

**TRPA
GOVERNING BOARD
PACKETS**

**FEBRUARY
1991**

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TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on February 27, 28, 1991, commencing at 10:00 a.m. on the 27th and at 10:30 a.m. on the 28th, at 195 U.S. Highway 50, Zephyr Cove, Nevada, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on February 27, 1991, at 8:30 a.m. in the same location, the Finance Committee will meet to discuss receipt of the January financial statement and the monthly check register, needs assessment for a new TRPA office building, a procedure for collateralizing TRPA investments, revisions to the FY 90-91 budget, release of air quality mitigation funds to Placer County for TART, release of State Transit Assistance Funds to the City of South Lake Tahoe for STAGE, receipt of the Transportation Development Act audits for FY 89-90, and two requests by El Dorado County for release of water quality mitigation funds.

NOTICE IS FURTHER GIVEN that on February 27, 1991, at 8:30 a.m. in the same location, the Legal Committee will discuss an increase in outside counsel fees, settlement of TRPA v. Wassner, and settlement of potential litigation regarding the Tahoe Mariner, Washoe County.

NOTICE IS FURTHER GIVEN that, at the conclusion of the February 27, 1991 session of the Governing Board meeting, the retirement committee will meet to discuss the benefit year and calendar, to review the annual report from the fund administrator, and to establish a process for selection of a new plan administrator.

NOTICE IS FURTHER GIVEN that on February 28, 1991, at 9:00 a.m. in the same location, the Capital Financing Committee will meet to hear a report by Caltrans (Pat Weston) on California funding programs; and to discuss the second administrative draft, Water Quality Program Financial Plan; the work program; and other capital financing matters.

Date: February 19, 1991


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.

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
GOVERNING BODY

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

February 27, 1991 10:00 a.m.
February 28, 1991 10:30 a.m.

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 PUBLIC HEARING AND ADOPTION OF ORDINANCES
 - A. Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt MOU Between TRPA and the City of South Lake Tahoe for Review of New Single Family and Multi-Residential (Up to Four Units) Structures *Page #*
54-62
- VII PLANNING MATTERS
 - A. Movement of the Individual Parcel Evaluation System Line - Wednesday, February 27, 1:30 p.m. 63-84
 - B. Workshop - Wednesday, February 27, 2:30 p.m. 85-91
 - 1. Roles and Responsibilities
 - 2. September 1991 Evaluation of Regional Plan Package
 - 3. Allocations of Residential Development in 1992 and Beyond
 - 4. Future Workshop Schedule
- VIII COMMITTEE RECOMMENDATIONS AND BOARD ACTION
 - A. Finance Committee
 - 1. Receipt of the January Financial Statement and Check Register
 - 2. Revision to the FY 90-91 Operating Budget
 - 3. Collateralization of TRPA Investments

- B. Legal Committee
 - 1. Increase in Outside Legal Counsel Fees
 - 2. Settlement of TRPA v. Wassner
- C. Capital Financing Committee
- D. Retirement Committee

IX ADMINISTRATIVE MATTERS

- A. Appointments to Committees
- B. Appointment of Two California Lay Members to the Advisory Planning Commission
- C. Status of Program of Work for FY 90-91

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X REPORTS

- A. Executive Director
 - 1. Status Report on Processed Projects
 - 2. Status Report on MOU Between TRPA and Other Entities Having Jurisdiction in the Shorezone
 - 3. Other (No Action)
- B. Agency Counsel
 - 1. Status Report by Counsel Gary Owen
- C. Governing Board Members (No Action)

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XI RESOLUTIONS

- A. For Former Governing Board Members
- B. Establishing Committees of the Governing Board

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XII PUBLIC INTEREST COMMENTS (No Action)

XIII ADJOURNMENT

CONSENT CALENDAR

<u>Items</u>	<u>Recommended Action</u>	<u>Page #</u>
1. Nevada State Parks, Entrance Station and Extension of Floating Boat Dock at Cave Rock State Park, File #590-100-00/87-2, Douglas County APN 03-090-03	Approval With Findings And Conditions	1-17
2. Release of Water Quality Mitigation Funds to El Dorado County, \$10,000 for Lake Tahoe Demonstration Garden at the Lake Tahoe Community College	Approval	18-19
3. Release of Water Quality Mitigation Funds to El Dorado County, \$25,000 for Marshall Trail Erosion Control Project	Approval	20-21
4. Release of Air Quality Mitigation Funds to Placer County for TART	Approval	22
5. Release of State Transit Assistance Funds to South Lake Tahoe for STAGE	Adoption of Resolution	23-26
6. Receipt of Transportation Development Act Audits for FY 89-90	Receipt	27-45
7. Bank of Stockton, Change in Commercial Operation/Special Use Determination, Douglas County APN 11-070-16	Approval With Findings And Conditions	46-53

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that any item be removed from the 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

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Cave Rock State Park, Floating Dock Reconstruction and Extension

Application Type: Boat Launching Facility

Applicant: Nevada State Parks

Applicant's Representative: John Munoz, Nevada State Parks

Agency Planner: Coleen L. Shade, Associate Planner

Location: Douglas County, U. S. Highway 50, Cave Rock

Assessor's Parcel Number/ Project Number: 03-090-03, 590-100-00/87-2

Project Description: The proposed project involves the reconstruction and extension of an existing 6 foot x 24 foot floating boat dock. The existing dock will be widened to 8 feet and extended to 102 feet of total length. The proposed 56 square foot fee booth, which will be winterized for year-round use, will replace the existing portable 16 square foot fee booth. The proposed fee booth will be located in an island in the middle of the existing access road, which will include landscaping, irrigation and a flagpole. The paved entrance will be widened at this location to allow two way traffic. Two additional parking spaces will be constructed in the public right-of-way for the use of the on-duty State Park staff. The applicant has received an Occupancy Permit from the Nevada Department of Transportation for the above improvements in the right-of-way. The project includes 3 landscaped picnic sites with 2 picnic tables, 2 barbeque grills, and a trash enclosure in each. The proposal also includes a courtesy light at the launch ramp. Water, electrical and telephone will be connected at the existing comfort station and run underground along the east side of the road to the proposed fee booth.

Site Description: The proposed project is located at Nevada State Park's Cave Rock Unit. This unit contains both backshore and 1a land capabilities. The existing facilities include a small 4 foot x 4 foot portable fee booth, comfort station, 19 auto and 41 auto/trailer parking spaces, a 96 foot x 40 foot concrete boat ramp, and a 6 foot x 24 foot floating dock. The foreshore consists of sand with small and large boulders scattered throughout and is mapped as fish feeding and escape cover habitat.

Issues: The proposed project involves the reconstruction and expansion of a nonconforming floating boat dock (based upon fish habitat) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

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1. Scenic Shoreline 27 - Lincoln Park is within this Plan Area:

The Scenic Shoreline Unit has a travel route rating of 8 which is in attainment with the scenic quality standard. Staff has determined that the proposed project, as conditioned, will not degrade the scenic threshold.

2. Scenic Roadway Unit 29 - Cave Rock is within this Plan Area:

The Scenic Roadway Unit has a travel route rating of 23 which is in attainment with the scenic quality standard. Staff has determined the the proposed project, as conditioned, will not degrade the scenic threshold.

3. Fish Habitat:

The proposed project is within mapped feeding and escape cover habitat. This has been confirmed by the TRPA biologist. It is staff's determination that the proposed project, which includes a 78 foot increase in length of the floating dock within the protective rock jetty, will have no additional negative impact to the fisheries in this area.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the following environmental issues: water quality, littoral processes, fisheries and fish habitat, backshore stability, on-shore wildlife habitat, and Tahoe Yellow Cress, (Rorripa subumbellata) habitat evaluation. 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 IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 62, Cave Rock. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is designated as an allowed use in this Plan Area.
- C. Land Coverage:
1. Land Capability District:

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The mapped land capability of the project area is class 1a and backshore.

2. Existing Coverage:

To be determined upon receipt of a revised site plan.

3. Proposed Coverage:

The project proposes no new coverage. The project proposes the relocation of coverage in the public right-of-way. Staff has included the relocation findings required in subsection 20.5.C TRPA Code of Ordinances (see Required Findings section below).

4. Allowed Coverage: The land capabilities for this project area allow one (1) percent coverage. Allowed coverage shall be determined upon receipt of revised site plan, as required in the special conditions, that delineates the project area.

5. Coverage Mitigation: The applicants shall be required to mitigate any excess land coverage pursuant to Section 20.5.A(3) of the TRPA Code.

D. Recognition of Multiple-Use Facility: By approving the project, the TRPA Governing Board shall be recognizing the facility as multiple-use. The boat launching facilities at this site serve the general public.

E. Design Standards for Multiple-Use Floating Docks: Facilities recognized by TRPA as Multi-Use may deviate from design standards (subsection 54.8.D(1) of the TRPA Code). Subsection 54.7.B.(1), Floating Dock and Platform Design and Construction Standards, of the Code states that floating docks shall not exceed an area of 100 square feet or a demension along any side of 15 feet. The proposed extension will bring the total length of the floating dock to 102 feet and the width will not exceed 8 feet.

F. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance Districts 2 and 5. The project, as conditioned, complies with the shorezone tolerance district standards.

G. Location Standards for Multi-Use Floating Docks: The existing boat ramp and floating dock are located within a man-made lagoon in mapped fish feed and escape cover habitat. The existing structure does not comply with 54.4.A.(5) location standard. This standard states that the setback for floating docks shall be 5 feet for existing structures and 20 feet for new. The setback lines shall be established by measuring the appicable distance inward from each property line along the high water line. From this point, a set back line shall be projected lakeward and perpendicular to the

tangent of the shoreline. The proposed dock runs almost parallel with the natural shoreline. Facilities recognized as Multiple-Use by the TRPA Governing Board, Subsection 54.8.D(1) of the TRPA Code of Ordinance, are allowed to deviate from this location standard.

H. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 20, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.
 - a. Land Use: The applicant will be required to apply BMPs to the project area. This project will not affect the allowed land use on the site. Floating docks and platforms are allowed accessory structures in the Plan Area for this project site.
 - b. Transportation: The proposed floating dock extension will not adversely impact transportation in the Lake Tahoe Basin. Floating docks located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation. The proposed extension does not exceed the length of the man-made lagoon, and therefore, does not extend out into open water where it could potentially have a negative impact on navigation.
 - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic supplements of the Conservation Element of the Goals and Policies. The project is located in Scenic Shoreline Unit 27 and Scenic Roadway Unit 29 which have acceptable scenic ratings. Staff has determined that the floating dock location, color and design will not degrade the shoreline scenic rating. Fisheries are discussed further in Finding 7, below.
 - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. The project provides continued public access to Lake Tahoe. In addition, the project will not interfere with public access along the shoreline nor top-line fishing and is consistent with the Recreation Element of the Goals and Policies.

- e. Public Services and Facilities: This project does not affect public services or facilities in the Lake Tahoe Basin.
 - f. Implementation: This project is consistent with the Implementation Element of the Goals and Policies. The project requires no new PAOTs.
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 "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. The relocation is to an equal or superior portion of the parcel or project area.

Based upon staff's site inspection and other available information, it is the determination of staff that the portion of the project area from which the relocated land coverage will originate is similar in slope, soil fragility, and amount of disturbance as that portion which is proposed to receive the land coverage.

5. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

7000 square feet of land coverage has been removed in the public right-of-way. This area has been revegetated in accordance with TRPA requirements.

6. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

The relocation of land coverage is occurring within the same land capability district (Land Capability District 1a).

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

Based on the IEC, TRPA staff has determined that the project, as conditioned, will not impact littoral processes, backshore stability, or any on-shore wildlife habitat. In addition, the project complies with all applicable standards regarding development standards in fish habitat. Code Interpretation 88-4 states that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. If the existing structure does not comply with these two placement standards the expansion is not required to comply.

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

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

9. 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.

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

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

This floating dock is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

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

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

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

The applicant shall not be permitted to store construction materials on the beach. Construction of the floating dock and installation of the pilings will be via barge from Lake Tahoe or from the existing boat ramp. Disturbance to the ground or vegetation shall be prohibited. Final plans shall include provisions to protect the backshore.

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

The floating dock extension will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by Nevada Division of State Lands and the U.S. Army Corps of Engineers. These agencies make their own public safety findings.

14. 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.

Comments from the agencies having jurisdiction were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

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

The proposed project is located within a man-made lagoon protected by a breakwater. The proposed extension does not extend beyond the existing breakwater and therefore would not additionally impact sediment transport.

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

Based upon an on-site review, and other available information, staff has determined that the project, as conditioned, will not degrade the scenic threshold.

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

The structure has been continually serviceable.

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

The project involves the reconstruction and extension of a nonconforming floating dock (based on fish habitat) and does not increase the extent to which the structure does not comply with the development standards.

19. The expansion complies with all applicable standards.

The floating dock extension complies with all applicable standards for multi-use facilities. Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in fish feeding and escape cover habitat, however, staff has determined, based upon an on-site inspection, that the placement standard for fish habitat is not applicable.

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

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

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

The proposed floating dock extension, as conditioned, shall be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

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

- I. A motion based on this staff summary, for the findings contained in Section G above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
1. The Standard Conditions of Approval listed in Attachment S and Q.
 2. Prior to commencement of construction the following special conditions of approval must be satisfied.
 - a. The site plan shall include:

- (1) The following revised land coverage calculations:
 - (i) Project Area.
 - (ii) Existing land coverage differentiated between on-site and off-site. Existing coverage should include the off-site dirt parking that was removed and revegetated.
 - (iii) Proposed land coverage. Both on-site and off-site land coverage to be delineated.
 - (2) The property lines and project area shall be clearly delineated on the site plan.
 - (3) Land capability district and backshore boundaries.
 - (4) A note indicating that 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.
 - (5) Temporary erosion control structures located downslope of the proposed upland construction area. Temporary erosion control structures shall also be placed downslope of permanent BMP facilities while the BMPs are under construction.
 - (6) Vegetation protective fencing around the entire upland construction site.
 - (7) Parking barriers, where necessary, to limit parking to approved hard surfaces only.
- b. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's submittal of the required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
- c. The applicant shall submit plans, cost estimates and an 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

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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.

- d. The final construction drawings shall have notes indicating conformance to the following design standards for color:
 - (1) Color: The color of this structure shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
- e. The final construction drawings shall have notes indicating conformance with section 30.8 of the Code, Exterior Lighting Standards.
- f. 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.
- g. The applicant shall submit a landscape plan for TRPA's review and approval. Said plan shall incorporate elements that screen the new entrance/fee station and the parking area as viewed from the Lake and Highway 50.
- h. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- i. Final construction drawings shall have notes containing the following information:
 - (i) All work on the floating dock extension