

**TRPA
GOVERNING BOARD
PACKETS**

**DECEMBER
1988**

DEC 88
Gov. Bd.

TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on December 21, 1988, commencing at 9:30 a.m., and on December 22, 1988, commencing at 8:30 a.m., 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 December 21, 1988, at 9:00 a.m., in the same location, the Finance Committee of said agency will meet to discuss receipt of the November financial statement, receipt of El Dorado County's FY 1987-88 Local Transportation Fund and State Transit Assistance Fund audit reports, and allocation of Local Transportation Funds (\$150,000) to El Dorado County Bike Trail Project.

NOTICE IS FURTHER GIVEN that on December 21, 1988, at 9:00 a.m. in the same location, the Legal Committee will meet to discuss the agreement in lieu of litigation regarding South Lake Tahoe Redevelopment Plan for Project Area No. 1 and Newton v. TRPA.

NOTICE IS FURTHER GIVEN that on December 21, 1988 during the lunch recess, in the same location, the Retirement Committee will meet to discuss and act on revisions to the joinder agreement, plans and trust document, and summary plan descriptions and requests for disbursement of retirement funds to ex-employees.

Date: December 13, 1988

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

December 21, 1988 9:30 a.m.
December 22, 1988 8:30 a.m.

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. Woodvista Golf Course, Special Use Determination, Snowmobiling Operation, Placer County
 - B. Tahoe Paradise Golf Course, Special Use Determination, Snowmobiling Operation, El Dorado County
 - C. Cave Rock Marine Supply, Special Use Determination, APN 03-145-01, Douglas County
- VII PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
 - A. Amendment of Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination, Buehler, APN 07-180-05, Douglas County
 - B. Amendment of Chapter 20 (Land Coverage Standards) and Chapter 25 (Best Management Practice Requirements) of the Code to Modify Method for Calculating Mitigation Fees for Multiple Users of Rights-of-Way and to Determine Responsibility for Retrofitting Such Rights-of-Way with Best Management Practices
 - C. Amendment of Chapter 91 (Air Quality Standards) of the Code to be Consistent With Federal New Source Performance Standards for Wood Heaters
 - D. Amendment of Chapter 15 (Redevelopment) of the Code
 - E. Approval of the Preliminary Community Plan for Douglas County (Round Hill, Kingsbury and Stateline)
 - F. Amendment of Chapter 36 (Interim Single Family Review System) of the Code to Provide for an Extension of Interim Single Family Review Procedures Pending State and Federal Approval of an Amended Lake Tahoe Basin Water Quality Management Plan (208 Plan) and Cross-Reference Amendments to Chapters 33 (Allocation of Development) and 34 (Transfer of Development)

- G. Amendment of the Chapter 37 (Individual Parcel Evaluation System) Appeal Procedure
- H. Adoption of Resolution, Pursuant to Chapter 37 (Individual Parcel Evaluation System), Establishing the Initial Line Defining the Top Rank of Parcels, the Base Allowed Coverage Formula, and the Ranking of Parcels by County

VIII PLANNING MATTERS

- A. Adoption of Resolution Regarding Unmet Transit Needs in El Dorado County
- B. Presentation by the U.S. Forest Service, Lake Tahoe Basin Management Unit, 1988 Land and Resource Management Plan - December 21, 3:00 p.m.

IX ADMINISTRATIVE MATTERS

- A. Appointment of Lay Member to Represent the Tahoe-Transportation District on the APC
- B. Election of Governing Board Chairman and Vice Chairman for Two Year Terms (1989-1990)
- C. Assignment of Board Members to the Rules and Finance Committees
- D. Adoption of Resolution Establishing Fees Pursuant to Chapter 37 (Individual Parcel Evaluation System)

X REPORTS

- A. Finance Committee Report and Board Action on Recommendations
 - 1. Receipt of the November Financial Statement
- B. Retirement Committee Report and Board Action on Recommendations
 - 1. Revisions to the Joinder Agreement, Plan and Trust Document, and Summary Plan Descriptions
- C. Executive Director
 - 1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director
 - 2. Status Report and Board Action, If Necessary, on Code Interpretations Made by Executive Director
 - 3. Other
- D. Agency Counsel
- E. Governing Board Members

XI PUBLIC INTEREST COMMENTS

XII ADJOURNMENT

<u>Item</u>	CONSENT CALENDAR	<u>Recommended Action</u>
1. Rubicon Tahoe Owners Association, Recognition of Multiple Use Pier, Rubicon Drive, APN 16-221-06, El Dorado County		Approval With Findings And Conditions
2. City of South Lake Tahoe, Request for Water Quality Mitigation Fees for Design of the Ski Run Water Quality Improvement Facilities Project (\$163,129)		Approval
3. El Dorado County, FY 1987-88 Local Transportation Fund and State Transit Assistance Fund Audit Reports		Receipt
4. South Tahoe Public Utility District, Plant Expansion, Sole Source Determination on Consultant For EIS Preparation		Approval
5. Allocation of Local Transportation Funds (\$150,000) to El Dorado County Bike Trail Project		Adoption of Resolution
<u>Successful Land Capability Challenges:</u>		Approval With Findings
6. Crom, APN 125-263-03, Incline Village, Washoe County		
7. Buehler, APN 07-180-05, Douglas County		

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. If any Governing Board member or noticed affected property owner requests that an item be removed from the consent calendar, it will be taken up separately under the appropriate agenda category.

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

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

MEMORANDUM

December 9, 1988

To: The TRPA Governing Board
From: The Staff
Subject: November 30, December 1 Meeting Minutes

The minutes from the last Board meeting were not completed at the time of the packet mailing. They will be available for action at the January Board meeting.

jf
12/9/88

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Rubicon-Tahoe Owners Inc. Multi-Use Pier Designation

Application Type: Shorezone

Applicant: Rubicon-Tahoe Owners Inc.

Applicant Representative: Gregg R. Lien

Location: Rubicon Drive, Rubicon Bay, El Dorado County

Assessor Parcel Number/Project Number: 16-221-06

Project Description: This project is being brought before the Governing Board for the purpose of officially recognizing the existing pier as a multiple-use facility. Once the Board has made a determination staff will proceed with it's review of the subject application. The project involves the repair and replacement of the existing 210 foot pier's decking, and the replacement of existing wood pilings with steel pilings. The applicant also proposes a 30 lineal foot extension, and the addition of a three by 45 foot catwalk on each side of the pierhead, with steel steps leading into the lake off each catwalk. The project as proposed will exceed the present TRPA pierhead line by approximately 30 feet. The width of the pierhead will be increased from the present eight foot width to 12 feet (not including catwalks). The project as proposed can be approved at staff level, however, in order to waive certain standards to allow the subject project to be approved, the Governing Board must recognize the pier as a multiple-use facility.

Site Description: This section of the foreshore has a sandy lake bottom with occasional boulders and is relatively shallow to the TRPA headline. The property is presently used by the Rubicon-Tahoe Owners Inc. (a homeowners association), for dispersed water-oriented outdoor recreational activities, and includes a beach, small picnic area, and pier. There is an existing paved path accessing the beach area and the bluff adjacent to the beach presents a moderate erosion hazard.

Code Review:

Chapter 4 - Project Review	Chapter 51 - Permissible Uses
Chapter 5 - Environmental Documentation	Chapter 52 - Existing Structures
Chapter 6 - Findings	Chapter 53 - Shorezone Tolerance Districts
Chapter 13 - Plan Area Statements	Chapter 54 - Development Standards- Nearshore/Foreshore
Chapter 18 - Permissible Uses	Chapter 55 - Development Standards- Backshore
Chapter 32 - Regional Plan/Thresholds	
Chapter 38 - Tracking/Banking	
Chapter 50 - Shorezone/Lakezone Review	

JH:cs
12/6/88

CONSENT CALENDAR ITEM 1.

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 copy of the completed IEC will be made available at the Governing Board hearing 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 149, Rubicon. The Land Use Classification is Residential, and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area Statement and has identified the following items (underlined) as being applicable to the project. Following each item is a brief statement addressing consistency.

1. Planning Statement:

The Rubicon area should remain residential, maintaining the existing character of the neighborhood.

This proposal does not change the residential character of the neighborhood.

2. Planning Considerations:

Revegetation in this area is very difficult.

The project as proposed will not result in any additional land disturbance requiring revegetation.

There are several small areas in the shorezone where prime fish habitat is tentatively identified for restoration.

The TRPA prime fish habitat map designates this site as being outside of any fish habitat area. This has also been verified by the Agency's fish biologist.

Scenic Shoreline Unit 9 is within this Plan Area.

The site is located within Scenic Shoreline Unit 9. The scenic shoreline unit is rated 6, and does not comply with the threshold standard which is 8. The applicant has prepared a scenic quality analysis for the proposed project which has been reviewed by staff. Staff has determined that any

scenic quality impacts can be adequately mitigated. The basis for this determination stems in part from the fact that the conditions of approval will require that all construction materials shall be earth tone in color and non-reflective to blend with the surrounding area; and the backshore area will be revegetated and landscaped to reduce the impacts of the existing development.

- C. Recognition of Multiple Use Facility: The applicants propose as part of the subject project to exceed the TRPA pierhead line by approximately 30 lineal feet, to exceed the design standards relating to pierhead width by two feet, and the number of catwalks allowed, (1 allowed, 2 proposed). Section 54.4.A(6) of the Code allows the waiver of the location standards relating to pier length, and Section 54.4.B(6) allows the waiver of the design and construction standards which relate to pierhead width and the number of catwalks, for piers which are recognized by TRPA as multiple-use facilities. Before staff may approve the pier reconstruction/expansion project submitted by Rubicon Tahoe Owners Inc. it is necessary for the Governing Board to recognize the existing facility as multiple-use.

Deviation from those standards identified in Subsections 54.8.B and 54.8.C as guidelines for multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:

- (1) The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and
- (2) The number of people utilizing the facility or the extent to which the facility is available for general public use.

Tahoe-Rubicon Owners, Inc. will file a permanent deed restriction placing development limitations approved by TRPA on the subject property as part of the project approval.

The parcel is presently owned in common by approximately 32 property owners who are members of the Homeowners Association, and whose families use the pier and other facilities on the parcel.

Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 54 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can 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: Piers are an allowed accessory use in the subject plan area, and the project will not adversely affect the existing land uses in the area.

b. Transportation: The project will not generate any additional vehicle trips and will have no adverse impacts on the Transportation Element of the Regional Plan.

c. Conservation: The project if approved will include excess coverage mitigation (if any), and installation of all required water quality improvements. The project is consistent with the Conservation Element of the Regional Plan.

d. Recreation: The project will not interfere with public access to the lake, or along the strip designated as being part of the public trust by the State of California. This project does not affect public recreation on Lake Tahoe.

e. Public Services and Facilities: This project does not affect the public services or facilities in the Lake Tahoe Basin.

f. Implementation: This project does not affect 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 copy of the 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.

(Refer to paragraph 2, above.)

- E. Required Actions and Findings: Agency staff recommends that the Governing Board recognize the subject application as multiple-use by making the following motions and the findings contained in Section F, above.
 - I. A motion, based upon the staff summary, for a finding of no significant environmental effect.
 - II. A motion to recognize the subject application as multiple-use, based upon the staff summary, subject to the following conditions:
 1. The applicant shall record a permanent deed restriction against the parcel limiting the number of piers on the property to the single existing pier, per the requirements of Subsection 54.8.D of the TRPA Code of Ordinances.
 2. Any project undertaken by the applicant which relies on this recognition shall be conditioned on compliance with Condition 1, prior to commencement of that project.

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

MEMORANDUM

December 9, 1988

To: TRPA Governing Board

From: Agency Staff

Subject: Release of Water Quality Mitigation Funds to
City of South Lake Tahoe for the Design of the
Ski Run Water Quality Improvement Facilities Project

Summary

The City of South Lake Tahoe requests the release of \$163,129 in water quality mitigation funds for the Ski Run Water Quality Improvement Facilities (see letter attached). Of the total requested, \$141,500 is for the design and preparation of plans for erosion and runoff controls and \$21,629 is for the design of the SEZ restoration and artificial wetlands. This project is part of the South Lake Tahoe Redevelopment Plan and is a high priority within the City's list of erosion control projections. Agency staff has participated in both conceptual design and pre-design meetings and, as a result, is quite familiar with the project. Based on these factors, TRPA staff recommends the release of \$163,129 to expedite the design of the project.

Conditions

1. The City shall use the funds only for the preconstruction engineering of the Ski Run Water Quality Improvement Project, including the wetlands; and if the project is not constructed in 10 years, the City shall return the funds to the water quality mitigation fund.
2. The City shall keep complete records of all funds expended on the project and how they were used. Such records shall be made available for review and audit by the TRPA upon written request.

JB:rdh
12/9/88

CONSENT CALENDAR ITEM 2



CITY OF
SOUTH LAKE TAHOE
CALIFORNIA

P.O. BOX 1210 — SOUTH LAKE TAHOE, CALIFORNIA 95705 — PHONE (916) 573-2030

MUNICIPAL ENGINEERING DEPARTMENT

Carol J. Drawbaugh
CITY ENGINEER

November 28, 1988

MR. BILL MORGAN
TAHOE REGIONAL PLANNING AGENCY
P.O. BOX 1038
Zephyr Cove, NV 89448

Attention: Gary Midkiff

SUBJECT: REQUEST FOR WATER QUALITY MITIGATION FEES-
SKI RUN WATER QUALITY IMPROVEMENT FACILITIES
PROJECT - \$163,120.

Dear Gary:

The City requests ~~\$163,120~~ in Water Quality Mitigation Fees for the design of the Ski Run Water Quality Improvement Facilities Project.

In the next few days I will forward a copy of the proposal from K.B. Foster Civil Engineering Inc. for the design and preparation of plans and specifications for the subject project. The cost of this work is \$141,500. In addition, the firm of Ecological Research Associates is being retained at a cost of \$21,629. for the design of the artificial wetlands. Contracts for this work are scheduled for City Council action on the December 13, 1988 City Council Agenda.

If you have any questions, please contact me at 573-2030.

Sincerely,

CAROL J. DRAWBAUGH
Public Works Director/City Engineer

cjd/ek

cc: Kerry Miller
Dennis Crabb
Teri Jamn
Gary Marchio
Tim Oliver

COR

RECEIVED

NOV 28 1988

TAHOE REGIONAL
PLANNING AGENCY

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547

MEMORANDUM

December 9, 1988

To: TRPA Governing Board
From: Agency Staff
Subject: Receipt of El Dorado County, FY 1987-88 Local
Transportation Fund and State Transit Assistance Fund
Audit Reports

Section 6661 and Section 6751 of the Transportation Development Act (TDA), Rules and Regulations, require that an annual fiscal and compliance audit of the financial statements of the Local Transportation Fund (LTF) and State Transit Assistance (STA) fund be completed. These audits are to be conducted in accordance with generally accepted auditing standards by the State Controller or by a certified public accountant or public accountant who is not an officer or employee of the agency.

The required audits of LTF and STA funds administered by the TRPA have been completed by the CPA firm of Kafoury, Armstrong, Bernard & Bergstrom. The audits were conducted in accordance with generally accepted auditing standards. Copies of the LTF and STA audits are attached for your review.

The LTF audit report shows an unreserved fund balance of \$716,042 at the close of the FY 1987-88 fiscal year. These funds are being maintained by El Dorado County in the LTF trust fund. At the end of FY 1987-88, \$150,000 were returned to the fund. These monies had been reserved for the construction of a bike trail in the Meyers area. El Dorado County has submitted a request for reinstatement of these funds for the bike trail. This request is on the December Consent Calendar.

The LTF compliance audit found that there were two possible exceptions to the required conformance to statutory and regulatory requirements for administration of the fund. The County was late in providing TRPA with an estimate of available LTF monies for FY 1988-89, and the County auditor did not submit quarterly reports to TRPA as required.

la
12/9/88

Consent Calendar Item 3

Memorandum to Governing Board
FY 1987-88 LTF and STA Audit Reports
Page 2

The STA audit report shows a balance of STA funds in the amount of \$2,188.00. This balance will be added to the STA funds to be allocated during the upcoming fiscal year. Eligible claimants for these STA funds will be notified and allocations will be recommended for Governing Board approval at a later date.

The audit found that the administration of the STA fund complied with the statutorily required rules and regulations of the Transportation Development Act.

Recommendation

Staff recommends that the TRPA Governing Board receive the LTF and STA Audit Reports for the year ending on June 30, 1987, and advise El Dorado County of the results of the audits.

If you have any questions in regard to this agenda item, please contact Leif Anderson at (702) 588-4547.

12/9/88

Consent Calendar Item 3

TAHOE REGIONAL PLANNING AGENCY
EL DORADO COUNTY
LOCAL TRANSPORTATION TRUST FUND
June 30, 1988

KAFOURY, ARMSTRONG, BERNARD & BERGSTROM
CERTIFIED PUBLIC ACCOUNTANTS

TAHOE REGIONAL PLANNING AGENCY
EL DORADO COUNTY LOCAL TRANSPORTATION TRUST FUND
JUNE 30, 1988 AND 1987

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