

MEMORANDUM
County of Placer
Planning Department

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Planning Director

DATE: October 24, 2006

SUBJECT: THIRD-PARTY APPEAL – DESIGN SITE REVIEW (PDSDT20050306) FOR BUSHWACKERS TREE SERVICE

ACTION REQUESTED

The Board of Supervisors is being asked to consider a third-party appeal of the Planning Commission's denial of an appeal regarding a staff Design/Site Review approval for the establishment of a tree-service business on an industrially zoned property in the Kings Beach area. Staff recommends that the Board of Supervisors grant the appeal and approve the Design/Site Review application for the Bushwackers project (PDSDT20050306), subject to the findings and modified conditions of approval set forth in Exhibit 4.

BACKGROUND

The subject property is located in Kings Beach and encompasses an area of approximately 1.82-acres of land, and has existing driveways on Speckled Avenue and Deer Street. The project site is located within the boundaries of the Kings Beach Industrial Plan and is designated in the Plan for industrial-type land uses. The subject site has five structures, with one 1940-era multi-level, single-family residence and four accessory structures that were built in the early 1970's. The property slopes significantly to the east (towards Griff Creek) behind the single-family residence at the northeast corner of the property. There is a gentle slope in front of the residence towards Speckled Avenue. Land uses in the vicinity of the project site include residential and industrial/commercial uses.

Applicant's Request

The applicant is requesting approval of a Design/Site Review application (PDSDT 2005 0306) to allow for the establishment of a tree service business on an industrially zoned property in the Kings Beach area. The development of the property would include the conversion of a residential garage into a commercial business office, designating fire wood storage/wood cutting areas on the site, and other on-site improvements, including permanent Best Management Practices (BMP's). The approval is based on a phased development plan.

Staff Design/Site Review Process

During the County review of the Design/Site Review application, it was determined there are several easements that encumber the property, as well as illegal building conversions and a building that has been constructed over a property line. Staff has had numerous meetings and input with the easement holders (appellants), the applicant and their various representatives. There was no consensus between the parties or their lawyers about the easements. As the easement holders and property owner are involved in litigation over property rights, and as the Design/Site Review application did not adversely impact any of the identified easements, staff concluded it was appropriate to approve the project, subject to a phased approval that would allow the property owner to only operate on a portion of the property that is not the subject of pending litigation (i.e., the easement areas).

A Design/Site Review Committee hearing was held on August 18, 2005 at the site with the applicant, their representatives, easement holders and the County/staff committee members. The Design/Site Review Committee unanimously recommended approval of the project, subject to specific conditions of approval. Staff approved the project on September 22, 2005, subject to the identified conditions of approval. On October 5, 2005, a letter of appeal was filed by Sierra Pacific Power Company, Tahoe Truckee Disposal Company and Yankton Excavation appealing the staff's Design/Site Review approval of the project.

Planning Commission Hearing on Appeal of Design/Site Review Approval

Since the time that the appeal was filed (October 2005), staff has worked cooperatively with the applicant and the appellants to try and resolve the issues raised in the letter of appeal. The applicant and the appellant waived their right to be heard within 90 days in hope of resolving the issues outside of an appeal hearing. When it was concluded that no compromise could be reached, staff set the appeal hearing.

On July 13, 2006, the Planning Commission considered the appeal of the Design/Site Review application. Concerns raised included 13 points ranging from a confusing site plan, parking barriers, approved uses, nature of BMP's, approval of buildings across easements, the storage of fire wood, business operations, a landscape plan, lighting, parking, setbacks and compliance with the California Environmental Quality Act.

After staff's presentation, testimony from the applicant's representatives and lengthy public testimony and discussion, the Planning Commission agreed with staff's recommendation and unanimously (7-0) denied the appeal, thereby upholding staff's original Design/Site Review approval. In its denial of the appeal, the Planning Commission concluded that there were no merits to any of the issues raised by the appellants. Additionally, the Planning Commission concluded issues associated with the easements were a civil issue that is not within the purview of the County.

LETTER OF APPEAL

On July 21, 2006, an appeal of the Planning Commission's approval of the Bushwackers Design/Site Review project was filed by Neil Eskind, representing Bruce Yankton of Yankton Excavating, and Jeff Collins of Tahoe Sierra Disposal. (Exhibit 1). This appeal was filed within the required 10-day appeal period. As set forth in the appeal letter, the appellants are requesting that the Board of Supervisors consider five elements of the approval which include:

1. The "wood storage" area at the bottom left portion of the attached copy is located adjacent to Appellants' recorded easements with no required barrier to prevent stored wood from spilling onto the easement, blocking the easement and causing vehicle damage. The Appellants request that the "wood storage" area abutting the easement be fenced with a solid 6 foot high fence for safety purposes.
2. The 2,500 square feet "wood chipping, wood splitting and stacking" area extends and encroaches into the Appellants' recorded easements and substantially blocks the easements. No solid barrier to prevent wood from spilling onto the easement and further blocking the easements and causing vehicle damage is shown as required. The Appellants request that wood chipping, wood splitting and stacking wood storage or other activity be allowed within the area of the easements, and that any activity abutting Appellants' easements divided from the easements be a solid 6 foot high fence for both screening and safety purposes.
3. "Shed 3" at the center of the site encroaches into the Appellants' easements. This shed contains an abandoned gasoline pump for underground storage tanks long removed from the property. The Appellants request that Shed 3 be removed from the area of the easements and the encroachment cured.
4. "Shed 2" at the upper center of the site plan encroaches into Appellants' easement at a critical turning corner. The approval language on the site plan specifically reads "remove and rebuild shed to within property line." The Appellants' easements define specific property rights. The Appellants request that when Shed 2 is rebuilt that it be required to be located entirely outside of the Appellants' easements and the encroachment cured.
5. In addition, a sewer manhole owned and operated by the North Tahoe Public Utility District is located within an area approved by the Planning Commission for "wood chipping, wood splitting and stacking." This manhole is on the NTPUD sewer line which serves the Appellant Bruce Yankton's residence and business, and the approval effectively prevents maintenance of the manhole and sewer line. In addition, the area around and over the manhole and associated sewer line is marked for new paving, further preventing maintenance. Appellant Bruce Yankton has an interest in the maintenance of sewer service to his residence and business and requests that no activity or new paving be allowed within the working area around the manhole or over any NTPUD sewer line connecting to the manhole.

RESPONSE TO APPEAL LETTER

To assure that each assertion set forth in the appeal letter is responded to, staff has prepared a specific response for each issue raised by the appellant. While the appeal addresses five issues, the appeal only raises three substantive issues that are within the purview of the County. These substantive issues can be summarized as follows:

- Whether the project's two approved wood storage locations would permit possible overflow of wood onto adjacent recorded easements;
- Whether the project's approval would permit wood storage on an existing sewer manhole cover and sewer lines impacting sewer service.

As discussed below, the County reviewed the Issues 1 and 2 in the Design/Site Review process, and went to great lengths to insure that the wood piles would not interfere with the easement. The conditions of approval require the placement of an eight-foot-high stacked woodpile between the 2,500 square foot wood chipping/wood storage area and the easement. Nevertheless, appellants remain concerned about wood products spilling into the easement as described below.

Issue 1 - Wood Storage Area

As noted above, the wood storage area at the southwest corner of the project site is located adjacent to the Appellants' recorded easements, and there is no required barrier to prevent stored wood from spilling onto the easement, blocking the easement and causing vehicle damage. The appellants' have requested that the wood storage area abutting the easement be fenced with a solid six-foot-high fence for safety purposes. Staff concurs with this request, and the conditions of Approval will be modified to reflect this requirement. Condition F of the Design/Site Review approval will be modified to including the following language:

"Provide a solid six-foot-high wood fence between the wood storage areas as depicted on the attached site plan and any adjacent easement area for the purposes of assuring that no wood falls into or blocks the identified easement areas. No storage of wood shall be allowed, maintained or permitted within the identified easement area."

With the addition of this language, the appellants' concerns will have been addressed. The applicant has agreed to incorporate this modification to Condition F into the project.

Issue 2 - Wood Chipping, Wood Splitting and Stacking

The 2,500 square foot wood chipping, wood splitting and stacking area at the center of the site extends into and encroaches into the appellants' recorded easements and substantially blocks the easements. No solid barrier to prevent wood from spilling onto the easement and further blocking the easements and causing vehicle damage is shown as required. The appellants' request that wood chipping, wood splitting and stacking wood storage or other activity be allowed within the area of the easements and that any activity abutting Appellants' easements divided from the easements be a solid 6 foot high fence for both screening and safety purposes.

Staff concurs with this request and the conditions of Approval will be modified to reflect this requirement.

Once again, staff concurs with the concern raised by the appellant. To address this concern, the conditions of approval will be modified to clarify where the proposed fence would be located, with the intent of eliminating the possibility of wood overflow onto the existing easement. Condition F of the Design/Site Review approval will be modified to including the following language:

"Provide a solid six-foot-high wood fence between the wood storage areas as depicted on the attached site plan and any adjacent easement area for the purposes of assuring that no wood falls into or blocks the identified easement areas. No storage of wood shall be allowed, maintained or permitted within the identified easement area."

With the addition of this language, the appellants' concerns will have been addressed. The applicant has agreed to incorporate this modification to Condition F into the project.

Issues 3 and 4 - Encroachment of Sheds into Existing Easements

The appellants' third and fourth reasons for the appeal imply that Shed 2 and Shed 3 need to be removed from the existing easements. While the appellant is correct that Sheds 2 and 3 may in fact be located within easements, these are pre-existing conditions that do not impact the approval of the Design/Site Review process. The issue of these sheds being located within existing easements is a civil matter between the easement holders and property owner. As shown on the approved site plan, and as articulated in the conditions of approval, this Design/Site Review approval does not any authorize new use within any existing easement area. It is not within the County's jurisdiction to require the movement of existing buildings within the disputed easement locations.

Issue 5 - Impacts to Manhole Cover Within Easement Area

The appellant is concerned that there is a manhole within an existing easement area that may be paved over, and such an action may adversely impact the appellant. A response from the North Tahoe Public Utilities District indicates that Bushwhackers will need to execute a conforming easement agreement to properly record the existing location of the manhole cover which was built outside of the recorded easement. Since the manhole is outside the existing easement, staff is in agreement to prevent wood storage on or around the impediment on top of or near the manhole area. A modified condition of approval (Condition S) has been added which requires the applicant to execute a conforming easement agreement to properly record the location of the existing manhole cover.

Conclusion

As addressed above, staff has concluded there are merits to Issues 1 and 2 raised by the appellant, and staff is recommending additional language be added to a previously approved condition to reflect the proposed changes to the project. Issues 3 and 4 are civil matters that are not within the purview of the County. Issue 5 is the responsibility of the North Tahoe Public Utilities District, and that District will be requiring the applicant to record the location of the existing manhole cover.

RECOMMENDATION:

Staff recommends that the submittal of Board of Supervisors:

1. Grant the appeal and approve the Design/Site Review application for the Bushwackers project (PDSDT20050306), subject to the findings and modified conditions of approval set forth in Exhibit 4.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Director of Planning

EXHIBITS:

- Exhibit 1: Appeal received July 21, 2006, filed by Neil Eskind for Bruce Yankton of Yankton Excavating and Jeff Collins of Tahoe Truckee Sierra Disposal Co.
- Exhibit 2: Project Location Map
- Exhibit 3: Site Plan
- Exhibit 4: Modified Findings and Conditions of Approval
- Exhibit 5: Letter from the North Tahoe Public Utility District, dated September 26, 2006

- cc:
- Applicant
 - Neil Eskind - Attorney at Law
 - Ken Grehm - Department of Public Works
 - Wes Zicker - Engineering and Surveying Division
 - Rick Eiri - Engineering and Surveying Division
 - Dana Wynniger - Environmental Health Department
 - YuShuo Chang - Air Pollution Control District
 - Vance Kimbrell - Parks Department
 - Scott Finley - County Counsel
 - Michael Johnson - Planning Director

(Staff report due 8/14/06)



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE

11414 B Avenue

Auburn, CA 95603

530-886-3000/FAX 530-886-3080

Web page: www.placer.ca.gov/planning

TAHOE OFFICE

565 W. Lake Blvd./P.O. Box 605

Tahoe City, CA 96143

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E-Mail: planning@placer.ca.gov

Reserved for Data Entry

RECEIVED
JUL 21 2006

PLANNING APPEALS

PLANNING DEPT.

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

RECEIVED

JUL 31 2006

OFFICE USE ONLY

Last Day to Appeal July 27, 2006 (5 pm)

Letter Prepared by Neil Eskink

Oral Testimony _____

Zoning PAS only / P10 021

Maps Full size and reduced for Planning Commission items

Appeal Fee \$ 465.00

Date Appeal Filed 7/27/06

Receipt # _____

Received by Jennifer Halk

Geographic Area Tahoe

CLERK OF THE BOARD OF SUPERVISORS

TO BE COMPLETED BY THE APPLICANT

*90-day deadline
Oct. 19, 2006*

1. Project name Bushwackers Tree Service - Design Review PDSDT20050306

2. Appellant(s) Bruce Yankton, Tahoe Truckee Sierra Disposal Co.

Telephone Number _____ Fax Number _____

Address See Attached

City _____ State _____ Zip Code _____

3. Assessor's Parcel Number(s): 090-041-009 and 090-041-028

4. Application being appealed (check all those that apply):

Administrative Approval (AA-____)

Use Permit (CUP/MUP-____)

Parcel Map (P-____)

General Plan Amendment (GPA-____)

Specific Plan (SPA-____)

Planning Director Interpretation _____ (date)

Minor Boundary Line Adj. (MBR-____)

Tentative Map (SU B-____)

Variance (VAA-____)

Design Review (~~Box~~ PDSDT 2005-0306)

Rezoning (REA-____)

Rafting Permit (RPA-____)

Env. Review (EIAQ-____)

Other: _____

5. Whose decision is being appealed: Planning Commission

(see reverse)

6. Appeal to be heard by: Board of Supervisors

(see reverse)

7. Reason for appeal (attach additional sheet if necessary and be specific):

See Attached

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps

Signature of Appellant(s)

Bruce Yankton

Tahoe Truckee Sierra Disposal Co.

Jeff Collins

CC: Michael Johnson
Allen Breuch
Engineering Surveyors
ER
Aled

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Attachment to Appeal to Bushwacker's Tree Service, PDSD 2005-0386

Item 2, Addresses:

Bruce Yankton
Post Office Box 1274
Kings Beach, CA 96145

Jeff Collins
Tahoe Truckee Sierra Disposal Co.
Post Office Box 135
Tahoe City, CA 96145-0135

Please send copy of all notices and correspondence to:

Neil A. Eskind
Attorney at Law
Post Office Drawer Z
Tahoe City, CA 96145-1906

Item 7, Reason for Appeal:

Background: Planning Department Staff initially approved a Design Review. The copy of the approval sent to the Appellants did not include the Site Plan referenced in the approval. When asked for the Site Plan Planning Department Staff identified a confusing imprecise site plan and Appellants based their appeal to the Planning Commission on that Site Plan. Just before the Planning Commission hearing Planning Department Staff substituted a different Site Plan and provided a black and white copy of a colored Site Plan. Appellants were not provided a color copy of the site plan used by Planning Department Staff in the Planning Commission hearing until after the Planning Commission hearing was concluded. This appeal is based upon the Site Plan utilized by the Planning Commission but not provided the Appellants until after the hearing was concluded.

Grounds for Appeal: Appellants are the beneficiaries of recorded easements on the subject property. These easements are recorded in Placer County Records in as follows¹: Book 3107, Page 251, December 1986; Book 3107, Page 248, December 1986; Book 1374, Page 359, September 1971; Book 1260, Page 210, September 1969; Book 2415, Page 575, July 1981. These easements predate the current owner and design review applicant's ownership of the property. Appellants use these easements on a daily basis and have a property right in these easements. Attached hereto is a color copy of a portion of the Site Plan approved by the Planning Commission with Appellants' easements added in yellow with a dashed border. Appellants appeal the following elements of the approval:

1. The "wood storage" area at the bottom left portion of the attached copy is located adjacent to Appellants' recorded easements with no required barrier to prevent

¹ These references are to easements located on the designated "Phase 1" and omit references to easements on the balance of the property.

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stored wood from spilling onto the easement, blocking the easement and causing vehicle damage. Appellants request that the "wood storage" area abutting the easement be fenced with a solid 6' high fence for safety purposes.

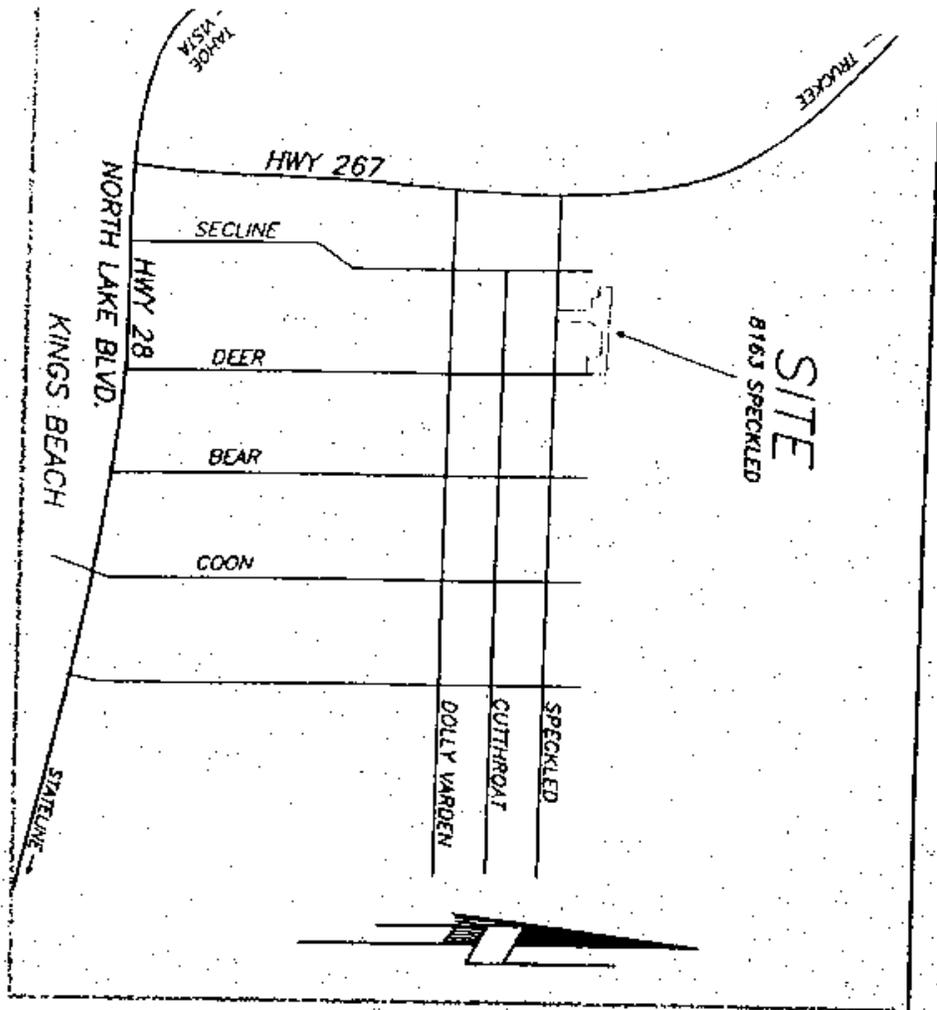
2. The 2500 sf "wood chipping, wood splitting & stacking" area at the left center of the attached copy extends into and encroaches into Appellants' recorded easements and substantially blocks the easements. No solid barrier to prevent wood from spilling onto the easement and further blocking the easement and causing vehicle damage is shown as required. Appellants request that no wood chipping, wood splitting & stacking, wood storage or other activity be allowed within the area of the easements and that any activity abutting Appellants' easements be divided from the easements by a solid 6' high fence for both screening and safety purposes.

3. "Shed 3" at the center of the attached copy encroaches into Appellants' easements. This shed contains an abandoned gasoline pump for underground storage tanks long removed from the property. Appellants request that Shed 2 be removed from the area of the easements and the encroachment cured.

4. "Shed 2" at the upper center of the attached copy encroaches into Appellants' easement at a critical turning corner. The approval language on the Site Plan specifically reads "Remove and rebuild shed to within property line." Appellants' easements define specific property rights. Appellants request that when Shed 2 is rebuilt is required to be located entirely outside of Appellants' easements and the encroachment cured.

5. In addition, a sewer manhole owned and operated by the North Tahoe Public Utility District is located within an area approved by the Planning Commission for "wood chipping, wood splitting and stacking." This manhole is on the NTPUD sewer line which serves Appellant Bruce Yankton's home and business and the approval effectively prevents maintenance of the manhole and sewer line which could result in undetected sewer blockages, sewer spills and loss of sewer service. In addition, the area around and over the manhole and associated sewer line is marked for new paving, further preventing maintenance. Appellant Bruce Yankton has an interest in the maintenance of sewer service to his home and business and requests that no activity or new paving be allowed within the working area around the manhole or over any NTPUD sewer line connected to the manhole.

VICINITY MAP
(NOT TO SCALE)



- A.P.N. 96
- TOTAL PARCEL
- EXISTING
- BUILDING FOOTPRINT
- A.C. PAVED DRIVE
- CONCRETE PARAPET
- DIRT DRIVES & WALLS
- DIRT PATHS
- STORAGE BOXES
- TOTAL EXISTING CC



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PLACER COUNTY PLANNING DEPARTMENT
565 WEST LAKE BLVD., TAHOE CITY, CA 96145
P.O. Box 1909, Tahoe City, CA 96145
(530) 581-6280 Fax (530) 581-6282
E-Mail Address: planning@placer.ca.gov

DESIGN/SITE REVIEW - SITE PLAN REVIEW

APPLICATION #: PDSO 2005-0306

Date Received: 3/25/05

Application References: N/A

Project: Bushwacker's Tree Service

Property Owner: Brian Rye

Telephone #: (530) 546-0454

Address: P.O. Box 550, Tahoe Vista, CA 96148

Applicant: Brian Rye

Telephone #: (530) 546-0454

Address: P.O. Box 550, Tahoe Vista, CA 96148

CONTACT PERSON: Brian Rye

Telephone #: 530) 546-0454

General Location: 8163 Speckled Ave., Kings Beach

Assessor's Parcel Numbers: APN 090-041-009 and 090-041-028

Zoning: Kings Beach Industrial Community Plan (PAS 026)

Development Proposal: Proposal is a commercial woodcutting and wood storage facility for "Bushwackers" tree service. The development of the property will include an allocation of 508 Sq. Ft. of commercial floor area to a new commercial workshop building and an office. Also includes wood storage and cutting areas, and other on-site improvements to include permanent BMP's. This approval is based on a phased development and only includes development and approval marked as faze one on the approved site plan and west of FD NAIL TAG "FOSTER.7"

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Modified Conditions of Approval
Bushwackers Tree Service Design/Site Review
As Presented to the Board of Supervisors - October 24, 2006

EXHIBIT 4

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CEQA COMPLIANCE: This project is categorically exempt from the provisions of CEQA per Section 31.935 (Class 5)(A)(1) and Section 31.933 (Class 3)(C) "small structures" of the Placer County Environmental Review Ordinance, May 6, 1997

SITE REVIEW

A. Building Arrangement, Setbacks, Exterior Appearance (Type of finish, color, etc.)

Comments and/or conditions: Bushwackers site improvements approved by the North Tahoe Design/Site Review Committee on August 18, 2005. See approved site plan for specific details such as parking, wood storage and parking barriers.

]

- This project is approved as a phased development. The only business operations, storage and/or other uses permitted, allowed and maintained shall be located west of Shed Two (2) (FD NAIL TAG "FOSTER") as indicated on the attached site plan. A separate submittal and approval shall be made for any operations east of shed two (2) (FD NAIL TAG "FOSTER") as indicated on the attached site plan.
- All wood chipping and splitting operations is limited to the 2,500 sq. ft. area as depicted on the site plan. No other locations on the subject property have been proposed or approved. Wood chips either created or brought to the site shall not be stored/kept at the site longer than one season (year). This will ensure the wood chips will rapidly dry, eliminating the environment necessary for the bark beetle to complete their life cycle.
- The existing structures on the subject site shall be maintained in good repair. This includes windows, doors and roofing. The existing structures on the site shall also be painted a uniform dark brown color and maintained in good repair. Paint chip is attached in the file.
- Fire safe design and material requirements as well as defensible space standards are required for this project. Such conditions of approval include:
 1. Ten-foot wide access road shall be maintained around the perimeter of the proposed firewood storage. A site plan shall be submitted and approved by North Tahoe Fire Protection District prior to final approval for the project. The site plan shall show the proposed firewood storage areas, height, width and volume of the stacks or piles and total cords of firewood to be stored on site at any one time.

2. If any firewood is going to be stored in any buildings, the appropriate occupancy separations shall be provided per building code and the building sprinkler system shall be designed for such storage. Height, width and total cords stored within the building will be required to be submitted and approved by North Tahoe Fire Protection District prior to storage.

B. Parking, Traffic Circulation, and Frontage Improvements: A total of 14 parking spaces shall be maintained on-site as shown on the approved site plan. The proposed parking space numbered "9" is not approved since it is located on a designated easement. Therefore this space is deleted from the approved plans reducing the 15 proposed parking spaces to 14 approved spaces. No employee parking or commercial vehicles associated with business operations at 8163 Speckled shall be permitted off-site along the roads (public and private) immediately adjacent to the site. All parking spaces shall be maintained for vehicles that can operate on public streets (currently registered, running and in operating condition) and related to the business or clientele. In no event shall the facility be permitted, allowed or maintained for uses that are not permitted under Kings Beach Industrial Plan (see attached list of permitted uses). No outdoor storage, manufacturing, fabrication, assembly or other miscellaneous work shall be permitted within the parking facilities or on the subject site.

- **Wood Storage Locations:** Locations for wood storage are identified on the approved site plan. All cut firewood shall be stacked/piled neatly and shall not exceed 8 feet in height, above perimeter fencing. The wood chipping area may have wood storage, but the height of said storage shall not exceed 12' in height and is limited to the paved areas depicted as storage area. A stacked 8' high woodpile shall be placed along the 2,500 sq. ft. storage/wood chipping area and the road and public utility easement identified on the plans. The woodpile is approved for screening purposes and shall be placed from shed 3 and extend no further than the sewer manhole located to the south of shed 3.
- **Parking barriers:** Rock boulders at a minimum of four (4) foot in diameter shall be placed every five (5) feet along the perimeter of the paved parking pads and paved wood storage areas to prohibit vehicles and business operations to "overflow" onto unimproved portions of the property. See required locations on approved site plan.
- See attached memorandum from the Department of Public.

C. Grading and Storm Drainage: See attached memorandum from the Department of Public.

- D. **Improvement Plans Required:** Yes No. If yes, plans must be submitted separately to Public Works for review and must be accompanied by a copy of this approved Design Review Agreement. The building permit cannot be issued until the plans are approved.
- E. **Landscaping:** (Applicant is responsible for maintenance and replacement of all plant materials. Failure to do so will result in a violation of the Placer County Zoning Ordinance.) Landscaping is a major factor in the image of this area. However, the existing landscaping is sparse. Landscaping provides many benefits, among them are many options to prevent erosion, help reduce noise and provide a good dust control method. Therefore, the perimeter landscaping shall be increased to cover bare soil, prevent raindrop impact and soil loss by wind and water. Long expanses of fences and wall surfaces are not visually or architecturally pleasing and they should be designed to prevent monotony. Special attention to landscaping shall also include covering all bare dirt. Wood chips may be permitted in some bare dirt location, but must be approved through a woodchip plan prior to covering bare dirt locations. (See attached Landscape Maintenance Agreement for additional conditions of approval).
- F. **Walls, Fences and Trash Enclosures:** New fencing are proposed as part of the application. However, since several outstanding issues still exist on the subject property, such as easements and private right-of-way, Placer County will review a separate application on fences after these issues have been resolved with the other owners of these easements and private right-of-ways.
- One trash enclosure shall be at least a 20 yarder and shall be used to discard wood debris and other material that is generated by the on-site business. The location of the dumpster shall be located so it cannot be seen from the public right-of-way (Speckled Ave.). No trash and/or debris shall be allowed to accumulate or overflow from the dumpster.
 - The applicant shall construct a solid, six-foot-high wood fence between the wood storage areas, as depicted on the attached site plan, and any adjacent easement to ensure that no wood from the storage areas expands into or impacts the easement areas. No storage of wood shall be allowed, maintained or permitted within the easement areas. (Modified Condition of Approval as presented to the Board of Supervisors at its October 24, 2006 meeting).
- G. **Exterior Lighting:** Lights shall not blink, flash, or change in intensity. Exterior building lighting shall be directed downward to prevent spill over onto neighboring properties and streets. Light sources (bulbs) shall be concealed with a cut-off shield to prevent the light

source from being directly visible. Overall light levels should be compatible with the neighborhood ambient light level. See light plan in the file for specific light details.

- H. **Signs:** No signs were proposed or approved as part of this application.
- I. **Environmental Health Comments and/or Conditions:** Tahoe Truckee Sierra Disposal and Environmental Health Department must approve trash enclosure location.
- J. **Approval Period:** The review approval shall be valid for two years from the date of approval. Extensions may be granted by the Planning Department at the applicant's request. Such extensions must be made at least thirty (30) days prior to the expiration date and accompanied by the appropriate fee. No more than two extensions may be granted.
- K. **Appeal:** If the applicant elects to appeal any of the conditions of the Design Review, such appeal must be made in writing within ten (10) calendar days of the date noted below along with the current filing fee. If no appeal is made, this design review is valid for two years only unless exercised by actual construction on-site.
- L. **Modification:** Modification to any of the approved design review plans, including, but not limited to building design, location and details, landscaping, parking, and circulation, must be approved prior to construction/installation of such changes. Failure to do so may result in the requirement to modify the project to comply with the approved design review and/or result in the inability to issue a final approval for occupancy of your project.
- M. **Other:** Please be aware that this permit does not give approvals for other agencies such as TRPA, Lahontan, and the North Tahoe Fire Protection Agency. The applicant is responsible to obtain other agency permits and approvals.
- N. **Other:** This project is recommended to TRPA to receive 508 Sq.Ft. of floor area from the area wide commercial floor area allocation.
- O. **Other:** All external mechanical equipment such as refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment and utility hardware on roofs, buildings or the ground shall be screened from public view.
- P. **Other:** The property owner shall be required to maintain all required parking and circulation areas free from snow.

Q. **Other:** Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (PCAPCD Rule 501, General Permit Requirements, Section 301, Authority to Construct). Engines having a maximum continuous horsepower rating of more than 50 HP are required to have a Permit to Operate issued by the District (PCAPCD Rule 501, General Permitting Requirements, Section 301).

A person shall not cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area (including disturbance as a result of the raising and/or keeping of animals or by vehicle use), such that the presence of such dust remains visible in the atmosphere beyond the boundary line of the emission source (PCAPCD Rule 228, Fugitive Dust, Section 301).

R. **Other:** Maximum Community Noise Equivalent Levels for this Plan Area measured at the property line of a noise-sensitive receiving use is:

	(7 a.m.-7 p.m.)	(7 p.m.-7 a.m.)
Hourly Level db	55	45
Maximum Level db	75	65

S. **Other: Sewer facilities:** Any fences constructed as a part of this project, or as required by the Conditions of Approval as set forth herein, shall constructed with at least 7.5 feet of clearance from the center of any public utility manholes that may be located on the property. In addition, the applicant/property shall comply with either of the following requirements as set forth by the North Tahoe Public Utility District:

- a. The property owner shall maintain a minimum easement width of 7.5 feet of clearance from the centerline of any sewer mains located on the project site. The property owner must provide recorded easements for this area; or
- b. The property owner may relocate any sewer manhole along the current sewer main to a point where it is within the existing easement. The relocated work shall include moving the existing manhole and connecting the two services.

All work related to sewer facilities shall be designed and constructed to NTPUD standards. Work shall be coordinated and approved by the NTPUD prior to construction. (Modified Condition of Approval as presented to the Board of Supervisors at its October 24, 2006 meeting).

REVIEWED AND APPROVED AS PROVIDED ABOVE BY:

Planning Department _____ Date: _____
ALLEN BREUCH, Supervising Planner

Public Works Department _____ Date: _____
Land Development Engineer

Environmental Health Division _____ Date: _____
Environmental Health

APPLICANT'S SIGNATURE _____ Date: _____

NOTE: IMPROVEMENT PLANS AND BUILDING PERMIT PLAN CHECK CANNOT BE COMPLETED UNTIL THIS FORM HAS BEEN SIGNED AND RETURNED TO THE PLANNING DEPARTMENT.



NORTH TAHOE PUBLIC UTILITY DISTRICT

RECEIVED
SEP 27 2006



PLANNING DEPARTMENT

September 26, 2006

Allen Breuch
Supervising Planner
Placer County Planning Department
P.O. Box 1909
Tahoe City, CA 96145

Re: Property at APN 090-041-028

Dear Mr. Breuch:

Per your suggestion, we have looked at this project and its impacts to our facilities. We have discussed details of the proposed improvements with the project planner and conducted a site visit.

Our primary area of concern is with regards to our existing manhole on the property. Our understanding is that the property owner, Bushwackers, would like to utilize an area directly adjacent or over our existing manhole. This situation is not acceptable to the NTPUD. We have the following options for the property owner:

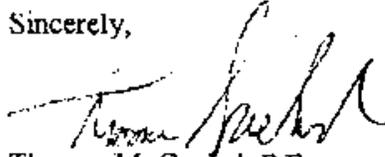
- The proposed fence may be constructed with at least 7.5 feet of clearance away from the center of the manhole in all directions. The property owner must allow at least 15 feet of clearance from the sewer main centerline (7.5 feet on either side). The property owner must provide recorded easements for this area.
- The property owner may relocate the sewer manhole along the current sewer main to a point where it is within the existing easement. The relocation work will include moving the existing manhole and connecting the two services. All work must be designed and constructed to NTPUD standards. Work must be coordinated and approved by the NTPUD prior to construction.

Please see the attached figure for additional information.

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We appreciate your staff bringing this project to our attention. Please feel free to call me if you have any questions at (530) 546-4212.

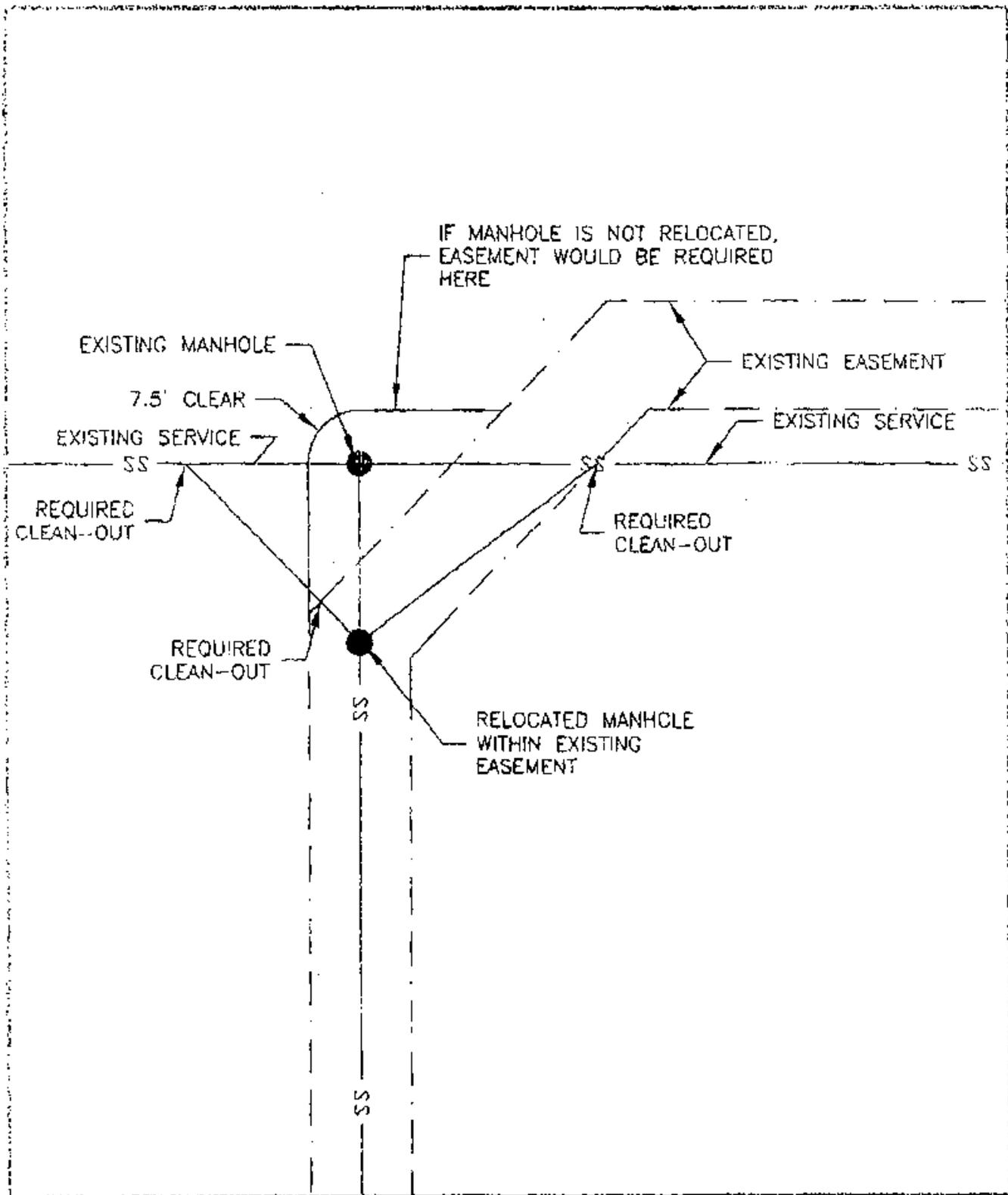
Sincerely,



Thomas M. Goebel, P.E.
Chief Engineer

cc: APN File
Leah Kaufman, Leah Kaufman Planning & Consulting Services
Steve Rogers, NTPUD

Encl: Project Plan: Figure 1



NORTH TAHOE PUBLIC UTILITY DISTRICT
PROJECT PLAN
FIGURE 1

DATE:	AUGUST 21, 2006	DRAWN:	TMG
REVISED:		FILE:	
		SCALE:	N.T.S.

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