



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi, Deputy Director

Hearing Date: August 5, 2015
Time: 1:35 PM

DATE: July 21, 2015

TO: Zoning Administrator

FROM: Development Review Committee

SUBJECT: PLN 15-00083 – Skyland/Nielsen new water well Minor Use Permit
(Continued from May 6, 2015 Hearing)

OWNER: Michael and Sydney Earley

APPLICANT: Tahoe Park Water Company, Richard Dewante

STAFF PLANNER: Allen Breuch, Supervising Planner

ZONING: Plan Area Statement 164 Sunnyside/Skyland Residential

LOCATION: 3275 Ann Road in the Homewood area

APN: 085-290-012-000

PROPOSAL:

The applicant is requesting the approval of a Minor Use Permit to allow the installation of new primary water well to serve the Skyland-Nielsen water system located at 3275 Ann Road in the Homewood Area.

CEQA COMPLIANCE:

The project has been determined categorically exempt from the provisions of CEQA per Section 18.36.050.D (Class 3 – New construction or conversion of small structures) of the Placer County Environmental Review Ordinance (CEQA Guidelines Sections 15303).

BACKGROUND/EXISTING CONDITIONS:

This project was continued from the May 6, 2015 Zoning Administrator hearing to allow the applicant more time to consult with the California Water Board. The project site is located within a residential neighborhood and is currently undeveloped except for a small tree house located on a 24" fir tree located near the center of the property. The topography slopes approximately 14% from the southwest corner property line towards the northeast where Chris Way and Ann Road intersect on this corner lot. The 10,914 square foot parcel is currently owned by Michael and Sydney Earley who are allowing the Tahoe Park Water Company to construct a new Skyland-Nielsen water supply well to serve the immediate neighborhood. Recently the applicant has submitted a Land Capability Verification (LCV) to county staff to verify the parcel land capability and any potential Stream Environment Zones (SEZ). This application is currently under staff review and will ultimately determine the location where the water well could be permitted.

Staff conducted a field visit of the site in March, 2015. As stated above, the property is currently an undeveloped residential lot with a mixture of fir, cedar trees with several willow clumps. The subject property is a corner lot located at the south west corner of Chris Way and Ann Road within the Skyland Subdivision. The properties surrounding the lot are developed with single-family residences.

ANALYSIS:

General Plan and Zoning Consistency

The new water well is considered a local public health and safety facility which requires a Minor Use Permit within Plan Area Statement 164 Sunnyside/Skyland Residential zoning district. These facilities are either operated by public or quasi-public entities and include water tanks, pumps and wells. The proposed Skyland-Nielsen water well use is centrally located within the Skyland Subdivision and is consistent with the 1998 West Shore General Plan by providing needed fire protection and domestic water supply to the residential community.

Project Description

The applicant is requesting approval of a Minor Use Permit for the construction of new domestic water well with a four inch water main connection to supply the existing water system located off Ann Road. The preferred location for the well is at the south east corner of the lot as depicted on the proposed site plan. The applicant is in preliminary discussion with the current property owners to provide a 10-foot by 10-foot easement around the well and new water main connection with easement approximately 50 feet from Anne Road. The final location of the well and easement will not be determined until the LCV is completed by staff.

There are no buildings or above structures associated with the proposal. The above ground development will only include a well cap and an electrical power supply provided by an overhead utility pole. The proposed water well will serve as the primary Skyland-Nielsen water system and replace the existing well. The existing well will be retained as a secondary redundant supply for the neighborhood.

Project Analysis

According to the Plan Area Statement 164 Sunnyside/Skyland Residential, a Minor Use Permit is required for the construction and/or modification of a local public health and safety facility. The applicant is proposing to locate new water well and a four inch connection line to serve the Sunnyside/Skyland neighborhood to meet current fire protection or health department standards.

The proposed project complies with the Development Standards for the Plan Area Statement 164 Sunnyside/Skyland Residential zoning district. There is a potential that the well location might deviate on-site if the LCV identifies a stream environment zone at the current well site proposal. Staff has provided a condition to allow the well use to be adjusted on the property if it's determined the TRPA LCV would designate a separate location where a well would be permitted.

Temporary protective fencing will be erected around those trees shown on the site plan. The applicant is proposing installing BMP's as mitigation for potential grading and water quality impacts resulting from project construction and removal of the existing water pump station.

Staff has also obtained a letter dated July 3, 2015 from the California Water Board (attachment 3) providing preliminary review of the water well location with eight stipulations that the applicant shall complete prior to making the site a source of water supply. There is a recommended condition of approval (condition 3) that the applicant shall obtain California Water Board approval prior to operating the water well as a source of water supply.

RECOMMENDATION:

Staff recommends the Zoning Administrator (ZA) determine the project to be categorically exempt from the California Environmental Quality Act (CEQA). Staff recommends approval of the Minor Use Permit for the water well (Assessor's Parcel Number 085-290-012-000) subject to the following findings and conditions.

FINDINGS:

Environmental Review / California Environmental Quality Act (CEQA):

1. This project is categorically exempt from the provisions of CEQA per Section 18.36.050.D (Class 3 – New construction or conversion of small structures) of the Placer County Environmental Review Ordinance (CEQA Guidelines Sections 15303). The project will not create a significant impact to the surrounding properties, structures, or public.

Minor Use Permit:

1. The site for the proposed use is physically suitable for the type and density/intensity of development being proposed and adequate in size and shape to accommodate the use required by the Zoning Ordinance in that the water well is to provide adequate water supply and water pressure to the surrounding community and the well is proposed within the confines of the existing parcel. The site is currently undeveloped and is adequate in size to have a well on-site. The site is physically suitable for the public facility in that the well has been designed to comply with the required development standards, including but not limited to setbacks.
2. The proposed use of a new water well is consistent with all applicable provisions of Chapter 17.58.140 (Permit Issuance) and any applicable provisions of other chapters of the Zoning Ordinance and the Plan Area Statement 164 Sunnyside/Skyland Residential zoning district in that a public safety facility, specially water tanks, pumps, well and related facilities are considered a special use within the Plan Area Statement 164 Sunnyside/Skyland Residential. A special use requires approval of a Minor use Permit.
3. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan, West Shore General Plan, Plan Area Statement 164 Sunnyside/Skyland Residential zoning district, and that any specific findings required by any of the plans are made in that a Minor Use Permit has been filed and approved. The project proposes to add a new water well in order to meet current standards and regulations to the immediate community and will not create an inconsistency with the policies and requirements of the applicable General Plans and West Shore General Plan.
4. The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County; except that a proposed use may be approved contrary to this finding where the granting authority

determines that extenuating circumstances justify approval and enable the making of specific overriding findings in that the water well will be located entirely within the confines of the subject parcel and will provide for current and updated pumping abilities. The proposed project complies with the development standards and it can be found that the new water well on the subject parcel will not be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County. The water well is a public safety facility which will otherwise be able to respond to the needs of the general public and will be updated consistent with the standards and regulations of today.

5. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development of the undeveloped lot and the proposed water well is consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
6. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project unless a specific design deficiency is acknowledged and approved in conjunction with the adoption of a general plan or community plan applicable to the area in question in that there will be no additional traffic generated by the new water well. The new well will not create a capacity of traffic beyond that for a water facility nor beyond that currently exists today. It can be found that the project will not generate a volume of traffic beyond the design capacity of the neighborhood.

STAFF SUMMARY AND RECOMMENDATION:

As supported by the discussion and findings contained in this staff report, staff concludes that the findings to approve the Minor Use Permit can be made for this project and that none of the findings to deny the Minor Use Permit modification may be made.

Staff recommends the Zoning Administrator (ZA) approve the Minor Use Permit Application PLN15-00083 as proposed based on the findings contained within this staff report and subject to the conditions of approval contained within Attachment A.

ATTACHMENTS:

- Attachment A - Planning Division Recommended Conditions of Approval
- Attachment B - Engineering and Surveying Memorandum
- Attachment C - Environmental Health Services Memorandum
- Attachment D - Site Plans
- Attachment E - July 3, 2015 California Water Board letter

RECOMMENDED CONDITIONS OF APPROVAL
PLN 15-00083
SKYLAND-NIELSEN MINOR USE PERMIT

- 1 The Minor Use Permit (PLN 15-00083) is approved to allow the installation of new primary water well to serve the Skyland-Nielsen water system located off Ann Road within the Skyland Subdivision. The project shall be constructed as described within this staff report dated April 15, 2015 and as shown on the submitted site plan as approved on file in the Community Development Resource Agency. If the proposed location of the water well is required to be relocated on-site, the Development Review Committee (DRC) shall review and ensure it meets county codes and regulations for the revised location.
- 2 No outside storage of materials, vehicles or equipment shall be permitted, allowed or maintained on the site or within the right-of-way. Emergency and normal repairs of on-site equipment and structures are permitted during an on-going emergency water repair.
- 3 The project shall receive any required approvals from TRPA, Lahontan, California Water Board, North Tahoe Fire Protection District and any other department or agency having jurisdiction over this project before the water well can be used as a source of water supply.
- 4 The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project known as the Tahoe Park Water Company Minor Use Permit. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition (County Counsel).



COUNTY OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: Allen Breuch, Planning Services Division
Julie Leipsic, CDRA

DATE: Rev. July 24, 2015

FROM: Andy Deinken, Engineering and Surveying Division

SUBJECT: PLN15-00083: Tahoe Park Water Co., Well at Ann Road/Chris Way; 3275 Ann Road; Homewood; Michael & Sydney Earley property; (APN: 085-290-012)

The applicant proposes to construct a new primary water supply well to serve the Skyland-Nielsen water system, in the Skyland subdivision in Homewood. The project is located on private property which abuts Ann Road and Chris Way, which are County maintained roads. The Engineering and Surveying Division (ESD) supports the Development Review Committee's recommendation for the Minor Use Permit application subject to the following recommended conditions of approval:

1. Prior to issuance of any County permits, the applicant or authorized agent shall obtain an Encroachment Permit from the Placer County Department of Public Works (DPW) for the water main connection to be made in Ann Road.
2. Prior to issuance of any County permits, the applicant or authorized agent shall furnish evidence to the ESD that a utility easement has been recorded (noted as "Lease Area" on the site plan dated June 18, 2015) which will provide for water company well facility access, construction, and operation and maintenance on this parcel. The easement shall abut the County right-of-way for Ann Road.
3. Prior to issuance of any County permits, the applicant shall obtain approval from the Tahoe Regional Planning Agency (TRPA).
4. Prior to commencement of construction, temporary access measures shall be established across the existing roadside drainage ditch/swale along the west side of Ann Road. The preferred method of establishing temporary access is by the placement of steel trench plates spanning the ditch, although alternate methods may be acceptable, as approved by ESD and/or DPW. A stabilized construction entrance shall be installed in accordance with section 4.5-h of the TRPA BMP Handbook.
5. Prior to project completion, the roadside drainage ditch shall be restored to equal or better than its current condition. There shall be no discharge or storage of any tailings, spoils, overburden, etc. to or in the roadside drainage ditch and County storm drain system at any time. Tailings/spoils/overburden/stockpiles/etc. shall not be stored or placed at any time in the unpaved portion of the County Right-of-Way between the drainage ditch and adjacent private property. All unpaved areas outside the drainage ditch shall be revegetated in accordance with the TRPA BMP Handbook. There shall be no material or equipment storage or staging in the County roadway.



Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.
Department Director

Wesley G. Nicks, R.E.H.S.
Environmental Health, Director

MEMORANDUM

OFFICE OF THE PLACER COUNTY HEALTH AND HUMAN SERVICES Division of Environmental Health

To: Zoning Administrator

From: Justin Hansen
Land Use and Water Resources Section

Date: July 28, 2015

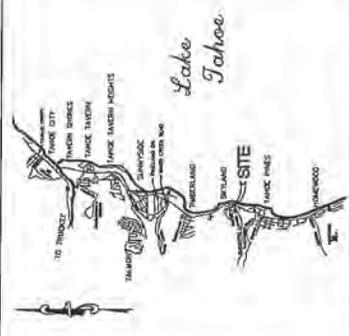
Subject: **Tahoe Park Water Co., Skyland Nielsen System (PLN15-00083), 085-290-012**

Placer County Environmental Health has reviewed the subject project application and has the following recommended conditions of approval:

- 1) Prior to construction of the proposed public water well, the project shall obtain an approved public water well construction permit from Placer County Environmental Health and shall comply with all conditions of approval of said permit.
- 2) This proposed public water well is intended to become a source of supply for a public water system. To this end, the Tahoe Park Water Company shall comply with all requirements of the State Water Resources Control Board, Drinking Water Program, Lassen District regarding this proposed public water well.

Perspective, Hope, and Opportunity

VICINITY MAP



NOTES

1. THE SURVEY SHOWN HEREIN IS FROM A FIELD SURVEY COMPILED BY MICHAEL CARGLEY AND ASSOCIATES, INC. FOR THE PURPOSES OF RECORD. INVESTIGATION OF RECORDS HAS REVEALED THE EXISTENCE OF ANY OTHER FACTS WHICH MAY AFFECT THE ACCURACY OF THIS SURVEY.
2. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS HAS BEEN MADE AS A PART OF THIS SURVEY.
3. NO INVESTIGATION CONCERNING THE LOCATION OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY HAS BEEN MADE AS A PART OF THIS SURVEY. ALL UTILITY LOCATIONS SHOULD BE FIELD LOCATED PRIOR TO ANY DESIGN OR CONSTRUCTION.
4. DATE OF FIELD WORK: JUNE 21-22, 2012
5. THE PROPOSIED WELL ADJACENT TO THE STAIRWAYS OF THE EMERGENCY EXIT AT THE PROPERTY IS LOCATED WITHIN THE 50' R.O.W. OF AN ANN ROAD.
6. VERTICAL DATUM IS FROM LAKE TAHOE.
7. TYPICAL FOUNDATION MARKERS: 1/4" DIA. GALV. PIPE
8. RECORD SETBACKS SHOULD BE VERIFIED PRIOR TO ANY DESIGN.
9. THIS SURVEY WAS MADE BY MICHAEL CARGLEY AND ASSOCIATES, INC. ON 06/21/12.

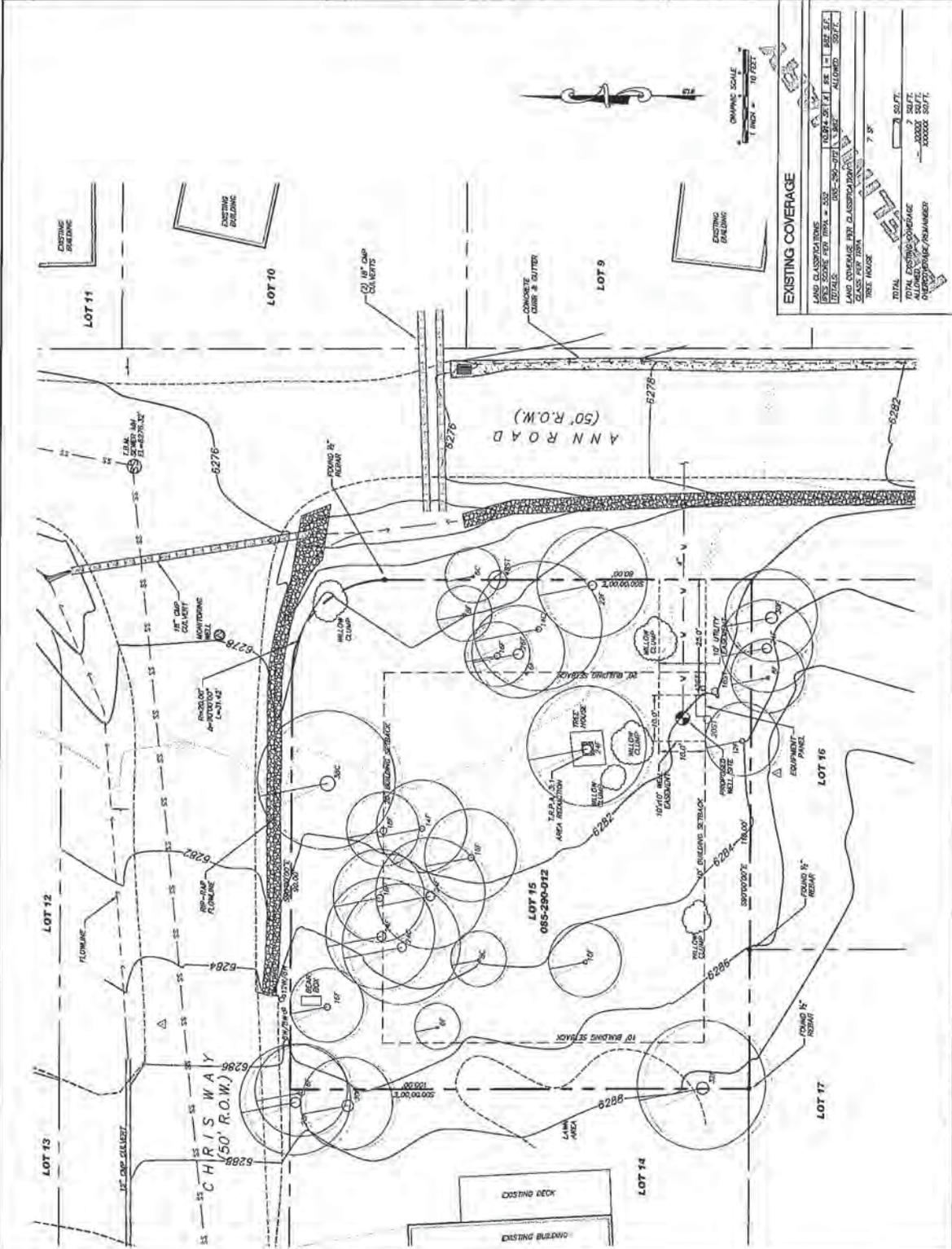
LEGEND



PROJECT INFORMATION

OWNER: MICHAEL CARGLEY AND ASSOCIATES, INC.
 PROJECT ADDRESS: CHASE WAY, TAHOE CITY, CA
 APN: 085-290-012
 RECORD INFORMATION: WELL SITE LOT 15, OFF-ROAD EXISTING, ROOM 7 OF MAP 83, 085-290-012

WLS
 WEBB LAND SURVEYING, INC.
 1 of 2



EXISTING COVERAGE

LAND IS UNCLASSIFIED
 100% COVERED FOR 100% USE
 100% COVERED FOR 100% USE
 100% COVERED FOR 100% USE
 100% COVERED FOR 100% USE

DATE OF SURVEY: 06/21/12
 SURVEYOR: MICHAEL CARGLEY AND ASSOCIATES, INC.
 PROJECT ADDRESS: CHASE WAY, TAHOE CITY, CA
 APN: 085-290-012

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	06/21/12
2	ISSUED FOR PERMITS	06/21/12
3	ISSUED FOR PERMITS	06/21/12
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18	ISSUED FOR PERMITS	06/21/12
19	ISSUED FOR PERMITS	06/21/12
20	ISSUED FOR PERMITS	06/21/12

TAHOE PARK WATER COMPANY PROPERTY
 085-290-012
PROPOSED WELL SITE
 CALIFORNIA
 PLACER COUNTY



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

July 3, 2015

Tahoe Park Water Company
5000 Windplay Dr., Suite 4
El Dorado, CA 95762

Attention: Richard DeWante, Owner

Subject: Tahoe Park – Skyland/Nielsen Proposed New Skyland Well, Updated Well Site Plan and Control Zone

RECEIVED

JUL 16 2015

CDRA

On November 24, 2014, the California State Water Board, Division of Drinking Water (Division), received your proposal for the drilling of a new well to replace the existing New Nielsen Well as an active source for the Tahoe Park Water Company – Skyland/Nielsen (Company) water system. The proposal included a site plan showing the location of the well relative to the surrounding homes, streets, and lot boundaries. We provided you with the Division's comments on the proposal in a letter dated January 22, 2015. You electronically submitted an updated site plan on June 18, 2015; and on July 1, 2015, you electronically submitted proposed negative easements to demonstrate adequate control of a zone extending at least 50 feet from the proposed well in all directions in compliance with Title 22, Section 64560(a)(2) of the California Code of Regulations (CCR).

The proposed well site, as shown on the updated site plan with the proposed negative easements, meets all separation requirements found in California Department of Water Resources Bulletin 74-90, Section 8(A), as required in Title 22, Section 64560(c)(1) of the CCR and is hereby approved by the Division. The proposed negative easements submitted to the Division should provide adequate control of a zone extending at least 50 feet from the well in all directions. Prior to the Division permitting the proposed well, you must submit a copy of the recorded easements demonstrating the control zone and a printed full size copy of the well site plan to this office for our review. As a reminder, you must also submit the following information as part of your permit amendment application:

1. A copy of the Well Driller's Completion Report submitted to the Department of Water Resources.
2. Plans showing the proposed well construction including the waste discharge line, meter, pipe (including size and material), the sanitary seal, the surface seal, and what measures will be taken to secure the wellhead against vandalism and tampering.
3. A completed Drinking Water Source Assessment that identifies all PCAs within a 2-year (900-foot radius), 5-year (1,500-foot radius), and 10-year (2,250-foot radius) time of travel of the well site.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

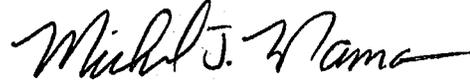
ATTACHMENT E

4. The Company's proposed well capacity test procedures. The pump test must conform to the requirements found in Title 22, Section 64554(f) or (g) of the CCR, depending on the subsurface geology, as appropriate.
5. The results from the required pump test.
6. Results of all required water quality analyses.
7. All documentation required for compliance with the California Environmental Quality Act (CEQA).
8. As-built plans.

All submissions shall be made to the Redding Office at the following address:

Division of Drinking Water
364 Knollcrest Drive, Suite 101
Redding, CA 96002

Please be aware that the Company may not use the well as a source of supply within the Skyland/Nielsen water system prior to receiving a permit from the Division. If you have any questions, please contact Michael Burgess at (530) 224-6506 or me at (530) 224-4800.



Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Rami Kahlon, Director Division of Water and Audits, California PUC
Richard L. Hinrichs, Chief, DDWEM-Northern California Section
Vicki Ramsey, Placer County Department of Environmental Health