

**TRPA  
GOVERNING BOARD  
PACKETS**

**OCTOBER  
1987**

Oct 1987  
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C. B. Miller

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on October 28 and 29, 1987, commencing at 9:30 a.m. each day, at the TRPA office, 195 U.S. Highway 50, Round Hill, Zephyr Cove, Nevada, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on October 28, 1987, at 8:30 a.m., in the same location, the Finance Committee of said agency will meet to discuss the following: 1) receipt of the September financial statement; and 2) status of budget requests from the States of Nevada and California and local governments.

NOTICE IS FURTHER GIVEN that on October 28 and 29, 1987, at 8:30 a.m. both days, in the same location, the Legal Committee will meet in open and closed sessions to confer with counsel on the following: 1) Kelly v. TRPA (District of Nevada) Case Nos. 87-397 and 359-BRT; 2) Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada); 3) Newton v. TRPA (Douglas County) Case No. 18435; and 4) S & M Investments Co. v. TRPA. The Committee will meet in open session on treatment of existing multi-residential and nonresidential building foundations without current TRPA approval.

NOTICE IS FURTHER GIVEN that on October 28, 1987, during the lunch recess, the Rules Committee will meet to discuss the revision of the Agency's Rules of Procedure, the Administrative and Fiscal Procedures Manual, and enforcement procedures.

Date: October 21, 1987

By: W. A. Morgan  
William A. Morgan  
Executive Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

TRPA Office 195 U.S. Highway 50  
Zephyr Cove, Round Hill, Nevada

October 28, 1987 9:30 a.m.  
October 29, 1987 9:30 a.m.

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OFFICIAL AGENDA

- I PLEDGE OF ALLEGIANCE
- II ROLL CALL AND DETERMINATION OF QUORUM
- III APPROVAL OF MINUTES
- IV APPROVAL OF AGENDA
- V CONSENT CALENDAR (see second to last page)
- VI PROJECT REVIEW
  - A. City of South Lake Tahoe, Approval of Additional Flights for Winter Segment of the Interim Service Agreement, Lake Tahoe Airport
- VII PLANNING MATTERS
  - A. Discussion and Public Comment on Report of Special Task Force on Land Coverage Banking
  - B. Approval of APC Finding Relative to Allocation of Recreation Capacity
  - C. Status Report and Action, If Necessary, on the Scope of the Fish Habitat Study
  - D. Report on Status of Indicators and Time Schedules Pursuant to Chapter 32 (Regional Plan and Threshold Review), Code of Ordinances
- VIII SPECIAL PRESENTATION - Wednesday, 10/28/87 - 1:30 p.m.
  - A. Presentation of Awards for Outstanding Building and Water Quality Improvement Projects
- IX APPEALS
  - A. Apcar, Appeal of Staff Determination of Permit Expiration, Douglas County APN 03-172-16
- X PUBLIC HEARINGS
  - A. To Consider Amending the Following Chapters of the Code of Ordinances
    - 1. Chapter 2 - Definitions

2. Chapter 37 - Individual Parcel Evaluation System
    - a. Subsection 37.2.H(1) - Preparation of Proximity to Lake Tahoe Maps
    - b. Technical Appendices - Table G-1 (Needed Water Quality Improvements)
  3. Chapter 12 - TRPA Regional Plan Maps
    - a. Subsection 12.2.C(1) - IPES Maps
      - Need for Water Quality Improvements
      - Proximity to Lake Tahoe
      - Rainfall Factors (R) Map
  4. Chapter 20 - Land Coverage Standards
    - a. Subsection 20.5.B(4) - TRPA-Required Projects Exempt from Land Coverage Mitigation Program
  5. Chapter 22 - Height Standards
  6. Chapter 25 - Best Management Practice Requirements
    - a. Subsection 25.2.B - Permanent BMPs
  7. Chapter 30 - Design Standards
    - a. Subsection 30.12 - Scenic Quality Standards
- B. To Consider Adoption of the Following Regional Plan Maps
1. Need for Water Quality Improvements
  2. Proximity to Lake Tahoe
  3. Rainfall Factors (R) Map

#### XI ORDINANCE ADOPTION

- A. An Ordinance Adopting Amendments to Chapters 2, 37, 12, 20, 22, 25, 30 and Adopting IPES Maps Pursuant to Subsection 12.2.C(1) - (see agenda item X)

#### XII ADMINISTRATIVE MATTERS

- A. Adoption of a Resolution Designating the California Tahoe Conservancy as a Land Coverage Bank

### XIII LITIGATION

- A. Legal Committee Report and Board Action, If Necessary, on the Following:
  - 1. Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada)
  - 2. Kelly v. TRPA (District of Nevada) Case Nos. 87-397 and 359-BRT
  - 3. Newton v. TRPA (Douglas County) Case No. 18435
  - 4. S & M Investments Co. v. TRPA
  - 5. Treatment of Existing Multi-Residential and Nonresidential Building Foundations Without Current TRPA Approval
  
- B. Closed Session to Confer on the Following:
  - 1. Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada)
  - 2. Kelly v. TRPA (District of Nevada) Case Nos. 87-397 and 359-BRT
  - 3. Newton v. TRPA (Douglas County) Case No. 18435
  - 4. S & M Investments Co. v. TRPA

### XIV REPORTS

- A. Finance Committee Report and Board Action on Recommendations
  - 1. Receipt of the September Financial Statement
  - 2. Status of Current Year Funding from State and Local Governments
  
- B. Rules Committee Report and Board Action on Recommendations
  - 1. Report and Recommendation by Rules Committee on Adoption of Articles of the Rules of Procedure Relating to Notice, Repeal of Article IX (CTRPA Regulations), and Section 7.10 of Article VII (APC Review of Appeals)
  - 2. Public Hearing on Articles of the Proposed Rules of Procedure Relating to Notice, Repeal of Article IX (CTRPA Regulations), and Section 7.10 of Article VII (APC Review of Appeals)
  - 3. Approval of Resolution Adopting Articles of the Rules of Procedure Relating to Notice, Repeal of Article IX (CTRPA Regulations), and Section 7.10 of Article VII (APC Review of Appeals)

C. Executive Director

1. Status Report on Projects Approved at Staff Level
2. Other

D. Agency Counsel

1. Status Report on the Metrailer Violation
2. Other

E. Governing Board Members

XV RESOLUTIONS

- A. Adoption of Resolution Commending Work of Special Task Force

XVI PUBLIC INTEREST COMMENTS

XVII ADJOURNMENT

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CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. California Tahoe Conservancy, Fish Habitat Enhancement and Scientific Study, El Dorado County APN 520-100-00/87-15	Approval With Findings and Conditions
Successful Land Capability Challenges:	Approval With Findings and Conditions
2. F. and A. Bartholomew, APN 03-080-04, Lots 4, 5, 6, 7, and 8, Pittman Terrace Road, Douglas County	
3. Gayle Ledson, APN 131-224-03, Lot 3, Block G, Eagle Drive, Incline Village Washoe County	
4. Nicholas and Madeleine Panzer, APN 16-101-09, Lot 5, 8559 Meeks Bay Avenue, El Dorado County	
5. Lajosh Mohachy, APN 125-421-10, Lot 10, Block A, Apollo Court, Incline Village, Washoe County	
6. David Purciel, APN 125-413-01, Lot 17, Block C, Mercury Court, Incline Village, Washoe County	
7. George Gillemont, APN 01-040-13, 4.36 Acres, 2153 The Back Road, Glenbrook, Douglas County	

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. =

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Fish Habitat Enhancement and Scientific Study

Application Type: Shorezone

Applicant: California Tahoe Conservancy

Applicant Representative: Tamara McCandless/David Gregorich

Location: At two locations in the nearshore of Lake Tahoe near South Lake Tahoe, California. One site is east of Emerald Bay State Park and the other site is just northwest of Camp Richardson.

Assessor's Parcel Number/Project Number: 520-100-00/87-15

Project Description:

The applicant proposes to place boulder clusters 10 to 20 feet apart at two sites in the nearshore areas at depths of 20 to 30 feet. These artificial reefs would provide fish feeding, spawning, and cover areas in Lake Tahoe. The reefs would consist of native clean rock in clusters containing 3 large boulders, 2 to 3 feet in diameter, surrounded by several smaller rocks and boulders. Cargo netting would be used to lower the small rocks and boulders. These sites were selected for several reasons. The Emerald Bay State Park site was chosen in order to enhance an area which partially provides for feeding, spawning, and cover which fish tend to inhabit (i.e., a rocky area). The placement of a reef here should increase the number of fish visiting this area. The Camp Richardson site was chosen because it will allow the applicant to evaluate the effectiveness of artificial reefs in enhancing the fishery habitat and attracting fish to sandy areas which they would otherwise rarely inhabit. These locations were also chosen because of their distance from boat traffic and other human disturbances. In addition, the clusters are to be placed at a depth of 20 to 30 feet in order to minimize human disturbance, and because it is anticipated that more species will visit the reefs at this depth. Between the two locations, the Conservancy will be able to evaluate the effectiveness of this type of measure in two different habitat areas. This project is designed specifically to encourage the inhabitation of phytoplankton, crawfish, and other prey. Subsequently, smaller nongame fish will move into the area to feed and spawn. The addition of each level will attract the next higher level in the food chain. Eventually, rainbow trout, brown trout, and possible kokanee salmon and mackinaw will visit the area to feed on the smaller nongame fish. The information gathered from this project will help guide future offshore habitat enhancement projects. The sites were selected with the assistance of the California Department of Fish and Game, the Tahoe Regional Planning Agency, and the U.S. Forest Service.

JW:sd  
10-14-87

CONSENT CALENDAR ITEM 1.



Site Description:

The Emerald Bay State Park site consists of a rocky, sandy bottom whereas the Camp Richardson site is primarily sandy with some sparsely scattered boulders. Both sites are approximately 20 to 30 feet below the lake surface.

Review Per Code:

Chapter 4 - Project Review  
Chapter 5 - Environmental Documentation  
Chapter 6 - Required Findings  
Chapter 13 - Plan Area Statements  
Chapter 18 - Permissible Uses  
Chapter 32 - Regional Plan and Thresholds  
Chapter 50 - Shorezone Project Review  
Chapter 51 - Shorezone Permissible Uses  
Chapter 53 - Shorezone Tolerance Districts  
Chapter 54 - Development Standards  
Chapter 62 - Construction Schedules  
Chapter 79 - Fish Resources

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. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A completed IEC will be made available at the Governing Board meeting and at TRPA. A sample IEC is attached to each Governing Board packet for reference.

B. Plan Area Statement:

The project is located within Plan Area Statement 127, Camp Richardson and 146, Emerald Bay. The Land Use Classification for each Plan Area is Recreation and the Management Strategy for each Plan Area is mitigation. Nonstructural fish habitat management is an allowed use in both Plan Areas. Agency staff has reviewed the subject Plan Area Statement and has determined that none of the planning considerations and special policies contained in the Plan Area Statements are applicable to the project.

C. Permissible Uses (Shorezone):

Section 51.2.C of the TRPA Code of Ordinances allows for fish habitat restoration and scientific study projects as a special use in the shorezone and lakezone providing findings 4, 5, 6, and 7 of Section G, below, can be made.

D. Shorezone Tolerance Districts:

The Camp Richardson site is located in Shorezone Tolerance District 7 which is relatively level (0-9% slopes) and underlain by moranic and alluvial materials. The Emerald Bay State Park site is located in Shorezone Tolerance District 2 which consists of volcanic and moranic debris with slopes of 30% and greater and alluvial soils with 9 to 30% slopes. None of the Shorezone Tolerance District Standards are applicable to the project.

E. Development Standards:

Section 54.14.B of the TRPA Code allows for the placement of fill material in the shorezone or lakezone providing finding 8 of Section G., below, can be made.

F. Fish Habitat:

Section 79.2.A of the TRPA Code requires that fish habitat (lake habitat) be protected. Fish habitat restoration projects are permitted in the nearshore and foreshore under this section of the Code.

G. Required Findings:

The following is a list of the required findings as set forth in Chapters 6, 51, and 54 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. 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.
  - a. Land Use: The project is consistent with the applicable Plan Area Statements, and will have no negative impacts on the land use, housing, noise, natural hazards, air quality, water quality, or community design subelements of the Regional Plan.
  - b. Transportation: The project will have no known adverse effects on implementation of the Transportation Element of the Regional Plan.
  - c. Conservation: The project is designed to improve fish habitat and is consistent with the Conservation Element of the Regional Plan. If successful, this project could provide a means to upgrade fish habitat areas throughout the Lake. The Fisheries subelement states that habitat improvement projects are acceptable practices in streams and lakes.

- d. Recreation: The project will have no known impacts on the Recreation Element of the Regional Plan. All rocks shall be placed approximately 20 to 30 feet below the surface of the Lake which should eliminate any conflicts with water-oriented recreation.
- e. Public Services and Facilities: The project will have no known adverse effects on public services and facilities.
- f. Implementation: The project will not require any new development allocations and is consistent with the Implementation Element of the Regional Plan.

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

The basis for which this finding can be made is provided on the checklist entitled "Checklist: 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 completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board packet for reference.

3. 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(d) of the TRPA Compact, the project meets or exceeds such standards.

The basis for which this finding can be made is provided in the checklist entitled "Checklist: 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 completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing board packet for reference.

4. 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 project is intended to create and/or enhance prime fish habitat in the nearshore at two locations, off Camp Richardson and Emerald Bay

State Park, respectively. Prime fish habitat includes those nearshore areas with suitable bottom characteristics providing for fish spawning, feeding, and escape cover. The project, involving rock and boulder clusters, is intended to provide and/or enhance these characteristics. Prime fish habitat in Lake Tahoe consists of rocks and boulders piled in a fashion to create cracks and crevices. These cracks and crevices serve as hiding areas in addition to feeding and spawning substrates. The large boulders in this project will hold the smaller rocks in a contained area so that the cracks and crevices will be available for fish utilization. The project design, developed with the assistance of Department of Fish and Game, USFS, and TRPA, is of an appropriate nature and scale to achieve its purpose. In conjunction with U.S. Forest Service the applicant will be monitoring the project site prior to construction and for a period of two to three years after construction during peak fish activity periods. The monitoring will consist of observation, photographs, and invertebrate and vertebrate counts.

5. 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 in the Region.

The project will not pose a threat to public health and safety or to neighboring property. The project sites are more than 300 yards offshore and will not have an effect on adjacent landowners. The project improvements will be located on the lake bottom at depths of 20 to 30 feet and will not rise more than three feet from the bottom. Therefore, they will not present a navigation hazard.

6. The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The project design includes consideration for the protection of the natural resources of the Basin. Specifically, the rocks and boulders used will be clean and free of dirt particles.

7. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable Plan Area Statement.

The project is designed to achieve positive environmental benefits, and supports or implements a number of planning considerations. The project will enhance the use of prime fish habitat by a variety of fish and invertebrates, an appropriate and desirable use in the nearshore area. The project is consistent with Plan Area Statements

CONSENT CALENDAR ITEM 1.

127 - Camp Richardson and 146 - Emerald Bay. The project also responds to the recommendations of TRPA's October 28, 1986 Symposium on Fisheries and Fish Habitat in Lake Tahoe (i.e., calling for the addition of artificial substrates to create habitat). Finally, the project responds to TRPA's environmental threshold for lake fish habitat, which in part calls for the upgrading of approximately 3,000 acres of habitat to reach a goal of 5,000 acres of excellent nearshore fish habitat for Lake Tahoe.

8. The placement of fill (rocks) in the shorezone is beneficial to the existing shorezone conditions.

As described in Finding 7., above, the project is designed to improve the existing fish habitat condition in the shorezone. In addition, the information acquired through the monitoring program can be used to improve fish habitat in other shorezone areas as well.

Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings:

- I. A motion, based upon the staff summary, for a finding of no significant environmental effect with direction to staff to prepare the necessary certification documents to be included with the permit and for the following findings:
1. 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 of Ordinances and other TRPA plans and programs.
  2. The project will not cause the environmental threshold carrying capacities to be exceeded.
  3. 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(d) of the Tahoe Regional Planning Agency Compact, the project meets or exceeds such standards.
  4. 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.
  5. 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 in the Region.
  6. The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

7. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable Plan Area Statement.
  8. The placement of fill (rocks) in the shorezone is beneficial to the existing shorezone conditions.
- II. A motion to approve the project, based upon the staff summary, subject to the following conditions:
1. The Standard Conditions of Approval listed in Attachment S.
  2. The following special conditions:
    - a. The applicant shall submit a construction completion schedule to TRPA prior to commencement of construction. Said schedule shall detail all items of construction and include completion dates for each item of construction.
    - b. All rocks, materials, and equipment to be used for this project shall be cleaned of all dirt and sediment prior to their placement in surface waters.
    - c. Rock placement shall be conducted in a manner to minimize disturbance to the Lake bottom. Each rock shall be individually placed.
    - d. All rocks shall be of a solid (granite or equivalent) non-erodable nature.

T A H O

MAXIMUM ELEVATION 6229

PROJECT SITE

PROJECT SITE

