

**TRPA
GOVERNING BOARD
PACKETS**

**FEBRUARY
1996**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on February 28, 1996, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will commence at 9:30 a.m. at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The agenda is attached hereto and made a part of this notice.

All Governing Board Committee items are action items unless otherwise noted.

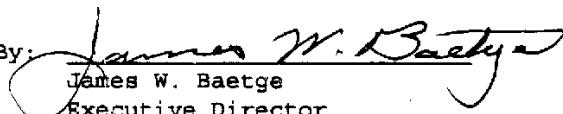
NOTICE IS FURTHER GIVEN that on February 28, 1996, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of the January check register and financial statement; 3) reprogramming of FY 93-94 Section 18 funds; 4) release of water quality mitigation funds (\$26,299) to Washoe County for paving of Amagosa Road; 5) funding of deep water plant study; and 5) member comments. (Committee: Wynn, Neft, Cole, Heller, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on February 28, 1996, commencing at 8:30 a.m. at the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) Stillwater Cove, resolution of enforcement, Washoe County; 3) Kline, resolution of enforcement, Douglas County APN 07-453-03; and 4) member comments. (Committee: Neumann, Miner, Cronk, Sevison, Waldie, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that on February 28, 1996, at 1:00 p.m. during the lunch recess, at the same location, the Capital Financing Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) legislative packet and project prioritization; 3) proposal for creating revolving funds within the Tahoe Region; 4) \$20 million Nevada bond issue; 5) draft resolution of support for increased federal funding in the Tahoe Basin; and 6) member comments. (Committee: Westergard, Miner, Cronk, Waldie, Wynn, Chairman Cole)

Date: February 16, 1996

By:


James W. Baetge
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.

OVERFLOW PARKING FOR THOSE ATTENDING THE MEETING IS AVAILABLE ON TATA LANE ACROSS FROM K-MART; PLEASE DO NOT DOUBLE PARK IN THE COUNCIL CHAMBER PARKING LOT OR OCCUPY THE 30-MINUTE PARKING SPACES.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe City Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

February 28, 1996
9:30 a.m.

Page #

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW

A. M.S. Dixie II, Passenger Capacity Increase, Zephyr Cove, Resort, Douglas County APN 05-010-03

91-114

B. South Lake Tahoe Demonstration Redevelopment Project #1, Plan Revision (This item will be acted on after Board action on agenda item VIII A.)

115-224

- VIII. PUBLIC HEARING - (* items include action on the findings plus action on the related ordinances, resolutions, environmental documents, and/or plans.)

A. Amendment of South Lake Tahoe Demonstration Redevelopment Plan and Ski Run/Stateline Community Plan* (This item will be acted on prior to Board action on agenda item VII B.)

225-241

- B. Certification of the Bijou/Al Tahoe Community Plan EIR/EIS and Adoption of the Bijou/Al Tahoe Community Plan; Related Amendments to Land Capability Overlays G-17 and G-18 and Plan Area Statement 099 (Al Tahoe) and Plan Area Statement 093 (Bijou); Amendments to the City of South Lake Tahoe Standards and Guidelines; Deletion of Plan Area Statement 098 (Bijou/Al Tahoe); and Amendment of Chapter 33 of the Code and Chapter VII of the Goals and Policies Plan* - 10:00 a.m. 242-279
- C. Bicycle Master Plan for the Lake Tahoe Region 280-283
- D. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis 284
- IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)
 - A. Reprogramming of FY 1993-94 Section 18 Funds 286-291
- X. PLANNING MATTERS
 - A. Finding Douglas County Has Demonstrated a Commitment to Assume Its Fair Share Responsibility to Provide Low and Very Low Income Housing*
 - B. Status Report on Home Mail Delivery 292-295
 - C. Workshop on the Environmental Improvement Program and a Demonstration of Erosion Control Needs Assessment 296
 - D. South Tahoe Public Utility District, Progress Report on Mitigation Measures Related to the Adopted STPUD Facilities Plan and Status Report on Proposed A and B Export Line Improvements - 1:30 p.m.
 - E. Amendment of the Agreement Regarding the South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas 298-313
- XI. ADMINISTRATIVE MATTERS
 - A. Report on MOUs Delegating Review and Approval to Local Jurisdictions 314-323
 - B. Report on MOUs Regarding Exempt Activities 324-325
 - C. Status Report on 1991 Threshold Evaluation Mitigation Measures 326-329
 - D. Appointment of Board Member to Fill Vacancy on Rules Committee 330
- XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
 - A. Finance Committee Report
 - 1. Receipt of January Financial Statement and Check Register
 - 2. Funding of Deep Water Plant Study

- B. Legal Committee Report
- C. Capital Financing Committee Report
- D. Rules Committee Report
- E. Shorezone Policy Committee Report
- F. Local Government Committee Report

XIII. REPORTS

- A. Executive Director Monthly Status Report
- B. Legal Division Monthly Status Report
- C. Governing Board Members

XIV. ADJOURNMENT

CONSENT CALENDAR		
<u>Item</u>	<u>Recommendation</u>	
1. Bugalski, IPES Appeal, El Dorado County APN 15-323-13	Approval	1-8
2. 1996-2000 List of Additional Recreation Facilities Pursuant to Section 33.6	Approval of Findings and Adoption	9-22
3. 1996-2000 List of Additional Public Service Facilities Pursuant to Section 33.5	Approval of Findings and Adoption	23-60
4. Tahoe Biltmore, Inc., Temporary Commercial Use, Northwest Corner of Reservoir Drive and Lake View Avenue, Crystal Bay, Washoe County APN 123-053-04	Approval of Findings and Adoption	61-66
5. Stillwater Cove Homeowners Association, Resolution of Enforcement, Washoe County APN 123-051-04	Approval	67-80
6. Washoe County Request for Release of Water Quality Mitigation Funds (\$26,299) to Pave Amagosa Road	Approval	81-86
7. Kline, Resolution of Enforcement, 119 Meadow Drive, Douglas County APN 07-453-03	Approval	87-90

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 an item be removed from the calendar, it will be taken up separately in 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. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

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

GOVERNING BOARD HEARING ON IPES SCORE

February 16, 1996

Staff Recommendation: Denial of Appeal

Owner's Name: Robert Bugalski
Mailing Address: 185 Lynnet Drive, Aptos CA 95003
Parcel Location: Fifth Ave., Tahoma
Assessor's Parcel Number (APN): 15-323-13 County: El Dorado

Authorized Agent: None

Original IPES Score Appealed: 0

Final IPES Score Based on 2nd Evaluation: 109

IPES Score Appealed to Governing Board: 109

Disputed Scoring Elements: Area of the stream environment zone (SEZ), area of SEZ setback, difficulty to access building site, runoff potential score, and relative erosion hazard (REH) score. The technical data submitted on behalf of the property owner supports the 100 percent SEZ determination made by the original IPES team.

Background: Basin Strategies had represented Mr. Bulgalski and filed the appeal on his behalf in January of 1994. Staff scheduled a Governing Board hearing on this item in September, 1994 and a request to continue the matter until the November meeting was made and granted. In November, Basin Strategies requested that the IPES score be reassigned to the original score of zero and submitted a letter from Mr. Bulgalski's technical consultant to support the request. In December of 1994 Basin Strategies again requested a hearing continuance until January of 1995, and staff concurred. Staff's appeal field work did not support a score of zero for reasons described below and the matter was unresolved.

No further action was taken until August of 1995 at which time staff was informed that Basin Strategies no longer represented Mr. Bulgalski. In August of 1995 and again in February of this year staff has attempted to reach Mr. Bulgalski by mail regarding this appeal. There has been no response. Staff is now looking to resolve the matter by taking the appeal to the Board for final action.

Results of Appeal Field Work: Appeal work was completed by the second field team and they found that a portion of the parcel was outside of the SEZ, whereas the original field team found the entire parcel to be within the SEZ.

/jp
2/16/96

CONSENT CALENDAR ITEM 1

The field notes from the original evaluation were based on the presence of a fairly abundant primary and secondary riparian indicator community, including willows, lodgepole pines, sedges and rushes. Soil mottling was also found at a depth of 10 inches, a primary soil indicator.

The appeal team found that only the back 3,550 square feet (two-thirds) of the parcel was in an SEZ. This determination is based on the presence of gleyed soil at a depth of 18 inches indicating the presence of near surface groundwater, a key SEZ indicator, and the presence of primary and secondary riparian plant indicators, including sedges, willow, lodgepole pine, and strawberry. Only one key indicator is required to classify an area as SEZ. The presence of the riparian plant indicators provides additional evidence supporting the SEZ determination.

The front 1,650 square feet (one-third) of the parcel was determined to be outside the SEZ due to the lack of any soil SEZ indicators above 20 inches in depth, and the presence of an overstory of nonriparian indicator plants, including white fir, incense cedar, and Jeffery pine. There was only a scattering of strawberry and yarrow, both of which are secondary riparian indicator species. The presence of secondary plant indicators alone is not sufficient for identifying an area as SEZ.

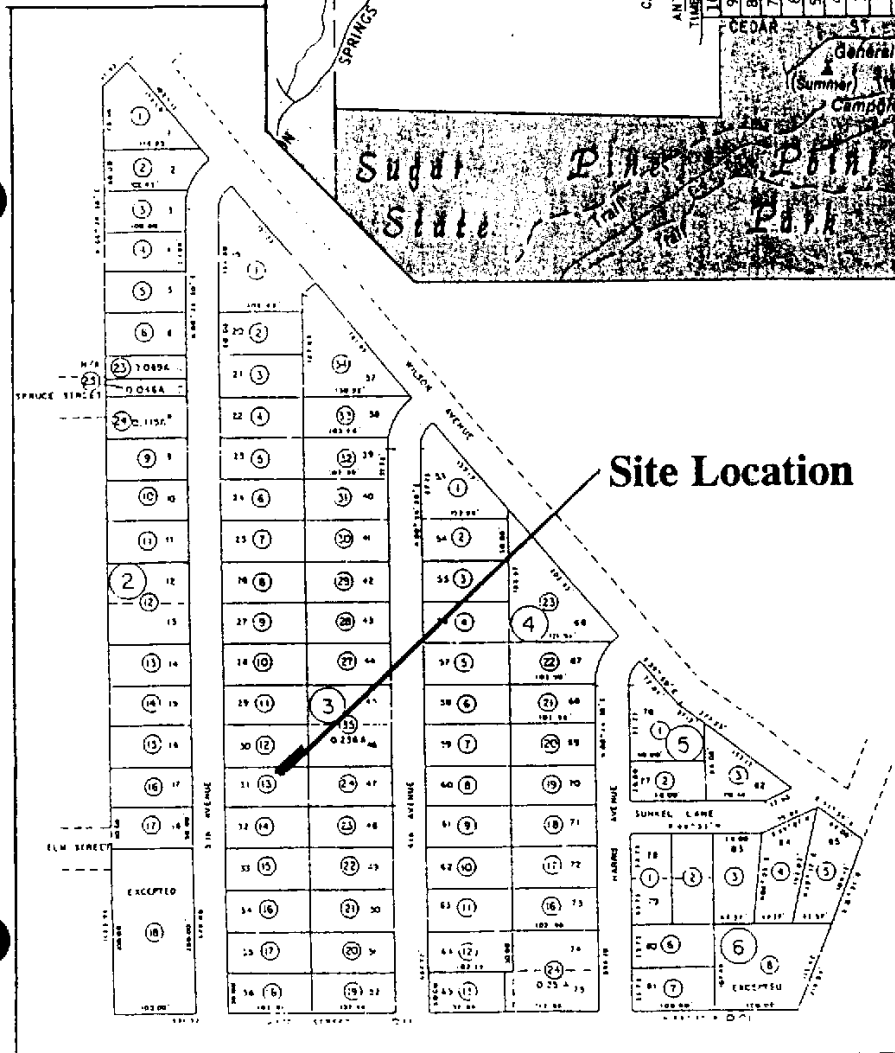
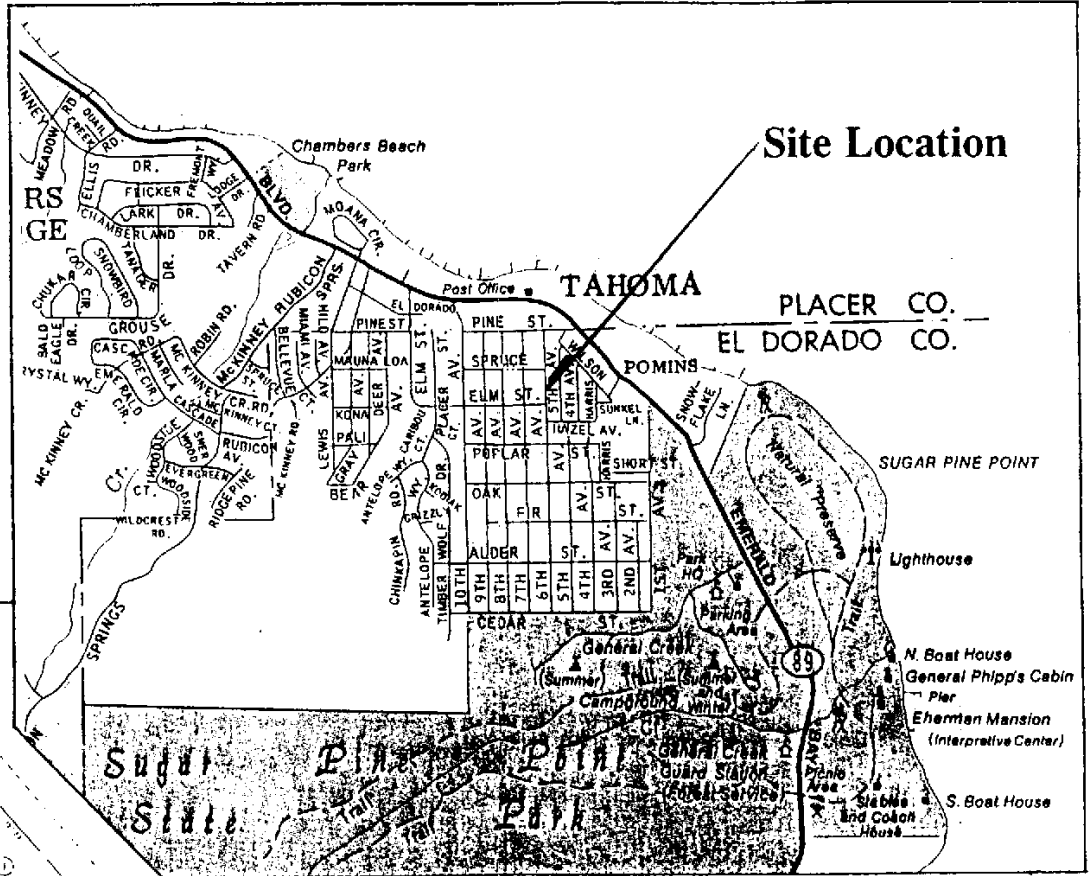
A report was completed in August 1989 by Grant Kennedy, Consulting Soil Scientist (see attached). In his report Mr. Kennedy stated that he found soil characteristics that were indicative of a poorly drained soil that was saturated at a depth of 20 to 40 inches for a considerable period. He also found riparian vegetation including willows, sedges, and other secondary riparian species in sufficient numbers to support the classification of the entire parcel as SEZ. This report was not received by TRPA until November of 1994.

In conclusion, in accordance with the Code of Ordinances, staff cannot reassign a score of zero to this parcel based upon the appeal field work. Staff recommends a denial of the appeal and that the score of 109 be assigned to the parcel. If you have any questions regarding this item please contact Joe Pepi, Senior Planner, at (702) 588-4547.

**POOR
QUALITY
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**HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980**



TAHOE REGIONAL PLANNING AGENCY
 RESULTS OF IPES FIELD EVALUATIONS
 APPEAL

11/07/94

BUGALSKI BOB APN 015-323-13
 185 LYNETTE DRIVE COUNTY E1
 APTOS CALIFORNIA 95003 IPES APPEAL SCORE 109

RELATIVE EROSION HAZARD 423

Soil Erodibility Factor $k = 0.10$
 Rainfall Factor 60
 0 ft. at 0%
 0 ft. at 0% 120 ft. of slope segments measured through
 0 ft. at 0% the most likely building site are used to
 0 ft. at 0% calculate the Length-Slope (LS) Factor
 0 ft. at 0%
 120 ft. at 1% LS = 0.15

RUNOFF POTENTIAL 44

Soil Hydrologic Group: $c = \text{slow}$ infiltration rate
 Hydrologic condition: (Vegetative cover) = good

ACCESS SCORE 5

Disturbance in SEZ for access: groundwater/primary
 New Access---Through SEZ: y Excavation difficulty:
 upsloping access with 1 ft. cut or ft. fill
 Gradient beyond cut/fill slope: 1% = slope factor 1.00
 OR
 Existing Access---Parking or access through SEZ:
 Extent of additional grading required at street:
 Additional excavation required for parking or garage: ft.

STREAM ENVIRONMENT ZONE 10

Utility connection through SEZ primary riparian veg.

CONDITION OF WATERSHED General Creek 39

ABILITY TO REVEGETATE 25

Soil limitation on revegetation Group $b = \text{dryness}$
 Elevation < 7000 ft. Slope < 15 % Aspect NW

NEED FOR WATER QUALITY IMPROVEMENTS IN VICINITY OF PARCEL 44

PROXIMITY TO LAKE 10

RAW IPES SCORE 600

Parcel Size 5200 sq.ft.
 SEZ Area 3550 sq.ft. SEZ setback area 550 sq.ft.
 Factor for parcels with < 5000 sq.ft. outside SEZ 0.33
 Factor for parcels < 10000 sq.ft. or with
 area outside SEZ < 10000 sq.ft. 0.55 IPES APPEAL SCORE 109

APPEAL RESULTS

TANOE REGIONAL PLANNING AGENCY (702) 588-4547
INDIVIDUAL PARCEL EVALUATION SYSTEM
FINAL APPEAL RESULTS, COVERAGE CALCULATIONS AND RANKINGS

BUGALSKI BOB
185 LYNETTE DRIVE
APTOS CALIFORNIA 95003

11/07/94

The TRPA Governing Board adopted the IPES score defining the top rank parcels, the allowable coverage formula and the ranking of parcels on December 21, 1988. The IPES score defining the top rank parcels is 725 for Placer and El Dorado County, 694 for Washoe County, and 708 for Douglas County. Any parcels with a higher respective score are eligible for a residential building permit, if the property owners obtain a residential allocation from the county or city government with jurisdiction over the parcel.

IPES Appeal Score for parcel (APN) 015-323-13 = 109
Original IPES score for parcel (APN) 015-323-13 = 0

SCORES FOR EACH IPES SCORING ELEMENT

Relative Erosion Hazard (max. 450 pts.)	423
Runoff Potential (max. 200 pts.)	44
Degree of Difficulty to Access Building Site (max. 170 pts.)	5
Disturbance in SEZ for Utility Connection (max. 110 pts.)	10
Condition of Watershed (max. 70 pts.)	39
Ability to Revegetate (max. 50 pts.)	25
Water Quality Improvements in the Vicinity of Parcel (max. 50 pts.)	44
Proximity to Lake (max. 50 pts.)	10
Raw IPES Appeal Score (max. 1150 pts.)	600
Size factor for parcels less than 5000 sq. ft.	0.33
Size factor for parcels less than 10000 sq. ft. outside SEZ	0.55
IPES Appeal score (max. 1150 points.)*	109

*The IPES score is calculated by multiplying the raw IPES score by both size factors.

PARCEL SIZE, STREAM ENVIRONMENT ZONE (SEZ) AREA AND COVERAGE COEFFICIENTS

Parcel size:	5200	sq. ft.
SEZ area:	3550	sq. ft.
SEZ setback area:	550	sq. ft.
Area of parcel outside of SEZ	1650	sq. ft., 5

IPES Coverage Score: 467 corresponds to 25% Allowable Base Land Coverage

GRANT M. KENNEDY

Consulting Soil Scientist

Specialist In Interpretation of Soil Surveys For All Uses

August 17, 1989

Mr. Robert Buglaski
185 Lynette Drive
Aptos, CA 95003

Re: APN 15-323-13, El Dorado County

Dear Mr. Buglaski:

I examined your lot at Lake Tahoe in the Tahoe Cedars Subdivision on August 16th, as per Ken Mabie's instructions. The objective was to see if the Tahoe Regional Planning Agency was correct in identifying your parcel as being a "stream environment zone". I was to file your appeal to TRPA if I felt that the lot was improperly classified in accordance with the technical data related to lot scores in the Tahoe Basin.

It is my opinion that soil and vegetative conditions on your lot are such that it would be classified a stream environment zone under the definitions used for lot scoring. The general area is one of gently sloping topography, and the soils have formed from glacial fill. These soils are usually underlain by a weakly cemented layer that impedes soil drainage during wet seasons. Where the topography is lower such as in swales or other lower positions the water ponds for longer periods which is reflected in the soil properties and the presence of numerous plants that favor wetness conditions.

I found the soil to show characteristics of poor drainage and that the soil would be saturated between a depth of 20 to 40 inches for a considerable period after the snow melt. There were enough willows, sedges and other secondary riparian vegetation to support the evidence of poor drainage and a stream environment zone.

It appears that the local drainage at one time may have crossed this lot near the southwest corner. Part of the drainage course may have been filled. The lot adjacent with the house has had some fill placed on the lot.

I regret that these findings are unfavorable. I did not file your appeal with TRPA because of the results. I had informed Ken Mabie before undertaking this investigation that I would not proceed with any report and filing of the appeal if the lot appeared questionable. I am enclosing your check for the fee to TRPA.

I appreciate your having me do this work, and only wish I could have found more favorable conditions for a buildable lot.

Sincerely,

Grant M. Kennedy

GRANT M. KENNEDY
Certified Professional Soil
Scientist #855 ARCPACS

GMK:mv

Enclosure



TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

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Zephyr Cove, Nevada 89448-1038

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

MEMORANDUM

February 14, 1996

To: TRPA Governing Board

From: TRPA Staff

Subject: Adoption of the 1996-2000 List of Additional Recreation Facilities Pursuant to Section 33.6

Proposed Action: Staff requests the Governing Board review the new projects proposed for inclusion on the 1996-2000 Five-Year List of Additional Recreation Facilities and adopt the list and accompanying adopting resolution.

Please note: In the interest of conserving paper, the cost of printing, and postage, only new projects and appendices are included in this packet.

APC Recommendation: The APC unanimously recommended adoption of the 1996-2000 List of Additional Recreation Facilities.

Recommendation: Staff recommends that the Governing Board conduct the public hearing and, based on its outcome, adopt the 1996-2000 Five-Year List of Additional Recreation Facilities.

Background: Section 33.6 of the Code of Ordinance requires TRPA to prepare a Five-Year List of Additional Recreation Facilities annually. The list is to be adopted by the Governing Board. The list serves as a regional recreation planning and coordination tool in lieu of a regional recreation master plan. It also serves as a method to track implementation of TRPA's 20-year target for outdoor recreation.

Currently, TRPA, in conjunction with the Tahoe Coalition of Recreation Providers (TCORP), is in the planning process of preparing a recreation master plan. Once the list is adopted, TRPA intends to use the master plan in lieu of the Five-Year list process in the review of recreation projects to ensure consistency. The recreation plan is in the data gathering and analysis stage.

Discussion: This year, 5 new projects have been added to the list. The majority of amended projects, pushed back project construction dates. Two recreation projects were completed in 1995 and have been removed from the list.

JH:rd

CONSENT CALENDAR ITEM 2

Environmental Documentation: Staff has completed an Initial Environmental Checklist (IEC) for the project and proposes a Finding of No Significant Effect (FONSE) because the action is administrative in nature and does not constitute a project approval. Projects on the list which apply for TRPA permits must be found to be consistent with all applicable elements of the Regional Plan prior to project approval.

The finding of need for the project is made in the context of a five-year planning process and does not preclude an analysis and inquiry into the need for the project, including the size, at the time of project review.

The additions of new projects to the list for future consideration is consistent with the Regional Plan.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (702) 588-4547 if you have any questions or comments on this agenda item.

TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 96-_____

ADOPTING TRPA 1996-2000 LIST OF ADDITIONAL
RECREATION FACILITIES PURSUANT TO CHAPTER 33 OF THE
TRPA CODE OF ORDINANCES

WHEREAS, Section 33.6 of the TRPA Code of Ordinances sets forth the need for and the applicability of a list of additional recreation facilities anticipated for construction during each five-year period of the Regional Plan; and

WHEREAS, TRPA has consulted with the appropriate recreation entities in the Region and pursuant to such consultations has prepared a list; and

WHEREAS, projects which are within a TRPA-adopted specific or master plan are not required to be on the list; and

WHEREAS, projects which require adoption of a master plan prior to expansion are not to be included on the list; and

WHEREAS, subparagraph 33.6.A(4) sets forth the eligibility findings for inclusion on the list; and

WHEREAS, the list shall be amended, as appropriate, at the beginning of each calendar year;

WHEREAS, the Advisory Planning Commission ("APC") conducted a public hearing and recommended adoption of the resolution.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby finds that the projects on the 1996-2000 List of Additional Recreation Facilities, as set forth in Exhibit A, attached hereto and incorporated herein by reference, meet the criteria set forth in subparagraph 33.6.A(4) and that the amendment of the Recreation Facilities List has no significant environmental effect.

BE IT FURTHER RESOLVED that the findings of need for the projects are made in the context of a five-year planning process and do not preclude an analysis and inquiry into the need for the projects, including their size, at the time of project review.

BE IT FURTHER RESOLVED THAT adoption of the addition to the 1996-2000 List of Additional Recreation Facilities shall not be deemed to constitute a project approval, preliminary or otherwise, or a finding of no significant environmental effect, with respect to an individual project on the list, and that each project thereon shall require the review and approval of TRPA, in accordance with the Code of Ordinances, including Chapter 5, prior to issuance of a permit therefor.