

**TRPA
GOVERNING BOARD
PACKETS**

**SEPTEMBER
1988**

Sept 1988
G. B.

TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on September 28, 29, 1988, commencing at 9:30 a.m. on the 28th and at 8:30 a.m. on the 29th, 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 September 28, 1988, 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 August financial statement; 2) adoption of a resolution approving amendment of FY 1988-89 Caltrans/TRPA overall work program; and 3) release of water quality and air quality funds to Placer County.

NOTICE IS FURTHER GIVEN that on September 28, 1988, during the lunch recess, in the same location, the Retirement Committee will meet to discuss and act on retirement fund disbursements to former employees.

NOTICE IS FURTHER GIVEN that on September 28, 1988, during the lunch recess, the Rules Committee will meet to discuss the revision of the Agency's Rules of Procedure relating to environmental documentation.

Date: September 21, 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

September 28, 1988 9:30 a.m.
September 29, 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 next to last page)
- VI PROJECT REVIEW
 - A. Al Tahoe School-Age Child Care Center Expansion, Continuing Development Incorporated, APN 26-050-04, 02, El Dorado County
 - B. Van Wagenen/Marsh, Commercial Foundation, Determination of Eligibility and Plan Modifications, APN 117-150-34 and -35, Placer County
 - C. South Tahoe Public Utility District, Relocation of a Portion of Trout Creek, Erosion Control, APN 26-200-01, El Dorado County
- VII PUBLIC HEARING, ADOPTION OF ORDINANCES, AND CERTIFICATION OF ENVIRONMENTAL IMPACT STATEMENTS
 - A. Certification of the EIS for Chapter 15 (Redevelopment) - Public Hearing and Certification
 - B. Adoption of Chapter 15 (Redevelopment) - Public Hearing and Adoption
 - C. Amendment of the Recreation Element of the Goals and Policies, the Code of Ordinances (Chapters 13, 18, and 33), and the Plan Area Statements (Nos. 008, 017, 019, 022, 024A, 024B, 029, 037, 048, 057, 066, 089B, 102, 119, 129, 146, 150, 157, 162, 163, and 174) to Implement Governing Board Recommendations on Recreation Persons At One Time (PAOT) - Public Hearing (continued to the October 26, 27 meeting)
 - D. Certification of the EIS for Amendments to 208 Water Quality Management Plan (See Item VIII A.) - Public Hearing (continued to the October 26, 27 meeting)
 - E. Amendment of the Water Quality Management Plan (Section 208 of the Clean Water Act) - Public Hearing (continued to the October 26, 27 meeting)

- F. Adoption of Threshold Indicators and Related Items for Air Quality, Water Quality and Soil Conservation (Chapter 32 of the Code of Ordinances) - Public Hearing (continued to the October 26, 27 meeting)

VIII APPEALS

- A. Vitto, Reconsideration of Appeal of Staff Denial of Single Family Residential Foundation Exemption, APN 05-150-08, Douglas County

IX PLANNING MATTERS

- A. Amendment of MOU Between TRPA and California Department of Forestry Pursuant to Subparagraph 4.3.A(7) of the Code
- B. Amendment of MOU Between TRPA and Nevada Division of Forestry Pursuant to Subparagraph 4.3.A(7) of the Code
- C. Report on Status of Airport Master Plan and Board Direction for Resolution of Remaining Issues
- D. Status Report on Completion of Final 208 Plan Amendments and Final EIS
- E. Adoption of Resolution Regarding Unmet Transit Needs in El Dorado County

X ADMINISTRATIVE MATTERS

- A. Appointment of Nevada Lay Member to the APC
- B. Adoption of Resolution Waiving Filing Fees for Public Utility District and Special Improvement District Water Quality Improvement Projects
- C. Approval of Governing Board Meeting Dates for November and December

XI REPORTS

- A. Finance Committee Report and Board Action on Recommendations
 - 1. Receipt of the August Financial Statement
 - 2. Adoption of Resolution Approving Amendment of FY 1988-89 Caltrans/TRPA Overall Work Program
- B. Retirement Committee Report and Board Action on Recommendations
- C. Executive Director
 - 1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director

2. Status Report on Code Interpretations Made by Executive Director
3. Status Report on Tahoe Keys Transfer of Coverage Program
4. Status Report on Project for Reintroduction of Lahontan Cutthroat Trout
5. Status Report on Action by the California State Lands Commission on Pier Construction
6. Other

D. Agency Counsel

E. Governing Board Members

XII PUBLIC INTEREST COMMENTS

XIII ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. Snook Residential Pier and Boathouse Repair and Reconstruction, 4688 North Lake Boulevard, APN 115-070-09, Placer County	Approval With Findings And Conditions
2. Tahoe City Cemetery District, Cemetery Expansion, Addition of 1,565 Burial Plots, 460 and 480 Fairway Drive, APN 94-053-05, -06, and -07, Placer County	Approval With Findings And Conditions
3. Harry/Mashbir, New Residential Multiple-Use Pier, 8579 and 8581 Meeks Bay Avenue, APNs 16-101-14 and -52 and 16-142-09, El Dorado County	Approval With Findings And Conditions
4. Placer County, Release of Water Quality and Air Quality Mitigation Funds	Approval
5. Laughlin, Shoreline Protective Structure, APN 122-181-62, Washoe County	(continue to October)
6. Resolution Approving Inclusion of a Portion of Cold Creek Trail Into the Federal-Aid Urban System	Adoption

Successful Land Capability Challenges:

Approval With Findings

- | | |
|--|---|
| 7. Sharp, APN 05-220-02 and -03,
Round Hill, Douglas County | 12. Ross, APN 32-181-01, Barton
Tract, El Dorado County |
| 8. Sederquist, APN 125-163-25,
Incline Village, Washoe County | 13. Craig, APN 14-324-04, Westlake
Village, El Dorado County |
| 9. Benka, APN 125-162-14, Incline
Village, Washoe County | 14. Kaufman, APN 131-234-26,
Incline Village, Washoe County |
| 10. Oman, APN 125-153-01, Incline
Village, Washoe County | 15. Mitchell, APN 005-341-14,
Round Hill, Nevada |
| 11. Ramsey, APN 125-421-02, Incline
Village, Washoe County | 16. Robbins, APN 32-291-28,
El Dorado 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
STAFF SUMMARY

Project Name: Snook, Residential Pier and Boathouse Repair and Reconstruction

Application Type: Shorezone

Applicant: Peter F. Snook

Applicant Representative: Jan Brisco, Brisco Enterprises

Location: 4688 North Lake Boulevard, El Dorado County

Assessor's Parcel Number/Project Number: 115-070-09

Project Description: The project includes the repair and reconstruction of the existing pier with steel pilings and cedar decking. The boathouse, as designed, is a reconfiguration of the existing structure as it is proposed to be located alongside the new pier rather than at a 45 degree angle to it. The overall square footage of the boathouse would be reduced by approximately 20 square feet by eliminating a portion of the existing catwalk located on the southwestern side of the boathouse.

Site Description: The project area includes an 8,000 square foot parcel developed with a single family dwelling, pier, and boathouse. The Shorezone Tolerance District is class 4 which exhibits volcanic rock shorelines with moderate potential for erosion. The immediate shoreline is cobble with several large boulders.

Review Per Code:

Chapter 4 - Project Review	Chapter 51 - Permissible Uses in Shorezone
Chapter 5 - Environmental Documentation	Chapter 52 - Existing Structures
Chapter 6 - Required Findings	Chapter 53 - Shorezone Tolerance Districts
Chapter 13 - Plan Area Statements	Chapter 54 - Development Standards Lakeward of Highwater
Chapter 18 - Permissible Uses	Chapter 56 - Mitigation Fees
Chapter 20 - Land Coverage Standards	Chapter 79 - Fish Resources
Chapter 25 - Best Management Practices	Chapter 81 - Water Quality Control
Chapter 38 - Tracking	
Chapter 50 - Projects in the Shorezone and Lakezone	

TC:cs
9/20/88

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 014, Cedar Flat. 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:

This area should continue as a residential area of the same type and character now existing.

The project involves the repair and reconstruction of an existing, serviceable, accessory structure to the residential use and will not change the residential character of the area.

2. Planning Considerations:

The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.

The property is located within the area designated as "Fish Spawning Habitat Area" targeted for restoration on TRPA's adopted fish habitat map. However, TRPA's staff biologist has concluded that an Environmental Assessment would not be necessary and has recommended special conditions to be applied to the project relative to construction activity limitations during the spawning season and minimum disturbance limitations to lakebed materials during construction.

Scenic Shoreline Unit 18 is within this Plan Area.

The project, as designed, reduces the overall width of the existing pier and boathouse by locating the boathouse closer to the pier. All construction materials shall be earthtone in color and nonreflective to blend in with the surrounding area.

3. Planning Considerations:

Erosion is evident on over steepened lands adjacent to the lake.

This particular section of the shorezone has a cobble shoreline and fairly stable backshore with no evidence of identifiable areas of erosion.

C. Land Capability District/Land Coverage:

1. Land Capability Districts: The land capability of the project area is class 6 and backshore. The total project area above highwater is approximately 8,000 square feet.

2. Existing Coverage:

Buildings	1,396 square feet
Pavement/Decks/Walks	<u>1,405 square feet</u>
Total	2,801 square feet

3. Proposed Coverage:

Buildings	1,396 square feet
Paving	<u>1,405 square feet</u>
Total	2,801 square feet

4. Allowed Coverage: To be determined upon submittal of final plans which will delineate the backshore and class 6 coverages.

5. Coverage Mitigation: The applicant shall submit a site plan delineating the backshore area (1a) and class 6 area. Excess land coverage, if any, shall be mitigated pursuant to Section 20.5.A(3) of the TRPA Code of Ordinances.

D. Pier Height: The proposed pier deck elevation is 6,231.3 feet, Lake Tahoe Datum. This is consistent with Section 54.4.B(2) of the TRPA Code.

E. Shorezone Tolerance District: This property is located within Shorezone Tolerance District 4. The project, as conditioned, complies with the shorezone tolerance district standards.

F. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50 and 52 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: 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 includes excess coverage mitigation, and installation of all required water quality improvements and is consistent with the Conservation Element of the Regional Plan. The project is located within Scenic Shoreline Unit 18, which has an acceptable threshold rating. The project, as conditioned, will not degrade the Scenic Quality Standards.
 - d. Recreation: The project involves the repair of an existing recreational facility and is consistent with the Recreation Element of the Regional Plan. The project is the repair of an existing facility and beach access will not be further impeded.
 - e. Public Services and Facilities: The project requires no additional public services and is consistent with the Public Services and Facilities Element of the Regional Plan.
 - f. Implementation: The project requires no additional 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 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 hearing 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 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 hearing packet for reference.

4. This project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

There is no buildup of fine sediments or erosion of the shoreline in the proximity of the existing pier and boathouse and no interference with littoral processes is indicated. There is no evidence that the existing structure has degraded fish spawning habitat in the vicinity by allowing a buildup of fine sediments. As this is a private facility, boat traffic and other human activity will be minimal. Reconstruction of the pier will not increase any impacts associated with its existence in a fish spawning habitat area. Backshore stability will improve with the installation of the required BMPs.

5. There are sufficient accessory facilities to accommodate the project.

The project is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the use from the project.

6. The project is compatible with existing shorezone and lakezone uses or structure on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

This project is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

This pier is located in the foreshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall be required to not store construction materials on the beach. Construction access will be by barge from Lake Tahoe.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pier will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. The project, as designed, increases navigable water area by relocating the boathouse. This project must also be reviewed by El Dorado County, the California State Lands Commission, the Lahontan Regional Water Quality Control Board, and the U. S. Army Corps of Engineers. These agencies typically make their own public safety findings in addition to TRPA's.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

All agencies having jurisdiction have been informed and have had ample opportunity to comment. No adverse comments have been received as of the date of this report.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

On-site review indicates no buildup of sediments in proximity to the existing structure and the reconstruction will not cause the situation to worsen.

13. The project is in compliance with the scenic threshold.

Based upon an on-site review, and information submitted by the applicant, the changes proposed will have an insignificant effect on

14. The structure has not been unserviceable for more than five years.

The structure has been continually serviceable, but repairs are currently needed.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The project involves a reconfiguration of the existing boathouse structure to allow for easier access to the boathouse and does not increase the extent to which the structure does not comply with the development standards.

16. The expansion complies with all applicable standards.

Although technically considered an expansion, the reconfiguration of the existing boathouse complies with all applicable standards, and beneficially, increase the area of navigable waters on Lake Tahoe.

17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

Conditions of approval insure that all required BMPs will be installed.

18. The project complies with the design standards in Section 53.10.

The structure is currently painted in subdued colors. Any proposed changes in material type would be conditioned to be composed of nonglare earth tone or wood tone materials to minimize reflectivity. Conditions of approval will insure continued compliance.

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 findings contained in Section F, above, of this staff summary.
- 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. Prior to commencement of construction the site plan shall be revised to include:

(1) The following revised land coverage calculations:

- (i) Allowable land coverage (class 6 and backshore).
- (ii) Existing land coverage (class 6 and backshore) based on the following TRPA measured coverage calculations:

Existing

Residence	=	845 square feet
Garage	=	551 square feet
Walks/Decks	=	989 square feet
Driveway	=	<u>416 square feet</u>

Total = 2,801 square feet

- (2) A three inch layer of gravel (3/4" drainrock) beneath all raised decks.
- (3) Land capability district and backshore boundaries.
- (4) Dripline infiltration trenches, sized 18" wide x 8" deep, constructed beneath all roof driplines.
- (5) Removal of the unattached pilings located north of the existing pier approximately 20 feet offshore from present shoreline.

b. The following existing infiltration facilities shall be modified, cleaned and/or reinstalled to provide required infiltration:

- (1) The existing driveway slotted drain.

c. The security required under Standard Condition 3 of Attachment S shall be determined upon the applicant's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

d. Prior to commencement of construction the applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project as well as all required

BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent within ten years, as determined by an estimate of the cost of the BMPs. The security required under Standard Condition 3 of Attachment S shall be equal to 110 percent of the estimated BMP costs.

- e. Prior to commencement of construction the applicant shall mitigate excess land coverage on this property in a manner consistent with Chapter 20 of the TRPA Code. This condition may be satisfied by the submittal of an excess coverage mitigation fee calculated in the following manner:

(1) Determine the percentage of total lot area in each land capability district;

(2) For each land capability district determine an excess coverage mitigation fee in the following manner:

Cost of project x 0.05 (TRPA Reduction Factor) x Excess Coverage Percentage.

The excess coverage percentage equals the existing land coverage percentage minus (_____ %) the allowable coverage percentage (_____ %). The project cost estimate shall be the same for each land capability district; and

(3) Multiply the area percentages in a. above by the corresponding excess coverage mitigation fees determined in (2) and add the results to determine the total excess coverage mitigation fee.

Please provide a written cost estimate by your contractor, architect or engineer. In no case shall the mitigation fee be less than \$100. Also, if you choose, existing land coverage may be removed in lieu of payment of an excess land coverage mitigation fee. To calculate this land coverage reduction amount, divide the amount of the mitigation fee by \$5 per square foot. If you choose this option it will be necessary for you to revise your site plan and land coverage calculations to account for the coverage removal.

- f. Fertilizer use on this property shall be consistent with the recommendations of the TRPA fertilizer use handbook. The use of fast release fertilizers and ammonium nitrate is prohibited.