

**TRPA
GOVERNING BOARD
PACKETS**

**JULY
1986**

TAHOE REGIONAL PLANNING AGENCY

JULY 86 GB

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

P.O. Box 103
Zephyr Cove, Nevada 89448

(702) 588-4547

NOTICE OF AMENDED AGENDA

NOTICE IS HEREBY GIVEN that the agenda for the regular July 23, 24, 1986 meeting of the Governing Body of the Tahoe Regional Planning Agency, as amended on July 14, 1986, is further amended as follows:

1. By changing the starting time for the Rules and Regulations Committee meeting from Thursday, July 24, 1986 at 8:30 a.m. to Wednesday, July 23, at 12:00 noon.
2. By adding to the Litigation Committee agenda and to the regular Board agenda a discussion of and action, if necessary, on guidelines for legal counsel to obtain exemptions from injunction in State of California/League to Save Lake Tahoe v. TRPA.
3. By deleting from the Finance Committee agenda and from the regular agenda (item XI A. 7) the adoption of resolution approving Local Transportation Fund Allocation for the Tahoe Transportation District.
4. By adding to the regular agenda (item XIV) adoption of a resolution regarding suspension of Section 9.00(2) of the TRPA Sign Ordinance (21-day time limit for political signs).

Date: July 15, 1986

By: W.A. Morgan
 William A. Morgan
 Executive Director
 Tahoe Regional Planning Agency

Back to
 warehouse

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

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

(702) 588-4547

NOTICE OF AMENDED AGENDA

NOTICE IS HEREBY GIVEN that the agenda for the regular July 23, 24, 1986 meeting of the Governing Body of the Tahoe Regional Planning Agency is amended by adding discussion and action on the following Project Review matter (agenda item VII E.):

Richard Ray, Single Family Dwelling in the Shorezone,
14 Tall Pines Circle, Douglas County APN 03-210-04

Date: July 14, 1986

By:



William A. Morgan
Executive Director
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday and Thursday, July 23, 24, 1986, commencing at 10:00 a.m. on the 23rd and at 9:30 a.m. on the 24th at the TRPA office, 195 U.S. Highway 50, Round Hill, Zephyr Cove, Nevada, 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 Wednesday, July 23, 1986, commencing at 8:30 a.m. in the same location, the Finance Committee of said agency will meet to discuss the following: 1) receipt of the June financial statement; 2) status of the Agency's liability insurance and safety management program; 3) staff work programs for FY 1986-87; 4) ratification of staff action to release mitigation funds for El Dorado County erosion control project, Crow-Modoc and Tahoe Paradise #60; 5) release of mitigation funds, Skyland Subdivision, erosion control project, Douglas County; 6) resolution approving Local Transportation Fund allocation for the Tahoe Transportation District; 7) resolution approving FY 1984-85 State Transit Assistance Fund allocation to the Tahoe Transportation District; and 8) appointment of retirement plan Administrative Committee.

NOTICE IS FURTHER GIVEN that on Wednesday, July 23, 1986, commencing at 8:30 a.m. in the same location, the Litigation Committee will meet in open session and in closed session to confer with counsel on the following: 1) ordinance setting forth policy on treatment of residential unit building foundations; 2) State of California/ League to Save Lake Tahoe v. TRPA; 3) Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada); 4) Glenbrook Properties v. TRPA; and 5) Lakeview Development v. TRPA.

NOTICE IS FURTHER GIVEN that at 8:30 a.m. on Thursday, July 24, in the TRPA office, the Rules and Regulations Committee will meet to discuss the revision of the Agency's Rules and Regulations of Practice and Procedure and the Administrative and Fiscal Procedures Manual.

Date: July 7, 1986

By:



William A. Morgan
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 BODY

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

July 23, 1986 10:00 a.m.
July 24, 1986 9:30 a.m.

PRELIMINARY AGENDA

~~I~~ CALL TO ORDER AND DETERMINATION OF QUORUM

~~II~~ APPROVAL OF AGENDA

~~III~~ DISPOSITION OF MINUTES

~~IV~~ SPECIAL REPORT

after lunch
Tahoe-Transportation District (TTD) Status Report

~~V~~ SPECIAL PLANNING MATTERS

~~A.~~ Certification of Supplement to EIS for Adoption of a Regional Plan for the Lake Tahoe Basin *Thurs?*

~~B.~~ Approval of Revisions to the Regional Plan Goals and Policies *now*

~~VI~~ ORDINANCES

~~A.~~ Public Hearing and First Reading of an Ordinance Adopting Revisions to the Regional Plan Goals and Policies *defer*

~~B.~~ Public Hearing and First Reading of an Ordinance Setting Forth Policy on Treatment of Residential Unit Building Foundations *go w/ Resolution instead*

~~VII~~ PROJECT REVIEW

a.m.
~~A.~~ Approval of Washoe County School District, Incline Elementary School Bus Loading Area, 771 Southwood Boulevard, Washoe County APN 132-201-02

~~B.~~ Approval of Tahoe City Public Utility District, Truckee River Intertie, Phase II, APN/File 530-300-00/86-7, Placer County

~~C.~~ Approval of Tahoe City Public Utility District, Bunker Springs Redevelopment Project, APN/File 530-300-00/86-11, Placer County

~~D.~~ Approval of Wings West Airlines to Operate Commercial Air Service at Lake Tahoe Airport

~~VIII~~ PLANNING MATTER

~~A.~~ Approval of Comments Regarding the U.S. Forest Service Proposed Land and Resource Management Plan for the Lake Tahoe Basin

~~IX~~ ENFORCEMENT

- A. Show Cause Hearing, Hart/Beebe/Mandeville, Violation of Conditions of Approval, APN 122-113-06, 541 Silvertip, Incline Village, Washoe County

~~X~~ LITIGATION

- A. Litigation Committee Report and Board Action, If Necessary, on the Following:
1. State of California/League to Save Lake Tahoe v. TRPA
 2. Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada)
 3. Lakeview Development v. TRPA
 4. Glenbrook Properties v. TRPA
- B. Closed Session to Confer on the Following:
1. State of California/League to Save Lake Tahoe v. TRPA
 2. Tahoe Sierra Preservation Council v. TRPA, et al. (Eastern District of California and District of Nevada)
 3. Lakeview Development v. TRPA
 4. Glenbrook Properties v. TRPA

XI ADMINISTRATIVE MATTERS

- A. Finance Committee Report and Board Action on Recommendations
1. Receipt of the June Financial Statement
 2. Presentation and Endorsement of Staff Work Programs for FY 1986-87
 3. Appointment of Retirement Plan Administrative Committee
 4. Ratification of Staff Action to Release Mitigation Funds for El Dorado County Erosion Control Project, Crow-Modoc and Tahoe Paradise #60
 5. Release of Mitigation Funds, Skyland Subdivision Erosion Control Project, Douglas County
 6. Adoption of Resolution Approving Local Transportation Fund Allocation for TTD
 7. Adoption of Resolution Approving FY 1984-85 State Transit Assistance Fund Allocation for TTD

B. Legislation Committee Report

1. Status Report on Tahoe Regional Planning Compact Amendments
2. Approval of Extension of Contract With Legislative Monitor for FY 1986-87

XII REPORTS

A. Executive Director

1. Status Report on Plan for 1986
2. Status Report on Projects Approved at Staff Level
3. Status Report on Exemption Requests in Regional Plan Suit
4. Other

B. Legal Counsel

C. Governing Body Members

D. Public Interest Comments

XIII CORRESPONDENCE

XIV RESOLUTIONS

XV ADJOURNMENT

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 1038
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(702) 588-4547

MEMORANDUM

July 15, 1986

To: TRPA Governing Board

From: Agency Staff

Subject: Certification of Supplement to EIS for Adoption of a Regional Plan for the Lake Tahoe Basin

In conjunction with the preparation of revisions to the Regional Plan Goals and Policies, the staff prepared a draft Supplement to the EIS for Adoption of a Regional Plan for the Lake Tahoe Basin. The Board originally certified the EIS on February 23, 1984. The draft supplement focused exclusively on proposed changes in the Regional Plan Goals and Policies, and did not address more-detailed phases of policy development to follow, which will have their own environmental documents.

The required 60-day comment period for the draft supplement began on April 17, 1986. On June 10, the Agency extended the comment period to July 11, 1986, to allow the public an opportunity to review the draft supplement and the draft Goals and Policies together.

Under separate cover, the staff will be mailing a Response to Comments on the draft supplement. Since the comments were not voluminous, staff has elected to respond to each comment individually. The Response to Comments also includes errata sheets.

The Response to Comments and the draft supplement represent the final supplement regarding the amendments to the Regional Plan Goals and Policies. Other supplements or individual environmental documents will be required, later, on Plan Area Statements revisions, the Code of Ordinances, and other aspects of the complete Regional Plan package.

The APC will meet on July 22 to consider a recommendation on certification of the final supplement, after hearing additional public testimony on July 16 and 18. The staff tentatively plans to request Governing Board certification of the final supplement on July 23.

If you have any questions or comments on this agenda item, please contact Dave Ziegler at (702) 588-3296.

7/15/86
DZ:mmi

AGENDA ITEM V A.

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION NO. 86 -

RESOLUTION CERTIFYING SUPPLEMENT TO EIS FOR ADOPTION OF A
REGIONAL PLAN FOR THE LAKE TAHOE BASIN

WHEREAS, an environmental impact statement was certified in February of 1983 (1983 EIS) for the amendments to the regional plan required by Article V of the Compact; and

WHEREAS, the required amendments to the regional plan were adopted in April of 1984; and

WHEREAS, subsequent to adoption of the regional plan amendments, the amendments were the subject of litigation; and

WHEREAS, revisions to the 1984 Goals and Policies Plan have been proposed and are under consideration for adoption; and

WHEREAS, a supplement to the 1983 EIS addressing the proposed revisions to the Goals and Policies Plan has been prepared, considered, circulated, and otherwise processed and reviewed in accordance with the substantive and procedural provisions of Article VII of the Compact and the applicable provisions of TRPA's Rules and Regulations of Practice and Procedure; and

WHEREAS, the Advisory Planning Commission found the EIS Supplement to be technically adequate and recommended the supplement for certification on July 22, 1986; and

WHEREAS, the EIS was duly circulated to and reviewed by the public and interested public and private agencies and organizations, and was the subject of duly-noticed public hearings and other public meetings; and

WHEREAS, the EIS complies in all respects with the Tahoe Regional Planning Compact and the regional plan, ordinances, rules, regulations and policies of the TRPA, and is necessary to effectuate and implement same; and

WHEREAS, the EIS provides a reasonable and sufficient basis upon which the Governing Body can be informed of and review the potential environmental impacts and commitments of the proposed regional plan and its alternatives; and

WHEREAS, there is substantial evidence in the record upon which to base the foregoing findings;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby certifies the supplement to the environmental impact statement upon the proposed amendments to the Goals and Policies Plan.

AGENDA ITEM V A.

PASSED and ADOPTED by the Governing Body of the Tahoe Regional
Planning Agency at its regular meeting held on _____, 1986 by the
following vote:

Ayes:

Nayes:

Abstain:

Absent:

STANLEY G. HANSEN, Chairman

TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50
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(702) 588-4547

MEMORANDUM

July 15, 1986

To: TRPA Governing Board
From: Agency Staff
Subject: Approval of Revisions to Regional Plan Goals and Policies

After the amendments to the Tahoe Regional Planning Compact in December, 1980, and the adoption of environmental thresholds in August, 1982, the Board adopted a set of new Regional Plan Goals and Policies in April, 1984. Litigation ensued over the Goals and Policies, resulting in a preliminary injunction against the Agency, and lengthy settlement conferences.

From August, 1985 to July, 1986 a consensus-building workshop met to develop recommendations on resolving the legal issues surrounding the Goals and Policies. This workshop, designed to assist the TRPA staff in preparing recommendations for the Board, included a wide variety of interest groups with a stake in the outcome of the discussions.

Based on input from the consensus-building workshop and others, the staff released revisions to the Goals and Policies on June 16, 1986. Copies were mailed to all Board members. Both the Board and the APC will take public comment on the Goals and Policies in public hearings on July 16 (South Shore) and July 18 (North Shore). On July 22, in a continued meeting, the APC will meet to consider recommendations on adoption of the proposed Goals and Policies.

At the July Board meeting, the staff will answer questions from the Board, and respond to issues raised in the public hearings. The staff expects to request the Governing Board to approve the Goals and Policies language and then to adopt the Goals and Policies by ordinance. (See also Agenda Item VI.A.)

If you have any questions about this agenda item, please contact Bill Morgan or Dave Ziegler at (702) 588-4547.

7/15/86
DZ:mmi

AGENDA ITEM V B.

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 86 -

AN ORDINANCE AMENDING ORDINANCE 84-1, AS AMENDED, RELATING TO THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; PRESCRIBING AMENDMENTS TO THE REGIONAL PLAN, AS AMENDED TO DATE, PURSUANT TO ARTICLE V(c) OF THE TAHOE REGIONAL PLANNING COMPACT, AS AMENDED; MAKING FINDINGS REGARDING THE BACKGROUND FOR AND BASIS OF THE AMENDMENTS TO THE REGIONAL PLAN ADOPTED HEREBY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency ("Agency") does ordain as follows:

Section 1.00 Findings

- 1.10 It is necessary and desirable to amend Ordinance No. 84-1, as amended, relating to the regional plan of the Tahoe Regional Planning Agency, by adoption of the June 16, 1986 Goals & Policies. The Goals & Policies Plan adopted by Ordinance 84-1 in April of 1984, was the subject of litigation filed by the State of California Ex Rel. John K. Van De Kamp and the League to Save Lake Tahoe against TRPA (State of California/League to Save Lake Tahoe v. TRPA). Implementation of those 1984 Goals & Policies was enjoined, pending a trial on the merits, by the August 9, 1984 Order Granting Preliminary Injunction in the above-entitled action.
- 1.20 Prior to the adoption of this ordinance, the Advisory Planning Commission ("APC") of the Tahoe Regional Planning Agency conducted a duly-noticed public hearing in accordance with Article V(a) of the Compact, at which hearing considerable oral testimony and documentary evidence concerning the proposed amendments to the Agency's regional plan were received and considered by the APC. The Governing Body has received and considered the recommendations of the APC, which recommendations were formulated after said public hearing. In addition to said APC public hearing, the Governing Body, subsequent to said APC public hearing, has conducted a duly-noticed public hearing in accordance with said Article V(a), at which hearing considerable oral testimony and documentary evidence were received and considered.
- 1.30 The provisions of this ordinance, themselves, were also the subject of a duly-noticed public hearing before the Governing Body as required by the Agency's Rules and Regulations of Practice and Procedure, at which hearing all persons desiring to present oral testimony or documentary evidence were permitted to do so.
- 1.40 This ordinance is necessary and desirable to promote, and is reasonably related to, a legitimate governmental interest, consisting of the public health, safety, general welfare, and environment of the Lake Tahoe region. This ordinance complies in all respects, procedural and substantive, with the Compact and is necessary to effectuate and implement the same.

- 1.50 The amendments to the Agency's regional plan, adopted by this ordinance, were the subject of a supplemental environmental impact statement ("EIS Supplement"), which was processed, reviewed and approved by the Agency in accordance with the substantive and procedural provisions of Article VII of the Compact and the applicable provisions of the Agency's Rules and Regulations of Practice and Procedure.
- 1.60 The Governing Body further finds that the EIS Supplement, adequately addressed the amendments to the regional plan adopted by this ordinance, and provided the Governing Body substantial, detailed information and a proper disclosure, upon which it has based a reasoned, sufficient and deliberate review and evaluation of the environmental impacts and commitments of the plan amendments adopted hereby. The Governing Body further finds that, prior to adopting this ordinance, the Governing Body complied with the findings requirements of Article VII(d) of the Compact, a separate written finding having been made for each significant effect identified in said EIS Supplement as resulting from the amendments to the regional plan adopted by this ordinance. The Governing Body further finds that said written findings pursuant to Article VII(d) are supported by substantial evidence in the record.

Section 2.00 Amendment to Plan Documents

Section 2.11 of Ordinance 84-1 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

2.11 Plan Documents

- Added (1) Tahoe Regional Planning Agency, Regional Plan for the Lake Tahoe Basin, Goals & Policies, June 16, 1986.
- Added (2) Tahoe Regional Planning Agency, 1986 Final Supplement to Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin.
- (3) Tahoe Regional Planning Agency, 1983, Environmental Impact Statement for the Adoption of a Regional Plan for the Lake Tahoe Basin.
- (4) Tahoe Regional Planning Agency, February 1983, Environmental Impact Statement for Adoption of a Regional Plan for the Lake Tahoe Basin: Response to Comments.
- (5) Peat, Marwick, Mitchell & Co., September 1983, Financing Techniques Matrix.
- (6) Peat, Marwick, Mitchell & Co., and A.G. Becker Paribas, Inc., September 1983, Preliminary Findings and Recommendation: Financial Planning and Fiscal Impact Analysis in Support of Regional Plan.

- (7) Peat, Marwick, Mitchell & Co., October 1983, Alternative Financing Methods & Impacts: TRPA Water Quality Program.
- (8) Peat, Marwick, Mitchell & Co., August 1983, Socio-economic Impact Monitoring Program.
- (9) Peat, Marwick, Mitchell & Co., October 1983, TRPA Capital Improvement Plan Financing Strategy.
- (10) Tahoe Regional Planning Agency, 1982, Study Report for the Establishment of Environmental Threshold Carrying Capacities.
- (11) Tahoe Regional Planning Agency, 1982 Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities.
- (12) Tahoe Regional Planning Agency, 1982 Air Quality Plan for the Lake Tahoe Basin.
- (13) The Lake Tahoe Basin Water Quality Management Plan, January 1978, consisting of the elements set forth in Section 2.00 A.6. of Agency Ordinance No. 81-4, as amended by this ordinance.

Section 3.00 Amendment to Implementation of Regional Plan

Section 5.10 of Ordinance 84-1 of the Tahoe Regional Planning Agency is hereby amended to read as follows:

5.10 Implementation of Regional Plan

Changes
Underlined

Except as otherwise provided by this section, all Agency ordinances, maps, rules, regulations and policies in effect on August 25, 1983, including, but not limited to, those otherwise expiring upon the adoption of the amendments to the regional plan pursuant to Ordinance 84-1, shall remain in effect until otherwise amended or repealed. Pending adoption of the Agency's Regulatory Code, or other appropriate compilation of regulatory ordinances further implementing the amendments to the regional plan adopted by this ordinance, and the Plan Area Statements and Plan Area Overlay Maps as final land use regulations pursuant to subsection 2.12 of Ordinance 84-1, the existing Agency ordinances, maps, rules, regulations and policies shall be utilized by the Agency to implement the regional plan, as amended by this ordinance, to the extent that they are consistent with the regional plan, as amended by this ordinance, and the environmental threshold carrying capacities. In the event those ordinances, maps, rules, regulations or policies are inconsistent or in conflict with said regional plan, as amended by this ordinance, or with the carrying capacities, the amended regional plan and carrying capacities, to the extent of said inconsistency or conflict, prevail.

Section 4.00 Interpretation and Severability

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

Section 5.00 Effective Date

This ordinance shall be effective immediately upon adoption.

FIRST READING:

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held _____, 1986, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Chairman Stanley G. Hansen
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 86 -

AN ORDINANCE RELATING TO RESIDENTIAL UNIT FOUNDATIONS: PROVIDING FOR A ONE YEAR WINDOW FOR QUALIFIED FOUNDATIONS TO APPLY FOR EXEMPTION FROM THE RESIDENTIAL ALLOCATION SYSTEM: DEFINING QUALIFIED FOUNDATIONS: PROVIDING FOR CONDITIONS OF EXEMPTION; AND OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency ("Agency") does ordain as follows:

Section 1.00 Findings

- 1.10 The Tahoe Regional Planning Agency staff has conducted a physical survey of the existing residential foundations in the Tahoe region and estimates the number of existing residential foundations to be approximately four hundred (400).
- 1.20 Staff investigations indicate that the majority of the existing foundations were constructed pursuant to TRPA approvals which have since expired under the provisions of Article VI(p) of the Tahoe Regional Compact.
- 1.30 Certain other foundations were constructed pursuant to local county permits issued prior to December 19, 1980 and which now constitute projects not exempt from the 1986 amendments to the regional plan.
- 1.40 The status of these foundations with respect to the proposed residential allocation system is an issue in the litigation entitled State of California/League To Save Lake Tahoe v. TRPA, U.S. District Court, Eastern District of California.
- 1.50 Administrative hearings to determine the propriety of a vested rights determination for each individual foundation would be time consuming and unduly burdensome to both the applicants and the TRPA.
- 1.60 Foundations cause aesthetic, erosion and safety problems if left unregulated. Furthermore, foundations represent potential litigation involving abatement of public nuisances, legality of completion of construction, and responsibility for safety.
- 1.70 The Governing Board finds it necessary and desirable to adopt a basinwide program which addresses the numerous problems and issues presented by the large inventory of existing residential foundations without current TRPA approvals.

AGENDA ITEM VI B.