

**TRPA  
GOVERNING BOARD  
PACKETS**

**AUGUST  
1984**

Greer

**TAHOE REGIONAL PLANNING AGENCY**

P.O. Box 8896  
South Lake Tahoe, California 95731

2165 South Avenue

(916) 541-0246

NOTICE OF AMENDED AGENDA  
AND  
NOTICE OF COMMITTEE MEETING

NOTICE IS HEREBY GIVEN that the agenda for the regular August 22, 23, 1984 meeting of the Governing Body of the Tahoe Regional Planning Agency is hereby amended to add the following items:

Consent Calendar:

Carrillo, Request for Finding of Vested Right, Single Family Dwelling, Douglas County APN 07-180-13-6, TRPA File #84150 (recommended action is approval with findings)

Project Review:

City of South Lake Tahoe, Authorization to Complete the Loop Road, TRPA File #821400 (to be taken up on August 22, 1984)

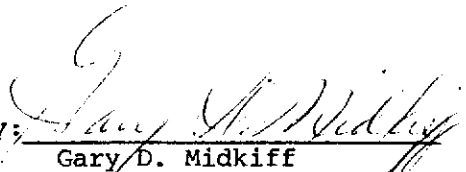
Special Determination:

William F. Morris, Vested Right, Single Family Dwelling, Washoe County APN 122-362-25, TRPA File #79176

NOTICE IS FURTHER GIVEN that the Special Litigation Committee of the Tahoe Regional Planning Agency will meet in the TRPA conference room upon adjournment of the Wednesday, August 22, 1984 session to discuss litigation in regard to the adopted Regional Plan.

Date: August 14, 1984

By:

  
Gary D. Midkiff  
Acting Executive Director  
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on August 22 and 23, 1984, commencing at 9:30 a.m. each day at 2155 South Avenue, South Lake Tahoe, California, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on August 22, 1984, commencing at 8:30 a.m. in the same location, the Finance Committee of said Agency will meet to discuss the Agency's budget and work program.

August 7, 1984

By: 

Gary D. Midkiff  
Acting 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.

Some items contained on this agenda are subject to Court Order and may not be heard if the Final Court Order does not permit them to be considered.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

TRPA Office, 2155 South Avenue  
South Lake Tahoe, California

August 22, 1984 9:30 a.m.  
August 23, 1984 9:30 a.m.

NOTE: There will be a meeting of the Finance Committee on August 22, 1984 at 8:30 a.m. in the TRPA office. The purpose of said meeting is to discuss the Agency's budget and work program.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V PLANNING MATTERS

~~A.~~ Presentation: Tahoe Transportation District  
Short Range Implementation Program

~~B.~~ Amendments to the Tahoe Basin Association of Governments (TBAG)  
MOU to Exempt From the Allocation System Those Projects Approved  
Prior to Adoption of the Amended Regional Plan

C. Board Consideration for Drafting Purposes:

1. Grading, Chapter 5 of Code of Ordinances

2. Resource Management, Chapter 6 of Code of Ordinances

~~D.~~ Extension of Waiver of Statue of Limitation for Pending  
Commercial Projects

~~E.~~ Discussion of Interpretation of Bailey System Regarding Soil Type and  
Slope Combinations

VI LITIGATION

*Continued*

*1:30*  
A. Consideration of Litigation in Regard to the Regional Plan and Actions  
Filed By the California Attorney General/League to Save Lake Tahoe vs  
TRPA Suit

B. Closed Session To Confer on the Following:

1. California Attorney General/League to Save Lake Tahoe vs TRPA

2. Tahoe Sierra Preservation Council, et al vs TRPA (Eastern  
District of California, U.S. District Court)

3. Tahoe Sierra Preservation Council, et al vs TRPA (District of Nevada, U.S. District Court)
4. Forrester vs TRPA (Tahoe Keys Convenience Center)
5. City of South Lake Tahoe vs TRPA (South Tahoe Airport)

VII SPECIAL DETERMINATIONS

- A. ~~Technical Adequacy of Redelineation of Land Capability for Portions of Incline Village Units 1, 1B, 2 and 4 and Ponderosa Units 2 and 5, Washoe County~~
- B. Harvey's Resort Hotel, Finding of Substantial Compliance for Proposed Hotel Tower With 1973 Default Approval, Douglas County
- C. Certification of EIS for Bitterbrush, Incline Village, Washoe County

VIII PROJECT REVIEW

- A. Mitigation Measures Pursuant to Bitterbrush Litigation Settlement, Washoe County
- B. City of South Lake Tahoe, Expansion of Service at the South Tahoe Airport
- C. El Dorado County Jail Expansion, El Dorado County APN 25-010-21, TRPA File #83960
- D. City of South Lake Tahoe Police Station Expansion, El Dorado County APN 25-010-21, TRPA File #84366

IX ENFORCEMENT

- A. Show Cause Hearings
  1. City of South Lake Tahoe, Unauthorized Expansion of Service at the South Tahoe Airport
  2. James Monaghan, Unauthorized Land Coverage and Use, Placement of a Mobile Home, 260 N. Benjamin, Douglas County APN 11-070-11
- B. Reports

X PUBLIC HEARING - Thursday, August 23, 1984

- A. Plan Area Statements (to be continued to the September 26, 27, 1984 regular meeting)
- B. To Consider Amendment of Section 2.12 of Ordinance 84-1 to Extend the Effective Date of Plan Area Statements As Interim Policy Guidelines

XI ORDINANCE

First Reading and Possible Waiver of Second Reading If Emergency Finding Is Made To Adopt Amendment of Section 2.12 of Ordinance 84-1 to Extend the Effective Date of Plan Area Statements as Interim Policy Guidelines

XII ADMINISTRATIVE MATTERS

XIII REPORTS

- A. Finance Committee Report
- B. Acting Executive Director Report
  - 1. Report on Specific Projects Approved by Staff Under the Provisions of the Temporary Restraining Order and the Proposed Preliminary Injunction Order
  - 2. Other
- C. Legal Counsel Report
- D. Executive Session
- E. Governing Body Members
- F. Public Interest Comments
- G. Other

XIV RESOLUTIONS

- A. Adopting Amendments to the Filing Fee Schedule Adopted April 26, 1984
- B. Other

XV CORRESPONDENCE

XVI PENDING MATTERS

XVII ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. Washoe County Public Works, Incline Road Maintenance Shop Expansion, Washoe County APN 124-031-55, TRPA File #84360	Approval With Findings
2. Incline Village General Improvement District, Building Expansion at Incline Beach, Washoe County APN 127-280-01 TRPA File #84367	Approval With Findings
3. Incline Village General Improvement District, Village Green Public Restroom Facilities, Washoe County APN127-010-01 TRPA File #84368	Approval With Findings

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.

# TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896  
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

## MEMORANDUM

August 14, 1984

To: The TRPA Governing Board

From: The Staff

Subject: Findings Required for Project Approval

The attached findings, at a minimum, must be made prior to approving a project. These findings were adopted by the Governing Board on April 26, 1984 by adoption of Ordinance 84-1, pursuant to Article V(g) of the Compact.

Attachment



Article V(g) Findings for Project Review  
Pending Adoption of Agency Regulatory Code

Pursuant to Article V(g) of the Compact, the Agency shall make the following specific, written findings prior to approving any project in the region:

- (1) The project is consistent and complies with the CTRPA and Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983 where said ordinances, maps, rules, regulations and policies are not inconsistent or in conflict with the amendments to the regional plan adopted by this ordinance. In the event said ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said amendments to the regional plan, the Agency shall find that the project is consistent and complies with said amendments to the regional plan.
- (2) The project has been processed in accordance with the Agency's Rules and Regulations of Practice and Procedure.
- (3) With respect to projects for which an environmental impact statement has been prepared, changes or alterations have been required in or incorporated into the project which avoid or reduce the significant adverse environmental effects to a less than significant level; or specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project; and that a separate written finding has been made for each significant effect identified in the environmental impact statement on the project, which said findings are supported by substantial evidence in the record.
- (4) With respect to projects for which an environmental impact statement has not been prepared, the project, including compliance with the conditions of approval, will not have an adverse significant, individual or cumulative impact on the environment.
- (5) The establishment, maintenance and operation of the project will not be detrimental to the health, safety, peace, comfort or general welfare of the Lake Tahoe Region.
- (6) The project, including compliance with the conditions of approval, is consistent with, and thus will not adversely affect implementation of the regional plan, as amended hereby, including but not limited to the Land Use, Transportation, Conservation, Recreation, Public Services and Facilities and Implementation Elements of said plan.
- (7) The project is consistent with the goals and policies of the Water Quality Element of the regional plan, as amended hereby, and therefore will not cause the adopted environmental threshold carrying capacities for water quality to be exceeded.

- (8) The project is consistent with the goals and policies of the Transportation and Air Quality Elements of the regional plan, as amended hereby, and therefore will not cause the adopted environmental threshold carrying capacities for air quality to be exceeded.
- (9) The project is consistent with the goals and policies of the Conservation Element of the regional plan, as amended hereby, and therefore will not cause the adopted environmental threshold carrying capacities for vegetation, wildlife, fisheries, soils and scenic quality to be exceeded.
- (10) The project is consistent with the goals and policies of the Recreation Element of the regional plan, as amended hereby, and therefore will not cause the adopted environmental threshold carrying capacities for recreation development to be exceeded.
- (11) The project is consistent with the goals and policies of the Public Services and Facilities Element of the regional plan, as amended hereby.
- (12) The project is consistent with the goals and policies of the Implementation Element of the regional plan, as amended hereby.
- (13) It has been demonstrated that the suppliers of water, sewage treatment, fire protection, educational services, police protection and other appropriate utilities have or will have the physical and legal capacity to supply said services to the project.
- (14) As an alternative to the specific findings listed in subsection 3.10(7) through (13), inclusive, the Agency may find that:
  - (a) The project presents a situation or circumstance demanding immediate action to preserve the public peace, health, safety or general welfare, or to protect and enhance the environment of the Lake Tahoe Region;
  - (b) The project will not individually cause the adopted thresholds to be exceeded;
  - (c) A mitigation program is required as a condition of project approval which will ensure that the impacts of the project will be mitigated to the greatest extent possible; and
  - (d) Conditions of approval have been placed on the project to insure that as soon as possible after such situation or circumstance ceases to exist, a complete application for said project, including the appropriate environmental document, shall be submitted to the Agency, at which time approval of said project shall be subject to the findings required under Section 3.00, other than those in subsection 3.10(14).
- (15) There is substantial evidence in the record supporting the foregoing findings.

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Washoe County Public Works,  
Incline Road Maintenance Shop  
Expansion, APN 124-031-55,  
TRPA File #84360

Applicant: Washoe County

Project Description: Washoe County is requesting approval to construct a 1,467 square foot addition to the existing road maintenance shop located at the Washoe County Incline maintenance station. The proposed addition will provide a heated work area for maintenance of the County snow removal equipment. The existing building is too narrow to accommodate the larger snow removal equipment that has been purchased in recent years to be driven indoors for necessary maintenance and repairs.

The proposed building addition is to be constructed over existing pavement.

Project Location: Northeastly corner of State Highway 28 and the Mt. Rose Highway (State Highway 27)

Site Description: The site contains 6.14 acres. There are three existing structures on the site: a sheriff's office, a residence, and the maintenance shop. There is approximately 2.0 acres of existing paving and areas that have been compacted and denuded of vegetation due to repeated vehicular use. There is a large fill slope adjacent to State Highway 28 and a smaller cut slope along the northerly property line.

Review Per Section: Article V(g) of the Compact  
Section 4.10, Nevada Side Land Use Ordinance  
Section 9.21(3), Nevada Side Land Use Ordinance  
Section F.1., Preliminary Injunction

Land Use District: Public Service. The existing use is an allowed use in this district.

Plan Area Statement: 038 - Wood Creek

Planning Considerations - The county maintenance yard poses visual and environmental problems including unstabilized fill slopes and inadequate drainage facilities.

Special Direction - The maintenance facilities are an acceptable use.

Special Policy - The county maintenance yard should be rehabilitated.

Land Capability: The project site is in a land capability level 4. There are two small stream zones located below the maintenance shop and associated paved areas.

GG:jf  
8/15/84

CONSENT CALENDAR ITEM 1.

Land Coverage: The project site presently contains more than 20% land coverage; however, the proposed building addition is to be constructed over existing asphalt paving. Section 9.21(3) of the Nevada Side Land Use Ordinance requires a reduction in existing land coverage on the site equal to the area of the proposed building addition. The County proposes to satisfy this requirement by revegetating areas that have been compacted and denuded of vegetation due to repeated vehicular use.

Building Height: Existing - 21 feet  
Proposed - 21 feet

Impact Analysis and Mitigation Measures: As part of the proposed building addition project, the County has submitted preliminary plans showing slope stabilization measures, new drainage facilities, and revegetation to bring the site into compliance with BMP's. There will be a net decrease in land coverage and a major reduction in site-related water quality impacts as a result of the project. No disturbance is proposed within the stream zones on the site.

Required Findings: Prior to approving the project, the Governing Board must make the findings required pursuant to Article V(g) of the Compact, which are set forth in Section 3.00 of Ordinance 84-1. Agency staff has reviewed each of the required findings and has found that each such finding can be made with respect to the subject project.

Required Actions:

- I A motion to find that the subject project will have no adverse, significant effects on the environment, with direction to staff to prepare the necessary certification documents to be included with the permit.
- II A motion to approve the subject project based on the following findings and conditions:

Findings: The findings required pursuant to Article V(g) of the Compact as set forth in Section 3.00 of TRPA Ordinance 84-1.

Conditions:

- A. Standard conditions of approval (Attachment D).
- B. The following special conditions:
  - 1. A minimum of 1,467 square feet of existing land coverage shall be removed from the subject site.

2. Drainage facilities shall be installed on the subject site to retain on site the stormwater runoff generated from a 2-year, 6-hour storm. Discharge from these facilities shall be into stable drainageways.
3. All existing cut and fill slopes shall be stabilized in accordance with the practices set forth in the Handbook of Best Management Practices.
4. The revegetation plan for the site shall include the planting of vegetation to create a vegetative screen along both highway frontages.
5. The drainage facilities for the asphalt area west of the maintenance shop shall include grease and oil traps.

8/15/84

CONSENT CALENDAR ITEM 1.

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

August 15, 1984

To: The TRPA Governing Body

From: The Staff

Subject: Incline Village General Improvement District  
1. Building Expansion at Incline Beach, TRPA File #84367  
2. Village Green Public Restroom Facilities, TRPA File #84368

These items have been removed from the agenda pending further evaluation of alternatives to construction in a stream environment zone and review for compliance with the amended Regional Plan.

These items have been tentatively rescheduled for the September 26, 27, 1984 Governing Board meeting with the applicant's concurrence.

RA:jf  
8/15/84

CONSENT CALENDAR ITEMS 2. AND 3.

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Carrillo, Request for Finding of Vested Right, Single Family Dwelling, Douglas County APN 07-180-13-6, TRPA File #84150

Applicant: Barbara Carrillo

Land Use District: Low Density Residential

Land Capability Classification: Level 4, CaD Soil Type

Project Location: 125 Woodland Way, Douglas County

Project History: In 1979, a Douglas County building permit and water and sewer permits were issued to construct a single family residence on the subject property. The residence proposed conformed to land capability coverage and met all the criteria set forth by Douglas County and TRPA. The original contractor, Mr. McLaren, subcontracted to Mr. Fred Williams to remove the necessary trees for the placement of the foundation. Mr. Williams subsequently removed the wrong trees and the foundation was laid out incorrectly.

Miss Carrillo took legal action against the original contractor, Mr. McLaren, whom it was discovered was not licensed. The subcontractor, Mr. Williams, filed a lien against the property for the work that was completed. No further work could be completed on the project until the matter was legally resolved in December, 1979.

In 1980, the Douglas County building permit was reissued and a new contractor, Rick Jabour, was hired and work resumed on the project. Again, the foundation was laid out incorrectly; however, this time the foundation footings were dug. Mr. Norm Woods was then hired and completed installation of the foundation in the correct location in December, 1980. Subsequently, Mr. Jabour liened the property so that no further work could be completed.

The Court ruling on the settlement of the mechanics lien on the property was scheduled for 1981. The settlement was further delayed because the Judge determined that the dispute was not filed properly and he would not hear the case. The mechanics lien was finally resolved in 1982; however, the second building permit expired prior to resolution of the dispute.

After the lien dispute was finally resolved Miss Carrillo did not have the financial ability to proceed with the project.

Miss Carrillo has indicated a desire to resume building this year; however, as the Douglas County building permit expired, a finding of vested right would be required by the TRPA to reinstate the building permit.

RA:bl  
8/13/84

CONSENT CALENDAR ITEM

Vested Rights Findings: It is Agency Legal Counsel's opinion that a person has a vested right against application of Article VI(c) of the Compact or any other provision of the Compact if, prior to December 19, 1980, such person in good faith and in reliance upon a valid building permit for such use, diligently commenced construction thereof and performed substantial work thereon. Pertinent factors that should be considered include the following:

1. The applicant has acted in good faith since they purchased the property and began to pursue a new building permit.
2. The original building permit obtained by the applicant was valid and did not require review or approval by the Agency.
3. The construction which has taken place on site was performed in compliance with a valid permit issued prior to December 19, 1980.
4. Construction which has taken place on site includes:
  - a. Excavation and grading for foundation.
  - b. Construction of the foundations.
5. The expenditures and work performed can be used only for a single family dwelling which is the use claiming to be vested.
6. Delays in the diligent pursual of construction in compliance with the valid building permit were a result of numerous litigation matters preventing such pursuit by the applicant.

Staff Findings: Based upon substantial evidence submitted in support of this request, staff recommends that a finding of vested right for construction of a single family dwelling be granted to the applicant.



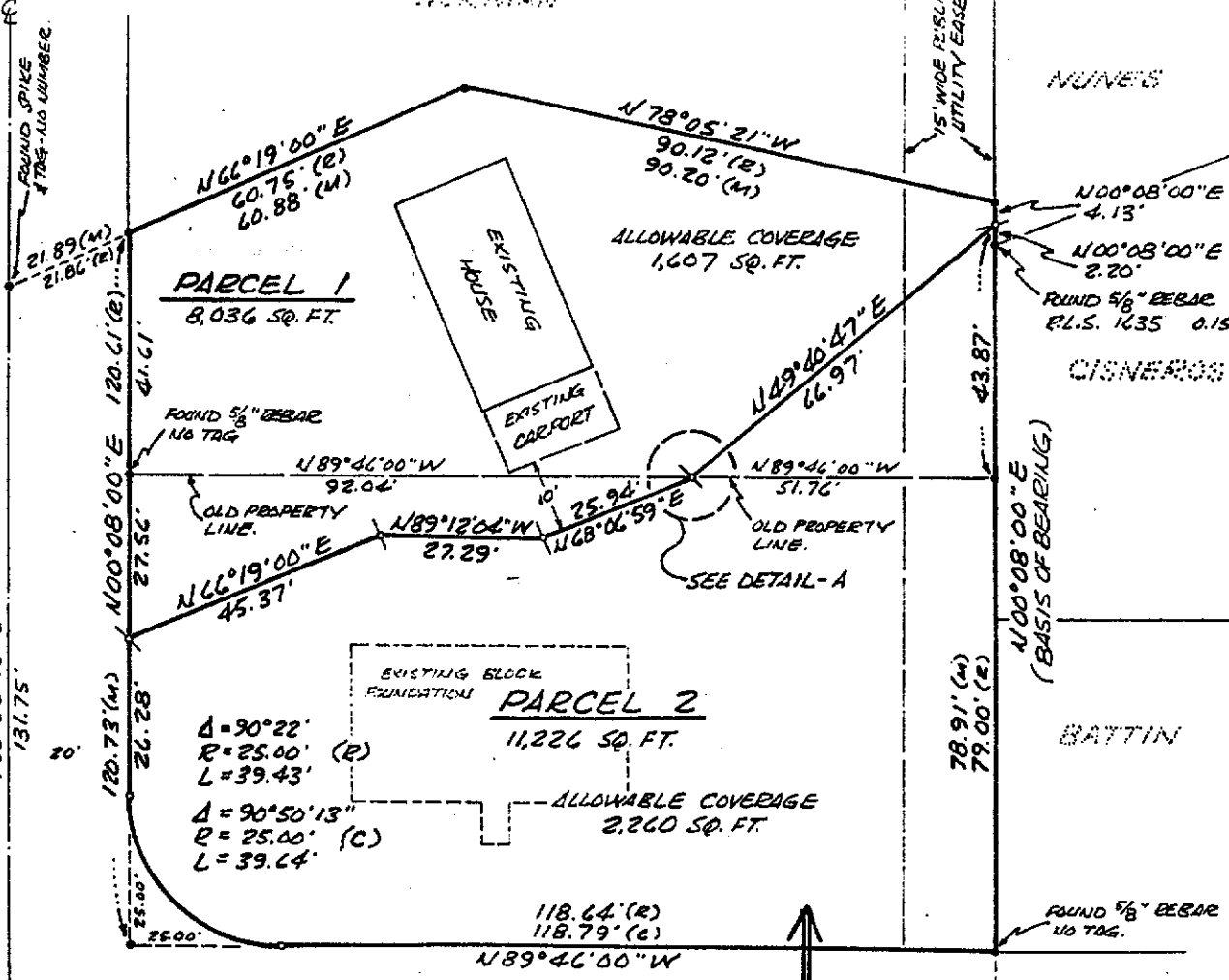
WOODLAND WAY

WOODWAY

MUNNEIS

CISNEROS

BATTIN



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131.75'

$N00^{\circ}08'00'' E$   
120.73' (2)  
26.28'

$\Delta = 90^{\circ}22'$   
 $R = 25.00'$  (B)  
 $L = 39.43'$

$\Delta = 90^{\circ}50'13''$   
 $R = 25.00'$  (C)  
 $L = 39.64'$

SUBJECT PARCEL

DRIVE

WOODLAND WAY

$N89^{\circ}46'00'' W$   
163.80'

25.00'

$N89^{\circ}50'$   
 $N68^{\circ}$

25.00'

# TAHOE REGIONAL PLANNING AGENCY

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## MEMORANDUM

August 15, 1984

To: The Governing Board  
From: The Staff  
Subject: TTD Short Range Implementation Plan

The Tahoe Transportation District (TTD) is in the process of developing a five-year, short-range transit program for the Tahoe Basin. This program is consistent with the Transportation Element of the Regional Plan which states that the TTD is responsible for development of the program to be approved by the TRPA Governing Board. This agenda item is an information session to discuss, as of this date, the progress of this program.

JB:jf  
8/15/84

AGENDA ITEM V A.