

**TRPA  
GOVERNING BOARD  
PACKETS**

**JUNE  
1989**

June 1989  
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TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on June 28, 1989, commencing at 9:30 a.m., and on June 29, 1989, 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 June 28, 1989, at 8:30 a.m., in the same location, the Legal Committee of said agency will meet to discuss amendment of Article IX (Compliance Procedures) of the Rules of Procedure.

NOTICE IS FURTHER GIVEN that on June 28, 1989, at 8:30 a.m., in the same location, the Finance Committee of said agency will meet to discuss receipt of the May financial statement, status of FY 89-91 budget requests to California and Nevada, FY 89-90 Caltrans/TRPA overall work program, allocation of FY 89-90 Local Transportation Funds to the City of South Lake Tahoe and Placer County, and the proposed interim budget for FY 89-90.

NOTICE IS FURTHER GIVEN that on June 28, 1989, during the lunch recess, the Rules Committee will meet to discuss amendment of Articles V (Project Review) and VI (Environmental Impact Statements) of the Rules of Procedure.

Date: June 21, 1989

By:

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.

Kit - Please  
return to the  
warehouse.

Thank you -  
Sue M.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

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

June 28, 1989 9:30 a.m.  
June 29, 1989 8:30 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 page 3)
- VI PROJECT REVIEW
  - A. Sullivan Commercial Foundation, Washoe County APN 124-052-50
  - B. Douglas County Public Works, North Martin Drive and Lakeview Drive, Intersection/Roadway Realignment and Special Use Determination, Douglas County APN 05-100-04
  - C. Sierra Cloud Catamaran/Hyatt, Special Use Determination, Washoe County APN 127-2280-02
  - D. City of South Lake Tahoe, Ski Run Water Quality Improvement Project, APN 510-100-89/8
  - E. Caltrans, Echo Summit Avalanche Control, El Dorado County APN 520-200-89/3
- VII PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS/EIS CERTIFICATION
  - A. Amendment of Goals and Policies and Code Chapters 2, 4, 20, 28, 37, and 81 to Make Them Consistent With the Water Quality Management (208) Plan
  - B. Amendment of the Recreation Facilities List for 1989-93
  - C. Amendment of the Public Facilities List for 1989-93
  - D. Scenic Resources Management Package, Including Adoption of Chapter 26 (Signs) and Design Review Guidelines; Amendment of Chapters 30 (Design Standards), 2 (Definitions), 4 (Project Review and Exempt Activities), 12 (TRPA Regional Plan Maps); and Certification of the Environmental Impact Statement - continued to the July meeting

- E. Adoption of Master Plan Pursuant to Chapter 16 (Specific and Master Plans) for South Lake Tahoe Bijou Park and Related Amendments to Plan Areas 101 (Bijou Meadow) and 098 (Bijou/Al Tahoe)

#### VIII PLANNING MATTERS

- A. Adoption of Highway 50 Corridor Study and Freeway Route Rescission Analysis, Adoption of Resolution - June 29 in the morning
- B. Demonstration of TEGIS (Tahoe Environmental Geographic Information System) - 4:30 p.m., June 28
- C. Appointment of the Washoe County Community Planning Team

#### IX APPEALS

- A. Victor Metas Pier, Appeal of Staff Determination of Fish Habitat, Placer County APN 117-020-20 (to be continued)

#### X ADMINISTRATIVE MATTERS

- A. Discussion and Action on Agency Annual Plan of Work for FY 1989-90
- B. Appointment of Nevada Lay Member to the Advisory Planning Commission
- C. Discussion and Action on Interim Budget for FY 89-90

#### XI REPORTS

- A. Status Report on the Tahoe Transportation District
- B. Status Report on Shorezone Fish Habitat Study
- C. Legal Committee Report
- D. Finance Committee Report and Board Action on Recommendations
  - 1. Receipt of the May Financial Statement
  - 2. Status Report on FY 89-91 Budget Requests to California and Nevada
- E. Executive Director
  - 1. Status Report on Water Quality Management Plan (208 Plan)
  - 2. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director
  - 3. Status Report and Board Action, If Necessary, on Code Interpretations Made by Executive Director

4. Status Report on Residential Allocations Issued in the South Tahoe Public Utility District Service Area of El Dorado County and the City of South Lake Tahoe
5. Status Report on Land Coverage Banking Program
6. Report on Discussions With State Highway Officials Regarding Use of Salt on Highways and Damage to Roadside Vegetation
7. Other

F. Agency Counsel

G. Governing Board Members

XII RESOLUTIONS

XIII PUBLIC INTEREST COMMENTS

XIV ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. Tavern Shores Buoy Field, Relocation/ Recognition of Multiple Use Facility, Placer County APN 94-350-37	Approval With Findings And Conditions
2. FY 89-90 Caltrans/TRPA Overall Work Program	Approval of Resolution
3. Allocation of FY 89-90 Local Transportation Funds to the City of South Lake Tahoe	Approval of Resolution
4. Allocation of FY 89-90 Local Transportation Funds to Placer County	Approval of Resolution
Successful Land Capability Challenges:	Approval With Findings
5. Haugum, 759 Burgundy Lane, Incline, Washoe Co. APN 126-271-10	
6. Sulume, Tamarack Subdivision, El Dorado Co. APN 23-191-02	
7. Pollak, 920 Skyway, Placer Co. APN 083-254-01	
8. Antle/Milos/Strahan, 3443 Pioneer Trail, El Dorado Co. APN 25-292-01	
9. Gillemot Family Trust, Dorothy Lane, Glenbrook, Douglas Co. APN 01-090-30	
10. McClaren, 1474 Douglas Boulevard, Douglas Co. 03-070-03	

Consent Calendar (continued)

11. State of California/Tahoe City Public Utility District, Skylandia Park/Tahoe Island Park Subdivision, Lake Forest, Placer County
12. Michael Janke, 551 Alpine View, Washoe Co. APN 131-212-04
13. Young/Boucher, 59 Shakespeare Point, Douglas Co. APN 01-110-06 and -07
14. Incerpi, 396 Sierra Drive, El Dorado County APN 016-181-13

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.

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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.

- Article III(g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Tavern Shores Buoy Field Relocation

Application Type: Shorezone/Recognition of Multiple-Use Facility

Applicant: Tavern Shores; Attention David Hansen

Applicant Representative: Raymond Vail and Associates

Location: 300 West Lake Boulevard, Placer County

Assessor Parcel Number/Project Number: 94-350-37 (common area)

Project Description: The applicant proposes to relocate their legally existing buoy field comprised of 44 seasonal buoys. The existing buoy field does not meet Army Corps of Engineers placement standards and several buoys currently infringe across the U. S. Forest Service property lines (when extended from shoreline) to the south. The 44 seasonal buoys will be installed at 50 foot spacing in accordance with Army Corps regulations with appropriate setbacks from extended property lines. The proposed buoy field would be located approximately 600 feet from the high water line. The current buoy field is located approximately 780 feet from high water line. The buoys will be removed and their chains shall be dropped to the lake bottom from October 15 through June 15 in order to allow the public's use of public waters for top line trolling.

Site Description: This area of foreshore contains a sandy bottom. The Tavern Shores condominium development surrounds the common parcel. The common parcel comprises lawn areas, a pier, and walkways.

Code Review:

Chapter 4 - Project Review  
Chapter 5 - Environmental Documentation  
Chapter 6 - Findings  
Chapter 13 - Plan Area Statements  
Chapter 18 - Permissible Uses  
Chapter 20 - Land Coverage  
Chapter 25 - Best Management Practices  
Chapter 38 - Tracking/Banking  
Chapter 50 - Shorezone/Lakezone Review

Chapter 51 - Permissible Uses  
Chapter 52 - Existing Structures  
Chapter 53 - Shorezone Tolerance Districts  
Chapter 54 - Development Standards - Nearshore/Foreshore  
Chapter 55 - Development Standards - Backshore  
Chapter 56 - Mitigation Fees  
Chapter 79 - Fish Resources  
Chapter 81 - Water Quality Control



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.
- B. Plan Area Statement: The project is located within Plan Area Statement 001A, Tahoe City. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. 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 to serve the commercial needs of the northwest portion of the Tahoe Region and act as the scenic gateway to Lake Tahoe for visitors and residents arriving from the Truckee River corridor.

This proposal will not effect the commercial needs of the Tahoe City Region. By bringing the buoy field into conformance with Army Corps placement standards (50 foot-spaced grid pattern), the buoy field will be less in size and will have a more organized appearance which will improve the scenic quality of the area.

2. Planning Considerations:

Scenic Shoreline Unit 15 is within this Plan Area.

Though a majority of the Plan Area is located in Scenic Shoreline Unit 15, the subject project is located in Scenic Shoreline Unit 14, Ward Creek, and has a travel route rating of 10, which is above the threshold standard. The current buoy field covers an area of approximately 146,000 square feet. Based on the project's proposal of installing the buoy field into a uniform grid pattern at 50 foot spacing which would cover an area of 75,000 square feet or almost half the current area, staff has determined that the proposed project will not cause a degradation of the scenic threshold for the shoreline unit.

C. Land Coverage:

1. Land Capability Districts: The land capability of the project area (common area) is class 1b and backshore. The total project area is approximately 178,600 square feet in size.

2. Existing Coverage:

Paving:	44,500 square feet
Walkways:	<u>3,450 square feet</u>
Total:	47,950 square feet

3. Proposed Coverage:

Paving:	44,500 square feet
Walkways:	<u>3,450 square feet</u>
Total:	47,950 square feet

4. Allowed Coverage: 1,786 square feet.

5. Coverage Mitigation: The applicant shall submit a site plan delineating all existing coverage in the backshore and class 1b area. Excess land coverage shall be mitigated pursuant to Section 20.5.A(3) of the TRPA Code of Ordinances. No increase in land coverage would occur as a result of the proposed project.

- D. Location Standards for Mooring Buoys: The applicant proposes that TRPA waive the maximum two mooring buoys per littoral parcel standard and the maximum 350 foot lakeward from highwater line placement standard as provided in Section 54.8.B of the TRPA Code of Ordinances for facilities recognized by the Governing Board as multiple use.
- E. Recognition of Multiple-Use Facility: By approving the project, the TRPA Governing Board shall be recognizing the facility as multiple-use. The applicant, the residents of Tavern Shores, comprised of 58 units, shall jointly utilize the buoy field. All residents shall have physical access to the buoy field. The proposed project is in compliance with the multiple-use standards contained in Section 54.8.D of the TRPA Code of Ordinances.
- F. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.
- G. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 50 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 applicant will be required to mitigate any existing excess coverage and to apply BMPs to the project area. This project will not affect the allowed land use on this site. Buoys are allowed accessory structures in the Plan Area for this property.
  - b. Transportation: This buoy field will not adversely impact transportation in the Lake Tahoe Basin. The proposed buoy field will be located closer to the shoreline than the existing buoy field.
  - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project is located in Scenic Shoreline Unit 14 which has an acceptable scenic threshold. The proposed buoy field location will not degrade the shoreline scenic threshold. Fisheries is discussed further in paragraph 4, below.
  - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project would not interfere with public access along the shoreline and is consistent with the Recreation Element of the Regional Plan.
  - e. Public Services and Facilities: This project does not affect 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.

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.)

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

The proposed buoy field will not impact littoral processes. The proposed project is not located in any fish habitat area as mapped on TRPA's adopted Fish Habitat Maps. No onshore wildlife habitat is identified for this area on TRPA's adopted Special Interest Species Maps.

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 and buoys) in the vicinity.

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

This buoy field 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 spray painting and the use of tributyltin (TBT).

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

The applicant shall not be permitted to store construction materials on the beach. Installation of the buoys will be via barge from Lake Tahoe. Disturbance to ground or vegetation shall be prohibited.

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 proposed buoy field will be located closer to the shore than the existing buoy field and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by 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.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and California Fish and Game prior to TRPA acknowledgement of the permit. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies. The applicant has provided TRPA with current approvals for the proposed project from the U.S. Army Corps of Engineers (No. 4198A), Lahontan Regional Water Quality Control Board (Waiver of a Report of Waste Discharge, Dated 1/5/89), the California State Lands Commission (PRC 4015), and the California Department of Fish and Game (Lakebed Alteration Agreement, Dated 12/8/88 and letter of approval dated 3/16/89).

Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section G, above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on 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 following special conditions of approval must be satisfied.
- (1) The site plan for the subject parcel shall include:
    - (a) Lot area above highwater line.
    - (b) Allowable land coverage for each land capability district including backshore area.
    - (c) Existing land coverage for each land capability district including backshore area.
    - (d) Previously mitigated land coverage for each land capability district including backshore area.
  - (2) All property lines.
  - (3) Site plan scale and north arrow.
  - (4) Land capability district and backshore boundaries.
- b. 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.
- c. The applicant shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 8 (see attached map).

The excess coverage mitigation fee shall be calculated as follows:

- (1) Estimated Project Construction Cost x 0.70 (1989 Fee Reduction) x Percent Fee

Please provide a construction cost estimate by your contractor, architect or engineer. Use Table A, below, to calculate the percent fee. (Note: The percent fee should be converted to decimal form when performing calculations. For example: A percent fee of 0.06% should be represented in decimal form as 0.0006.) In no case shall the mitigation fee be less than \$100.00.

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed use the following formula:

- (2) Excess coverage mitigation fee (per formula (1), above) divided by \$5.00 per square foot.

If you choose this option please revise your final site plan and land coverage calculations to account for the coverage removal.

TABLE A

Square Feet of Excess Coverage	Percent Fee	Square Feet of Excess Coverage	Percent Fee
400 or less	.06%	11,000- 15,000	2.50%
400- 600	.12	15,000- 18,000	2.75
600- 1,000	.25	18,000- 21,780	3.00
1,000- 1,500	.50	21,780- 43,560	3.25
1,500- 2,000	.75	43,560- 65,340	3.50
2,000- 2,800	1.00	65,340- 87,120	3.75
2,800- 3,800	1.25	87,120-108,900	4.00
3,800- 5,000	1.50	108,900-130,680	4.25
5,000- 6,400	1.75	130,680-152,460	4.50
6,400- 8,000	2.00	152,460-174,240	4.75
8,000-11,000	2.25	174,240 or greater	5.00

- d. The final plans shall have notes indicating conformance to the following design standard for buoys:
- (1) Mooring buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the U.S. Army Corps of Engineers or Coast Guard.
- e. Final construction drawings shall conform to all the applicable design standards of Section 54.6.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.

- f. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Review Board, California Department of Fish and Game, Placer County, and the California State Lands Commission for this project.
  - g. The applicant shall submit three sets of final construction drawings and site plans to TRPA.
3. 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.
  4. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
  5. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
  6. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
  7. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project site and deposited only at approved points of disposal.
  8. The buoys shall be removed and their chains dropped to the lake bottom during the period from October 15 through June 15.