

**TRPA
GOVERNING BOARD
PACKETS**

**APRIL
1990**

April 1990
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TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on April 25 and 26, 1990, commencing at 9:30 a.m. on both days, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The April 25 session will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard in Kings Beach, California. The April 26 session will take place at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on April 25, 1990 at 8:30 a.m. at the North Tahoe Conference Center, the TRPA Finance Committee will meet to discuss receipt of the March financial statement, errors and omissions insurance policy and cost, amendments to the TRPA/Caltrans FY 89-90 Overall Work Program, and release of TRPA Water Quality Mitigation Funds (\$185,021 under Contract 2 and \$71,953 under Contract 1) to Washoe County for use on IVGID erosion control projects.

NOTICE IS FURTHER GIVEN that on April 25, 1990 at 8:30 a.m. at the same location, the Legal Committee will meet to discuss settlement of S & M v. TRPA and Carpenter v. TRPA.

NOTICE IS FURTHER GIVEN that on April 26, 1990 at 8:30 a.m. at the TRPA office, 195 U.S. Highway 50, the Rules Committee will meet to discuss amendment of Article VII, Advisory Planning Commission.

Date: April 18, 1990

By: David S. Ziegler
David S. Ziegler
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

April 25, 1990 9:30 a.m.
North Tahoe Conference Center
Kings Beach, California

April 26, 1990 9:30 a.m.
TRPA Office, Round Hill
Zephyr Cove, Nevada

All items are action items unless otherwise noted.

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 Page
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- C. Amendment of Plan Area Statement 98, Bijou/Al Tahoe, Special Area #1, 252
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1. Receipt of the March Financial Statement
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B. Legal Committee

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2. Settlement of Carpenter v. TRPA

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C. Governing Board Members (No Action)

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CONSENT CALENDAR

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1. Sierra Pacific Power Company, Kingswood Feeder, Special Use Determination, File #530-300-89/13, Placer County	Approval With Findings And Conditions	<u>1</u>
2. South Tahoe Public Utility District, Municipal Water Well Replacement, Special Use Determination, File #25-010-42, City of South Lake Tahoe	Approval With Findings And Conditions	8
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4. American Redi-Mix, Temporary Concrete Mixing Facility, Temporary/Special Use Determination, Douglas County APN 07-180-01	Approval With Findings And Conditions	22
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<u>Items</u>	<u>Recommended Action</u>
13. Release of TRPA Water Quality Mitigation Funds (\$71,953) to Washoe County for Use on IVGID Erosion Control Projects (Contract 1)	Approval 155

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. The special use determinations will be removed from the consent calendar at the request of any member of the public and taken up separately. If any Governing Board member or noticed affected property owner requests that any 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.

- Article III(g) Public Law 96-551

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Kingswood Feeder - Special Use Determination

Application Type: Linear Public Service Facility Improvement

Applicant: Sierra Pacific Power Company

Applicant's Representative: Steven Siegel, Environmental Specialist

Agency Planner: Ed Skudlarek, Senior Planner

Location: Between Kings Way and California State Highway 267, T16N, R17E, Sec. 2, SW 1/4

Project Number: 530-300-89/13

Project Description: The applicant proposes to install approximately 700 linear feet of underground electrical distribution line and two appurtenant vault boxes. The new line will connect an existing electrical distribution line. The purpose of the connection is to provide a loop system which will reduce the recurrence of interrupted service for approximately 200 customers in the Kingswood subdivision.

Site Description: The proposed utility alignment will cross under California State Highway 267 and continue across forested public lands (USFS owned) to an area adjacent to an existing primary box above Kings Way. The soils are well-vegetated with an immature, mixed conifer stand and shrub understory. Slopes within the project area vary from approximately 10 to 40 percent.

Issues: The proposed project involves the installation of a new power transmission line which is a special use in the plan area and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is that soil disturbance will occur in land capability district 1a. The alternative of installing an overhead distribution line was considered, however, soil disturbance would still occur as a result of power pole placement and equipment access, and the overhead line would adversely impact the scenic quality within this scenic highway corridor. Other alternative routes for the underground line were also considered; however, these would occur in land capability district 1a also. The shortest route was selected to minimize disturbance to the soil and vegetation. The "no project" alternative was determined to be impractical giving consideration to both power outage frequency and duration, and the waning lifespan of the only existing power line into the subdivision.

ES/smc
4/9/90

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.
- B. Plan Area Statement: The project is located within Plan Areas 19 (Martis Peak) and 20 (Kingswood West). The Land Use Classification is Conservation and Residential, respectively, and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a special use.
- C. Land Coverage:
1. Land Capability District:

The land capability district of the project area is Class 1a. The total project area is approximately 13,000 square feet.
 2. Existing Coverage:

Hard Coverage: 100 square feet
 3. Proposed Coverage:

Hard Coverage: 100 square feet
 4. Allowed Coverage:

Class 1a Area: 130 square feet
 5. Coverage Mitigation:

Approximately 975 square feet of permanent land disturbance, attributed to the trench backfill material will be created. Based on the additional coverage and disturbance amounts, 1,570 square feet of existing land coverage shall be restored to natural conditions in accordance with Subsection 20.4.C, TRPA Code, by the applicant.
- D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, and 20 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: The project is a special use in the plan area. The applicant shall utilize Best Management Practices (BMPs) during and following trench construction, in accordance with Goal 3, Policy 3.E., Land Use Element of the Regional Plan. The project is consistent with Goal 2, Policy 5.E., Land Use Element of the Regional Plan, which states, "Additional Public Service development shall be limited to those projects needed to serve the other development permitted by this plan."
 - (b) Transportation: The project will not affect the implementation of the Transportation Element of the Regional Plan. The applicant shall submit a traffic control plan, acceptable to Caltrans, to TRPA for review and approval.
 - (c) Conservation: The selected alignment is the shortest feasible route minimizing tree removal and soil disturbance. The disturbed soil will be revegetated with woody shrub plantings and application of an erosion control seed mix with straw mulch. No known long-term or cumulative adverse impacts on vegetation, wildlife, fisheries, soils, shorezone, open space, stream environment zones, or cultural resources will occur as a result of this project. This project is consistent with the vegetation and soil subelements of the Conservation Element.
 - (d) Recreation: This project will not affect the implementation of the Recreation Element of the Regional Plan.
 - (e) Public Service and Facilities: This project is consistent with Policy 1, Goal 1, of the subject Element of the Regional Plan by allowing the upgrading of existing public service facilities in a manner consistent with the Land Use Element of the Regional Plan.
 - (f) Implementation: Since the project does not require allocations of use, it will 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 this finding is provided on the checklist entitled "Project Review Conformance Checklist and 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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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.

Upon successful re-establishment of vegetation, the alignment of the underground power line will be well screened where it crosses public lands. The new box will be located next to an existing primary box. The proposed use is appropriate for the surrounding area.

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 general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The interconnection of the existing electrical distribution line will reduce the recurrence of power outages. Power outages can result in serious health and safety-related problems. The applicant shall be required to employ Best Management Practices (BMPs) during project construction.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The project does not contain any features which would alter the neighborhood's character. The project is not contrary to the purpose or special policies of the Plan Area Statement.

7. The project is necessary for public health, safety, or environmental protection.

This project is necessary to reduce the recurrence of power outages in the Kingswood subdivision.

8. There are no reasonable alternatives, including relocation, which avoids or reduces the extent of encroachment in Land Capability District 1a.

The existing power line traverses a large area that is predominantly Land Capability District 1a. The selected alignment minimizes the extent of encroachment since it is the shortest route which minimizes disturbance to existing vegetation and soil disturbance.

9. The impacts of the coverage and disturbance are fully mitigated in the manner prescribed in Subparagraph 20.4.A(2)(e) of the TRPA Code.

The applicant shall restore 1.5 times the amount of additional land coverage and disturbance in the project area beyond the amount permitted by the coefficients in Subsection 20.3.A., TRPA Code, which is 1,570 square feet. In addition, the applicant shall be required to

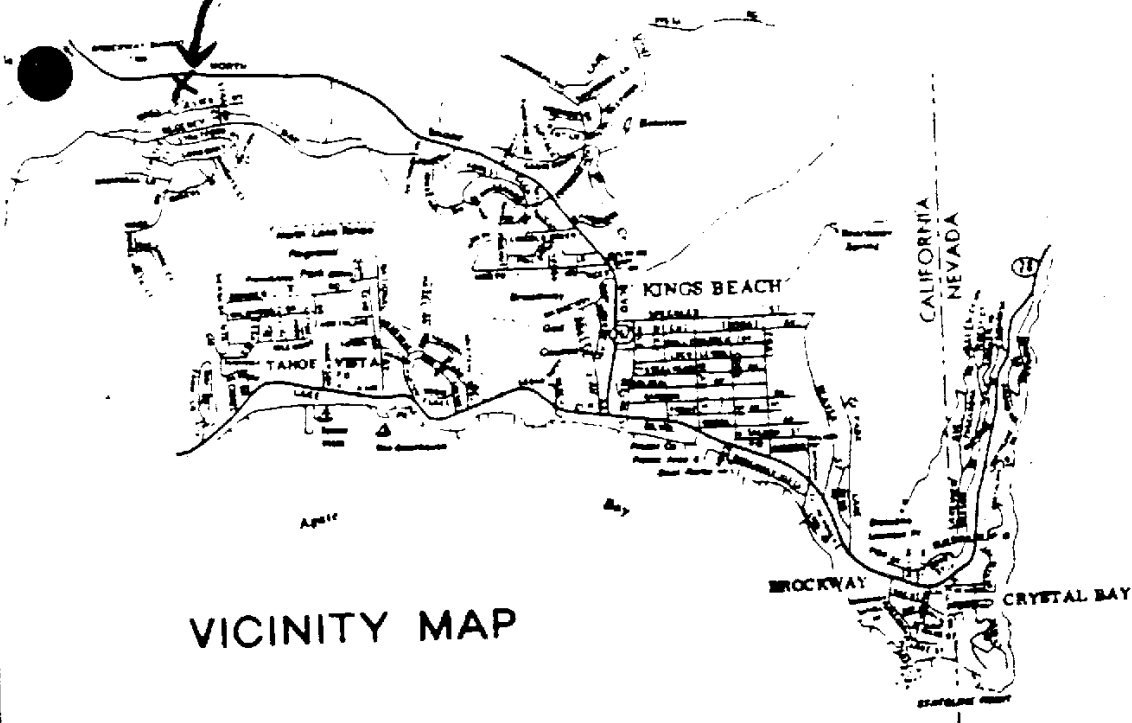
employ Best Management Practices during and subsequent to project construction, such as temporary erosion control structures and vegetative soil stabilization practices.

E. 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 (D) 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 Q, with the following modifications:
 - (a) Delete section IV.6 (wood heaters).
 - (2) Prior to commencement of construction the following special conditions of approval must be satisfied:
 - (a) The site plan shall be revised to include:
 - (i) The following land coverage calculations:
 - (aa) Existing hard coverage (100 square feet).
 - (bb) Proposed hard coverage (200 square feet).
 - (cc) Proposed new disturbance (975 square feet).
 - (dd) Allowed coverage (130 square feet).
 - (ii) Land capability district (1a).
 - (iii) Vegetation protection fencing around the entire construction site.
 - (b) Submit a traffic control plan that has been accepted by Caltrans for TRPA review and approval.
 - (c) Submit for TRPA review and approval a revegetation plan and related fertilizer management plan for the stabilization of soils disturbed as a result of construction activities.
 - (d) The revegetation plan shall consist of specifications for woody shrub plantings, seedbed preparation, erosion control seed mix application, and mulching. The fertilizer management plan shall be specific as to both the rate and method of fertilizer application and the type of fertilizer used for woody shrub plantings and seed mix application.

- (e) Submit for TRPA review and approval a restoration plan that provides for the restoration of 1,570 square feet of existing land coverage or disturbance in accordance with Subsection 20.4.C, TRPA Code. A restoration plan construction schedule and cost estimate shall be included.
- (3) Excavation equipment travel shall be limited to the area within vegetation protective fencing. The smallest, least soil disturbing piece of excavation equipment shall be used for line installation.
- (4) The security required under Standard Condition I.2 of Attachment Q will be based upon 110 percent of the estimated BMP cost and the cost to restore 1,570 square feet of existing land coverage. This shall be posted prior to commencement of construction.

PROJECT LOCATION



VICINITY MAP



LAKE
TAHOE

SIERRA PACIFIC POWER CO.
RENO, NEV.

DISTRICT NORTH TAHOE W.O. 90-3796-53

KINGSWOOD ALTERNATE FEED
SUBSTRUCTURES 7
WORK ORDER NO. 90-3796-53

DRAWN BY J. W. ... DATE 5/80

MAP SHEET NO. _____ DATE _____

CHANGES	DATE	BY	CHECKED
			APPROVED

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Middle School Municipal Water Supply Well

Application Type: Public Service--Special Use Determination

Applicant: South Tahoe Public Utility District

Applicant's Representative: Gary Schnakenberg

Agency Planner: Ed Skudlarek, Senior Planner

Location: Tahoe Middle School, 200 feet south of the Lyons Avenue and Rufus Allen intersection.

Assessor's Parcel Number: APN 25-010-42

Project Description: The applicant proposes to construct a new water supply well. This project includes: (1) construction of a 500 foot deep, 10-inch diameter well to be located about 200 feet south of the Lyons Avenue and Rufus Allen intersection; (2) construction of a below-ground pump station and an above-ground control panel; and (3) installation of 1,600 linear feet of 10-inch diameter water line and 2 fire hydrants within a public utility easement located on the same parcel. The purpose of the project is to replace lost water supply capacity caused by the imminent College Well shutdown and to satisfy requirements of the fire protection district.

Site Description: The proposed well site is located on a flat site with slightly disturbed soils. A few large Jeffrey pine trees occupy the surrounding area. A tennis court is the only structure located within the immediate vicinity of the well construction site.

Issues: The proposed project involves construction of a municipal water supply well (Public Utility Center) which is a special use in the subject plan area, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Additional Capacity: In accordance with Subsection 35.5.A, modifications to legally existing public service facilities that do not create additional service capacity are not considered to be additional public service facilities. This proposed well will be constructed in conjunction with another proposed well on the Bijou School site. The design capacity of each will be 500 gallons per minute (gpm), for a total of 1,000 gpm. The California State Department of Health Services has ordered that the College Well be taken out of service by June 1, 1990. The design capacity of this well was 2,000 gpm; however, the production capacity has been 1,380 gpm, as reported in the Bijou Middle School Water Wells Project Initial Study prepared by the applicant. The net reduction in production capacity will be at least 380 gpm.

2. Stream Environment Zone Impacts: The proposed well site is located approximately 1,500 feet west of the Bijou Creek stream environment zone (SEZ) and 3,000 feet east of the Trout Creek SEZ. Even though the proposed well will be sealed to a depth of 50 feet and the targeted water bearing strata will probably occur at a depth of 200 to 500 feet, staff is concerned that these SEZs may be impacted. Since test wells have not been constructed on this site previously, the required specific information to evaluate the potential impacts related to drawdown does not exist. The applicant shall be required to submit a report based upon stratigraphy inferred from borehole logs, the radius of influence estimated from application of the appropriate step-drawdown test methods, and other pertinent information relative to the unconfined aquifer characteristics of the adjacent SEZs. The report shall also evaluate the combined effect of the Middle School and the Bijou School well pumping with respect to the Bijou Creek SEZ. Should any potential impact be identified, the applicant shall be required to monitor impacts to the SEZ. If monitoring results indicate that SEZ within the radius of influence has been impacted by well drawdown, the well discharge shall be adjusted to eliminate the impact.

3. Domestic Well Interference: Upon completion of the report mentioned in #2 above, the applicant will be required to notify domestic water well owners whose wells fall within the radius of influence of the proposed well. As a condition of this permit, the applicant shall be required to monitor and mitigate impacts to existing domestic water wells attributed to this project.

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 098. The Land Use Classification is Commercial/Public Use and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a Special Use.

- C. Land Coverage:
 1. Land Capability District:

The land capability district of the project area is class 7. The total project area is approximately 18,500 square feet.

 2. Existing Coverage: None.

3. Proposed Coverage:

Hard Coverage:	15	square feet
Total:	<hr/> 15	<hr/> square feet

4. Allowed Coverage:

Class 7 Area:	5,550	square feet
Total:	<hr/> 5,550	<hr/> square feet

5. Coverage Mitigation:

The applicant shall pay a water quality mitigation fee in accordance with Chapter 20 of the TRPA Code.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 18 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: The project is a special use in the plan area. The project is consistent with Goal 2, Policy 5.E of the Land Use Element, TRPA Regional Plan, which states that additional public service development shall be limited to those projects needed to serve the other development permitted by this plan.
- (b) Transportation: The project will not affect the implementation of this element of the Regional Plan.
- (c) Conservation: The potential for drawdown related impacts to nearby SEZs exists. Possible mitigation strategies, if potential impacts are identified, include, but are not limited to, monitoring, reduced well discharge rates, and relocation of the water supply well. With mitigation, vegetation, wildlife, fisheries, SEZs, soils, and open space resources will not be adversely impacted.
- (d) Recreation: The project will not affect the implementation of the Recreation Element of the Regional Plan.
- (e) Public Service and Facilities: The project is consistent with Goal 1, Policy 1, of the Public Services and Facilities Element, Regional Plan. This states that "public services and facilities should be allowed to upgrade and expand consistent with the Land Use Element of the Regional Plan and federal, state and local standards."

(f) Implementation: The project will 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 this finding is provided on the checklist entitled "Project Review Conformance Checklist and 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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 4.B, above.)

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 surrounding area is dominated by existing public service facilities. The inconspicuous nature and scale of the use is such that the project is appropriate for the area.

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 general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

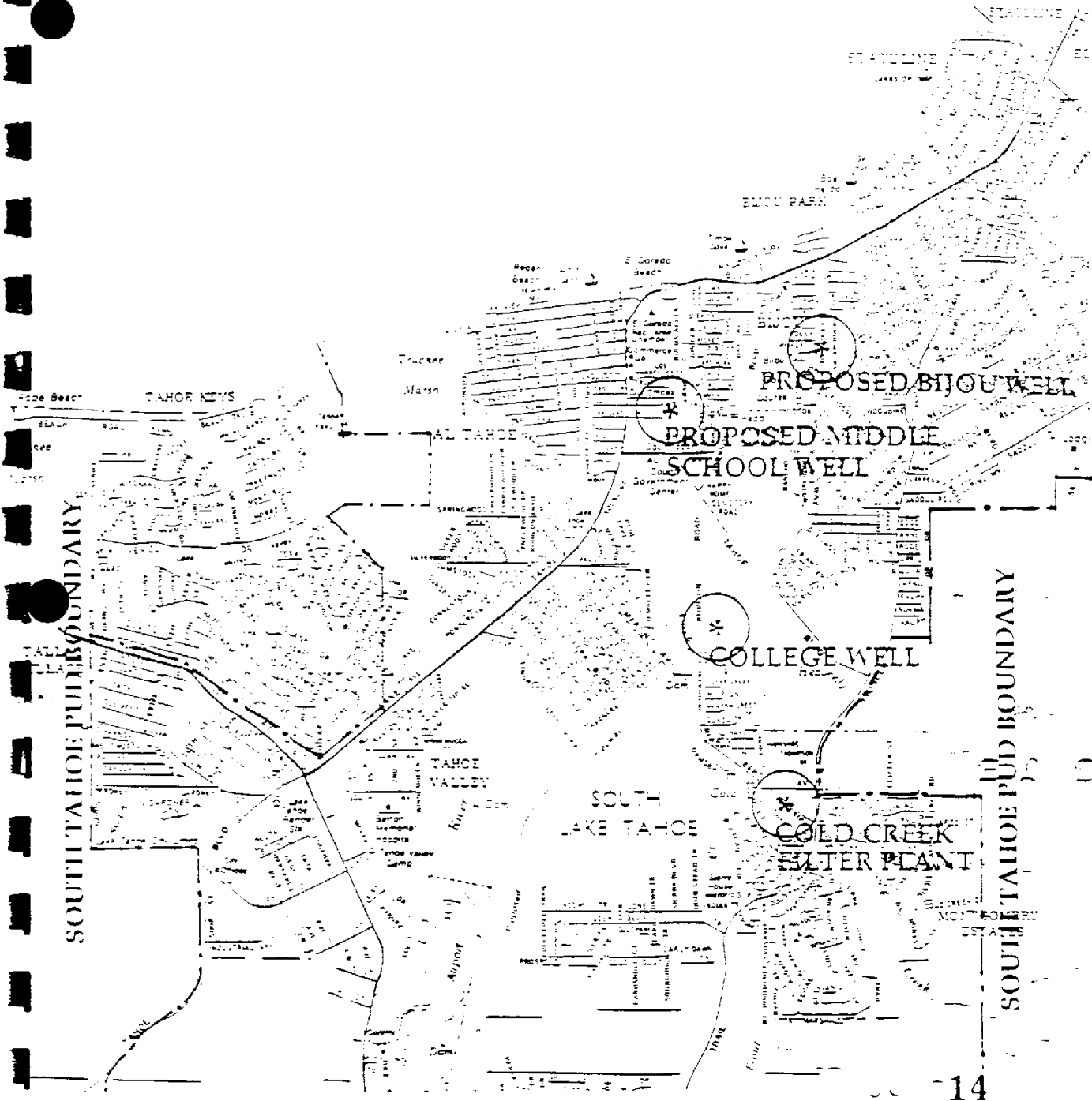
The pump station will be underground and not a source of community noise. The manhole cover and above-ground control panel will be kept locked. Monitoring and mitigation measures will be required if existing domestic water wells fall within the radius of influence of the proposed well.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed use will be inobtrusive and evidenced only by the existence of the manhole cover and the control panel. The proposed use conforms with all applicable aspects of the Plan Area Statement.

- E. 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 D 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 Q.
 - (2) Prior to commencement of construction the following special conditions of approval must be satisfied:
 - (a) The site plan shall be revised to include:
 - (i) A note stating that areas disturbed as a result of construction activity shall be revegetated in accordance with the TRPA Handbook of Best Management Practices.
 - (ii) The design and location of temporary erosion control structures.
 - (iii) The location of sanitary sewer man holes which will be used as well water disposal location.
 - (iv) Vegetation protection barrier design and location
 - (b) Submittal of a revegetation plan to satisfy (a)(i), mentioned above, in accordance with the TRPA Handbook of Best Management Practices.
 - (c) The applicant shall submit 3 sets of final site plans and construction drawings.
 - (3) The applicant shall submit a report evaluating potential impacts to SEZs and existing domestic water wells within the radius of influence prior to putting the well into production. The report shall be based upon stratigraphy inferred from the well, drilling logs and appropriate nearby well logs and borehole logs; the appropriate step-drawdown test method given inferred stratigraphy of the area; and other pertinent information. Analysis combining data from the Middle School and Bijou School well shall also be evaluated with respect to the Bijou Creek SEZ. If potential impacts are identified, then a monitoring program shall be prepared and mitigation measures identified and submitted to TRPA for review and approval.
 - (4) The applicant shall receive approval from all applicable state and local agencies prior to commencement of construction.

- (5) The security required under Standard Condition I.2 of Attachment Q shall be \$9,000. Please see Attachment J, Security Procedures.
- (6) The discharge of petroleum products, construction waste and litter, 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.
- (7) No trees shall be removed nor damaged without prior TRPA approval.
- (8) Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M. Best available technology shall be used to muffle equipment noise during the 24-hour pump test.
- (9) This approval is based upon the applicant's representation that all plans and information 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.
- (10) A water quality mitigation fee of \$4 shall be paid to TRPA. This fee is based on the creation of 15 square feet of land coverage.



TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Bijou School Municipal Water Supply Well

Application Type: Public Service--Special Use Determination

Applicant: South Tahoe Public Utility District

Applicant's Representative: Gary Schnakenberg

Agency Planner: Ed Skudlarek, Senior Planner

Location: Bijou Elementary School, West corner of the school property

Assessor's Parcel Number: APN 25-250-03 and 04

Project Description: The applicant proposes to construct a new water supply well. This project includes: (1) construction of a 500 foot deep, 10-inch diameter well to be located at the western corner of the property; (2) construction of a below-ground pump station and an above-ground control panel; and (3) installation of 75 linear feet of 6-inch diameter water line. The purpose of the project is to replace production capacity which will be lost upon shutting down the College Well.

Site Description: The proposed well site is located on a flat grass covered site, and is surrounded by a mixed conifer stand and butterbrush understory. Adjacent land uses are open space, residential, and public service (school). Other than playground apparatus located approximately 100 feet away, there are no existing structures within the immediate vicinity of the proposed well site.

Issues: The proposed project involves construction of a municipal water supply well (Public Utility Center) which is a special use in the subject plan area, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Additional Capacity: In accordance with Subsection 35.5.A, modifications to legally existing public service facilities that do not create additional service capacity are not considered to be additional public service facilities. This proposed well will be constructed in conjunction with another proposed well on the Al Tahoe Middle School property. The design capacity of each will be 500 gallons per minute (gpm), for a total of 1,000 gpm. The California State Department of Health Services has ordered that the College Well be taken out of service by June 1, 1990. The design capacity of this well was 2,000 gpm; however, the production capacity has been 1,380 gpm, as reported in the Bijou Middle School Water Wells Project Initial Study prepared by the applicant. The net reduction in production capacity will be at least 380 gpm.

2. Stream Environment Zone Impacts: The proposed well site is located approximately 50 feet east of the Bijou Creek stream environment zone (SEZ). Even though the proposed well will be sealed to a depth of 50 feet, and the targeted water bearing strata will probably occur at a depth of 200 to 500 feet, staff is concerned that the SEZ may be impacted. Since test wells have not been constructed on this site previously, the required specific information to evaluate the potential impacts related to drawdown does not exist. The applicant shall be required to submit a report based upon stratigraphy inferred from borehole logs, the radius of influence estimated from application of the appropriate step-drawdown test methods, and other pertinent information relative to the unconfined aquifer characteristics of the adjacent SEZs. The report shall also evaluate the combined effect of the Middle School and the Bijou School well pumping with respect to the Bijou Creek SEZ. If monitoring results indicate that a SEZ within the radius of influence has been impacted by the well drawdown, the well discharge shall be reduced to eliminate the impact.
3. Domestic Well Interference: Upon completion of the report mentioned in #2, above, the applicant will be required to notify domestic water well owners whose wells fall within the radius of influence of the proposed well. As a condition of this permit, the applicant shall be required to monitor and mitigate impacts to existing domestic water wells attributed to this project.

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 093. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a Special Use.

C. Land Coverage:

1. Land Capability District:

The land capability district of the project area is class 7. The total project area is approximately 3,250 square feet.

2. Existing Coverage: None.

3. Proposed Coverage:

Hard Coverage: 15 square feet

16

4. Allowed Coverage:

Class 7 Area: 975 square feet

5. Coverage Mitigation:

The applicant shall pay a water quality mitigation fee in accordance with Chapter 20 of the Code.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 18 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: The project is a special use in the plan area. The project is consistent with Goal 2, Policy 5.E. of the Land Use Element, TRPA Regional Plan, which states that additional public service development shall be limited to those projects needed to serve the other development permitted by this plan.
- (b) Transportation: The project will not affect the implementation of this element of the Regional Plan.
- (c) Conservation: The potential for drawdown related impacts to the adjacent SEZ exists. Possible mitigation strategies, if potential impacts are identified, include, but would not be limited to, monitoring, reduced pumping rates, and relocation of the water supply well. With mitigation, vegetation, wildlife, fisheries, SEZs, soils, and open space, resources will not be adversely impacted.
- (d) Recreation: The project will not affect the implementation of the Recreation Element of the Regional Plan.
- (e) Public Service and Facilities: The project is consistent with Goal 1, Policy 1, of the Public Services and Facilities Element, Regional Plan. This states that "public services and facilities should be allowed to upgrade and expand consistent with the Land Use Element of the Regional Plan and federal, state and local standards."
- (f) Implementation: The project will 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 this finding is provided on the checklist entitled "Project Review Conformance Checklist and 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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 4.B, above.)

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 inconspicuous nature and small scale of this proposed use are such that it is an appropriate use for the area.

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 general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

The pump station will be underground and not a source of community noise. The manhole cover and above-ground control panel will be kept locked. Monitoring and mitigation measures will be required if existing domestic water wells fall within the radius of influence of the proposed well.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

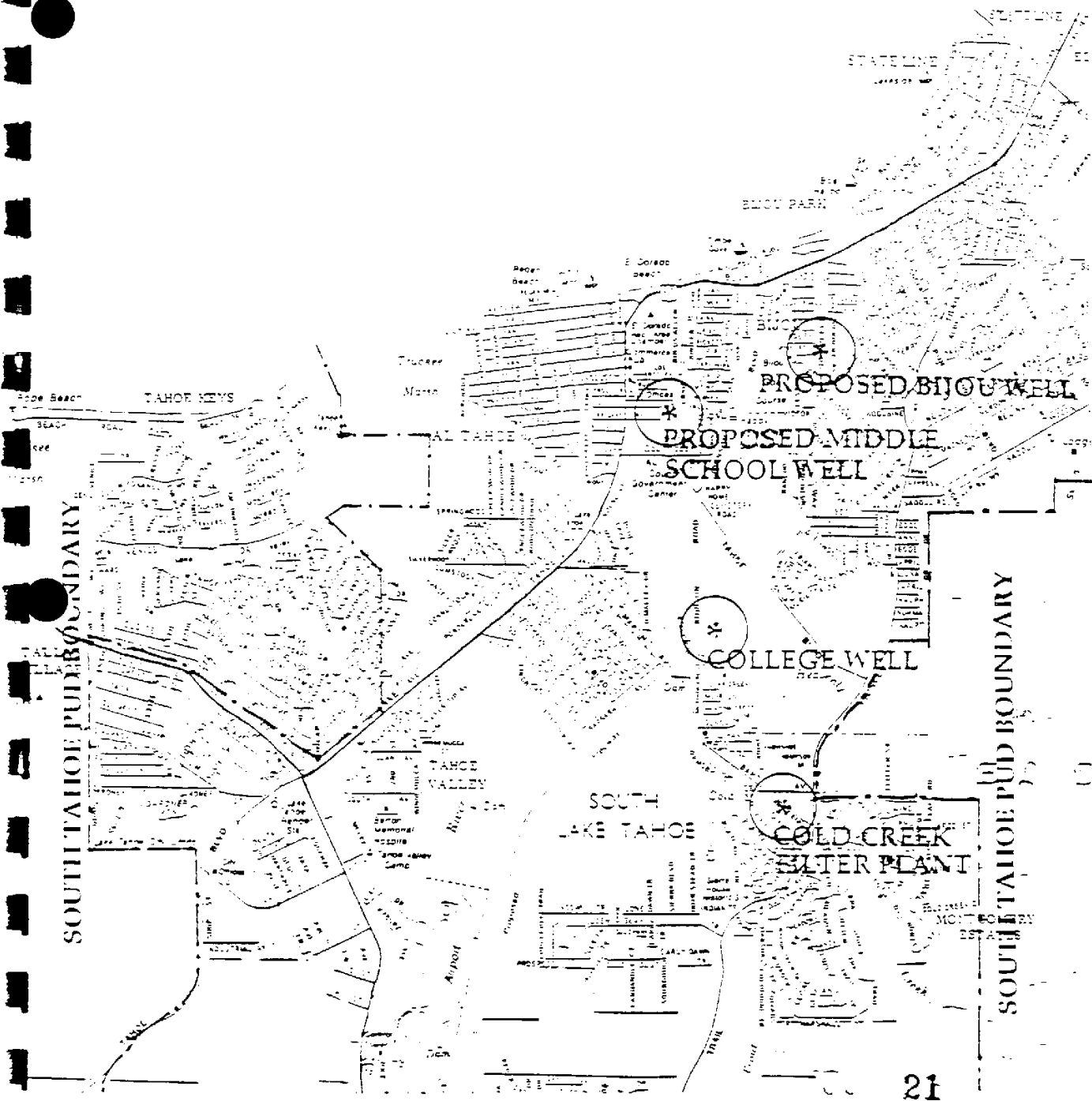
The proposed use will be inobtrusive and evidenced only by the existence of the manhole cover and the control panel. The proposed use conforms with all applicable aspects of the Plan Area Statement.

- E. 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 D 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 Q.
- (2) Prior to commencement of construction the following special conditions of approval must be satisfied:
 - (a) The site plan shall be revised to include:
 - (i) A note stating that areas disturbed as a result of construction activity shall be revegetated in accordance with the TRPA Handbook of Best Management Practices.
 - (ii) The design and location of temporary erosion control structures.
 - (iii) The location of sanitary sewer man holes which will be used as well water disposal location.
 - (iv) Vegetation protection barrier design and location
 - (b) Submittal of a revegetation plan to satisfy (a)(i) and (a)(ii), mentioned above, in accordance with the TRPA Handbook of Best Management Practices.
 - (c) The applicant shall submit 3 sets of final site plans and construction drawings.
- (3) The applicant shall submit a report evaluating potential impacts to SEZs and existing domestic water wells within the radius of influence prior to putting the well into production. The report shall be based upon stratigraphy inferred from these wells, drilling logs and appropriate nearby well logs and borehole logs; the appropriate step-drawdown test method given inferred stratigraphy of the area, and other pertinent information. Analysis combining data from the Middle School and Bijou School Well shall also be evaluated with respect to the Bijou Creek SEZs. If potential impacts are identified, then a monitoring program shall be prepared and mitigation measures identified and submitted to TRPA for review and approval.
- (4) The applicant shall receive approval from all applicable state and local agencies prior to commencement of construction.
- (5) The security required under Standard Condition I.2 of Attachment Q shall be \$1,625. Please see Attachment J, Security Procedures.
- (6) The discharge of petroleum products, construction waste and litter, 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.
- (7) No trees shall be removed nor damaged without prior TRPA approval.

- (8) Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M. Best available technology shall be used to muffle equipment noise during the 24-hour pump test.
- (9) This approval is based upon the applicant's representation that all plans and information 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.
- (10) A water quality mitigation fee of \$4 shall be paid to TRPA. This fee is based on the creation of 15 square feet of land coverage.



TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Concrete Mixing Facility, Temporary/Special Use Determination

Application Type: Commercial, Temporary Use

Applicant: American Ready Mix

Applicant's Representative: Curtis Patrick

Agency Planner: Jerry Wells

Location: Approximately 1/4 mile east of Highway 50 on the south side of Kingsbury Grade, Douglas County, NV

Assessor's Parcel Number/ Project Number: 07-180-01, Douglas County

Project Description: The project involves the installation and operation of a temporary (6 months) portable concrete mixing facility to provide concrete for the construction of the Embassy Suites and Ski Run Hotel Redevelopment projects. The portable mixing facility consists of a pre-washed sand and gravel storage area, two loading bins and conveyor belts, three storage bins, a dust control collector, a cement mixing plant, a truck cleaning station with a containment and recovery pit, weight scales, computer control room (8'x20' trailer), admix trailer (8'x30'), and a portable restroom (sanihut). All facilities, including site access and material storage will be placed over existing covered and/or disturbed portions of the project area. All temporary facilities will be removed, and all existing and project related coverage and disturbance on the site will be restored upon expiration of the temporary use permit.

Site Description: The project area, approximately 4.9 acres, consists of a paved access road, rock lined ditches, and a large graveled storage area. The site is currently owned by the Nevada Department of Transportation (NDOT) and has previously been used as a material and equipment storage yard by NDOT. Existing coniferous and riparian vegetation screens a majority of the disturbed portions of the site (gravel area) from view as seen from Kingsbury Grade. The land capability classification of the project area is class 3 and 1b (SE2).

Issues: The proposed project involves the creation of a temporary use (special use) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. In order for the Governing Board to approve the special use, findings 4, 5 and 6 of section E, below, must be made. The primary project related issues are:

1. Noise:

A noise analysis was conducted by Brown-Buntin Associates on April 4, 1990 to determine project compliance with the findings required in Subsection 7.6.E. of the TRPA Code. Based on the analysis, the required findings can be made provided the recommended mitigation measures are implemented. These required findings are addressed in section E, items 9 and 10, below. All prescribed mitigation measures have been included in the recommended conditions of approval.

2. Air Quality:

In accordance with Subsection 91.5.E of the Code, the applicant has prepared an Environmental Assessment (EA) pertaining to air quality impacts. Based on the EA, the project complies with all TRPA air quality standards.

3. Water Quality/Groundwater:

The project will include all necessary temporary water quality control devices (BMPs), all stored sand and gravel materials will be washed prior to delivery to the site, all trucks will be cleaned prior to leaving the site, and the entire project area will be restored to a near natural condition upon completion of the project. In addition, the applicants will be required to provide a soils analysis demonstrating that the truck cleaning station containment and recovery pit will not intercept the seasonal groundwater prior to commencement of the project.

4. Scenic Quality:

The project site is located within scenic roadway unit 44, Kingsbury Grade, which is targeted for scenic restoration. Although the existing vegetation along Kingsbury Grade should substantially screen the concrete mixing facility from view as seen from Kingsbury Grade, portions of the facility such as the storage silos may be visible from certain vantage points along Kingsbury Grade and possibly Highway 50. The Scenic Quality Improvement Program (SQIP) recommends revegetation and restoration of disturbed areas within the scenic unit. The exterior of the cement mixing plant will be enclosed with T1-11 siding. To soften the visual impact, the siding will be stained with a dark earthtone color. The cement storage silo will also be painted with a dark earthtone color. In addition, the entire site will be revegetated upon completion of the activity. Given the temporary nature of the project and implementation of the conditions of approval, no significant adverse scenic impacts are anticipated.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC), an Environmental Assessment (EA) addressing air quality, and a noise analysis in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project, as mitigated,

will not have a significant effect on the environment. A copy of the completed IEC, EA and noise analysis will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 076, Kingsbury Commercial. The Land Use Classification is Commercial/Public Service and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (batch plant) is not listed as either an allowed use or a special use in this plan area. Temporary uses, however, may be permitted in any plan area as special uses provided the required special use findings can be made.

C. Land Coverage:

1. Land Capability District:

The land capability district(s) of the project area are class 3 and 1b (SEZ). The total project area is approximately 213,891 square feet.

2. Existing Coverage:

Hard Coverage:	14,385	square feet
Soft Coverage:	35,166	square feet
Total:	49,551	square feet

3. Proposed Coverage:

Hard Coverage:	14,385	square feet
Soft Coverage:	35,166	square feet
Total:	49,551	square feet

4. Allowed Coverage:

Class 1b Area:	694	square feet
Class 3 Area:	7,225	square feet
Total:	7,919	square feet

5. Coverage Mitigation:

Chapter 7 of the Code exempts temporary projects from coverage mitigation requirements otherwise required under Chapters 20 and 93. The site will be completely restored upon completion of the project.

D. Structure Height: The proposed temporary concrete mixing facility has a maximum height of 55 feet, 6 inches. Subsection 22.6 of the Code allows the maximum height of certain structures to be increased to the minimum height necessary to feasibly implement the project. In order for the Governing Board to approve the additional height, findings 7 and 8 of section E., below, must be made.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 7, 18 and 20 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: The temporary project is allowed as a special use and the entire site will be restored upon completion of the temporary activity. All required BMPs and noise mitigation shall be included in the project.
 - b. Transportation: Under Chapter 7 of the Code, temporary activities are considered exempt from traffic and air quality mitigation provided that no lanes or intersections of any state or federal highways are closed. No lane closures are anticipated as a result of the proposed activity.
 - c. Conservation: The project includes provisions to completely restore the existing disturbed site and measures will be taken to reduce any scenic and stream environment zone impacts to a less than significant level.
 - d. Recreation: The project will have no known impacts on recreation opportunities in the area.
 - e. Public Service and Facilities: No additional public services or facilities will be required as a result of the project.
 - f. Implementation: The project does not require any 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 this finding is provided on the checklist entitled "Project Review Conformance Checklist and 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(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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 proposed use is temporary (6 months) and will be conducted on a site that has been formerly used as a gravel, asphalt and equipment storage yard. The site is heavily disturbed and all scenic, noise and air quality impacts will be mitigated to a less than significant level.

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 general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

As stated above, the use is temporary and all reasonable steps will be taken to mitigate any scenic, noise and air quality impacts that may affect the subject property as well as that of the surrounding properties.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The plan area allows the temporary use as a special use. The project is consistent with the plan area in that the entire site will be restored as a result of the project. All scenic, noise and air quality impacts will be mitigated.

7. The function of the temporary structure requires a greater maximum height than otherwise provided for in Chapter 22 of the Code.

The applicant conducted a study to determine the type of concrete mixing equipment to be used. The four primary elements of the study consisted of 1) project requirements, 2) environmental considerations, 3) portability, and 4) availability. The proposed cement mixing plant (silo type) proved to be the only type that met all of the necessary criteria.

8. The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

As discussed above, the height of the proposed concrete mixing facility is the minimum necessary to feasibly implement the project. Alternative equipment with less height was considered, but was dropped from consideration due to either environmental concerns, inability to meet the project requirements, or unavailability.

9. The activity is not injurious or disturbing to the health, safety and general welfare of persons or property in the neighborhood, and the general welfare of the Region, and that the applicant will take reasonable steps to protect against such injury.

Based on the noise analysis, the project with mitigation will not cause injury or disturbance to the health, safety and general welfare of persons or property in the neighborhood or the Region. All recommended noise mitigation has been included in the conditions of approval for the project.

10. The activity is in a plan area designated commercial, public service or tourist, is limited to no more than ten hours duration between the hours of 8:00 a.m. and 10:00 p.m..

The project is located in a commercial/public service plan area and the concrete mixing activity will be restricted to no more than 10 hours of operation between the hours of 8:00 a.m. and 6:00 p.m..

- F. 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 E 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 Q.
2. Prior to commencement of construction the following special conditions of approval must be satisfied:

a. The applicant shall submit a security to ensure removal of the temporary facility, installation/maintenance of all temporary BMPs, and restoration of the project area. Please see Attachment J, Security Procedures.

b. The applicant shall submit plans, cost estimates and an installation/completion schedule for the installation of all required temporary water quality improvements (BMPs) and permanent restoration of the entire project area. The temporary BMP plan shall include proposed measures for the stabilization of the existing access road, protection of the SEZ, and spill containment.

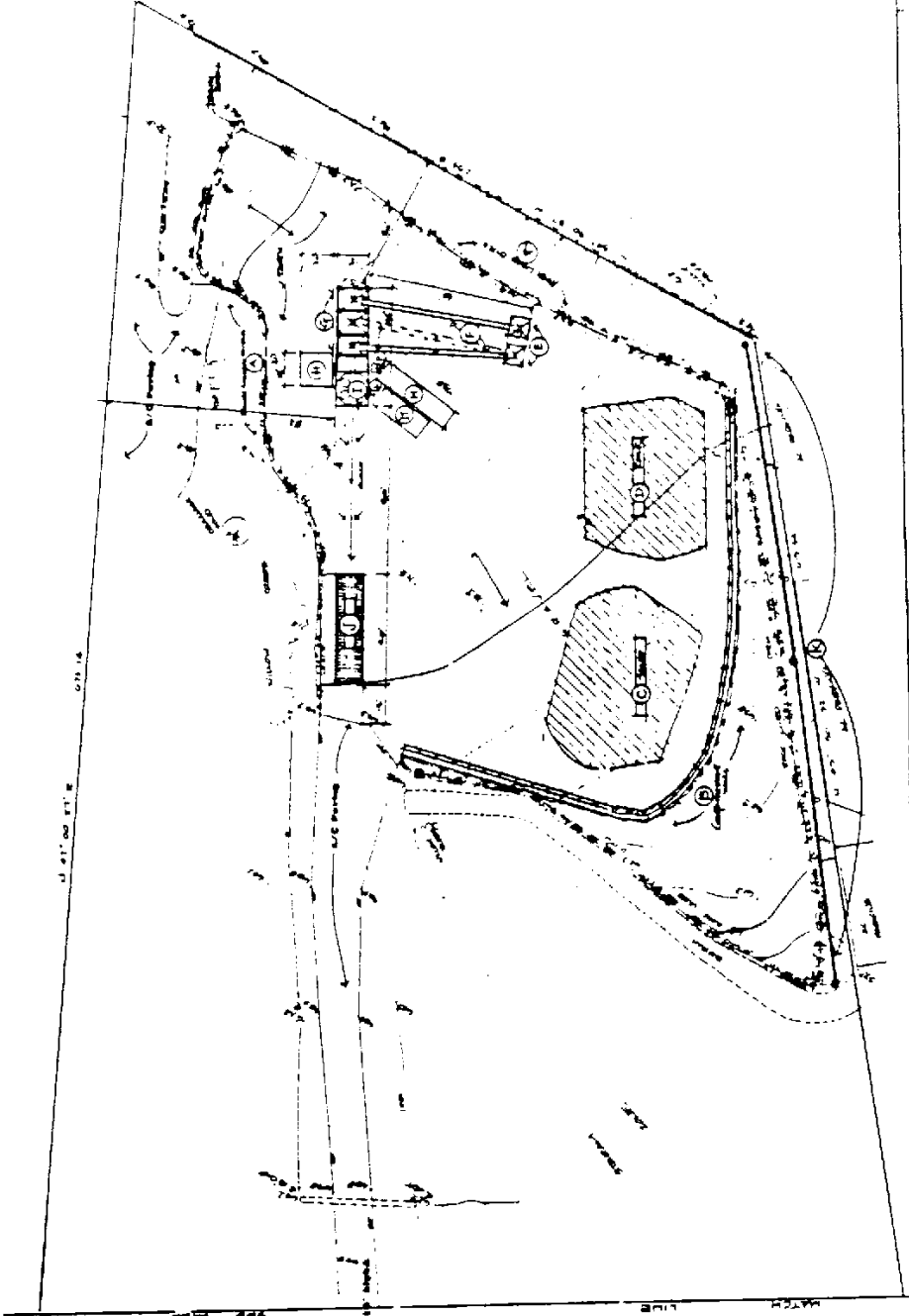
c. The final construction drawings shall have notes indicating conformance to the following design standards:

- (1) Color: The color of the structures, including any fences on the property, shall be compatible with the

surroundings. The applicant shall submit color samples to TRPA for review and approval.

- (2) Materials: All structures and equipment shall be composed of nonglare earthtone or woodtone materials that minimize reflectivity.
 - (3) Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
- d. The applicant shall submit 3 sets of final construction drawings and site plans to TRPA.
 - e. The applicant shall submit a facilities operation plan to TRPA for review and approval. Said plan shall include a detailed description of all traffic operations, i.e., traffic routing, flagging, trip frequency and duration, etc., and proposed hours of operation.
 - f. The final construction plans shall include the following provisions to comply with the noise mitigation requirements:
 - (1) Enclosure of batch plant with T1-11 siding and urethane.
 - (2) Covering of all conveyor belt seams, clam shell openings and troughing rollers with Flexane-80 rubber adhesive to prevent metal-on-metal "clang".
 - (3) Direction of all air cylinders into an automobile muffler.
 - (4) Rubber mounting of the air vibration units to the batch plant chassis.
 - (5) Installation of an 8 foot high (relative to batch plant grade elevation), 2 inch thick wood or tightly fitted stacked hay bale sound wall along the south and west property lines.
 - g. The applicant shall submit a groundwater report demonstrating that the proposed excavation for footings, runoff containment, and the truck cleaning station pit will not interfere or intercept the seasonal high groundwater.
2. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.

3. 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.
4. 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.
5. All noise producing activity associated with the project shall be restricted to no more than 10 hours of operation between the hours of 8:00 a.m. and 6:00 p.m..
6. To reduce noise levels from aggregate and sand dumpers, the applicant shall coat the beds of the dumpers with a urethane compound.
7. All equipment will be properly lubricated and kept in good working order. All equipment will be fitted with adequate muffler systems.
8. All structures and materials associated with the concrete mixing operation shall be removed and the site shall be winterized in accordance with TRPA Best Management Practices prior to the permit expiration date.
9. This temporary use permit shall expire on October 15, 1990.
10. The entire project area shall be restored to a near natural condition in accordance with the approved restoration plan and completion schedule. All restored coverage and disturbed areas may be "banked" for future use or transfer.

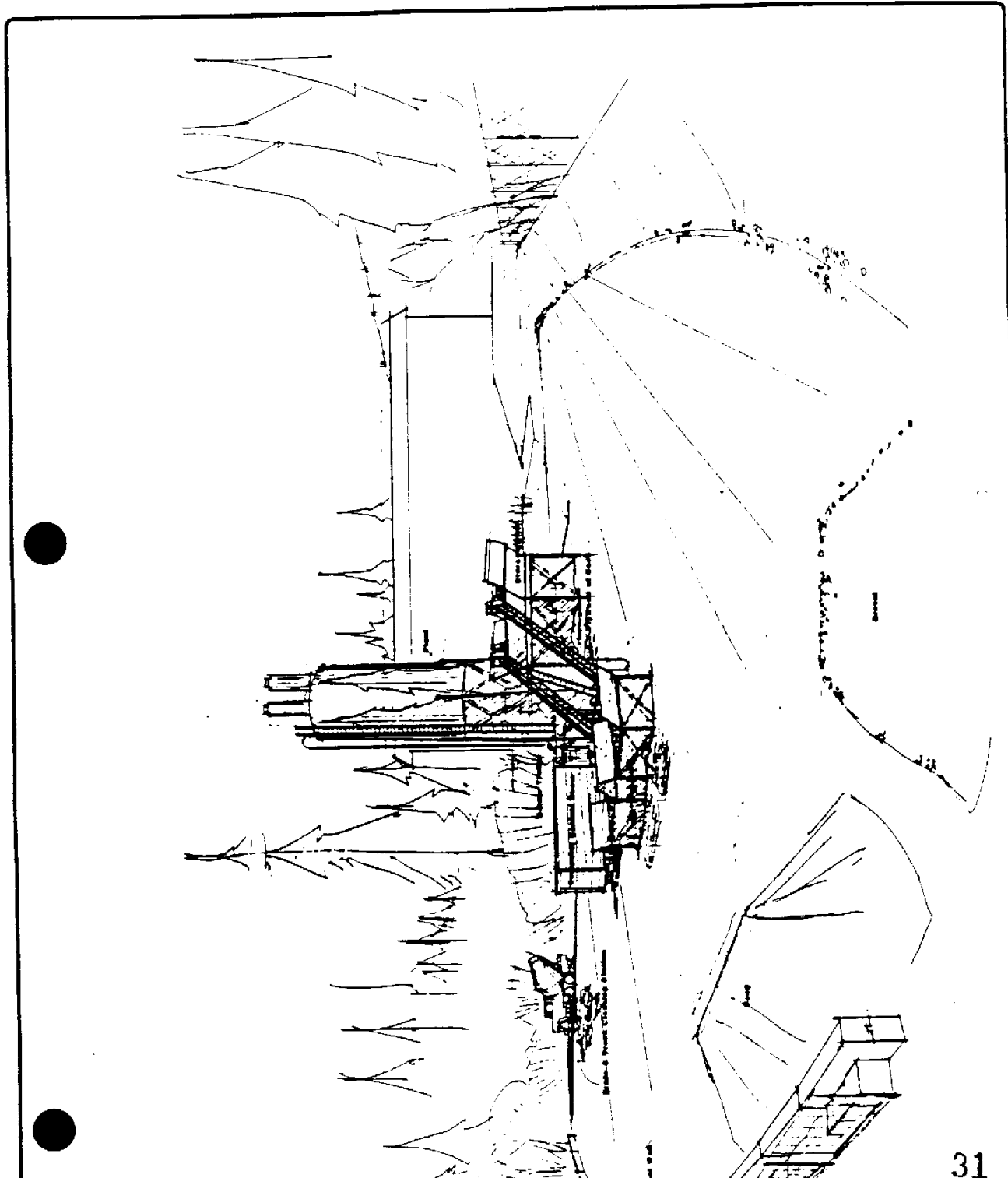


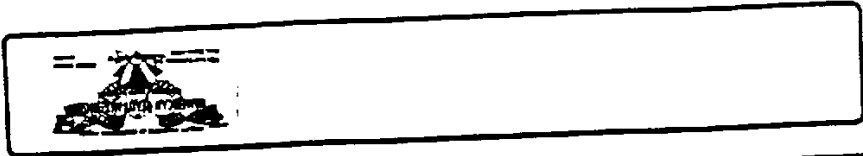
SCHEDULE

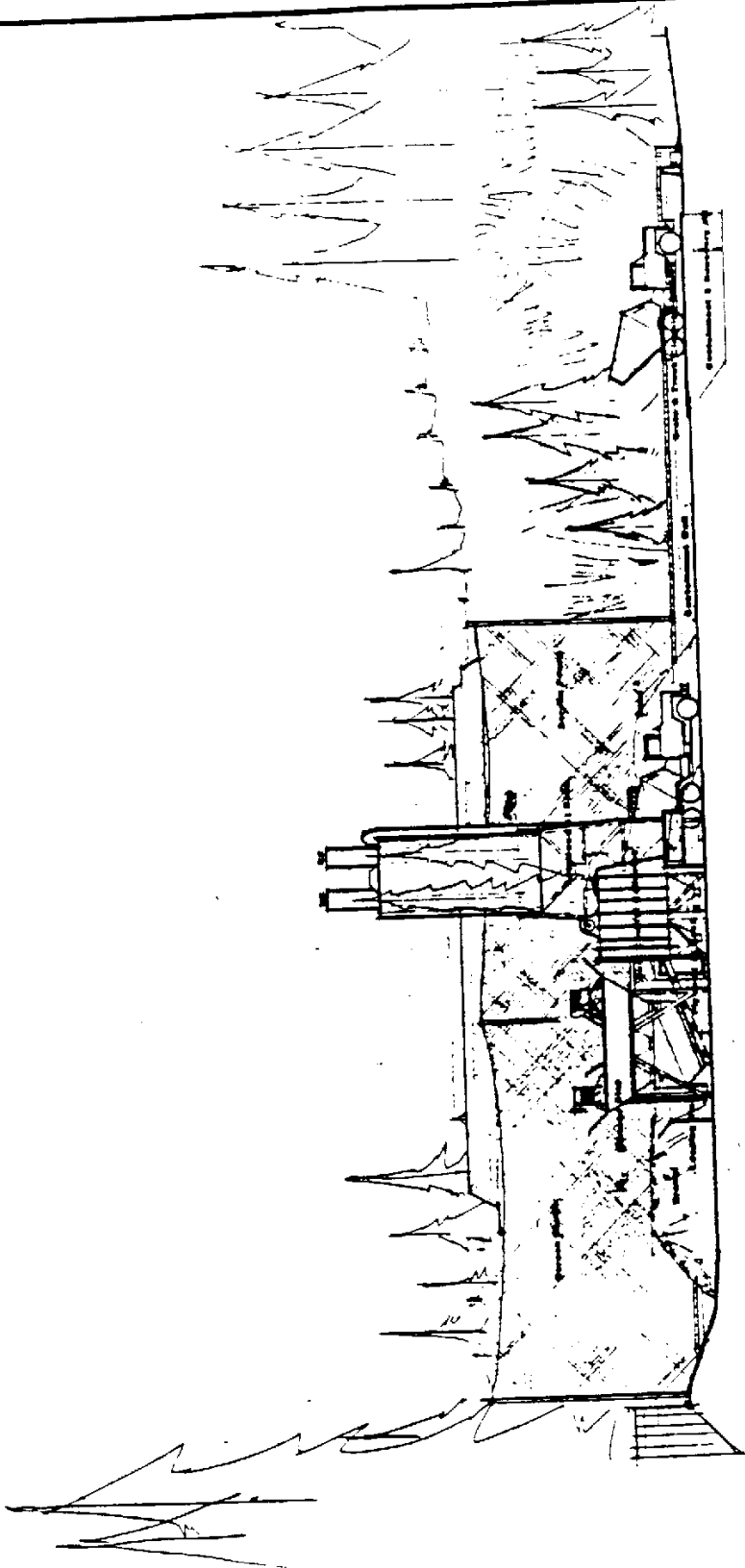
- A. 1" Red Sand (40% available min. 5' deep)
- B. 2" Crushed Rock
 1. Ecology Barrier, approx. 4" high, 8" wide
 2. 60# Gravel, 18" thick, with screen at bottom
 3. 40# Gravel, 18" thick, with screen at bottom
 4. 20# Sand, 18" thick, with screen at bottom
- C. Washed Sand, approx. size 40/60, 18" deep, cover on sand barrier
- D. Red, 3/4" sand aggregate, approx. size 40/60, 18" deep, cover on sand barrier
- E. Sand, loading
- F. Concrete Pad
- G. Sand, Storage
- H. 1" Crushed Rock
- I. Sand
- J. 4" Gravel and Trunk (40% available min. 5' deep) with 40# gravel screen bottom
- K. 1" Gravel, Storage
- L. Weight Scales
- M. Concrete Control Room 9'12" Trailer
- N. 1" Gravel Trailer 9'12" Trailer
- P. Building

EXPLANATION 1710 1710	DATE 1/15/88	DRAWN BY J. J. [Signature]	CHECKED BY [Signature]	SCALE AS SHOWN	SHEET NO. 1710	TOTAL SHEETS 1710	PROJECT NO. 1710	CLIENT TURNER & ASSOCIATES, INC. Land Planning 1000 [Address] [City, State, Zip]	PROJECT NAME TERRACED GOLF COURSE APRIL 07, 1980 01 DERRICK GOLF COURSE IMPROVEMENT	









TAHOE REGIONAL PLANNING AGENCY

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

P.O. Box 1038
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(702) 588-4547
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MEMORANDUM

April 11, 1990

To: TRPA Governing Board

From: Agency Staff

Subject: Amendment of the TRPA/Caltrans Overall Work Program for FY 1989-90

As the Regional Transportation Planning Agency for the portion of the Tahoe Region within California, TRPA is required to develop an Overall Work Program (OWP) for approval by Caltrans before California State Subvention Funds may be expended. Caltrans also requires that an OWP amendment be prepared and submitted for their approval if a new work element is to be added to the OWP, or if a significant departure from the previously approved OWP is evident or anticipated.

Staff has reviewed the approved FY 1989-90 OWP and has found that a significant departure from the previously approved OWP has occurred. Upon review of the various work elements contained in the OWP and the amount of resources which were allocated to those work elements, staff has found that there is a need to reallocate resources for individual work elements. This amendment to the OWP is necessary to more accurately reflect the actual work by staff this fiscal year. More time is needed than was originally estimated by staff for completing the TRPA transportation model (Work Element 301), participating with other agencies in the Region on various planning matters (Work Element 205), and reviewing projects and related transportation and parking analyses (Work Element 208).

The proposed revisions to the FY 1989-90 OWP are as follows:

Work Element 103 - Travel and Training

Decrease total funds by \$1,000 to - \$ 1,600

Work Element 104 - Equipment Purchase

Increase total funds by \$1,000 to - \$ 4,000

Work Element 203 - AB 120 Action Plan Update

Decrease total funds by \$4,000 to - \$ 3,600

33

Work Element 205 - Planning Coordination

Increase total funds by \$3,000 to - \$15,000

Work Element 206 - Citizen Participation/Information

Decrease total funds by \$3,400 to - \$ 7,600

Work Element 207 - Community Planning Assistance

Decrease total funds by \$5,000 to - \$ 9,000

Work Element 208 - Project Review

Increase total funds by \$2,200 to - \$10,000

Work Element 209 - Ordinance Review and Revision

Decrease total funds by \$2,500 to - \$ 4,000

Work Element 301 - Transportation System Modeling

Increase total funds by \$9,900 to - \$ 9,900

Work Element 302 - Transportation System Data Base

Increase total funds by \$2,000 to - \$14,500.

Work Element 303 - Air Quality/Visibility Monitoring

Decrease total funds by \$1,400 to - \$ 6,400

Work Element 304 - Noise Study/Monitoring

Decrease total funds by \$800 to - \$ 6,400

Staff Recommendation

Staff recommends that the TRPA Governing Board adopt the attached resolution approving the amendment to the FY 1989-90 Caltrans/TRPA Overall Work Program. Copies of the amended work elements and summary tables are attached for your review.

If you have any questions in regard to this agenda item, please contact Leif Anderson at (702) 588-6782.

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 90 -

A RESOLUTION APPROVING THE AMENDMENT OF THE FY 1989-90
CALTRANS/TRPA OVERALL WORK PROGRAM

WHEREAS, the Tahoe Regional Planning Agency (TRPA) has been designated the Regional Transportation Planning Agency for the California portion of the Tahoe Region; and

WHEREAS, TRPA prepared an Overall Work Program for fiscal year 1989-90; and

WHEREAS, the Overall Work Program for FY 1989-90 was reviewed and approved by the State of California, Department of Transportation; and

WHEREAS, each Regional Transportation Planning Agency is required to submit an amendment to the Overall Work Program if a new work element is added to the Overall Work Program, if a significant change in an existing Work Element is evident or anticipated, or if additional carryover funds are identified from the previous fiscal year; and

WHEREAS, TRPA has prepared an amendment to the FY 1989-90 Overall Work Program which amends the various work elements as identified in the Memorandum to the Governing Board entitled Amendment of the TRPA/Caltrans Overall Work Program for FY 1989-90 and dated April 11, 1990.

NOW, THEREFORE BE IT RESOLVED that the TRPA Governing Board approves and submits this FY 1989-90 Overall Work Program Amendment to the State of California, Department of Transportation and the California Transportation Commission.

PASSED AND ADOPTED this _____ day of April, 1990, by the Tahoe Regional Planning Agency Governing Board, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Roland D. Westergard, Chairman
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 100 - Program Administration

Work Element: 103 - Travel and Training

Objective: Training to keep staff current in the development of transportation planning, engineering and operations techniques and methodologies.

Previous Work: Expenses incurred in travel to Sacramento, Carson City Reno and other locations. Attended seminars on transportation modeling, transportation planning methods, highway data monitoring techniques and noise monitoring.

Products: - Professionally qualified staff. (June 1990)

Tasks: - Per diem and mileage reimbursements
- Training activities

Funding Sources:

State Subvention: \$ 1,100

TRPA: \$ 500

\$ 1,600

Expenditures:

TRPA Staff: \$1,600

\$1,600

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 100 - Program Administration

Work Element: 104 - Equipment Purchase

Objective: To provide the needed equipment for the transportation planning staff to fulfill its planning function. Also to centralize computer resources, modeling and forecasting tools.

Previous Work: Continuing program in support of the agency's transportation planning effort. Continuation of effort to centralize modeling and forecasting tasks.

Products: - More efficient office operations and performance of RTPA responsibilities. (June 1990)
- Purchase of additional equipment and computer hardware/software, as needed. (June 1990)

Tasks: - Purchase of hardware and software needed for the continued operation of the transportation planning function.
- Improve and expand computer capabilities for air quality, noise and traffic modeling.

Funding Sources:

State Subvention: \$ 2,800
TRPA: \$ 1,200
\$ 4,000

Expenditures:

TRPA: \$ 4,000

\$ 4,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 203 - AB 120 Action Plan Update

Objective: To update AB 120 Action Plan (Social Service Transportation Improvement Act), and the Social Services Transportation Inventory.

Previous Work: TRPA AB 120 Action Plan, adopted September, 1984. Unmet transit needs process. UMTA 16(b)2 Grant review process.

Product: - Updated Social Services Transportation Inventory (Dec. 1989)

- Updated AB 120 Action Plan (Dec. 1989)

Tasks: - Inventory existing social services transportation services within Tahoe region.

- Evaluate transportation services and costs.

- Analyze eligibility requirements.

- Review designation of Consolidated Transportation Service Agency (CTSA) for area.

- Identify social service recipients to be served, and available funding sources and amounts.

- Identify measures to coordinate social service transportation services with existing fixed-route service of public and private transportation providers.

- Prepare final documents and present to TTD Board, TRPA Advisory Planning Commission and Governing Board.

Funding Sources:

State Subvention:	\$ 2,500
TDA	<u>1,100</u>
	\$ 3,600

Expenditures:

TRPA Staff:	\$ 3,600
	<u> </u>
	\$ 3,600

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 205 - Planning Coordination

Objective: To maintain and improve coordination and cooperation with federal, state and local agencies. To assist local agencies in the completion of the transportation elements of their Community Plans. To review and comment on the annual Caltrans Candidate List and the PSTIP.

Previous Work: The TRPA continues to be involved in the joint efforts of transportation and air quality planning and policy decision-making with federal, state and local agencies in the Tahoe Region. TRPA assisted the City of South Lake Tahoe in the drafting of the City's Redevelopment Plan, and assisted Tahoe City and Douglas County in the preparation of their Community Plans. TRPA annually reviews the PSTIP. In 1986, the TRPA entered into an updated MOU with the State of California for the review of federally funded projects shown in the STIP.

Products:

- Continued improvements to agency cooperation and coordination. (June 1990)
- Comments on the annual Candidate List for transportation projects. (February 1990)
- Comments on the PSTIP and proposed projects for inclusion in the STIP. (April 1990)

Tasks:

- Provide technical support and other input to agencies with responsibilities in the Tahoe Basin.
- Provide forum and assist in process to resolve issues and develop consensus on transportation related planning issues affecting the Basin and its environment.
- Assist local agencies with the development of transportation elements of local Community Plans and redevelopment plans.
- Review PSTIP to identify transportation projects to be implemented within the Tahoe Basin.
- Meet with Local Transportation Commissions (LTC) to discuss transportation projects to be recommended for the Candidate List and STIP.

- Continued TRPA participation in the Airport Consensus Process, and in the development of the Airport Master Plan and EIR/EIS.
- Monitor other agencies' activities related to transportation within the Tahoe Basin.
- Work with the U. S. Postal Service to achieve the goal of providing neighborhood of home delivery throughout the Tahoe Region.
- Circulation of Agency documents to respective agencies for review and comment.

<u>Funding Sources:</u>		<u>Expenditures:</u>	
State Subvention:	\$ 5,500	TRPA Staff :	\$15,000
TDA:	5,400		
TRPA:	<u>4,100</u>		<u> </u>
	\$15,000		\$15,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 206 - Citizen Participation/Information

Objective: To implement RTP Goals and Policies for public education and information. To involve citizens impacted by the TRPA transportation planning process in the process. To provide information on TRPA transportation plans and programs.

Previous Work: Conducted and attended public meetings and hearings to help develop the Short-Range Transit Program. Conducted unmet transit needs hearings in El Dorado County. Participated in transportation workshops conducted by Chamber of Commerce on Reviewed draft RTP with Municipal Advisory Councils and other citizens groups in Tahoe region. Social Service Transportation Advisory Council established to advise TRPA on unmet needs and other transportation issues.

Products: - Responses to comments received on transportation plans, programs, EIS's and ordinances or regulations developed by TRPA. (June 1990)

- Public input on transportation plans and programs. (June 1990)

- TRPA Public Education and Information Program to implement RTP Goals and Policies. (June 1990)

Tasks: - Meet with local citizens groups to determine transportation needs and issues.

- Conduct surveys and workshops to obtain public input on needs for transportation services in the Tahoe Region.

- Distribute copies of transportation action plans or related ordinances developed by TRPA.

- TRPA will hire a consultant to develop and implement a public education information program.

- Conduct public workshops and hearings on TRPA's transportation plans and programs.

Funding Sources:

State Subvention:	\$ 3,600
TDA:	1,000
TRPA	<u>3,000</u>
	\$ 7,600

Expenditures:

TRPA Staff:	\$ 4,600
Consultant:	3,000
	<u> </u>
	\$ 7,600

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 207 - Community Planning Assistance

Objective: To assist in the development of transportation elements of the Community Plans to be completed throughout the region, during the fiscal year.

Previous Work: Redevelopment Plan, Traffic and Circulation Element, Tahoe City Community Plan (draft), and the Douglas County Community Plan (underway).

Products: - Transportation and parking elements of Community Plans which conform to the TRPA RTP and to the requirements of the TRPA Thresholds and the Code of Ordinances. (June 1990)

- Tasks:
- Review Scope of Work for proposed Community Plans to determine adequacy of proposed transportation and air quality studies.
 - Assist in the analysis of traffic, VMT and air quality impacts of traffic and parking projects.
 - Review and recommend necessary revisions to transportation and parking elements of draft Community Plans.

Funding Sources:

TDA: \$ 4,500

TRPA: 4,500

\$ 9,000

Expenditures:

TRPA Staff: \$ 9,000

\$ 9,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 208 - Project Review

Objective: To ensure compliance with the Agency's traffic mitigation program and ordinances. To assess air quality, trip productions, and parking requirements associated with new development in the Tahoe Region. Review/prepare environmental documentation for major projects.

Previous Work: Developed the TRPA traffic and air quality mitigation program. Reviewed and prepared environmental documents related to major project development. Reviewed project applications for consistency with the CTPRA Indirect Source Review Ordinance and the TRPA Traffic Mitigation Program. Reviewed parking demand for development in the region. Developed Indirect Source Review Ordinance.

Products: - Determination of project consistency with the Air Quality Plan, TRPA ordinances and the Transportation Element of the Regional Plan. (June 1990)

- Review of major projects for transportation impacts. (June 1990)

Tasks: - Review major projects and related EIS/EIRs and EAs for these projects for transportation impacts.

- Assist TRPA Project Review Division in review of STIP projects for conformity with RTP.

- Assist TRPA Project Review Division in review of minor projects for transportation impacts.

- Identify required transportation mitigation measures to be implemented with project.

Funding Sources:

TRPA: \$10,000
 \$10,000

Expenditures:

TRPA Staff : \$10,000
 \$10,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 209 - Ordinance Review and Revision

Objective: To review and revise as necessary transportation, noise, and air quality related TRPA ordinances.

Previous Work: Drafted Chapter 23, Noise Limitations, Chapter 24, Driveway and Parking Standards, Chapter 91, Air Quality Control, and Chapter 93, Traffic and Air Quality Mitigation Program.

Products: - New or amended transportation, noise, or air quality ordinances. (June 1990)

Tasks: - Review existing ordinances for necessary revisions.

- Identify goals and policies in RTP or Regional Plan for needed ordinances required to implement programs.

- Draft amendments or new ordinances as needed.

Funding Sources:

TRPA: \$ 4,000
\$ 4,000

Expenditures:

TRPA Staff: \$ 4,000
\$ 4,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 300 - Regional Data Base

Work Element: 301 - Transportation System Modeling

Objective: To complete update of transportation model with new software. To conduct modeling of air quality and traffic impacts from projects, plans and programs proposed for implementation in the Lake Tahoe Region. To model impacts on the regional highway system and air quality emissions from changes in ADT, LOS, and regional VMT. To support the planning efforts of transportation studies contained in other OWP Work Elements.

Previous Work: Development of in-house QRS model with trip distribution, mode choice, and traffic assignment modules. Calibration of the QRS model output to reflect CALTRANS model outputs and local knowledge and assumptions. Addition of CALINE3 air quality model in FY 1986-87. Update to CALINE4 model in FY 1987-88.

Products: - Modeled traffic and air quality data for use in support of planning efforts shown in other OWP Work Elements.
(June 1990)

Tasks: - Conduct necessary traffic and air quality analysis and forecasting to support transportation and air quality planning tasks in the OWP Work Elements.

- Update socio-economic and demographic data for the Tahoe Region and enter into model data files.

- Complete update of regional highway system model and compare output with Caltrans' Systems Management Plan.

Funding Sources:

State Subvention:	\$ 8,000
TDA:	6,000
TRPA:	<u>6,000</u>
	\$20,000

Expenditures:

TRPA Staff:	\$20,000
	<u> </u>
	\$20,000

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 300 - Regional Data Base

Work Element: 302 - Transportation System Data Base

Objective: To develop and maintain a transportation system data base, including traffic counts, transit ridership counts, and vehicle fleet mix data. To disseminate data for use by TRPA, Caltrans, NDOT, CARB, the TTD and local city and county agencies. To update trip end summaries and trip generation for the TRPA transportation model.

Previous Work: Collection and documentation of traffic data, including traffic volumes, average speeds, turning movements and vehicle license plate surveys.

Products: - An inventory of transit ridership data and highway traffic data including intersection turning movements and LOS, highway traffic volumes an LOS, and speed surveys. (June 1990)

- An updated traffic trend analysis to determine overall improvements or deterioration in LOS and vehicle miles of travel. (June 1990)

Tasks: - Collect and review transit ridership data.

- Support existing traffic count activities not covered by State and local traffic counters.

- Analyze and document data collected from traffic counts, speed surveys, and intersection turning movements.

- Develop a highway traffic data base which will be distributed to state and local transportation planning agencies.

Funding Sources:

State Subvention: \$ 8,400

TRPA: 6,100

\$14,500

Expenditures:

TRPA Staff: \$ 6,100

Contract: 8,400

\$14,500

TAHOE REGIONAL PLANNING AGENCY
1989-90 WORK PROGRAM

Category: 300 - Regional Data Base

Work Element: 303 - Air Quality/Visibility Monitoring

Objective: To monitor air quality levels and to determine progress in the attainment of TRPA environmental thresholds for air quality and visibility.

Previous Work: Development of the Lake Tahoe region highway simulation model. Reevaluation of the validity of emission factors for the Region. Completion of Reasonable Further Progress Reports for 1982, 1983, 1984 and 1985. Collection of monitoring data for evaluation of air quality in the Lake Tahoe Region. Lake Tahoe Visibility Study. Design of Visibility Monitoring Program for Lake Tahoe Region.

Products: - An updated RFP Report for 1987. (October 1989)
- An evaluation of progress in attaining TRPA Air Quality and Visibility Thresholds. (June 1990)

Tasks: - Evaluate air quality monitoring data to determine ambient pollutant levels.
- Implement monitoring program and evaluate data to determine improvements to visibility in the Lake Tahoe Region.
- Develop an RFP Report for 1987.

Funding Sources:

TRPA: \$ 6,400
\$ 6,400

Expenditures:

TRPA Staff: \$ 6,400
\$ 6,400

Table 1 -- Funding (\$000)

Categories/ Work Elements	Caltrans	UMTA	TDA	TRPA	Total
100--Program Administration					
101 - RTPA Administration	10.5	-0-	-0-	4.5	15.0
102 - TDA Administration	-0-	-0-	19.0	-0-	19.0
103 - Travel and Training	1.1	-0-	-0-	0.5	1.6
104 - Equipment	2.8	-0-	-0-	1.2	4.0
200--Regional Planning Studies					
201 - Regional Transp. Plan	6.0	-0-	6.0	-0-	12.0
202 - Hwy. 89 Study	20.0(a)	-0-	5.0	3.6	28.6
203 - AB 120 Action Plan Update	2.5	-0-	1.1	-0-	3.6
204 - SIP Revisions	3.9	-0-	2.0	2.0	7.9
205 - Planning Coordination	5.5	-0-	5.4	4.1	15.0
206 - Citizen Participation	3.6	-0-	1.0	3.0	7.6
207 - Community Planning	-0-	-0-	4.5	4.5	9.0
208 - Project Review	-0-	-0-	-0-	10.0	10.0
209 - Ordinance Review	-0-	-0-	-0-	4.0	4.0
211 - SRTP Update (b)	-0-	16.8	4.2	-0-	21.0
300--Regional Data Base					
301 - Transp. System Model	8.0	-0-	6.0	6.0	20.0
302 - Transp. System Data	8.4	-0-	-0-	6.1	14.5
303 - AQ/Visibility Mon'g.	-0-	-0-	-0-	6.4	6.4
304 - Noise Monitoring	-0-	-0-	-0-	6.4	6.4
Totals	72.3	16.8	54.2(c)	62.3	205.6

(a) Caltrans Discretionary Subvention Funds, \$20,000.

(b) W.E. 211 carried over from FY 1988-89 CWP.

(c) TDA funds carried over from FY 1988-89, \$10,000.

Table 2 -- Expenditures (\$000)

Categories/ Work Elements	Staff Months	TRPA	Consultant	Total
100--Program Administration				
101 - RTPA Administration	4.0	15.0	-0-	15.0
102 - TDA Administration	3.0	9.7	9.3	19.0
103 - Travel and Training	-0-	1.6	-0-	1.6
104 - Equipment Purchase	-0-	4.0	-0-	4.0
200--Regional Planning				
201 - Regional Transp. Plan	2.0	12.0	-0-	12.0
202 - Highway 89 Study	5.0	28.6	-0-	28.6
203 - AB 120 Action Plan Update	1.0	3.6	-0-	3.6
204 - SIP Revisions	2.0	7.9	-0-	7.9
205 - Planning Coordination	4.0	15.0	-0-	15.0
206 - Citizen Participation	1.0	4.6	3.0	7.6
207 - Community Planning	2.0	9.0	-0-	9.0
208 - Project Review	2.0	10.0	-0-	10.0
209 - Ordinance Review	1.0	4.0	-0-	4.0
211 - SRTP Update	1.0	4.2	16.8	21.0
300--Regional Data Base				
301 - Transp. System Model	5.0	20.0	-0-	20.0
302 - Transp. System Data	2.0	6.1	8.4	14.5
303 - AQ/Visibility Mon'g.	2.0	6.4	-0-	6.4
304 - Noise Monitoring	2.0	6.4	-0-	6.4
Totals	39.0	168.1	37.5	205.6

TANCO REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Cutler, Resolution of Enforcement Action, Unauthorized Boatlift

Application Type: Shorezone/Recognition of Multiple Use Facility

Applicant: Dianne A. Cutler

Processed By: Kevin Hill, Associate Environmental Specialist

Applicant's Representative: Raymond Vail and Associates

Location: 825 and 827 Lakeshore Drive, Washoe County

Assessor's Parcel Number/Project Number: 122-181-58 and 122-181-59

Project Description: Recognition of multiple-use facility (pier) and permitting of one (1) existing unauthorized low level boatlift resulting in a total of two (2) low level boatlifts; one on each side of an existing pier.

Site Description: This area of foreshore contains scattered small to medium cobbles and a few large boulders. Two single family dwellings are located on the adjoining parcels, which are both owned by the applicant.

Issues: The project involved the expansion of the existing pier and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project-related issues are:

1. Unauthorized Boatlift: A TRPA permit was granted on September 26, 1988 for a marine railway conversion to a pier with one low level boatlift and catwalk. During construction of the pier, an additional low-level boatlift was added, resulting in a total of one low-level boatlift on each side of the pier. The proposed catwalk was not constructed.
2. Resolution of Enforcement Action: Parcel 122-181-58 shall be deed restricted to waive the right to apply for future pier considerations. This action will result in a multiple-use pier for parcels 122-181-58 and 122-181-59. The applicant shall pay to TRPA the following amounts:
 - a. Major plan revision filing fee of \$125.
 - b. Pier mitigation fee of \$500.
 - c. Penalty of \$625.

The penalty amount is consistent with TRPA's Guide For Fines (Exhibit A). The degree of violation is a major permissible activity and the nature of the violation is simple negligence.

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.
- B. Plan Area Statement: The project is located within Plan Area C37, Lakeview. The Land Use Classification is Residential and the Management Strategy is Mitigation. TRPA staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed activity is listed as a permissible use.
- C. Land Coverage:
1. Land Capability District:

The land capability districts of the project area are class 6 and backshore. The total project area is approximately 13,570 square feet.
 2. Existing Coverage:

	<u>122-181-58</u>	<u>122-181-59</u>
Hard Coverage	6,070 sq. ft.	7,500 sq. ft.
Total Hard Coverage for both parcels		13,570 sq. ft
 3. Allowable Coverage

	4,931 sq. ft.	4,336 sq. ft.
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 4. Proposed Coverage:

	<u>Combined parcels</u>	
Total:	13,570 sq. ft.	
 5. Coverage Mitigation:

Based upon the above coverage calculation figures, the existing project area contains approximately 1,139 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances. Excess coverage on parcel 122-181-59 was previously mitigated.
- D. Pier Height: The existing pier deck elevation is 6231.0 feet, Lake Tahoe Datum. The low-level boatlift will extend four feet above the pier deck elevation. This is consistent with Subsection 54.4.(2) of the TRPA Code.
- E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. 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, TRPA 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 TRPA Code, and other TRPA plans and programs.
 - a. Land Use: The applicant will be required to mitigate any existing land coverage and to apply BMPs to the project area. This project will not affect the allowed land use on this site. Piers and boatlifts are allowed accessory structures in the Plan Area for this property and special policies dictate for Plan Area 037 that multi-use piers are preferred over single-use piers.
 - b. Transportation: This boatlift does not adversely impact transportation in the Lake Tahoe Basin. Piers with associated boatlifts located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.
 - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic sub-elements of the Conservation Element of the Regional Plan. The project is located in Scenic Shoreline Unit 23, which has an acceptable scenic threshold rating.
 - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. Public access will not be restricted or interfered with along the shoreline.
 - e. Public Service 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 this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.3 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(g) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

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

TRPA staff has determined that the conversion to multi-use pier status as conditioned, will not adversely impact: littoral processes, fish spawning, backshore stability, and on-shore wildlife habitat. In addition, multi-use piers are preferred to single-use piers for Plan Area 037 in the Plan Area Statements.

5. Accessory structures: There are sufficient accessory facilities to accommodate the project.

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

6. Compatibility: The project is compatible with existing shorezone and Lakezone uses or structures 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.

TRPA staff has determined this project to be a compatible accessory to an allowed use and to be compatible with other accessory uses (piers) in the vicinity.

7. Use: This pier is located in the foreshore or nearshore and is water dependent.

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

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

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

Installation of the low-level boatlift has already occurred, however the applicant shall not be allowed to store materials that were used in the construction of the low-level boat lift. Disturbance to ground or vegetation was minimal due to the fact the project was constructed via a barge from Lake Tahoe.

10. Navigation and safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over Lake Tahoe's navigatable waters.

The existing pier does not extend beyond TRPA's pierhead line and does not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the Nevada Department of Wildlife, Nevada Department of Environmental Protection, U.S. Army Corps of Engineers, and the Nevada Division of State Lands. These agencies typically make their own public safety findings in addition to TRPA's.

11. Other agency comments: 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 affected agencies prior to acknowledgement of the permit.
12. Structures that comply with certain development standards: The project involves the permitting of an unauthorized boatlift on an existing pier and does not increase the extent to which the structure does not comply with the development standards.
13. The expansion complies with all applicable standards: The boatlift installation complies with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)).
14. The project complies with the requirements to install BMPs as set forth in Chapter 25: The special conditions of approval (listed herein) insure that all BMPs will be installed.
15. The project complies with the design standards in Section 53.10: The boatlift is composed of non-glare materials to minimize reflectivity.
16. The structure has not been unserviceable for more than five years: The structure has been continually serviceable.

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

- I. A motion based on this staff summary, for the findings contained in Section F, 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:
- A. The Standard Conditions of Approval listed in Attachment S (Exhibit B), with the following modifications:
- B. The following special conditions of approval must be satisfied:
1. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, Nevada Department of Fish and Game, and the Nevada State Lands Commission for this project.
 2. The site plan for parcel 122-181-58 shall be submitted to include:
 - a. The following land coverage calculations:
 - (i) Lot area above highwater line.
 - (ii) Allowable land coverage for each land capability district including backshore area.
 - (iii) Existing land coverage for each land capability district including backshore area.
 - (iv) Previously mitigated land coverage for each land capability district including backshore area.
 - b. A three inch layer of gravel (3/4" drainrock or pea gravel) beneath all raised decks.
 - c. All property lines.
 - d. Site plan scale and north arrow.
 - e. Topographic contour lines at two (2) foot intervals.
 - f. Land capability district and backshore boundaries.
 - g. A minimum driveway slope of three percent toward an infiltration trench sized at a minimum of 18" wide x 8" deep, filled with 3/4" drainrock.
 - h. A note indicating "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment."
 - i. Dripline infiltration trenches, sized 18" wide x 8" deep, constructed beneath all roof driplines.

- j. Temporary erosion control structures located downslope of the proposed construction area.
3. The security required under Standard Condition A.3 of Attachment R shall be determined upon the applicant's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
4. 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 A.3 of Attachment S (Exhibit B) shall be equal to 110 percent of the estimated BMP costs.
5. 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 1 (Exhibit C).

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.

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 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

6. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B. TRPA Code of Ordinances, and all other applicable TRPA design standards.
 7. The applicant shall submit a pier mitigation fee of \$500 for the construction of a boatlift.
 8. The applicant shall submit three (3) sets of final construction drawings and site plans to TRPA.
- C. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
- D. 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.
- E. 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.
- F. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.

- G. 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.
- H. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
- I. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas.

EXHIBIT A

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
Fax: 702-588-4537

GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>		
		Inadvertent	Simple Negligence	Willful/Gross Negligence
Permissible Activity	Minor	31.25	62.50	125.00
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EXHIBIT B

ATTACHMENT 5
TAHOE REGIONAL PLANNING AGENCY
STANDARD CONDITIONS OF APPROVAL FOR SHOREZONE PROJECTS

- A. The following conditions shall be satisfied prior to any site disturbance or commencement of any activity on the project site, including but not limited to filling, dredging, grading, and clearing of trees. Failure to satisfy these conditions of approval prior to commencement of construction activity shall be grounds for revocation of the permit.
1. The permittee shall submit final construction drawings and plans showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization, and drainage improvement plans shall be designed in conformance with the Lake Tahoe Basin Water Quality Management Plan, Volume II, Handbook of Best Management Practices.
 - a. Revegetation plans shall show areas to be revegetated, specifications for revegetation, and fencing for vegetation protection. Only native species adaptable to the Lake Tahoe Basin shall be used for landscaping or revegetation. A list of acceptable species is available from TRPA.
 - b. Slope stabilization plans shall show all methods of stabilization to be used to stabilize all existing and proposed cut and fill slopes and areas otherwise denuded of vegetation. Said plans shall also show temporary and permanent erosion control devices, temporary sediment barriers, and measures to be taken for dust control.
 - c. Drainage plans shall show all drainage facilities for all existing and proposed impervious surfaces and utility trenches. Drainage facilities shall be designed to be capable of retaining runoff waters for a two (2) year, six (6) hour storm. Calculations demonstrating the proposed facilities' retention capabilities may be required. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
 2. The above plans shall require TRPA review to determine their compliance with the conditions set forth above and with the approved plot plan. Plans determined to be in compliance shall be so designated by TRPA and shall be incorporated as part of the approval and permit.
 3. A security shall be posted with TRPA to insure compliance with the conditions of the permit. The security shall be determined by TRPA and shall include an amount equal to 110 percent of estimated costs of the revegetation, drainage improvements and slope stabilization plans.
 4. The permittee shall submit any required air quality, water quality, excess coverage, and shorezone mitigation fees.

5. All local government and other public agency approvals and permits shall be obtained by the permittee.
6. Prior to any activity commencing, the permittee shall contact TRPA and arrange for a pre-construction inspection to verify that all temporary erosion and water quality control measures and protective fencing for vegetation are in place, and installed properly.
7. The applicant shall submit a cost estimate for installation of permanent BMPs within the project area outside the construction site boundaries. The cost estimate shall include an itemized cost list of improvements required to bring the project site into compliance with BMPs.
8. No activity shall commence on the project site prior to TRPA acknowledgement of the permit. Failure to satisfy this condition shall be grounds for revocation of the permit. Prior to TRPA acknowledgement of the permit the applicant shall:
 - a. Submit copies of permits for the project from the Army Corps of Engineers, the appropriate Division of State Lands and Department of Fish and Game, and, if in California, the Lahontan Regional Water Quality Control Board.
 - b. Identify temporary disposal sites, if any, and permanent disposal sites for all dredged material, including appropriate authorization from property owners.
9. All areas disturbed as a result of any construction activity authorized under this permit, or otherwise occurring on the subject project during the time period when the permit is valid, shall be revegetated using only those species contained on TRPA's list of acceptable species. All required revegetation shall be completed by completion of the project.
10. The permittee shall return a copy of the permit form stating that the permit was received and that the permit is understood and the contents are accepted. The signed acceptance should be returned within 20 days of mailing or delivery of the permit.

B. The following conditions shall apply to construction activity on the site:

1. There shall be no dredging, grading, filling, clearing of vegetation or other disturbance of the soil onsite between October 15 and May 1 of each year.
2. There shall be no grading, filling, clearing of vegetation or other disturbance of the soil during inclement weather and during the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.

3. No rocks or other natural materials shall be relocated, including rock removal by blasting, that are not indicated on the approved plans without first obtaining TRPA approval.
4. All material obtained from excavation work shall be either contained within the foundations, retaining walls or by a similar approved means, shall be stabilized and revegetated within one year, or shall be disposed of at a site approved by TRPA.
5. Soil and construction material shall not be tracked offsite. Grading and dredging operations shall cease in the event a danger of violating this condition exists. The site shall be cleaned and the road right-of-way shall be swept clean when necessary.
6. The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day.
7. Loose soil mounds or surfaces shall be protected from wind and water erosion by being appropriately covered or contained when active construction is not occurring.
8. All excavated material shall be stored up grade from excavated areas. No material shall be stored in stream environment zones, backshore, or other wet areas.
9. Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, may be permitted if contained on the property and the affected area is revegetated.
10. Vehicles or heavy equipment shall not be allowed in stream environment zones, backshore, or other wet areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.
11. Replanting of all exposed surfaces, as shown on the revegetation and slope stabilization plans, shall be completed within one year following the commencement of construction, unless the approved construction schedule establishes otherwise.
12. All trees and natural vegetation which is to remain shall be fenced for protection. Scarring of trees shall be avoided. Scarred trees shall be repaired with tree seal.
13. Revegetation of compacted dirt areas not to be surfaced shall include seedbed preparation in accord with Chapter XI, Section D, of the Handbook of Best Management Practices.
14. At all times during construction, environmental protection and control devices shall be maintained in a functioning state. Such devices include, but are not limited to, sediment barriers, dust control devices and vegetative protection.

15. No grading, dredging, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered all grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall cease until a recovery plan is approved by the TRPA.
16. No dredged material shall be deposited below the high water line of Lake Tahoe (6229.1 feet Lake Tahoe Datum) or within a Stream Environment Zone (SEZ) as defined in TRPA's Handbook of Best Management Practices.
17. All dredged material shall be disposed of no later than October 15 of each year at a permanent disposal site approved by TRPA.
18. Prior to completion of dredging projects, the permittee shall submit to the TRPA a certification from a licensed engineer verifying that the dredging performed under this permit is in substantial compliance with the elevation and volume limitations set forth in the permit.
19. All vehicles entering the shorezone, if approved as part of a dredging project shall be steam cleaned.
20. All construction sites shall be winterized no later than October 15 of each year as follows:
 - a. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site including, but not limited to:
 - (1) Installation of temporary erosion controls.
 - (2) Installation of temporary protective fencing of vegetation.
 - (3) Stabilization of all disturbed areas.
 - (4) Cleanup and removal of all construction slash and debris.
 - (5) Installation of permanent mechanical stabilization and drainage improvements, where feasible.
 - (6) Removal or stabilization of spoil piles.
 - b. Active winter sites shall comply with the following:
 - (1) Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas.

- (2) Installation of all permanent drainage improvements.
 - (3) Parking of vehicles, equipment and storage of materials shall be restricted to paved areas.
21. Work shall be performed in such a manner that the project can be winterized within 24 hours.
 22. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.
 23. The TRPA permit and the final construction drawings shall be present onsite from the time construction commences until the final TRPA site inspection.
 24. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all the conditions of the permit have been satisfied.
 25. Prior to commencement of construction the applicant shall submit a construction completion schedule to TRPA. Construction shall be complete by the date set forth in the approved construction schedule. Extensions of the schedule may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:
 - a. The project was diligently pursued, as defined in Subparagraph 4.12.C(2) of the TRPA Code of Ordinances, during each building season (May 1 through October 15) since commencement of construction.
 - b. That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters or weather problems, have prevented diligent pursuit of the project.
 26. The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.
 27. No construction methods shall be utilized that will degrade the water of Lake Tahoe.
 28. The color of all proposed structures, including fences, shall be earthtone and shall blend rather than contrast with the existing vegetation and earth.
 29. All roofs shall be composed of nonglare earthtone materials that minimize reflectivity.

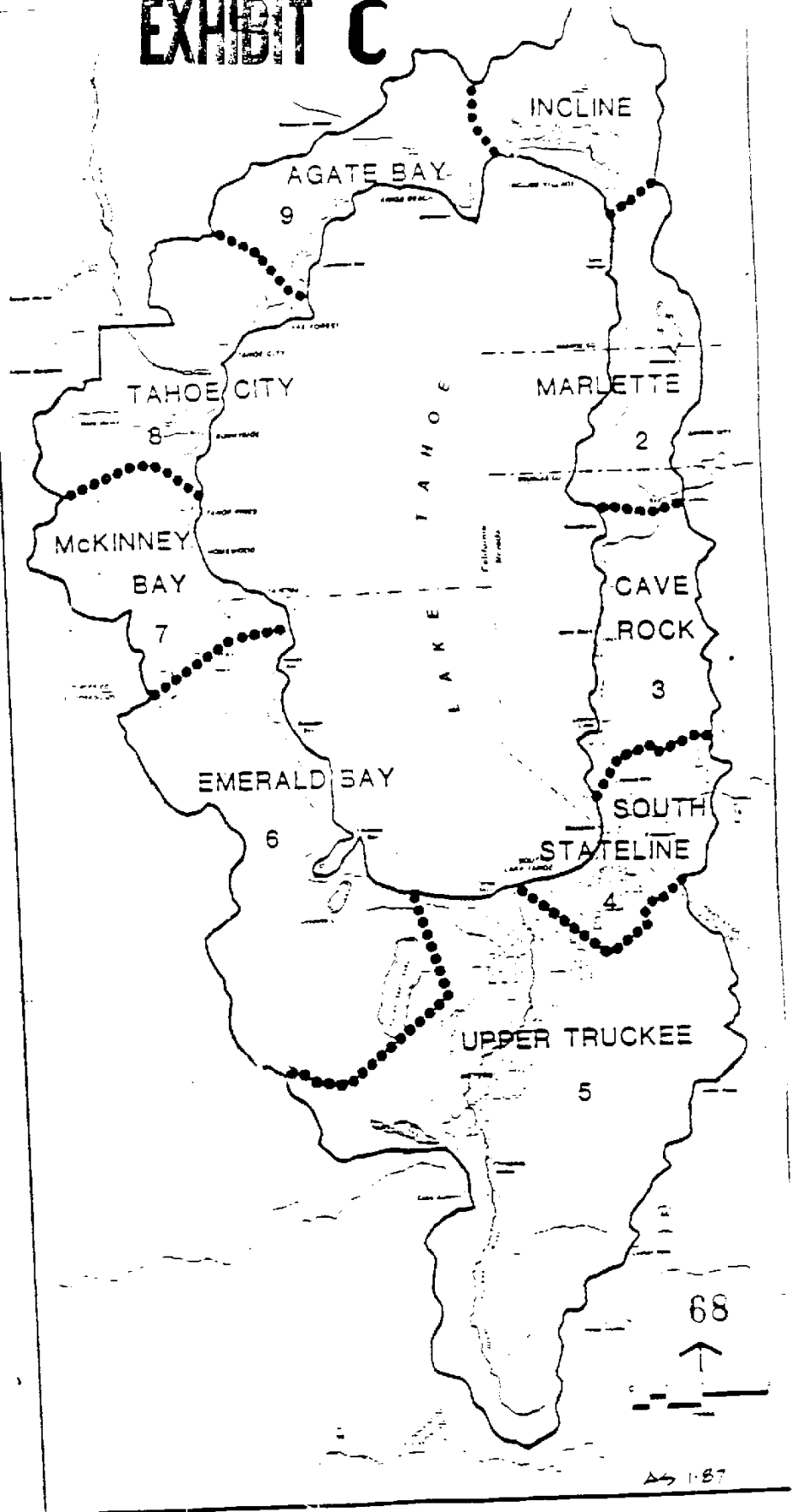
30. Fences shall be constructed of wood materials whenever possible. Where chainlink fencing is used, it shall be coated with brown or black vinyl, including posts.
31. Violation of any of the above conditions, shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face shall result in the expiration of the permit, without notice, by operation of law, on the date shown on the permit face.

Lake Tahoe Basin

Hydrologic Transfer Areas

SEE LAND CAPABILITY MAPS
FOR DETAIL ON HYDROLOGIC
TRANSFER AREA BOUNDARIES

EXHIBIT C



TAHOE REGIONAL PLANNING AGENCY

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

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(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

April 11, 1990

To: TRPA Governing Board

From: Agency Staff

Subject: Mr. Tim Roslansky, Resolution of Enforcement Action,
City of South Lake Tahoe, APN 22-332-32

As described in this staff summary, staff recommends that the Governing Board accept a negotiated settlement between Tim Roslansky and the Tahoe Regional Planning Agency.

Mr. Roslansky applied for a permit to construct a single family dwelling in May of 1989. In July of 1989 a TRPA permit was issued. Plan revisions were approved in December of 1989 and the permit authorized the maximum allowed coverage of 1,800 square feet.

On February 8, 1990, Environmental Compliance Division staff conducted an inspection of the completed project at Mr. Roslansky's request. During that inspection it was discovered that the project was overcovered by 53 square feet. The additional 53 square feet of coverage was the result of two plan discrepancies. The approved foundation plan did not match the approved site plan, resulting in 26 additional square feet of coverage. The driveway coverage noted on the approved site plan coverage calculations equals 416 square feet, but the site plan measures 454 square feet, as does the built driveway, resulting in 38 square feet of additional coverage. (The driveway design provides the minimum coverage while meeting TRPA driveway design standards.) Had the discrepancies not occurred, coverage on the site would have totaled 1,789 square feet (1,853 minus 64), leaving 11 square feet of coverage to be used for a planned walkway.

Staff has extensively reviewed this situation, applying alternative means of resolution, including coverage removal and relocation, to no avail. Short of removing exterior walls on the completed residence, driveway coverage reduction is the only means of reaching 1,800 square feet. This would have created a driveway which did not conform to the driveway design standards and would be so constrained that an average sized vehicle could not be driven from the garage to the street without passing over vegetated areas.

SC:sd
4-11-90

CONSENT CALENDAR ITEM # 7

69

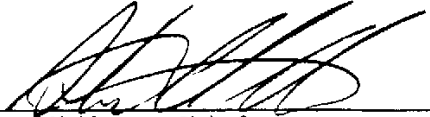
Tim Roslansky Settlement

Page Two

Staff proposes that Mr. Roslansky pay a \$2,500 fine from which 53 square feet of transferable coverage will be purchased and transferred to the parcel. The cost of transferrable coverage is \$4.50 per square foot. This will result in no net increase in the Lake Tahoe Region's coverage inventory. The remaining \$2,261.50 would be placed in the TRPA general fund.

Mr. Roslansky has agreed to this proposal. The penalty is appropriate to the violations and consistent with past settlements. In accord with the Guide for Fines (Exhibit A), the Degree of Violation is a major prohibited activity and the nature of the violation is simple negligence.

By:



Steve Chilton, Chief
Environmental Compliance Division

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GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>			
		*	Simple Negligence	Willful/Gross Negligence	
Permissible Activity	Minor	*	31.25	62.50	125.00
	Major	*	312.50	625.00	2,500.00
Permissible Activity But Not In Compliance	Minor	*	62.50	125.00	250.00
	Major	*	625.00	1,250.00	5,000.00
Prohibited Activity	Minor	*	125.00	250.00	500.00
	Major	*	1,250.00	2,500.00	10,000.00

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Geyer, Resolution of Enforcement Action, Unauthorized Boatlift

Application Type: Shorezone

Applicant: John Geyer

Processed By: Don Sargent, Associate Environmental Specialist

Applicant's Representative: Vail Engineering, Kevin Agan

Location: 1040 W. Lake Boulevard, Placer County

Assessor's Parcel Number/Project Number: 83-183-04

Project Description: The applicant desires to retain one (1) existing, unauthorized low-level boatlift installed on an existing repaired pier.

Site Description: This area of the foreshore contains small cobbles. One single family dwelling is located on the littoral parcel.

Issues: The project involved the expansion of an existing pier and therefore required Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary project-related issues are:

1. Unauthorized boatlift discovery: In 1986, a pier repair project proposal from the applicant was reviewed and approved by the Tahoe Regional Planning Agency. The pier was repaired and a security return inspection was made on August 29, 1988. The inspection failed because an unauthorized low-level boatlift had been installed on the pier and the property was inadequately revegetated. After two additional reinspections on April 17, 1989 and December 7, 1989, the revegetation was declared acceptable. Accordingly, the unauthorized boatlift violation remains to be resolved for TRPA to refund the applicant's security deposit.
2. Resolution of Enforcement Action: The violation is the installation of a low-level boatlift on an existing pier without TRPA approval. The applicant has submitted a complete plan revision for the boatlift expansion of the pier. The plan revision brings the project into conformance with the TRPA approval. Resolution is as follows:
 - A. The applicant will pay to the TRPA the following:
 - (1) A major plan revision fee of \$120.
 - (2) A pier mitigation fee of \$500.
 - (3) A penalty of \$625.

The penalty is appropriate to the violation and is consistent with past settlements. In accord with the Guide for Fines (Exhibit A), the degree of violation is a major permissible activity, and the nature of the violation is simple negligence.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) 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.
- B. Plan Area Statement: The project is located within Plan Area 171, Tavern Heights. The Land Use Classification is Residential and the management Strategy is Mitigation. TRPA staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed activity is listed as a permissible use.
- C. Land Coverage:

1. Land Capability District:

The land capability district of the project area is class 5 and backshore. The total project area is approximately 17,300 square feet (above highwater line).

2. Existing Coverage:

Buildings:	2,650 sq. ft.
Paving:	8,300 sq. ft.
Decks:	750 sq. ft.
Other:	150 sq. ft.
Total:	11,850 sq. ft.

3. Proposed Coverage:

Buildings:	2,650 sq. ft.
Paving:	8,300 sq. ft.
Decks:	750 sq. ft.
Other:	150 sq. ft.
Total:	11,850 sq. ft.

4. Allowed Coverage:

Backshore Area:	17 sq. ft.
Class 5 Area:	<u>10,944 sq. ft.</u>
Total:	10,961 sq. ft.

5. Coverage Mitigation:

No increase in land coverage has occurred as a result of the boatlift installation.

- D. Pier Height: The existing pier deck elevation is 6231 feet, Lake Tahoe Datum. The low-level boatlift extends three feet above the pier deck elevation. This is consistent with Subsection 54.4.B(2) of the TRPA Code of Ordinances.
- E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The boatlift 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, TRPA staff has briefly summarized the evidence on which the finding can be made.
1. Regional Plan: 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 boatlift does not affect the allowed land use on this site. Residential piers/boatlifts are allowed accessory structures in the plan area for this property.
 - b. Transportation: The boatlift does not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.
 - c. Conservation: The boatlift is consistent with the shorezone, scenic, and fisheries subelements of the conservation Element of the Regional Plan. The boatlift is located in Scenic shoreline Unit 14, which has an acceptable scenic threshold rating. The existing pier/boatlift location, color, and design do not degrade the shoreline scenic threshold rating. Fisheries are discussed in paragraph 4, below.

- d. Recreation: The boatlift does not adversely impact public recreation on Lake Tahoe. Furthermore, the boatlift does not interfere with public access along the shoreline and is consistent with the Recreation Element of the Regional Plan.
 - e. Public Service and Facilities: The boatlift does not affect public services or facilities in the Lake Tahoe Basin.
 - f. Implementation: The boatlift does not affect the Implementation Element of the Regional Plan.
2. Environmental Threshold Carrying Capacities: The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Checklist and 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. Water Quality Standards: 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(g) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. Significant Harm: The boatlift does not adversely impact: (1) littoral processes; (2) fish spawning, (3) backshore stability; and (4) on-shore wildlife habitat, including wildlife nesting areas.
5. Accessory Structures: There are sufficient accessory facilities to accommodate the boatlift.

The pier/boatlift is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the accessory structure.

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

The pier/boatlift is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

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

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

8. Hazardous materials: This approval prohibits the use of wood preservatives on wood in contact with water. Storage of hazardous materials is not allowed on the pier. Spray painting and the use of tributultin (TBT) is prohibited.
9. Construction: Construction and access techniques will be used to minimize disturbance to ground and vegetation.

Installation of the low-level boatlift has already occurred, however the applicant shall not be allowed to store materials that were used in the construction of the low-level boat lift. Disturbance to ground or vegetation is minimal due to the fact that the project was constructed via a barge from Lake Tahoe.

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

The existing pier does not extend beyond TRPA's pierhead line and does not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California Department of Fish and Game, Lahontan Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the California Division of State Lands. These agencies typically make their own public safety findings in addition to TRPA's.

11. Other agency comments: 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 affected agencies prior to TRPA approval.
12. Structures that comply with certain development standards: The project involves the approval of an existing unapproved boatlift on an existing pier and does not increase the extent to which the structure does not comply with the development standards.
13. The expansion complies with all applicable standards: The boatlift installation complies with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)).

14. The project complies with the requirements to install BMPs as set forth in Chapter 25: All required BMPs have been installed.
15. The project complies with the design standards in Section 53.10: The boatlift is composed of non-glare materials to minimize reflectivity.
16. The structure has not been unserviceable for more than five years: The structure has been continually serviceable.

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

- I. A motion based on this staff summary, for the findings contained in Section F, above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based upon the staff summary, subject to the following conditions:
 - A. The Standard Conditions of Approval listed in Attachment S (Exhibit B), with the following modifications:
 1. Applicable Conditions: A.4, A.5.
 - B. The following special conditions of approval must be satisfied:
 1. The applicant shall pay the following penalty and fees to the TRPA:
 - (A) \$625 penalty.
 - (B) \$500 pier expansion mitigation fee.
 - (C) \$125 major plan revision filing fee.
 2. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, California State Lands Commission, and Lahontan Regional Water Quality Control Board, for this project.

EXHIBIT A

TAHOE REGIONAL PLANNING AGENCY

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EXHIBIT B

ATTACHMENT 5
TAHOE REGIONAL PLANNING AGENCY
STANDARD CONDITIONS OF APPROVAL FOR SHOREZONE PROJECTS

- A. The following conditions shall be satisfied prior to any site disturbance or commencement of any activity on the project site, including but not limited to filling, dredging, grading, and clearing of trees. Failure to satisfy these conditions of approval prior to commencement of construction activity shall be grounds for revocation of the permit.
1. The permittee shall submit final construction drawings and plans showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization, and drainage improvement plans shall be designed in conformance with the Lake Tahoe Basin Water Quality Management Plan, Volume II, Handbook of Best Management Practices.
 - a. Revegetation plans shall show areas to be revegetated, specifications for revegetation, and fencing for vegetation protection. Only native species adaptable to the Lake Tahoe Basin shall be used for landscaping or revegetation. A list of acceptable species is available from TRPA.
 - b. Slope stabilization plans shall show all methods of stabilization to be used to stabilize all existing and proposed cut and fill slopes and areas otherwise denuded of vegetation. Said plans shall also show temporary and permanent erosion control devices, temporary sediment barriers, and measures to be taken for dust control.
 - c. Drainage plans shall show all drainage facilities for all existing and proposed impervious surfaces and utility trenches. Drainage facilities shall be designed to be capable of retaining runoff waters for a two (2) year, six (6) hour storm. Calculations demonstrating the proposed facilities' retention capabilities may be required. Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
 2. The above plans shall require TRPA review to determine their compliance with the conditions set forth above and with the approved plot plan. Plans determined to be in compliance shall be so designated by TRPA and shall be incorporated as part of the approval and permit.
 3. A security shall be posted with TRPA to insure compliance with the conditions of the permit. The security shall be determined by TRPA and shall include an amount equal to 110 percent of estimated costs of the revegetation, drainage improvements and slope stabilization plans.
 4. The permittee shall submit any required air quality, water quality, excess coverage, and shorezone mitigation fees.

5. All local government and other public agency approvals and permits shall be obtained by the permittee.
 6. Prior to any activity commencing, the permittee shall contact TRPA and arrange for a pre-construction inspection to verify that all temporary erosion and water quality control measures and protective fencing for vegetation are in place, and installed properly.
 7. The applicant shall submit a cost estimate for installation of permanent BMPs within the project area outside the construction site boundaries. The cost estimate shall include an itemized cost list of improvements required to bring the project site into compliance with BMPs.
 8. No activity shall commence on the project site prior to TRPA acknowledgement of the permit. Failure to satisfy this condition shall be grounds for revocation of the permit. Prior to TRPA acknowledgement of the permit the applicant shall:
 - a. Submit copies of permits for the project from the Army Corps of Engineers, the appropriate Division of State Lands and Department of Fish and Game, and, if in California, the Lahontan Regional Water Quality Control Board.
 - b. Identify temporary disposal sites, if any, and permanent disposal sites for all dredged material, including appropriate authorization from property owners.
 9. All areas disturbed as a result of any construction activity authorized under this permit, or otherwise occurring on the subject project during the time period when the permit is valid, shall be revegetated using only those species contained on TRPA's list of acceptable species. All required revegetation shall be completed by completion of the project.
 10. The permittee shall return a copy of the permit form stating that the permit was received and that the permit is understood and the contents are accepted. The signed acceptance should be returned within 20 days of mailing or delivery of the permit.
- B. The following conditions shall apply to construction activity on the site:
1. There shall be no dredging, grading, filling, clearing of vegetation or other disturbance of the soil onsite between October 15 and May 1 of each year.
 2. There shall be no grading, filling, clearing of vegetation or other disturbance of the soil during inclement weather and during the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.

3. No rocks or other natural materials shall be relocated, including rock removal by blasting, that are not indicated on the approved plans without first obtaining TRPA approval.
4. All material obtained from excavation work shall be either contained within the foundations, retaining walls or by a similar approved means, shall be stabilized and revegetated within one year, or shall be disposed of at a site approved by TRPA.
5. Soil and construction material shall not be tracked offsite. Grading and dredging operations shall cease in the event a danger of violating this condition exists. The site shall be cleaned and the road right-of-way shall be swept clean when necessary.
6. The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day.
7. Loose soil mounds or surfaces shall be protected from wind and water erosion by being appropriately covered or contained when active construction is not occurring.
8. All excavated material shall be stored upgrate from excavated areas. No material shall be stored in stream environment zones, backshore, or other wet areas.
9. Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, may be permitted if contained on the property and the affected area is revegetated.
10. Vehicles or heavy equipment shall not be allowed in stream environment zones, backshore, or other wet areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.
11. Replanting of all exposed surfaces, as shown on the revegetation and slope stabilization plans, shall be completed within one year following the commencement of construction, unless the approved construction schedule establishes otherwise.
12. All trees and natural vegetation which is to remain shall be fenced for protection. Scarring of trees shall be avoided. Scarred trees shall be repaired with tree seal.
13. Revegetation of compacted dirt areas not to be surfaced shall include seedbed preparation in accord with Chapter XI, Section D, of the Handbook of Best Management Practices.
14. At all times during construction, environmental protection and control devices shall be maintained in a functioning state. Such devices include, but are not limited to, sediment barriers, dust control devices and vegetative protection.

15. No grading, dredging, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged by grading. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered all grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall cease until a recovery plan is approved by the TRPA.
16. No dredged material shall be deposited below the high water line of Lake Tahoe (6229.1 feet Lake Tahoe Datum) or within a Stream Environment Zone (SEZ) as defined in TRPA's Handbook of Best Management Practices.
17. All dredged material shall be disposed of no later than October 15 of each year at a permanent disposal site approved by TRPA.
18. Prior to completion of dredging projects, the permittee shall submit to the TRPA a certification from a licensed engineer verifying that the dredging performed under this permit is in substantial compliance with the elevation and volume limitations set forth in the permit.
19. All vehicles entering the shorezone, if approved as part of a dredging project shall be steam cleaned.
20. All construction sites shall be winterized no later than October 15 of each year as follows:
 - a. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site including, but not limited to:
 - (1) Installation of temporary erosion controls.
 - (2) Installation of temporary protective fencing of vegetation.
 - (3) Stabilization of all disturbed areas.
 - (4) Cleanup and removal of all construction slash and debris.
 - (5) Installation of permanent mechanical stabilization and drainage improvements, where feasible.
 - (6) Removal or stabilization of spoil piles.
 - b. Active winter sites shall comply with the following:
 - (1) Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas.

- (2) Installation of all permanent drainage improvements.
 - (3) Parking of vehicles, equipment and storage of materials shall be restricted to paved areas.
21. Work shall be performed in such a manner that the project can be winterized within 24 hours.
 22. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.
 23. The TRPA permit and the final construction drawings shall be present onsite from the time construction commences until the final TRPA site inspection.
 24. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all the conditions of the permit have been satisfied.
 25. Prior to commencement of construction the applicant shall submit a construction completion schedule to TRPA. Construction shall be complete by the date set forth in the approved construction schedule. Extensions of the schedule may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:
 - a. The project was diligently pursued, as defined in Subparagraph 4.12.C(2) of the TRPA Code of Ordinances, during each building season (May 1 through October 15) since commencement of construction.
 - b. That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters or weather problems, have prevented diligent pursuit of the project.
 26. The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.
 27. No construction methods shall be utilized that will degrade the water of Lake Tahoe.
 28. The color of all proposed structures, including fences, shall be earthtone and shall blend rather than contrast with the existing vegetation and earth.
 29. All roofs shall be composed of nonflare earthtone materials that minimize reflectivity.

30. Fences shall be constructed of wood materials whenever possible. Where chainlink fencing is used, it shall be coated with brown or black vinyl, including posts.
31. Violation of any of the above conditions, shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face shall result in the expiration of the permit, without notice, by operation of law, on the date shown on the permit face.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Cedar Point Homeowners Association Pier Relocation and Extension, Bouy Field Relocation.

Application Type: Shorezone

Applicant: Cedar Point Homeowners Association

Applicant's Representative: Vail Engineering

Agency Staff: Tod Carr, Associate Planner

Location: 1200 West Lake Blvd., Placer County

Assessor's Parcel Number/ Project Number: 83-500-13 (Common Area)

Project Description: The proposed project involves the removal of an existing 225 foot pier and the construction of a new 420 foot pier to the Tahoe Regional Planning Agency pierhead line (195 ft. extension). The reconstructed pier will be angled approximately 7 degrees to the north of its present location.

The applicant is also proposing to relocate a legally existing buoy field comprised of 18 seasonal buoys. The current buoy field does not meet Army Corps of Engineers placement standards and several buoys currently encroach onto the adjacent property (when extended from the shoreline) to the south. The 18 buoys will be installed at 50 foot spacing in accordance with Army Corps regulations and with appropriate setbacks from adjoining property lines. The proposed buoy field would be located approximately 800 feet lakeward of the high water line. The buoys will be removed and their chains dropped to the lake bottom from October 15 through June 15 as required by the California Department of Fish and Game. This is to allow the public's use of public waters for top line trolling.

Site Description: This area of foreshore contains sand with areas of cobbles. The Cedar Point Homeowners Association surrounds the common parcel. The common parcel comprises lawn areas, a recreation area (2 tennis courts, swimming pool, and pool building), and an asphalt walkway to the existing pier.

Issues: The proposed project involves the relocation and extension of an existing nonconforming pier (based on fish habitat) and the relocation of an existing nonconforming buoy field (based on fish habitat and setbacks) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Scenic Shoreline Unit 14 is within this Plan Area:

Scenic Shoreline Unit 14 has a travel route rating of 10 which is above the scenic quality threshold standard. The applicant has prepared a scenic quality analysis in order to assess potential impacts associated with the proposed pier relocation and extension and buoy field relocation. Staff has determined that the proposed pier