

**TRPA  
GOVERNING BOARD  
PACKETS**

**APRIL  
1989**

April 1989  
GB

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on April 26, 1989, commencing at 9:30 a.m., and on April 27, 1989 commencing at 8:30 a.m., at the TRPA office, 195 U.S. Highway 50, Round Hill, Zephyr Cove, Nevada, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on April 26, 1989, at 8:30 a.m., in the same location, the Finance Committee of said agency will meet to discuss receipt of the March financial statement; acceptance of the FY 87/88 audit report; the status of FY 89-91 budget requests to California and Nevada.

NOTICE IS FURTHER GIVEN that on April 26, 1989, at 9:00 a.m. in the same location, the Legal Committee will meet to discuss TRPA v. Biggs and settlement of State of California/Villas v. Placer County, et al (Government Center).

NOTICE IS FURTHER GIVEN that on April 26, 1989, during the lunch recess, the Rules Committee will meet to discuss the revision of the Agency's Rules of Procedure relating to environmental documentation (Article VI) and related amendments to Article V (Project Review) of the Rules.

NOTICE IS FURTHER GIVEN that on April 26, 1989, during the lunch recess, the Retirement Committee will meet to discuss return of retirement funds to former employees (Rick Heitkemper and Cindy Whitby).

Date: April 19, 1989

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  
Zephyr Cove, Round Hill, Nevada

April 26, 1989 9:30 a.m.  
April 27, 1989 8:30 a.m.

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OFFICIAL AGENDA

- I PLEDGE OF ALLEGIANCE
- II ROLL CALL AND DETERMINATION OF QUORUM
- III APPROVAL OF MINUTES
- IV APPROVAL OF AGENDA
- V CONSENT CALENDAR (see page 4)
- VI PROJECT REVIEW
  - A. Tahoe City Public Utility District, Highlands Community Center Addition, Placer County APNs 93-160-40, 93-160-36, and 93-350-10
  - B. Southwest Gas/Elks Point Water District, Special Use Determination, New Gas Lines, Modifications to Water System, Douglas County File No. 560-300-00/88-7 - see agenda item VII F.
  - C. El Dorado County, Pioneer Trail Road Improvements and Erosion Control Project, APN 520-100-89/2
  - D. Fast Print, Special Use Determination, Retail Print Business, El Dorado County APN 23-172-22
  - E. Placer County, Modification of Placer County Government Center Permit to Exclude Department of Public Works Relocation, APNs 93-010-19, -35 and -36 - continued to the May meeting
  - F. Incline Village Properties, Multi-Residential Foundations (30 Units), Washoe County APNs 130-180-31 through 130-180-60
  - G. Washoe County School District, Incline High School, Special Use Determination, Temporary Structure, ROTC Classroom Addition, APN 124-071-42
- VII PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
  - A. Amendment of Chapters 20 (Land Coverage Standards), 56 (Mitigation Fee Requirements), 82 (Water Quality Mitigation), and 93 (Traffic and Air Quality Mitigation Program) Relative to Refund of Mitigation Fees

- B. Amendment of Plan Area Statement Boundaries in Plan Area 029, Kings Beach Commercial, and Plan Area 031, Brockway, Placer County
- C. Approval of the Preliminary Community Plan for Douglas County (Round Hill, Kingsbury and Stateline)
- D. Draft EIS/EIR for the South Lake Tahoe Redevelopment Project No. 1 (Ski Run/Stateline Area)
- E. Unmet Transit Needs in the Unincorporated Portion of El Dorado County - continued to the May meeting
- F. Adoption of Resolution Amending Additional Public Service Facilities List (1989-93) - this item will be taken up before agenda item VI B.
- G. Amendment of Chapter 91 (Air Quality Control) to Modify Stationary Source Review Procedures and Combustion Appliance Definitions and Related Amendments to Chapter 2 (Definitions) - continued to the May meeting
- H. Amendment of Plan Areas 004, Burton Creek, and 006, Fish Hatchery, to Delete Regional Health and Safety Facilities as Permissible Uses (004 Only); Reduce Maximum Community Noise Equivalent Level (CNEL), Delete Special Areas #1, and Change Plan Area Boundary Between Plan Areas 004 and 006, Placer County - continued to the May meeting
- I. Amendment of Chapter 33 (Section 33.2.B(2)(g)) to Permit Limited Transfers for Extended 1988 Allocation Holders - continued to the May meeting

#### VIII PLANNING MATTERS

- A. Approval of Guidelines for Staff Issuance of Residential Allocations in South Lake Tahoe and El Dorado County Within the South Tahoe Public Utility District
- B. Presentation by the U.S. Forest Service, California Department of Forestry and Nevada Division of Forestry on Forestry Issues in the Tahoe Basin - 1:30 p.m. April 26
- C. Approval of TRPA Comments on Caltrans 1989 Proposed State Transportation Improvement Program (PSTIP)
- D. Discussion on City of South Lake Tahoe Proposal to Amend Code Provisions Regarding Transfers of Residential Units From Mobile Homes

#### IX APPEAL

- A. Don Henrichsen, Appeal of Executive Director Determination of Lack of Diligent Pursuit and Ineligibility Under Chapter 11, Washoe County APN 125-461-01

- B. Tabari, Appeal of Staff Determination of Expired Permit, 15 Unit Apartment at Mays Boulevard and Freel Peak Drive, Washoe County APN 122-202-26 - postponed to a future meeting

X SHOW CAUSE HEARING

- A. Stephen Wassner, Violations of TRPA Code of Ordinances, Logan Creek Drive, Douglas County, TRPA File #560-100-89/1

XI ADMINISTRATIVE MATTERS

- A. Resolution Authorizing Executive Director to Sign Agreement With California State Water Quality Control Board

XII REPORTS

- A. Finance Committee Report and Board Action on Recommendations
  - 1. Receipt of the March Financial Statement
  - 2. Acceptance of the FY 87-88 Audit Report
  - 3. Status Report on FY 89-91 Budget Requests to California and Nevada
  - 4. Status Report on El Dorado County Request for Local Transportation Funds - Summer Beach Bus and TART Connection (\$15,000) and Road Maintenance Projects (\$392,844)
- B. Legal Committee Report and Board Action on Recommendations
  - 1. TRPA v. Biggs
  - 2. Settlement of State of California/Villas v. Placer County, et al (Government Center)
- C. Retirement Committee Report
- D. Executive Director
  - 1. Status Report on Projects Reviewed at Staff Level and on Emergency Permits Issued by Executive Director
  - 2. Status Report and Board Action, If Necessary, on Code Interpretations Made by Executive Director
  - 3. Status Report on the Tahoe Transportation District
  - 4. Nevada Lay Member Appointment to the Advisory Planning Commission
  - 5. Other

E. Agency Counsel

F. Governing Board Members

XIII RESOLUTIONS

XIV PUBLIC INTEREST COMMENTS

XV ADJOURNMENT

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CONSENT CALENDAR

<u>Item</u>	<u>Recommended Action</u>
1. Sagan, Allocation of 1,576 Square Feet of Commercial Floor Area, 2800 Lake Forest Road, Placer County APN 93-042-01	Approval With Findings And Conditions
2. MacBride, Resolution of Enforcement Matter, Placer County APN 85-202-04	Approval
3. Sunnyside Resort, Resolution of Enforcement Matter, Placer County APN 84-140-19	Approval
4. Moana Beach Property Owners Association, Inc., Pier Reconstruction and Extension, Recognition of Multiple Use Pier, Placer County APN 98-191-11	Approval With Findings And Conditions
5. Sweet/Avanessian, New Boatlifts, Recognition of Multiple Use Pier, Placer County APN 90-141-30 and -31	Approval With Findings And Conditions
6. North Tahoe Public Utility District, Emergency Ingress/Egress, Placer County APN 90-080-09/18	Approval With Findings And Conditions
7. Beebe, Resolution of Enforcement Matter, Placer County APN 93-082-01	Approval

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. If any Governing Board member or noticed affected property owner requests that an item be removed from the consent calendar, it will be taken up separately under the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III(g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Sagan Commercial Building

Application Type: Commercial, Allocation of Commercial Floor Area

Applicant: Loring and Patricia Sagan, Loring Sagan Design and Development

Location: 2800 Lake Forest Road, Lake Forest, Placer County, California

Assessors Parcel Number/Project Number: 93-042-01, Placer County

Project Description: The applicants propose to convert an existing 1576 square foot single family residence into a commercial design studio. Allocations of new commercial floor area require Governing Board approval pursuant to Chapter 4 of the TRPA Code of Ordinances.

Site Description: This site has an existing single family dwelling, three accessory structures and a parking area large enough for five parking stalls. On July 28, 1988 TRPA issued a permit to replace an older single family dwelling on this property with a new single family dwelling.

Code Review:

Chapter 4 - Project Review	Chapter 27 - Basic Services
Chapter 5 - Environmental Documentation	Chapter 30 - Design Standards
Chapter 6 - Findings	Chapter 32 - Regional Plan/Thresholds
Chapter 13 - Plan Area Statements	Chapter 33 - Allocations
Chapter 18 - Permissible Uses	Chapter 38 - Tracking/Banking
Chapter 20 - Land Coverage	Chapter 77 - Revegetation
Chapter 21 - Density	Chapter 81 - Water Quality Control
Chapter 23 - Noise	Chapter 82 - Water Quality Mitigation
Chapter 24 - Driveway/Parking	Chapter 91 - Air Quality Control
Chapter 25 - Best Management Practices	Chapter 93 - Air Quality Mitigation

Staff Analysis:

- A. Environmental Documentation: TRPA staff has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. In addition, the project has been determined by Placer County to be categorically exempt from CEQA. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

LB:cs  
4/17/89

CONSENT CALENDAR ITEM 1.



B. Plan Area Statement: The project is located within Plan Area 009A, Lake Forest Commercial. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area Statement and has identified the following items (underlined) as being applicable to the project. Following each item is a brief statement addressing consistency.

1. Planning Statement:

The Lake Forest area should continue to provide commercial services while substantial improvements are made to the area.

This proposed commercial use is allowed in Plan Area 009A. Improvements to the Lake Forest area are outside the scope of this project.

2. Planning Considerations:

The area needs rehabilitation with an emphasis on scenic rehabilitation.

This project will not change the scenic quality of this property. Although the driveway shall be required to increase in width to meet TRPA design standards, no modifications to any structures are proposed. Rehabilitation of the Lake Forest area is not within the scope of this project.

3. Special Policies:

The Lake Forest commercial area should continue to emphasize service oriented commercial uses.

Professional offices are an allowed commercial use in Plan Area 009A. This project involves conversion of a single family dwelling and does not decrease existing service oriented commercial floor area in the plan area.

C. Land Coverage:

1. Land Capability District:

The land capability of the project area is class 1b. The total project area is approximately 16,500 square feet.

2. Existing Coverage:

Buildings:	2,326 square feet
Paving:	2,843 square feet
Other:	954 square feet
Total:	<u>6,123 square feet</u>

3. Proposed Coverage: 6,123 square feet (no changes).

4. Allowed Coverage:

Class 1b Area	165 square feet
Total:	<u>165 square feet</u>

5. Coverage Mitigation:

Based on the above coverage figures the project area contains approximately 5,958 square feet of excess coverage. On August 1, 1988 the applicant mitigated 398 square feet of this coverage by submitting a mitigation fee of \$1986.00. At present, 5,560 square feet of unmitigated excess coverage remains on this parcel. The applicant shall mitigate additional excess land coverage on this property by submitting a \$100.00 excess coverage mitigation fee or by removing 20 square feet of coverage on-site. This is based on a construction cost estimate of \$508.00 for widening the two-way driveway (with relocated coverage) to meet TRPA design standards.

D. Other Issues:

1. Allocation of Commercial Floor Area:

Placer County has recommended an allocation of 1,576 square feet of commercial floor area for this project pursuant to Chapter 33 of the TRPA Code (please see attached allocation letter from Placer County).

2. Change in Use/Vehicle Trip Generation:

The proposed use will create an estimated 27.5 vehicle trips per day (17.7 trips per 1,000 square feet of floor area). This is an increase of 17.5 trips over the existing 10 trips per day for the single family dwelling. The applicant shall be required to submit a \$778.00 non-refundable air quality mitigation fee for the creation of 1,576 square feet of new commercial floor area pursuant to Subsection 93.3.D(4) of the TRPA Code (equal to \$0.50 per square foot of new floor area).

3. Banking of Residential Unit of Use:

TRPA shall bank the one existing residential unit of use on this property for future transfer pursuant to Subsection 38.6.A(1) of the TRPA Code at the time the conversion to commercial use is completed.

4. Driveway Width/Coverage Relocation: The applicant shall widen the existing 14 foot wide on-site driveway to 20 feet to conform to TRPA driveway width standards (Subsection 24.2.E, TRPA Code). The additional land coverage required for this widening must be relocated from on-site.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Areas Statements and Maps, the Code and other TRPA plans and programs.

- a. Land Use: This proposal is consistent with the Land Use Element of the TRPA Goals and Policies Plan for commercial facilities. Professional offices are an allowed use in Plan Area 009A.
- b. Transportation: This project will not affect implementation of the Transportation Element of the Regional Plan and will not have a significant impact on transportation within the Tahoe Basin. The applicant shall submit an air quality mitigation fee to offset air quality impacts created by increased vehicle traffic (Policy #2, Goal #6, Air Quality Subelement).
- c. Conservation: This proposal conforms with the policies of the Conservation Element of the Regional Plan. The Stream Environment Zone (SEZ) Subelement of this Plan encourages restoration of SEZs. Twenty square feet of SEZ will be restored within the Tahoe City Hydrologic area through the excess coverage mitigation program (Chapter 20, TRPA Code).
- d. Recreation: This project does not affect public or private recreation within the Lake Tahoe Basin.
- e. Public Services and Facilities: This commercial property has adequate public services and facilities to accommodate the project. The applicant shall obtain all necessary approvals from applicable public service agencies prior to occupancy.

f. Implementation: There is a commercial floor space allocation available for this project and the project is consistent with the Implementation Element of the Regional Plan.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for which this finding can be made is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA. A sample checklist is attached to each Governing Board packet for reference.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. Relocation of land coverage within the project area shall be to a superior location pursuant to Subsection 20.5.C of the TRPA Code.

Relocated land coverage for the widened driveway shall be from areas of the property that are closer to a former stream channel.

F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and the findings based on this staff summary and the evidence contained in the record:

I. A motion, based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on this staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment Q.

2. Prior to commencement of construction the following special conditions of approval shall be satisfied:

a. The site plan shall be revised to indicate an on-site twenty foot wide driveway for two-way access to the parking area. Relocated land coverage for this driveway shall be from the vicinity of the drainage ditch within the southeast portion of the lot. In no case shall land coverage on this parcel exceed 6,123 square feet.

- b. The applicant shall provide drainage facilities for the widened driveway in accordance with Standard Condition I.1.H of Attachment Q. These facilities shall be indicated on the final site plan. All water quality improvements required in the July 28, 1988 TRPA permit to reconstruct the single family dwelling on this property are hereby incorporated into this permit. The existing drainage channel shall be kept free of debris and other material.
  - c. The applicant shall pay an air quality mitigation fee of \$778.00 to offset the regional and cumulative air quality impacts of the project based on \$0.50 per square foot of additional commercial floor area.
  - d. The applicant shall submit an offsite coverage mitigation fee equal to \$5.00 per square foot for the creation of new land coverage in the public right-of-way.
  - e. The applicant shall either pay an excess coverage mitigation fee of \$100.00 or reduce 20 square feet of existing land coverage on-site based on an estimated construction cost of \$508.00. Upon completion of final construction plans, the applicant shall provide a final construction cost estimate and if different from the above estimate the required mitigation fee or coverage reduction shall be adjusted accordingly.
3. This permit authorizes 1,576 square feet of commercial floor area to be used as a commercial design studio. Accessory structures and facilities on this property shall not have uses that change the character or intensity of the primary use, or that operate separately from approved uses.
  4. TRPA shall bank the one existing residential unit of use on this property pursuant to Subsection 38.6.A(1) of the TRPA Code at the time the conversion to commercial use is completed.
  5. The \$2,095 security held for the TRPA permit issued to this property on July 28, 1988 is hereby transferred to this project.
  6. All local government and other public agency approvals and permits shall be obtained by the permittee.
  7. Fertilizer use on this property shall be consistent with the recommendations of the TRPA fertilizer use handbook. The use of fast release fertilizers and ammonium nitrate is prohibited.

8. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA final inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project at that time.
9. This approval is based on the permittee's representation that all plans and information contained in the application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
10. The applicant shall submit three sets of final site plans to TRPA.
11. Prior to placement or replacement of any signs, the applicant shall submit a sign plan for review and approval pursuant to TRPA sign regulations. This plan shall accurately represent the dimensions, color, height, materials, and methods of lighting for all proposed signs.

# 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  
Fax (702) 588-4527

## MEMORANDUM

To: TRPA Governing Board

From: Environmental Compliance Division

Subject: Thomas MacBride, Settlement of Enforcement Action,  
Placer County, APN 85-202-04

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Based upon the following summary and attached Notice of Violation (Exhibit A), staff recommends that the Governing Board accept a negotiated settlement between Thomas MacBride and Tahoe Regional Planning Agency.

The Notice of Violation references failure to apply for and obtain a permit for dredging Lakeward of the high water line. The violation occurred at Assessor's Parcel Number (APN) 85-202-04, Placer County and consisted of substantial rearrangement of gravels utilizing a large rubber-tired loader, to fill in low areas. The work occurred in an area between the Lake level at that time and the high water line and did not create a discharge to the waters of Lake Tahoe. The work did impact a mapped habitat for the sensitive plant habitat Rorippa subumbellata. A proposed settlement has been reached in this matter (Exhibit B) consisting of a total fine in lieu of civil litigation, of five thousand dollars (\$5,000). This figure was calculated from the "Guide for Fines" matrix (Exhibit C) for the two following violations:

1. Failure to apply for and obtain a permit for the activity.

The nature of the violation was determined to be Simple Negligence while the Degree of Violation was determined to fall in the Prohibited Activity category as a Major Violation,

AND

2. Dredging within a mapped Rorippa subumbellata habitat.

The nature of the violation was determined to be Simple Negligence while the Degree of Violation was determined to fall in the Prohibited Activity category as a Major Violation.

By approving this settlement, the Governing Board will also be cancelling the tentatively scheduled Show Cause Hearing before said Board.

SC:sd  
4-14-89

Consent Calendar Item 2.

# 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

FEDERAL EXPRESS  
#9238301914

February 14, 1989

The Honorable Thomas J. McBride  
United States District Judge  
650 Capitol Mall  
Sacramento, CA 95814

Subject: Notice of Violation and Violation Report of Unpermitted  
Dredging Activities, APN 85-202-04, Placer County

Dear Judge McBride:

This Notice of Violation and Violation Report is being issued because the dredging activities performed by you and your contractor required a permit from the Tahoe Regional Planning Agency (TRPA) and no permit was obtained. Dredging, as defined by TRPA Code of Ordinances, Section 2.2, involves "removing or rearranging earthen materials which are lakeward of the high water line."

Chapter IX of the TRPA Rules of Procedure (enclosed) outlines a procedure for resolving violations of the TRPA Compact, Regional Plan, or TRPA permits. This involves notices of violation and violation reports. The content of these items is specified in the Rules and is explained below for your reference:

## Section 9.6      NOTICE OF VIOLATION

### Nature of Violation

On or about July 27, 1988, at Assessors Parcel Number (APN) 85-202-04 in Placer County dredging of earthen materials lakeward of the high water line occurred. Substantial rearrangement of gravel to fill in low areas was accomplished by the use of a large-wheeled loader. A TRPA permit was not issued for this activity. TRPA Code of Ordinances Sections 4.10, 52.3.E, and 54.14, and Article VI (b) of the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233 (1980)) were violated by this activity. Sensitive plant species Rorippa subumbellata, habitat, was impacted by the dredging activity which is a violation of Subsection 75.2.A of the Code.