

CHAPTER 7: PERMITTING

7.1 PURPOSE AND USE OF THIS CHAPTER

TRPA reviews projects proposed in the Lake Tahoe Region to determine compliance with applicable provisions of the Compact, Goals and Policies, Code of Ordinances, other TRPA plans, maps and programs, and Rules of Procedure. This Chapter is designed to provide guidance for determining if the BMPs proposed on a site will require additional TRPA review in the form of a TRPA Project Application. This Chapter is not intended to cover all types of activities which may require TRPA review. If you have questions regarding permits please contact the TRPA Front Counter for planning assistance.

7.2 OTHER PERMITTING AGENCIES

Installation of BMPs may require a permit from other regulatory agencies besides TRPA. The following is a list of other agencies which issue permits in the Lake Tahoe Region for BMP-related activities. This list is designed to serve as a starting point; please contact your local jurisdiction or visit their websites for additional information.

US ARMY CORPS OF ENGINEERS

http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx

- Projects in wetlands
- Projects within stream channels

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NEVADA)

<http://ndep.nv.gov/bwpc/storm01.htm>

- Excavation and removal of contaminated soil
- Discharge of stormwater from industrial sites
- Projects that disturb greater than one acre
- Underground storage tanks
- Marinas and Dredging Projects

LAHONTAN REGIONAL WATER QUALITY CONTROL (CALIFORNIA)

http://www.waterboards.ca.gov/lahontan/water_issues/available_documents/index.shtml#permits

- Excavation and removal of contaminated soil
- Projects that disturb greater than one acre
- Marina and Dredging Projects
- Sites with Waste Discharge Requirements
- Discharge of stormwater from industrial sites
- Underground storage tanks

WASHOE, DOUGLAS, EL DORADO, AND PLACER COUNTIES AND THE CITY OF SOUTH LAKE TAHOE

<http://www.co.washoe.nv.us/bldgsafety>;

<http://www.douglascountynv.gov/index.aspx?NID=345>;

<https://www.edcgov.us/Building/>;

<http://www.placer.ca.gov/Departments/CommunityDevelopment/Building.aspx>;

<http://www.cityofslt.us/index.aspx?NID=120>

- Grading
- Encroachments into the Right of Way

7.3 PROJECT COMPONENTS THAT MAY REQUIRE A TRPA PERMIT

A property owner may apply for a BMP Retrofit permit if the primary purpose of the project is to install BMPs, the property owner is not creating new coverage, and the property owner agrees to install BMPs on the entire property.

Activities related to BMPs, which may necessitate a TRPA permit include:

- Grading greater than 3 cubic yards of soil,
- Landscaping in a Stream Environment Zone (SEZ),
- Paving,
- Changes in coverage,
- Removing trees greater than 14 inches diameter breast height,
- Work in the Shorezone
- Excavations greater than 5 feet deep, or in close proximity to an SEZ
- Water Quality Improvement Projects (WQIP)

7.3.1 GRADING

Cutting through or otherwise disturbing the layer of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building or other structure or filling, excavating or clearing of soil is considered grading. TRPA regulations do not permit grading of greater than 3 cubic yards of soil between October 15 and May 1 unless a Grading Exception permit has been issued by TRPA for public health and safety or water quality purposes.

Grading less than 3 cubic yards provided the activity is completed within a 48 hour period and the excavation site is stabilized to prevent erosion is considered an exempt activity. Exempt activities are not subject to TRPA review and approval as long as they do not result in the creation or relocation of land coverage.

Grading less than 7 cubic yards between May 1 and October 15 in Land Capability Districts 4, 5, 6, or 7 or on parcels with Individual Parcel Evaluation System (IPES) scores above the development line is considered a Qualified Exempt activity and requires the completion of a TRPA Qualified Exempt form. For more information about Land Capability Districts and IPES scores, visit www.trpa.org.

If the amount of grading necessary to complete BMPs is greater than 7 cubic yards or located in Land Capability Districts 1a, 1b, 1c, 2 or 3, the permittee may apply for either a Grading permit or a BMP Retrofit permit. Grading or Landscaping in wet areas or in close proximity to streams Land Capability 1b, also referred to as an SEZ, will require TRPA review.

A series of excavations which totals more than 7 cubic yards will also require a grading permit. For example three infiltration basins on site, each requiring 3 cubic yards of excavation, requires a grading permit because together they exceed 7 cubic yards. The creation of new coverage will necessitate a project review application and the submittal of any associated permitting fees.

7.3.2 LANDSCAPING IN A STREAM ENVIRONMENT ZONE (SEZ)

No project or activity can be undertaken in an SEZ which converts SEZ vegetation to a non-native or artificial state, or which negatively impacts SEZ vegetation such as reducing biomass, removing vegetation, or altering vegetation composition.

Permit requirements for landscaping in an SEZ depends on the extent of the project proposed including extent of grading, cutting, filling, selection of plant species, fertilizer use, and potential coverage. Contact TRPA to discuss the project and potential detrimental and/or beneficial impacts of the project.

7.3.3 PAVING

Paving driveways and parking areas is a commonly required BMP. The type of permits required to pave a driveway or parking area will depend on the age of the structure, square footage proposed for paving, and land use. Encroachment permits from a local jurisdiction will be required when paving dirt driveways that connect to the street through a public right of way or for any other work in the right of way. Contact the jurisdiction in which the property is located for encroachment permit requirements.

Paving legally existing soft land coverage may be done through a BMP Retrofit permit, or through a paving permit issued by the city or county in which the project is located.

PAVING SINGLE FAMILY RESIDENTIAL PROPERTIES

For single family properties built before February 10, 1972 there are two possible scenarios where a Residential Paving permit may be obtained from TRPA or the local jurisdiction without a procuring a Site Assessment to determine available coverage on the parcel:

- There is existing dirt parking on site and only the two TRPA-required paved parking spaces (400 square feet) will be paved,
- Or, only a 10-foot wide access to an existing garage which is setback from the road will be paved.

When paving is completed through a Residential Paving permit or a BMP Retrofit permit, any areas of unpaved compacted dirt areas on the property must be restored and protected from further disturbance. If existing compacted dirt areas are verified as being created prior to February 10, 1972 through a Site Assessment, these areas are considered “grandfathered” and the coverage may continue to remain on the property as legally existing, however the surface shall be retrofitted

with BMPs, either paved or restored. If these areas are restored without obtaining a Site Assessment, and subsequently submitting a Coverage Banking Application, this coverage cannot be returned to the site once it is removed.

Single Family Residential homes built after February 10, 1972 will need to pave according to previously approved TRPA or local jurisdiction plans and coverage figures. Additions or modifications will require a new TRPA Project Application.

If a property owner wants to pave more than the minimum parking area, a Site Assessment application must be submitted to the TRPA, or the local jurisdiction, to determine if the property has sufficient available legal coverage.

PAVING LARGE MULTI-FAMILY AND COMMERCIAL INDUSTRIAL COMMUNICATIONS AND UTILITIES PROPERTIES

Due to the complexity of designing most large developed sites, and the amount of excavation required, most Commercial, Large Multi-family, and Industrial properties will require the services of a licensed professional civil engineer, landscape architect, or other qualified professional. Paving these types of sites will typically require land coverage and land capability information as well as a BMP Retrofit permit.

7.3.4 CHANGES TO LAND COVERAGE

TRPA defines land coverage as a man-made structure or improvement that prevents at least 75 percent of normal precipitation from reaching the ground or land surface used for parking of cars, heavy pedestrian traffic, or other uses that result in sufficient compaction so as to prevent substantial infiltration of rainwater and prevents the growth of vegetation on the approved species list.

Parcels developed after July 1987 are evaluated under the Individual Parcel Evaluation System (IPES). Each individual vacant lot has been evaluated for suitability for development and has an assigned percentage of allowable coverage.

Parcels developed prior to July 1987 are evaluated under the Bailey Land Capability System which assigns a Land Capability type 1-7 and an associated Base Allowable Coverage for each Land Capability. This base allowable coverage ranges from 1 percent of the parcel area for sensitive lands such as SEZ (Land Capability 1b) to 30 percent for land most suitable for development (Land Capability 7). Additionally, parcels developed prior to February 10, 1972 may have legally existing "grandfathered" coverage. Site Assessments (for single family residential properties) or Land Coverage and Land Capability Verifications (for multi-family and commercial properties) determine the amount of available coverage.

Adding or relocating coverage requires a TRPA Project Application. Paving a minimal amount of dirt parking areas, typically 400 square feet for a single family residential property, does not constitute a change in coverage in most cases and can be done through a low-cost Residential Paving permit or a free BMP Retrofit permit.

7.3.5 TREE REMOVAL

Tree removal on developed lots in the Lake Tahoe Region does not require a permit if the removed trees are less than 14 inches diameter breast height (dbh) and not located within the Shorezone or an SEZ. In the Shorezone between a building

structure and Lake Tahoe removal of trees greater than 6 inches require a TRPA permit. Special conditions apply to removal of vegetation in an SEZ and the backshore of the Shorezone. Contact TRPA for more information.

Trees marked for removal on TRPA-approved site plans may be removed without additional marking. Contact your local Fire Protection District for permits to remove trees for Fire Defensible Space.

Before removing trees or vegetation that provide screening in scenic corridors (e.g. areas visible from Lake Tahoe, Pioneer Trail, or most state highways), property owners should consider the fact that removal of trees could affect scenic scores for future projects and may in some cases constitute a violation of TRPA scenic regulations if the vegetation was required in order to provide screening for a project. For more information about removing vegetation in a scenic corridor contact TRPA.

7.3.6 SHOREZONE MODIFICATION

Shoreline protective structures such as walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water require a TRPA Shorezone permit (www.trpa.org). BMPs such as dripline infiltration trenches or gravel armor for existing structures may generally be placed within the backshore with approval from TRPA.

7.3.7 SOILS/HYDROLOGY INVESTIGATIONS

BMP installations greater than 5 feet deep or in close proximity to an SEZ may require a Soils/Hydrology Investigation. During this investigation a hole or boring is dug in the presence of a TRPA staff person who will determine the suitability of the soils on site for infiltration. The permittee is responsible for digging the hole and may choose to have additional experts on site.

7.3.8 WATER QUALITY IMPROVEMENT PROJECTS

Jurisdictional water quality improvement projects are initiated by a local jurisdiction or agency for attainment of regulatory requirements. These types of projects typically involve multiple parcels, roads, highways, and multi-agency review. These projects require the submittal of a specific Environmental Improvement Project Application and usually also require coverage verifications, land capability verifications, and soils/hydrology investigations.

7.4 SUBMITTING A PERMIT

Each type of permit application has specific information required for review. The permit application includes a checklist which identifies the specific information needed in order for TRPA to determine if the project meets TRPA guidelines. Current permit applications and checklists, as well as current fee schedules, are available at www.trpa.org. Applicable fees might include permit review fees, environmental mitigation fees, administration and information technology fees, and/or a refundable security.

Completed permit applications may be submitted in person or by mail. Applications which do not contain all items required by the checklist will be

returned. Some permit applications for single family residential homes may be submitted to the local building department. Review the first page of the permit application carefully to determine where to submit the application.

Within 30 days after the application is submitted, TRPA will provide a notice of complete application, or request additional information. After all necessary information is submitted, TRPA will issue a conditional permit within 120 days. This permit must be acknowledged (signed) by the permittee, and then by TRPA. If changes to the plan or other items must be completed prior to project construction or completion these items will be listed in the conditional permit. Permits are valid for three years.

7.5 SECURITIES

Securities are charged to ensure that projects are built as conditioned in the permit and that appropriate BMPs are installed. The amount of a security is generally 110 percent of the cost of BMP installation. Securities are returned after the project is complete and a final inspection has been performed. Modifications to approved plans will require approval from TRPA or the permitting authority. Significant changes may require the submission of additional fees.

7.6 INSPECTIONS SCHEDULE

Prior to commencement of construction, a pre-grading inspection by TRPA must occur. During the pre-grading inspection, the permit is reviewed and temporary BMPs are inspected. TRPA may also perform inspections during construction. If modifications are needed due to utility or other conflicts, approval will be needed from the permitting authority.

If the project will continue work past October 15, the property will need to be winterized. Maintenance of the temporary BMPs throughout the winter is the responsibility of the permittee.

After construction is complete, all BMPs are installed, and all vegetation is established, contact the agency that issued your permit for a final inspection. If all construction is completed in accordance with approved plans and permit conditions the security will be released and a BMP Certificate of Completion will be issued.

Most Common TRPA Permits Required to Install BMPs

Single Family Residential Properties

Site Assessment – Determines land coverage and land capability prior to paving or relocating coverage.

Residential Paving Permits – Permit the minimum amount of paving necessary for access (400 sq. ft.), usually issued by the local jurisdiction.

BMP Retrofit Permit – Permit issued by TRPA for grading, paving, or other BMP work.

Commercial, Large Multi-Family, and Industrial Properties

Land Capability – Determines base allowable coverage and presence of sensitive lands.

Land Coverage – Determines allowable existing and potential coverage.

Soils Hydrology Report – Determines depth to seasonal high groundwater.

BMP Retrofit Permit – Permit issued by TRPA for grading or paving or other BMP work.

Projects which require adding or relocating coverage will require a full TRPA Project Permit.