

**TRPA
GOVERNING BOARD
PACKETS**

**JULY
1983**

3/6

JANICE

Could not find

July 83' APE PRT

ANYWHERE. I brought

back 7/83 C.B. PICT

if that helps. Sorry.

TOD


July 1983

Phil

NOTICE OF MEETING OF THE
GOVERNING BODY OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on Wednesday, July 27, 1983, at 9:30 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at 2155 South Avenue, South Lake Tahoe, California, the Governing Body of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

Date: July 8, 1983

By: 
Philip A. Overeynder
Executive Director
Tahoe Regional Planning Agency

NOTE Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

19000 lots under S.A.
8600 hi capability lots

4400 low capability lots

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

July 27, 1983 9:30 a.m.
July 28, 1983 9:30 a.m.

NOTE: There will be a meeting of the Finance Committee at 9:00 a.m. on July 28, 1983 at the TRPA office. The purpose of the meeting is to discuss the Agency's budget, work program and related matters.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV CONSENT CALENDAR
- V SPECIAL REPORTS (July 27, estimated time 9:45 a.m.)
 - A. Federal Agency/TRPA Coordination Effort ?
 - G.M.B. Ways and Means Committee Report
 - C. Litigation Committee Report
 - NLS, 1. Proposed Settlement Agreement, Johnson vs. TRPA
 - 2. Other
 - G.G.D. Preliminary Review, Lake Parkway (Loop Road), City of South Lake Tahoe
- VI PLANNING MATTERS (July 27, est. time 11:00 a.m.)
 - PAO/216/GWB Amendments to the Regional Plan
- VII PUBLIC HEARINGS (July 28, est. time 9:30 a.m.)
 - PAO A. To Consider Adoption of an Ordinance Extending the Allocation System for Issuance of Residential and Commercial Building Units as Set Forth in the Compact
 - PAO B. To Consider Amendments to Ordinance 81-5 to Extend the Case-by-Case Review Procedure for Single Family Dwellings in Land Capability Districts 1A, 1C, 2, and 3
 - OFF C. Fallen Leaf Lake Lodge Redevelopment, General Plan Amendment to Consider Reclassification of 76.8 Acres in El Dorado County from Low Density Residential and General Forest to Medium Tourist Residential, General Forest and Recreation.

OFF
←
CONT'D

VIII AGENCY REVIEW (July 28, est. time 10:15 a.m.)

R.A.

A. City of South Lake Tahoe, Third Street and South Avenue Extensions, El Dorado County, TRPA File #83166 ✓

NLS

B. Wessels/Sharp, Request for Reclassification of a Portion of a Subdivision and Case-by-Case Review of a Single Family Dwelling, 147 Vista Drive, Douglas County APN 07-310-23, TRPA File #81982 ✓

X 06

C. Effie Clark, Rock Crib Pier Repair, 5298 North Lake Boulevard, Placer County APN 89-272-06, TRPA File #83163

D. John Gates, Rock Crib Pier Repair, 5500 North Lake Boulevard, Placer County APN 89-051-02, TRPA File #83161

O2

E. Mark Michelsen, Skyview Apartments, 7 Units, Kingsbury Grade, Douglas County APN 07-080-69, TRPA File #83262

F. Sunnyside Resort Redevelopment and Timeshare Conversion, Placer County APN 84-140-14, -15, -16, TRPA File #83060

G. Hyman/McGrath/DiRocco, Backshore Dwelling, 4590 North Lake Boulevard, Placer County APN 91-153-06, TRPA File #82335

IX APPEALS (July 28, est. time 1:30 p.m.)

N.L.S.

A. Lowry/Pillsbury, Logan Creek Estates, Appeal of Staff Rejection of an Application for Subdivision Improvement, Douglas County, TRPA File #83462

N.L.S.

B. Loomis/Barrow, Appeal of Staff Decision Pursuant to Case-by-Case Lot Review Criteria, Lot 15 Tyrolian Village Unit #7, Washoe County APN 126-083-10, TRPA File #82674

- C. Peterson/Curtis, Appeal of Staff Decision Pursuant to Case-by-Case Lot Review Criteria, 759 Allison Drive, Washoe County APN 126-051-06, TRPA File #821010
- D. Carpenter/Curtis, Appeal of Staff Decision Pursuant to Case-by-Case Lot Review Criteria, 760 Allison Drive, Washoe County APN 125-051-07, TRPA File #82430
- E. Kirkorian, Appeal of Staff Decision to Charge a Mitigation Fee, Washoe County APN 122-211-40, TRPA File #83336
- F. Pieracci, Appeal of Staff Decision to Charge a Mitigation Fee, Washoe County APN 122-211-41, TRPA File #83338

~~CONF'D~~
CONT'D APC REQUEST

CONT'D AT APPL. REQUEST

O2

G. Edgar Scharruhn, Appeal of Staff Decision Regarding Status of the Kingsbury Terrace Subdivision Pursuant to Ordinance 81-5, Douglas County, TRPA File #80016

N.L.S.

H. Roudebush/Curtis, Appeal of Staff Determination Regarding Applicability of Agency Ordinances to Parcel Located Near Basin Boundary, Douglas County APN 09-032-26 and -27, TRPA File #83470

- 62 I. Earl Stevenson, Appeal of Staff Determination That Modifications to Commercial Project With a Valid Building Permit Are Substantial and Therefore Constitute a New Project, Washoe County APN 124-163-05, TRPA File #83673

7
?

X SPECIAL DETERMINATIONS (July 28, est. time 3:15 p.m.)

A. Studer/Barrow, Vested Rights Determinations, Single Family Dwellings

- NLS 1. Lots 1 and 2 and Portion of Lot 3, Block 8, Crystal Bay Park Subdivision, Washoe County APN 123-165-03 and -04, TRPA File #83210
- NLS 2. Portions of Lots 3 and 4, Block 8, Crystal Bay Park Subdivision, Washoe County APN 123-165-10 and -11, TRPA File #83212

XI ENFORCEMENT

A. Show Cause Hearings

- S.C. 1. Tom Berg, Placement of Fill in a Stream Environment Zone, Tahoe Meadows, City of South Lake Tahoe
- G2 2. James Fernhoff, Noncompliance With Governing Board Direction to Restore Unauthorized Graded Road, Douglas County, TRPA File #80102
- G2 3. Stanley Parsons, Unauthorized Deck Below High Water Line, 6350 North Lake Boulevard, Placer County APN 89-093-10, TRPA File #79061
- G2 4. Kenneth Brown, Unauthorized Boathouse Repair, 891 Lakeshore Drive, Washoe County APN 122-181-33, TRPA File #82291
- G2 5. Copyright Services, Nonconforming Pier Repair, 6770 West Lake Boulevard, Placer County APN 98-170-02, TRPA File #81137
6. Larry and Mary Anne Ingemanson, Unauthorized Boathouse Repair, 1085 Vivian Lane, Washoe County APN 122-331-21, TRPA File #82189 *CONT'D @ APPL. REQUEST*
7. Thelma Jaksick, Unauthorized Boathouse Repair, 1069 Vivian Lane, Washoe County APN 122-331-19, TRPA File #82193 *CONT'D @ APPL. REQUEST*

B. Reports

- G2 1. F. Motamedi, Status of Compliance With Governing Board Direction to Modify Unauthorized Shorezone Structure, El Dorado County
- G.M. 2. W. Odenthal, Status of Compliance With Governing Board Direction to Remove an Unauthorized Jetty, Washoe County
- G2 3. Douglas Rumberger, Status of Compliance With Coverage Limitations, 936 Third Green, Washoe County APN 124-121-19, TRPA File #80192

XII ORDINANCES

A. First Reading of Ordinance Extending the Allocation System

- B. First Reading of Ordinance Extending the Case-by-Case Review Procedure
- C. First Reading of Ordinance Amending the Land Use Element of the Regional Plan to Reclassify Fallen Leaf Lake Lodge Property in El Dorado County (see Agenda Item VII C.)

XIII ADMINISTRATIVE MATTERS

- G.M. A. Fiscal Year 1982-83 Financial Statements ✓
- G.M. B. Approval of Budget for Fiscal Year 1983-84 } OFF
- G.M. C. Tahoe Basin Inorganic Nitrogen Deposition Study Contract - Bruce Appell \$14,475.00
- G.M. D. CTRPA Deactivation Contract Agreement
- G.M. E. Financial Consultant Contract ✓
- G.M. F. Regional Plan Evaluation Contract ✓
- G. Other - M.I. FUNDS - PLACER CO.

XIV REPORTS

- A. Executive Session
- B. Executive Director Report

PAO

- 1. El Dorado County Request for Mitigation Funds Rubicon Erosion Control Project
- ~~2. Modification of Standard Conditions of Approval Regarding Completion of Construction~~
- 3. List of Projects Approved at Staff Level
- 4. Other

C. Legal Counsel Report

PRO

- 1. Lahontan Regional Water Quality Control Board vs. TRPA (Brockway EIS)
- 2. Other

- D. Governing Body Members
- E. Public Interest Comments

XV RESOLUTIONS

XVI PENDING MATTERS

XVII ADJOURNMENT

CONSENT CALENDAR

Approval of the following projects requires specific findings and conditions:

1. City of South Lake Tahoe, Diseased Tree Removal and Fencing Project, Bijou Park, TRPA File #83662
2. McKinney Landing Homeowners Association, Authorization for Existing 20 Buoys, 146 Chipmunk, Placer County APN 90-330-26 and 90-410-11, TRPA File #83169
3. Placer County Public Works Department, Ward Creek Boulevard Erosion Control, TRPA File #83464
4. Caltrans, Highway 89 Erosion Control, Bliss State Park, TRPA File #83640
5. Nevada Department of Transportation, U.S. Highway 50/Spooner Grade Slide Reconstruction, TRPA File #83682
6. Douglas County Public Works Department, Lower Kingsbury Grade Drainage and Runoff Control Improvements, TRPA File #83678
7. Shuman/Barrow, Condominium Parcel Map and Capability Line Adjustment, Lot 4, Block A, Incline Village #3, Washoe County APN 129-390-11, TRPA File 83650
8. Herz/Lumos, Request for Reclassification of a Portion of a Subdivision and Case-by-Case Review of a Single Family Dwelling, 1707 Lakeshore Boulevard, Washoe County APN 55-341-04, TRPA File #83544
9. James Carney, Boathouse Repair, 4904 and 4910 North Lake Boulevard, Placer County APN 89-244-12 and -13, TRPA File #82213
10. Fleur du Lac, General Improvement Plan, 4000 West Lake Boulevard, Placer County APN 85-400-25 and 85-410-31, TRPA File #82251
11. Tahoe Incline Investments, Fourplex, Lot 8, Block D, Incline Village #4, Washoe County APN 125-451-03, TRPA File #821418
12. Cable TV of Meyers, Satellite Receiving Dish, El Dorado County APN 34-771-01, TRPA File #83186
13. Senior Citizens Center, El Dorado County APN 36-050-02, -03 and -04, City of South Lake Tahoe, TRPA File #83198
14. Sierra Pacific Power Company, Underground Utilities, Kings Beach, Placer County, TRPA File #80050

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 procedures 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

Phil
CAC EXTENSION

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 83-

AN ORDINANCE AMENDING ORDINANCE NO. 79-10, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY, IMPLEMENTING THE LAKE TAHOE BASIN WATER QUALITY MANAGEMENT PLAN; ~~EXTENDING THE DEADLINE UPON SUBMISSION OF APPLICATIONS FOR CONSTRUCTION OF SINGLE FAMILY HOUSES;~~ EXTENDING THE EXPIRATION DATE OF THE PROCEDURE FOR REVIEW AND APPROVAL ~~OF SUCH APPLICATIONS;~~ ~~LIMITING THE NUMBER OF PERMITS TO BE ISSUED;~~ AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

OF SINGLE FAMILY HOUSES

The Governing Body of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings.

1.10 It is necessary and desirable to amend Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, implementing the Lake Tahoe Basin Water Quality Management Plan, to extend the deadline upon submission of applications for construction of single-family residences upon high-erosion and high-runoff hazard lands from May 28, 1983 to August 26, 1983 and to extend the expiration date of the procedure for review and approval of such applications from the earlier of August 28, 1983 or the adoption of amendments to the regional plan pursuant to Article V(c) of the Tahoe Regional Planning Compact, as amended, to the earlier of November 30, 1983 or the adoption of said amendments to the regional plan. It is also necessary and desirable to continue to limit the number of permits to be issued as provided in this ordinance.

*WHAT IS DATE OF ADDITIONS
- 2ND READING APPROX. 8/20/83?
- 2ND READING OF ALL IMPLEMENTING STATS.*

1.20 As required by law, the Governing Body of the Tahoe Regional Planning Agency, prior to the adoption of this ordinance, conducted a duly noticed public hearing, at which hearing all persons desiring to present oral testimony or documentary evidence were permitted to do so.

1.30 This ordinance is necessary and desirable to promote, and is reasonably related to, the public health, safety and general welfare of the Lake Tahoe Region, complies in all respects, procedural and substantive, with the Tahoe Regional Planning Compact and the regional plan, including the Water Quality Management Plan, as amended to date, ordinances, rules, regulations and policies of the Tahoe

calls for a 1 year demonstration program

Regional Planning Agency, and is necessary to effectuate and implement the same.

- 1.40 The procedure set forth in Ordinance No. 79-10 of the Tahoe Regional Planning Agency for review and approval of applications for construction of single-family residences upon high-erosion and high-runoff hazard lands, including the environmental impact resulting therefrom, was the subject of an environmental impact statement, prepared, circulated, certified and otherwise processed, reviewed and approved by the Tahoe Regional Planning Agency in accordance with the substantive and procedural provisions of Article VII of the Tahoe Regional Planning Compact. Upon the basis of substantial evidence presented to it, the Governing Body of said agency finds that said environmental impact statement is adequate to disclose the environmental impact information and other matters related to this ordinance, required to be considered by the Governing Body pursuant to said Article VII, and thus applies for purposes of adoption hereof.

*Evidence conflicts
in some areas*

Section 2.00 Amendment Extending Deadline for Submission of Applications.

Subsection 12.21 of Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

12.21 Permit Required.

Except as otherwise provided by this ordinance, no person shall perform any construction, work, use or activity, including without limitation, grading, clearing, removal of vegetation, filling or creation of land coverage, upon land within land capability districts 1a, 1c, 2 and 3 without first obtaining a permit from the Agency. The application for such permit shall be reviewed and approved as a "project" pursuant to the Compact and the Rules and Regulations of Practice and Procedure of the Agency. Such application shall not be accepted or reviewed, and no permit pursuant thereto issued, by the Agency unless the application, in complete form, is received by the Agency on or before August 26, 1983 and the construction, work, use or activity proposed is for a single-family house to be constructed on a lot within a subdivision classified pursuant to subsection 12.10 as adequate or potentially adequate, on a parcel within an area so classified, or within a definitive portion thereof so classified pursuant to subsection 12.14.

Section 3.00 Amendment Continuing Limitation Upon Number of Permits to be Issued.

Subsection 12.24 of Ordinance No. 79-10 of the Tahoe Regional

Planning Agency, as amended, is hereby amended to read as follows:

12.24 Limitation Upon Number of Permits.

The number of permits issued by the Agency pursuant to subsection 12.21 for the period May 1, 1983, until the expiration of such subsection, for construction within a particular county or city within the Region, shall not exceed an amount equal to the maximum number of building permits for new residential units that may be issued during such period by such county or city, as established by ordinance of the Agency, less the amount of permits issued during that period that are not issued pursuant to subsection 12.21 but are otherwise required to be counted against said maximum number of building permits. The Agency shall closely monitor the number of permits issued pursuant to subsection 12.21 to assure that the amount thereof will not ultimately exceed the maximum amount permitted hereby. For that limited purpose, the Agency may view said ordinance establishing the maximum number of building permits for new residential units as theoretically applying on a monthly basis in order to determine the portion of the total permits issued each month for such units comprised by permits issued pursuant to subsection 12.21. If the number of permits comprising said portion exceeds the limits established by this subsection, were it also applied monthly, the Agency may take such action as is reasonably necessary to assure ultimate compliance with this subsection, including, but not limited to, the temporary holding of applications in abeyance and denial of applications without prejudice until such compliance is reasonably assured.

Section ~~4.00~~^{2.00} Amendment Extending Expiration Date of Procedure for Review and Approval of Applications.

Section 21.00 of Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, is hereby amended to read as follows:

Section 21.00 Expiration of Provisions.

The provisions of section 12.00, excluding subsections 12.40, 12.41, 12.42, 12.43, 12.50, 12.51, 12.52, 12.60, 12.61, 12.62, 12.63, 12.64, 12.65 and 12.70 of this ordinance shall expire on November 30, 1983 or the adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact, whichever occurs first. The provisions of subsections 12.40, 12.41, 12.42, 12.43, 12.60, 12.61, 12.62, 12.63, 12.64, 12.65, 12.70, sections 13.00, 14.00, 16.00 and subsections 20.20, 20.21, 20.22, 20.23, 20.24, and 20.25 of this ordinance shall expire

upon the adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact.

^{3.00}
Section 5.00 Interpretation and Severability.

The provisions of this ordinance shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared severable.

^{4.00}
Section 6.00 Effective Date.

This ordinance shall be effective sixty (60) days after the date of its adoption.

FIRST READING:

SECOND READING:

PASSED AND ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held _____, 1983, by the following vote:

Ayes:

Nayes:

Abstentions:

Absent:

James Reed, Chairman

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 83-

AN ORDINANCE RELATING TO PREPARATION OF AMENDMENTS TO THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY PURSUANT TO THE TAHOE REGIONAL PLANNING COMPACT, AS AMENDED; PRESCRIBING TEMPORARY LIMITATIONS UPON THE ISSUANCE OF BUILDING ALLOCATIONS, INCLUDING BUILDING PERMITS, FOR CONSTRUCTION OF NEW RESIDENTIAL UNITS AND CONSTRUCTION OF SQUARE-FOOTAGE OF NEW COMMERCIAL BUILDINGS WITHIN THE TAHOE REGION; PERMITTING ADOPTION OF ALTERNATIVE BUILDING PERMIT ALLOCATION SYSTEMS BY LOCAL GOVERNMENTS; REQUIRING LOCAL MONITORING OF GROWTH LIMITATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Body of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 Article V(c) of the Tahoe Regional Planning Compact, as amended, requires the Tahoe Regional Planning Agency to amend its regional plan so that, at a minimum, the plan and all of its elements, as implemented through Agency ordinances, achieves and maintains the adopted environmental threshold carrying capacities. On or about August 26, 1982 the Governing Body of said Agency adopted said environmental threshold carrying capacities.
- 1.20 As required by the Tahoe Regional Planning Compact, as amended, the Tahoe Regional Planning Agency has timely begun and expeditiously continued the process of amending its regional plan to achieve and maintain said environmental threshold carrying capacities. The Governing Body finds, however, that the process of amending same is an extremely time-consuming and arduous one, perhaps even to a degree not contemplated by the framers of the Tahoe Regional Planning Compact. Hence, while the moratorium provisions of Article VI(c) of said Compact have expired, the Governing Body finds that, in order to make effective the regional plan as revised by the Agency, it is necessary to further limit temporarily the issuance of building allocations, including building permits, for new residential units and commercial square-footage in accordance with this ordinance, the unlimited issuance of which might otherwise absorb the entire capability of the Tahoe Region for further development or direct it out of harmony with the regional plan as ultimately amended.

- 1.30 This ordinance is adopted pursuant to the Tahoe Regional Planning Compact, as amended, is necessary and desirable to promote, and is reasonably related to, the public health, safety and general welfare of the Tahoe Region, complies in all respects, procedural and substantive, with said Compact and the rules and regulations of said Agency, and is necessary to effectuate and implement the same.
- 1.40 By virtue of the nature and purpose of the provisions of this ordinance, and the effect and application of said provisions themselves, this ordinance will not have a significant effect on the environment of the Tahoe Region and is thus exempt from the requirement of preparation of an environmental impact statement pursuant to Article VII of the Tahoe Regional Planning Compact, as amended.

Section 2.00 Definitions.

For the purposes of this ordinance, including this section, the terms set forth in this section shall have the following definitions and be interpreted as follows: words in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular.

Agency - The Tahoe Regional Planning Agency.

Building Allocation - A building permit or a written document issued by a city or county, having jurisdiction within the region, indicating to the person in whose name it is issued that such person, upon submission of a complete and proper application, may receive from such city or county a building permit for the construction referred to in such document.

Building Permit - A permit issued by a city or county, having jurisdiction within the region, that permits the construction of a building with a specified use or uses. Such permit is based upon a complete set of approved construction drawings of such building and issued in compliance with the standards of the city or county and the applicable standards of any regional, state and federal agency having jurisdiction within the region. A foundation permit is a building permit within the meaning of this definition if it is issued pursuant to a complete set of approved construction drawings of the building to which the foundation referred to in the foundation permit pertains.