

**TRPA
GOVERNING BOARD
PACKETS**

**JANUARY
1992**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on January 22 and 23, 1992, commencing at 9:30 a.m. on both days, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting 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 January 22, 1992, at 8:30 a.m., in the same location, the Finance Committee will discuss receipt of the December financial statement/check register, mid-year corrections to the TRPA operating budget, and resolution amending filing fees.

NOTICE IS FURTHER GIVEN that on January 22, 1992, at 8:30 a.m., in the same location, the Legal Committee will hear a status report on Nguyen v. TRPA.

NOTICE IS FURTHER GIVEN that on January 22, 1992, during the lunch recess, the Rules Committee will meet to discuss procedures for treatment of incomplete applications.

NOTICE IS FURTHER GIVEN that on January 22, 1992, at 4:30 p.m., in the same location, the Retirement Committee (Klein, Ziegler, Solt, two vacancies) will meet to discuss the investment allocation.

NOTICE IS FURTHER GIVEN that on January 23, 1992, at 8:00 a.m., at the same location, the Capital Financing Committee will meet to discuss program of work and Nevada-side legislation proposal.

Date: January 14, 1992



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 BOARD

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

January 22, 1992 9:30 a.m.
January 23, 1992 9:30 a.m.

All items are action items unless otherwise noted.

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OFFICIAL AGENDA

- I PLEDGE OF ALLEGIANCE
- II ROLL CALL AND DETERMINATION OF QUORUM
- III APPROVAL OF MINUTES
- IV APPROVAL OF AGENDA
- V CONSENT CALENDAR (see page 3)
- VI ADMINISTRATIVE MATTER - Wednesday, 9:45 a.m.
 - A. Performance Review of the Executive Director, Agency Counsel and Special Projects Attorney (Including Closed Sessions Without Action)
- VII PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
 - A. Adoption of the 1992-96 Public Service Facilities List 66-116
 - B. Adoption of the 1992-96 List of Additional Recreation Facilities 117-146
 - C. Amendment of Chapter 33, Allocation of Development, Relative to Allocation Distribution Systems 147-152
- VIII PROJECT REVIEW
 - A. Best, Pier Extension/Multiple-Use Recognition, Placer County APN 85-180-15 (continue to the February meeting) 153
 - B. Corrie, Pier Expansion and Habitat Restoration, Douglas County APN 05-051-02 154-169
- IX SHOW CAUSE HEARING
 - A. Robert Lopez, Unauthorized/Unapproved Additional Height, 1947 Marconi, Tahoe Keys, El Dorado County APN 22-241-26 170-228
- X ADDITIONAL ADMINISTRATIVE MATTERS
 - A. Quarterly Report on FY 91-92 Program of Work 229-236

- B. Filling Vacancies on Legal, Retirement, and Capital Financing Committees
- C. Recommendation on Continuation of the North Shore Office
- D. Report on Performance Statistics Relative to Project Review and Environmental Compliance Division Activities
- E. Revision to Douglas County Community Planning Team Membership

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XI PLANNING MATTERS

- A. Report by the Incline Village General Improvement District on Timber Harvesting Operation - Wednesday 1:30 p.m.
- B. Discussion on Mitigation Requirements for Public Service and Public Safety Projects
- C. Discussion on October 15 Grading Deadline

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XII COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee
 - 1. Receipt of the December Financial Statement and Check Register
 - 2. Mid-Year Corrections to TRPA Operating Budget
 - 3. Resolution Amending Filing Fees
- B. Rules Committee
 - 1. Amendment of Rules of Procedure Relative to Treatment of Incomplete Applications
- C. Legal Committee
- D. Capital Financing Committee
- E. Retirement Committee
 - 1. Investment Allocation

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XIII REPORTS

- A. Executive Director
 - 1. Status Report on Processed Projects
 - 2. Commencement of Preparation of EIR/EIS for the Lake Tahoe Airport Master Plan

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3. Code Interpretation on Treatment of Existing Commercial Floor Area for Day Care/Pre-School Uses

- B. Agency Counsel
- C. Governing Board Members (No Action)

XIV RESOLUTION

- A. For Former Board Member

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XV PUBLIC INTEREST COMMENTS (No Action)

- A. William C. Kelly
- B. Other

XVI ADJOURNMENT

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|---|---------------------------------------|-------|
| 1. Cardenas, Single Family Dwelling Addition, Special Use Determination, Potential Avalanche Hazard Area, 324 Wassou Road, Washoe County APN 123-152-08 | Approval With Findings And Conditions | 1-5 |
| 2. Le Petit Pier, Shoreline Protective Structure, Placer County APN 117-110-15 and -16 | Approval With Findings And Conditions | 6-22 |
| 3. Tahoe Cedars Water Company, New Water Storage Tank, El Dorado County APN 14-021-07 | Approval With Findings And Conditions | 23-38 |
| 4. Herrmann, Multi-Residential 8-plex, El Dorado County APN 23-271-02 | Approval With Findings And Conditions | 39-48 |
| 5. Kennan, Resolution of Enforcement Action, Washoe County APN 131-233-22 | Approval | 49-53 |
| 6. Heydel, Resolution of Enforcement Action Washoe County APN 125-131-23 | Approval | 54-65 |

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

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

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Cardenas, Single Family Dwelling Addition

Application Type: Residential, Special Use Determination

Applicant: Santiago and Ronie Cardenas

Applicant's Representative: Timothy Curtis, Consultant

Agency Planner: Vivica B. Orsi, Assistant Planner

Location: 324 Wassou Road, Crystal Bay, Nevada

Assessor's Parcel Number: 123-152-08, Washoe County

Staff Recommendation: Staff recommends the Governing Board make the special use findings as outlined in section C of this staff summary.

Project Description: The applicants propose to construct a garage addition to their existing two story single family residence in Crystal Bay. No new or relocated land coverage on the parcel is proposed.

Site Description: This mountainside parcel has an average slope of 24 percent. It is well vegetated overall, although BMPs will be required in areas. The property contains one single family dwelling.

Issue: The proposed project involves an addition to a single family dwelling in a TRPA plan area that has been identified as having potential avalanche danger. The proposed use is a special use because of the avalanche potential. The applicant has submitted an avalanche report prepared by a qualified avalanche expert to TRPA that has determined that the property is not within an avalanche danger zone.

Staff Analysis:

- A. Environmental Documentation: TRPA staff 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.

VBO
1/2/92

CONSENT ITEM NO 1

- B. Plan Area Statement: The project is located within Plan Area 034, Crystal Bay. 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. Required Findings: The following is a list of the required special use findings as set forth in Chapter 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, 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.

This modification to an existing single family dwelling is appropriate for the residential neighborhood in which it is located.

2. 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.




There is no evidence that the proposed addition will be injurious or disturbing to the health, safety, enjoyment of property or the general welfare of persons or property in the neighborhood or region. The applicant has submitted an avalanche report (prepared by a qualified avalanche expert) to address avalanche safety concerns in the applicable plan area statement. The report concludes that the property is not within an identified avalanche zone.

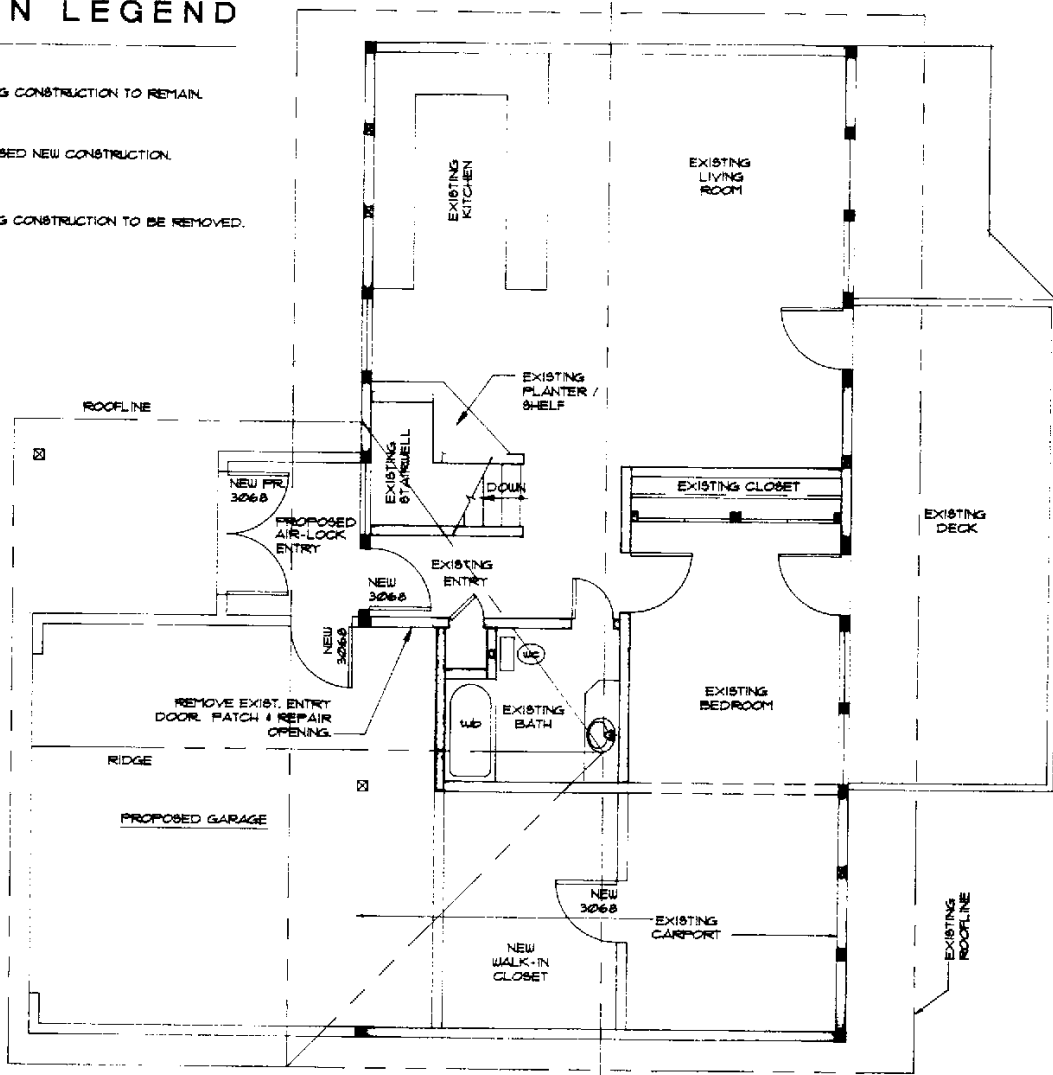
3. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

This project will not change the existing residential character of the neighborhood. This project is not within an adopted community, specific or master plan area.

- D. Required Actions and Findings: Agency staff recommends the Governing Board make 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 C above, and a finding of no significant environmental effect.
 - II. A motion to direct staff to complete review of the project, and if appropriate, approve the project with conditions of approval.

PARTITION LEGEND

-  EXISTING CONSTRUCTION TO REMAIN.
-  PROPOSED NEW CONSTRUCTION.
-  EXISTING CONSTRUCTION TO BE REMOVED.



FLOOR PLAN

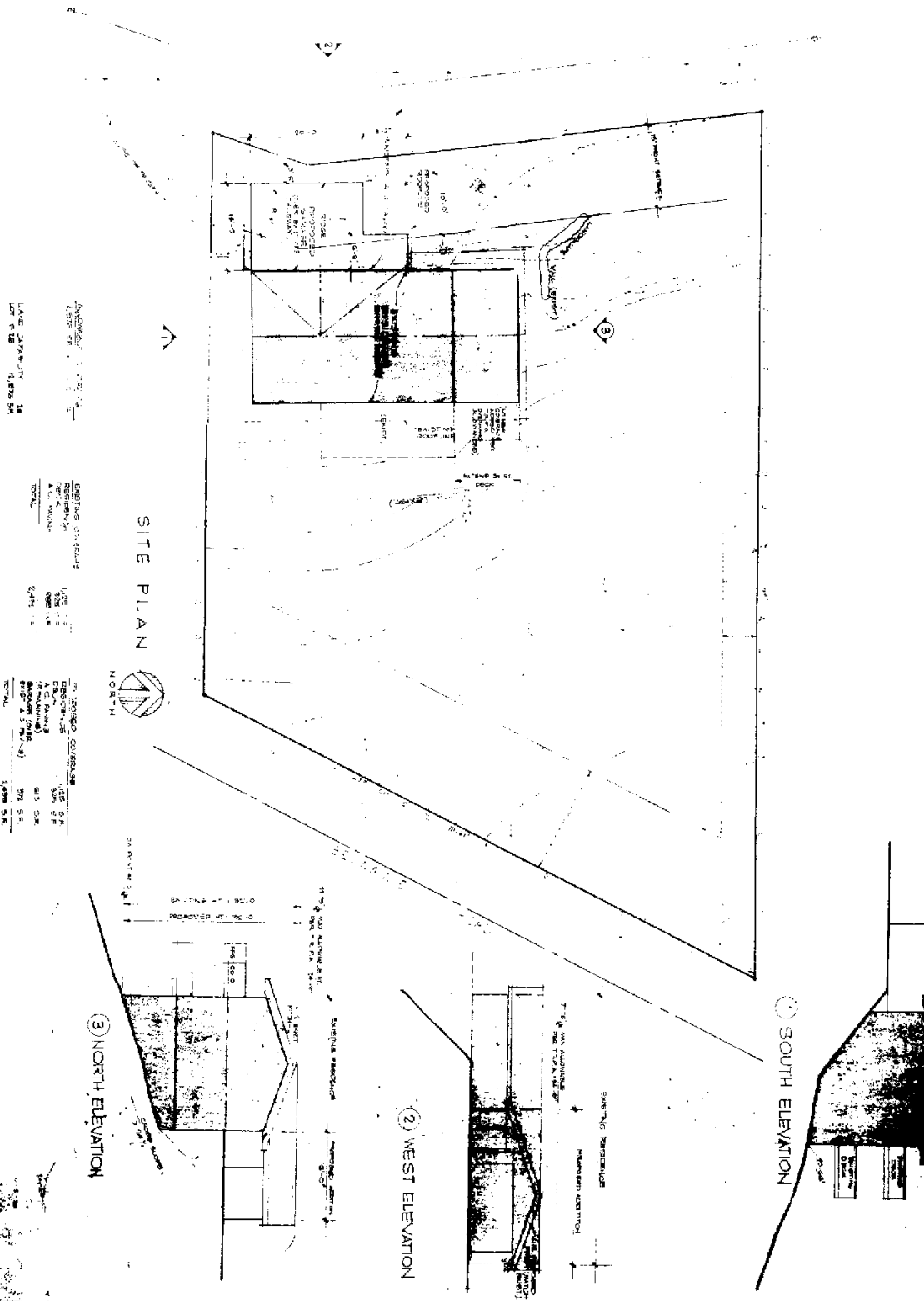
SCALE: 1/4" = 1'-0"



GARAGE ADDITION FOR MR. & MRS. S. CARDENAS
 A PORTION OF LOTS 1 & 3 AND ALL OF LOT 2, BLOCK 9, CRYSTAL BAY PARK
 CRYSTAL BAY, WASHOE COUNTY, NEVADA
 A.P.N. 123-152-08

DATE
 10 6 9

SHEET #



AREA: 1,234 SQ. FT.
 PERMIT NO. 12345
 DATE: 12/15/2023

EXISTING CONDITIONS
 1. EXISTING GARAGE
 2. EXISTING DRIVEWAY
 3. EXISTING UTILITY LINES

NEW CONSTRUCTION
 1. NEW GARAGE ADDITION
 2. NEW DRIVEWAY
 3. NEW UTILITY LINES

PROPOSED CONSTRUCTION
 1. NEW GARAGE ADDITION
 2. NEW DRIVEWAY
 3. NEW UTILITY LINES

③ NORTH ELEVATION

② WEST ELEVATION

① SOUTH ELEVATION

GARAGE ADDITION FOR MR. & MRS. S. CARDENAS
 12345 W. WASHINGTON ST.
 LAS VEGAS, NV 89103

Kenneth F. Barrow P.L.S.
 LAND SURVEYOR
 P.O. DRAWER 7000 INDIAN VILLAGE NEVADA 89103
 702-831-1700

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Le Petit Pier Restaurant, Shoreline Protective Structure

Application Type: Commercial/Shorezone

Applicant: John Dufau

Applicant's Representative: Leah Kaufman

Agency Planner: Coleen L. Shade, Associate Planner

Location: Placer County, 7252 North Lake Blvd., Tahoe Vista

Assessor's Parcel Number/ Project Number: 117-110-15 & 16

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section G of this staff summary.

Project Description: The proposed project consists of constructing a concrete bulkhead with a rock toe revetment. The proposed bulkhead design includes a double retaining wall to diminish problems associated with erosion due to wave action. Both retaining walls will be constructed landward of mean highwater (6229.1 Lake Tahoe datum). The area between the retaining walls will be backfilled with 6 inch to 16 inch diameter rock. The rock toe revetment will not extend beyond lake bottom elevation 6225'.

Site Description: The foreshore lake bottom within the project area is primarily rock quickly giving way to a sandy bottom. This area is not mapped as fish habitat. There exists a commercial operation, Le Petit Pier Restaurant, on the upland portion of the project area. The site has approximately 76% impervious land coverage.

Issues: The proposed project involves the construction of a concrete bulkhead in the backshore and rock toe revetment that extends below highwater which together constitute a shoreline protective structure. Shoreline protective structures are a special accessory structure to an allowed use (eating and drinking places) in this 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. Scenic Quality:

The Scenic Shoreline Unit (Agate Bay, 21) has a travel route rating of 10 which is in attainment with the scenic quality standard. Staff has determined that the proposed project, as conditioned, will not degrade the scenic threshold.

1/9/92

Consent Item No 2

The Scenic Roadway Unit (Tahoe Vista, 20) has a travel route rating of 10 which is not in attainment with the scenic quality standard. However, the proposed project will not be seen from this roadway unit and therefore will not have an impact on the travel rating.

2. Littoral Processes:

The proposed structure will be constructed in an area which is currently surrounded by rock rip-rap. The proposed improvements will also be located east of the Tahoe Vista Inn and Marina, whose existing bulkhead extends lakeward of the proposed structure. Because the littoral currents in this area flow in a predominately easterly direction, the proposed structure will not impact littoral processes negatively.

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 22, Tahoe Vista Commercial. The Land Use Classification is Residential and the Management Strategy is Redirection. 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 a special use in this Plan Area.
- C. Land Coverage:
1. Land Capability District:

The mapped land capabilities for the project area are classes 1b, 5 and backshore. The total project area is 9,504 square feet in size.
 2. Existing Coverage:

Existing coverage within the project area is 7,223 square feet.
 3. Proposed Coverage:

The applicant proposes no new coverage.

4. Allowed Coverage:

The applicant will be required to submit, to TRPA, a site plan delineating land capability boundaries and the allowed land coverage for each capability based on a field verification.

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

D. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

E. Design and Construction Standards for Shoreline Protective Structures: The project, as conditioned, will not cause significant erosion or modifications of the foreshore and complies with the design and construction standards for shoreline protective structures.

F. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 50, 53 and 54 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. Shoreline protective structures are special accessory structures in the Plan Area for this property.

b. Transportation: The proposed shoreline protective structure, the concrete bulkhead with rock toe revetment, reaches no further lakeward than elevation 6225' and will not impact navigation.

c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Goals and Policies. The project is located in Scenic Shoreline Unit 21, which has an acceptable scenic ratings and Scenic Roadway Unit 20, which is in non-attainment with regard to the scenic ratings. The location of the shoreline protective structure, as proposed, is not within the view corridor of the roadway unit. Staff has determined the location, color and design of the structure will not degrade the shoreline or roadway unit scenic rating. Fisheries are discussed further in Finding 7, below.

- d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project will not interfere with public access along the shoreline 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.
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 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 project, as proposed, is an appropriate accessory structure for the parcel. The proposed shoreline protective structure will not have an impact on existing conditions in the surrounding area and, as conditioned, the structure will be designed such that it meets all TRPA's design and construction standards for shoreline protective structures.

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.

There is no evidence that the proposed project will be injurious or

disturbing to the health, safety, enjoyment of property, or the general welfare of persons or property in the neighborhood or region. The proposed shoreline protective structure is needed to maintain the structural stability of the building as determined by the supervising building inspector for Placer County (see 1984 letter, Exhibit A).

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 shoreline protective structure is a permissible accessory structure to an allowed use in the Tahoe Vista Commercial plan area and the structure will not alter the current use of the upland portion of the project area in any way.

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.

The retaining wall portion of the project will be located landward of highwater (6229.1) to stabilize the backshore. The sloping rock revetment portion will extend no farther lakeward than elevation 6225' in an area that is mapped clear of fish habitat. The shoreline protective structure will not adversely impact the existing conditions in regards to littoral processes at this site.

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 in the vicinity.

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

This shoreline protective structure is located in the foreshore. The purpose for this structure is to dissipate wave energy that is causing shoreline erosion at this site.

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 in the backshore or foreshore within this project area. 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. Ground disturbance shall be kept to the absolute minimum. There shall be no disturbance of vegetation in this area. Said 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.

This project does not require California State Lands Commission's review (see letter from California State Lands Commission, Exhibit B). The U.S. Army Corps of Engineers will be issuing a General Permit 16 (GP-16) for this project. In order for Army Corp to issue a GP-16, they must make navigational 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 with jurisdiction were solicited as part of the review of this project. No adverse comments were received.

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

The shoreline protective structure, as proposed, will be located adjacent to Tahoe Vista Marina and Inn. The marina extends to the highwater line. There is no evidence in current air photos or past air photos that there exists deterrents to littoral processes in this area. The proposed project will not degrade the existing situation nor inhibit sediment transport.

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

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

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

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

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

The proposed shoreline protective structure, as conditioned, will comply with all applicable design standards including color.

19. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures.

As has been determined by the Placer County building inspector, the protective structure is needed to insure the structural stability of the upland structure.

20. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.

There is no evidence to demonstrate there will be adverse environmental effects caused by the construction or maintenance of the shoreline protective structure.

21. Each protective structure has been designed to be sloping and permeable, provided, however, that this finding is not necessary if TRPA concurrently makes the finding a sloping permeable revetment is not feasible and the alternative structure will not cause significant erosion or modification of the foreshore.

The proposed shoreline protective structure has two components. A retaining wall to be placed above elevation 6229' and a sloping rock revetment that extends from the retaining wall to elevation 6225'. The sloping rock revetment is of a permeable design.