Application Filing Fee schedule.
 - E. The security required under Standard Condition A.3 of Attachment R shall be \$2500. Please see Attachment J, Security Procedures.
 - F. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
4. The mooring buoys shall conform to the location, color and design standards stated in Section 54.6 of the TRPA Code of Ordinances.
 5. At no time shall the two mooring buoys extend beyond 350 linear feet from the high water line (6,229.1 LTD) of the subject property.
 6. The two mooring buoys shall be located within the 20-foot TRPA setback lines. The setback lines are established by measuring 20 feet inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline.
 7. The location of the two mooring buoys shall avoid placement of the mooring buoy blocks in rock or cobble substrate that may be considered prime fish habitat.
 8. The permittee shall display a Red (Residential) TRPA Buoy Identification Tag for each permitted buoy at all times. Upon placement of the two mooring buoys, the permittee shall tag the buoys and contact the TRPA Watercraft Team to schedule a site inspection to allow the structures to be mapped with a Global Positioning device.
 9. The project security shall be held at TRPA until all permit conditions have been satisfied, including but not limited to all approved scenic mitigation measures, installation of all

permanent BMPs in accordance with the approved plans and removal of fencing and fence posts located below high water line.

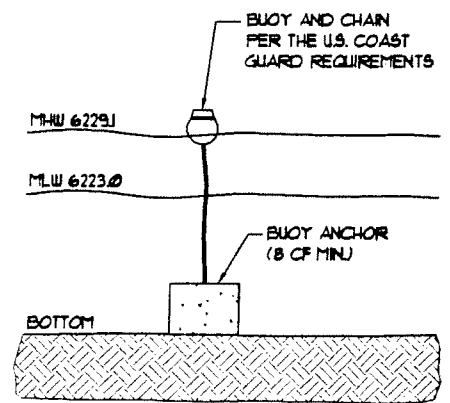
10. The property owner is responsible for maintaining the property such that the scenic contrast rating does decrease from the TRPA approved rating of 30.
11. Disturbance of the lakebed materials shall be kept to the minimum necessary for placement of the two mooring buoy anchors.
12. The two buoys shall be associated with APN 117-072-05 only.
13. Gravel, cobble, and or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during or after construction.
14. Spray painting and the use of tributyltin is prohibited.
15. By accepting this permit, the permittee acknowledges that permits for this project may also be required from other regulatory agencies, including, but not limited to, the US Army Corp of Engineers, Lahontan RWQCB, California Department of Fish and Game and California State Lands Commission.

END OF SPECIAL CONDITIONS



VICINITY MAP
NO SCALE

NOTE:
THE PROJECT CONSISTS OF RETAINING TWO EXISTING MOORING BUOYS IN CONFORMANCE WITH CURRENT AGENCY REGULATIONS.



BUOY DETAIL
NO SCALE

MIDGLEY TRUST EXISTING MOORING BUOYS
6630 NORTH LAKE BOULEVARD, TAHOE VISTA, CALIFORNIA
PLACER COUNTY APN: 117-072-005

MAY 19 2005

THIS DRAWING IS
FOR PERMIT EXHIBIT
PURPOSES ONLY

AGAN CONSULTING CORPORATION
LAND & SHOREZONE CONSULTANTS
POST OFFICE BOX 9180 INCLINE VILLAGE NEVADA 89452-9180
937 TAHOE BLVD., SUITE 120 INCLINE VILLAGE NEVADA 89451
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APRIL 2006
SHEET 1 OF 1

TAHOE REGIONAL PLANNING AGENCY

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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Fulton Water Company

Application Type: Local Public Health and Safety Facilities / New Well and Well Building

Applicant: Fulton Water Company and United States Forest Service

Applicant's Representative: K. B. Foster Civil Engineering, Inc., Julie Basile

Agency Planner: Patrick Dobbs, Assistant Planner

Location: Flag lot between Piney Wood Road and Huckleberry Lane, Carnelian Bay, Placer County

Assessor's Parcel Number / File Number: 091-162-04 / 20061758

Staff Recommendation: Staff recommends approval of the project as conditioned in the attached draft permit based on this staff summary and the evidence contained in the project record.

Project Description: The applicant is proposing a new drinking water well and well building to service existing customers of Fulton Water Company. Currently, water is taken from Lake Tahoe through a water intake line. The existing water intake line does not have a filtration line and does not meet current Placer County Environmental Health standards. In order for the drill rig and construction equipment to access the site, a temporary road is proposed within a public utility easement on the adjoining parcels. The temporary road will be re-vegetated and restored, pursuant to the approved landscape plan, upon completion of the project. The well site is located behind an existing water storage tank. To access the well site, the project requires a temporary relocation of the existing water storage tank to the adjoining U.S. Forest Service parcel during the construction. The storage tank will be replaced in its original location when the work is completed. A soil hydrologic application was not required due to the fact the drilling is being conducted to identify groundwater. However, percolation tests are required to insure the neighboring U. S. Forest Service parcel (APN 091-190-029) can infiltrate the water resultant from the well-pump test.

Site Description: The following properties are involved with this project: APN 091-162-004 (well site owned by Fulton Water Company), APN 091-190-029 (watering site owned by the USFS) and APN 091-190-030 (easement owned by John and Rosanne Hodge). The parcel is not visible from Lake Tahoe or any scenic resource. The parcel is a flag lot that lacks adequate access from the street. Therefore, the applicant is proposing a temporary road to be established in an existing 10 foot wide Public Utility Easement located on Assessor's Parcel Numbers 091-190-29 and 091-120-30. The temporary road will provide access from Piney Wood Road for the drill rig and equipment during the construction and boring phase. There is no tree removal required for the project. Upon completion of the project the road will be restored pursuant to the revegetation plan described on page C2.1 of the Site Plan. The

Hearings Officer / PD
11/30/2006

AGENDA ITEM NO. V. B.

proposed project, including the temporary road, is located entirely within TRPA verified Land Capability Class 6. The 59 square feet of impervious coverage proposed for the well building on APN (091-162-004) is within the base allowable coverage on the parcel. There are two existing water storage tanks located on APN 091-162-004, one of which encroaches on the neighboring U. S. Forest Service Parcel (APN 091-190-029).

Issues: According to Plan Area Statement 014, Ceder Flat, Local Public Health and Safety Facilities is a special use and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Required Findings:

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

Based on the information contained within the Initial Environmental Checklist and the Vg Findings checklist, there is sufficient evidence in the project file to make this finding. The project is required to meet current Public Health and Safety Requirements, and the proposed mitigations and required conditions will ensure there will be no adverse affects to the implementation 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 Vg Findings” in accordance with Chapter 6, Subsection 6.3B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

- (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(q) 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.

The property on which the well and well building are proposed are owned by Fulton Water Company and the access road is located within an existing public utility easement. The Fulton Water Company parcel currently has two existing water tanks, and because of this existing infrastructure this is an appropriate location to place the well that will supply the water tanks. This parcel is located within a residential area and providing water to these existing properties is essential.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The purpose of the proposed project is to improve public health and safety. The proposed project will eliminate the need to use the existing intake system (except during emergency situations) that draws on Lake Tahoe for the water supply. The proposed system will have the filtration line that is now required by State law.

- (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 within an existing neighborhood and provides water service to the surrounding properties. Fulton Water Company owns APN 091-162-004 and this parcel is situated centrally within the neighborhood to provide water service. The addition of the well and well building is intended to blend with the surrounding environment and is the minimum size necessary for the project.

5. Chapter 64 – Excavation Findings:

- (a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The TRPA Land Capability Team has waived the soils/hydrologic report due to the nature of the project. The boring required will intercept groundwater, however, TRPA staff has found that the groundwater interception is necessary for public health and safety.

- (b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

There are no existing mature trees within 12 feet of any proposed boring in excess of 5 feet.

- (c) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

All excavated material must be hauled away from the site to a legally acceptable location, and no fills or recontouring shall be allowed. This condition is consistent with Subparagraph 30.5.A(1) of the TRPA Code of Ordinances.

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

**-D-R-A-F-T-
PERMIT**

PROJECT DESCRIPTION: Well and Well Building Addition APN: 091-162-04

PERMITTEE(S): Fulton Water Company and U.S. Forest Service FILE #20061758

COUNTY/LOCATION: Flag lot between Piney Wood Road and Huckleberry Lane, Carnelian Bay, Placer County

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on November 30, 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 November 30, 2009 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND,
- (4) A TRPA PREGRADE 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 _____

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

D-R-A-F-T

**APN: 091-162-04
FILE NO. 20061758**

Water Quality Mitigation Fee (1): Amount \$ 90.86 Paid _____ Receipt No. _____

Security Posted (2): Amount \$ 5,000.00 Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (3): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3.B, below.
- (2) See Special Condition 3.C, below.
- (3) \$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 new well and well building on APN 091-190-029, located on a flag lot between Piney Wood Road and Huckleberry Lane, Carnelian Bay, Placer County. A temporary road will be established within a public utility easement on the adjoining parcels (APNs 091-190-029 and 091-190-030). The permittee is authorized to temporarily relocate one existing water tank to the adjoining U.S. Forest Service parcel. Upon TRPA Land Capability Team approval of the percolation tests for the infiltration parcel (APN 091-190-029) the permittee is authorized to infiltrate the water extracted during the well testing phase in the approved location on APN 091-190-029. The temporary road will be restored and access blocked upon project completion.
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:
 - (a) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the

TRPA Handbook of Best Management Practices.
Application of a mulch may enhance vegetative establishment.”

- (b) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.
 - (c) Location of the construction materials storage and staging area. Storage and staging areas should be located on paved or pre-disturbed surfaces to avoid additional disturbance.
 - (d) Infiltration trenches around the existing shed and water tanks.
 - (e) Parking barriers.
- B. A water quality mitigation fee of \$90.86 shall be paid to TRPA. This fee is based on the creation of 59 square feet of land coverage at a rate of \$1.54/Sq ft.
- C. The security required under Standard Condition A.3 of Attachment Q 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.
- D. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:
- (2) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber. The Munsell Color charts, located at the TRPA offices, provide a reference for the appropriate range of earthtone colors. The approved colors shall be noted on the final site plan.
 - (3) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
- E. The permittee shall provide a revised landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval. Please indicate the preferred methodology that addresses soil

de-compaction. Incorporation of organic material is required to restore the road to a natural state. Indicate the type of fertilizer and distribution frequency to be used in the revegetated areas.

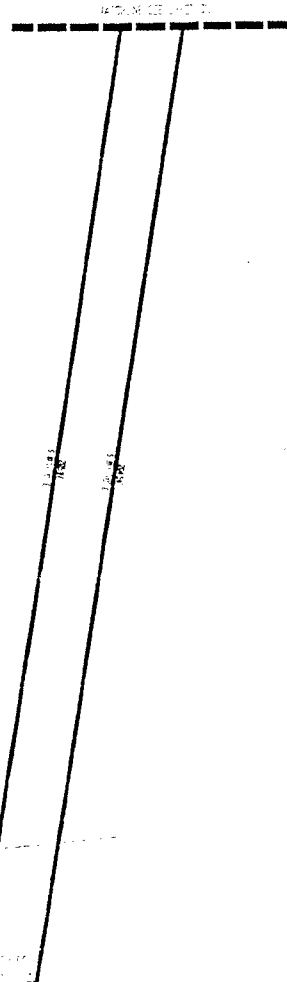
- F. The permittee shall provide evidence to the TRPA Land Capability Team, for approval, that demonstrates that APN 091-190-029 is capable of infiltrating the anticipated volume of water extracted during the well testing phase. This approval is required prior to infiltration resulting from the well-pump test.
4. If, during the irrigation of the Forest Service parcel (for pump testing) signs of erosion appear, irrigation shall cease immediately and corrective actions shall be taken to ensure no soil is escaping the site. Additional temporary BMP's, or reduced volume of water for infiltration may also be required.

END OF PERMIT

LEGEND



Legend text describing symbols and their corresponding map features.



COVERAGES/CONTINGENTS

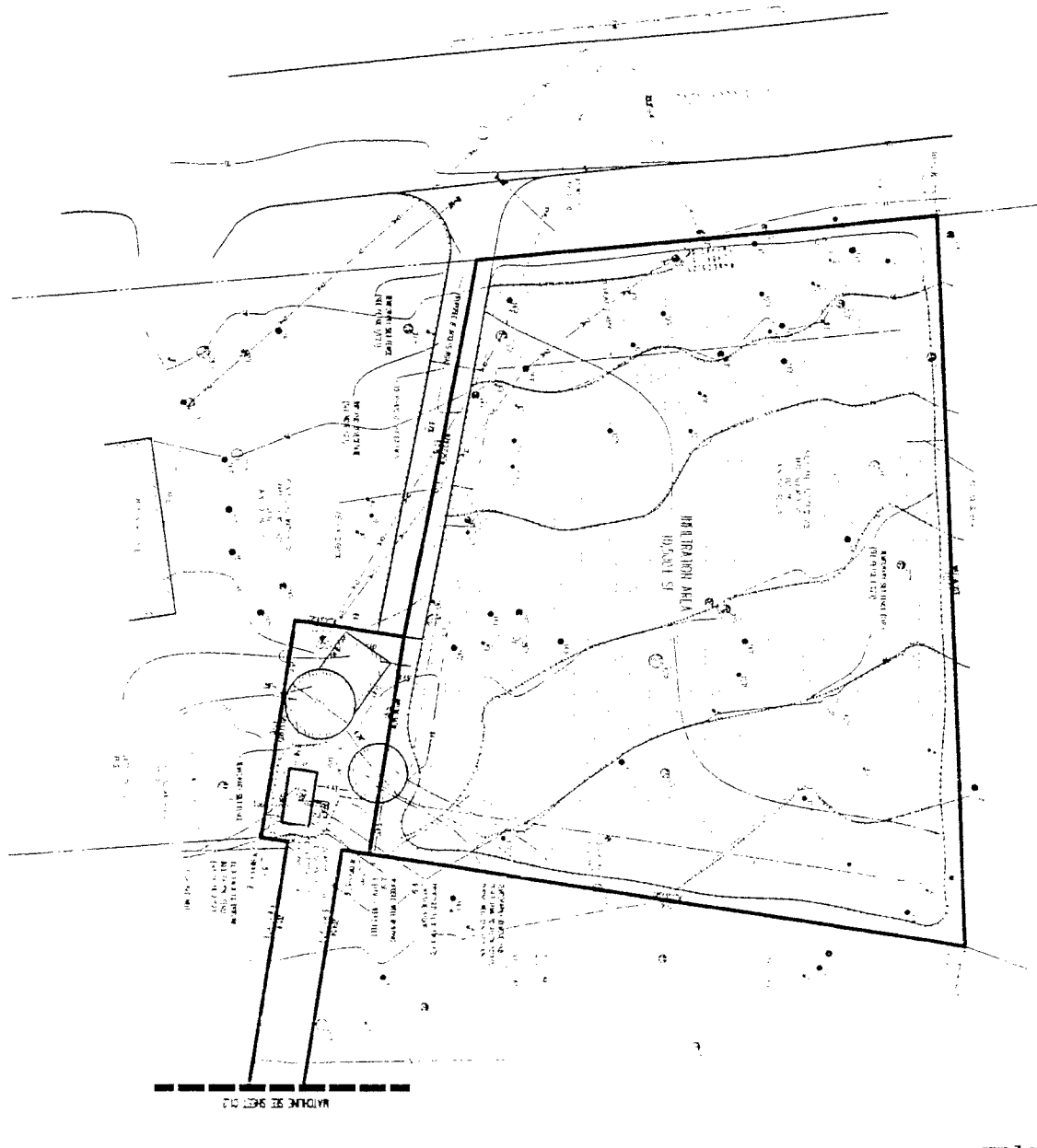
Table with columns for company names (e.g., ALABAMA CANAL, ALABAMA POWER), dates, and other project-related information.



VICINITY MAP NOT TO SCALE

LEGEND:

- 1. 4" = 1" SCALE
- 2. 2" = 1" SCALE
- 3. 1" = 1" SCALE
- 4. 0.5" = 1" SCALE
- 5. 0.25" = 1" SCALE
- 6. 0.125" = 1" SCALE
- 7. 0.0625" = 1" SCALE
- 8. 0.03125" = 1" SCALE
- 9. 0.015625" = 1" SCALE
- 10. 0.0078125" = 1" SCALE



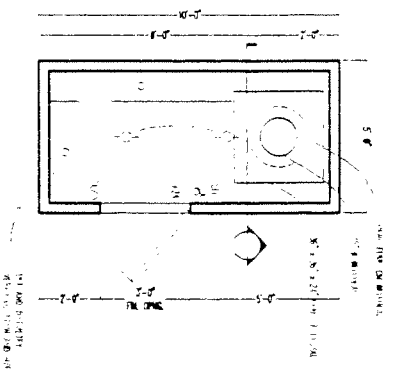
VICINITY MAP
NOT TO SCALE

C1.

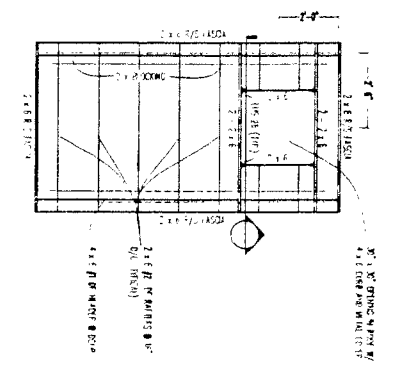
K.B.FOSTER Planning • Engineering • Surveying
 P. O. Box 129
 Galveston, Tex. 77550
 (501) 546-1341

SITE PLAN
FULTON WATER COMPANY
 4490 & 4492 PINEY WOOD ROAD AFBN 331-190-009 & 332, 331-160-004

FLOOR PLAN
1/2" = 1'-0"



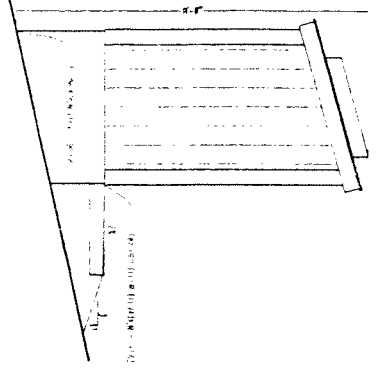
ROOF FRAMING PLAN
1/2" = 1'-0"



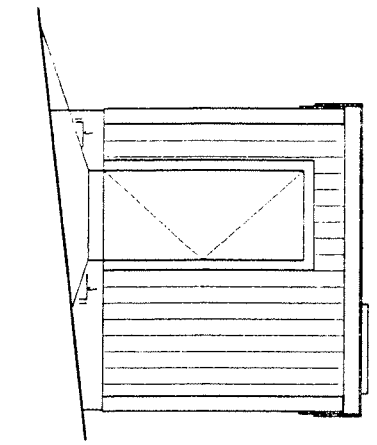
HEIGHT CALCULATIONS

SLOPE ACROSS SITE	18%
ROOF PITCH	3.12
ALLOWABLE HEIGHT	32'-1"
PROPOSED HEIGHT	9'-4"

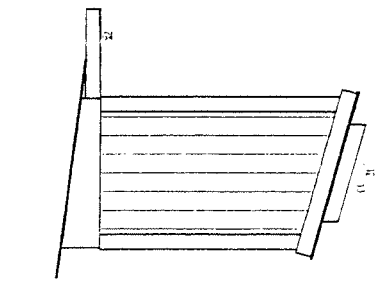
EAST ELEVATION
1/2" = 1'-0"



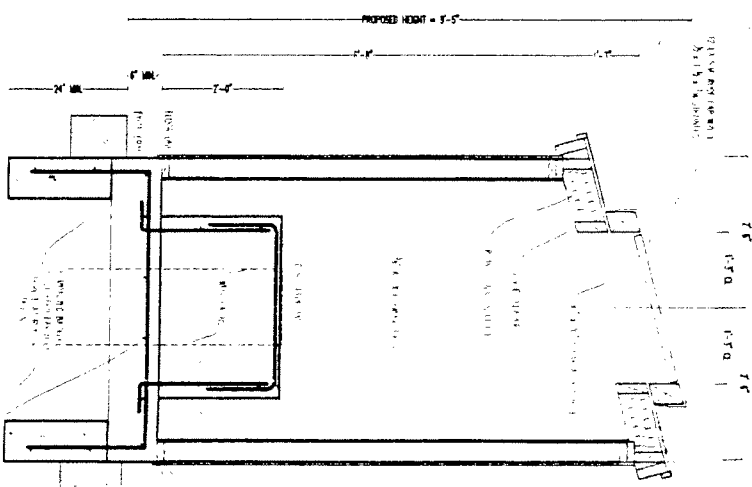
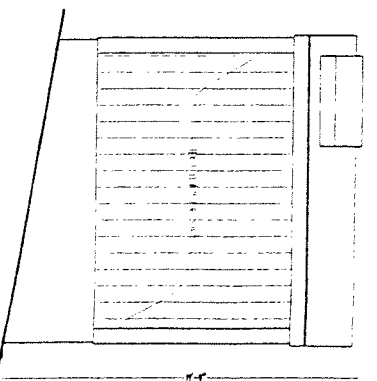
NORTH ELEVATION
1/2" = 1'-0"



WEST ELEVATION
1/2" = 1'-0"



SOUTH ELEVATION
1/2" = 1'-0"



THOMAS T. ENLOR, SEAPR ARCHITECT

