TRPA
APC
PACKETS

OCTOBER
1981
NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on **October 14, 1981** at
__10:00____ a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: **October 2, 1981**

By: ____________________________
Randy Sheffield
Chief of Long Range Planning
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

October 14, 1981
10:00 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES - August and September, 1981

IV PLANNING MATTERS

A. Conflict of Interest Requirements for Advisory Planning Commission Members

B. Shorezone Ordinance Amendments

C. Land Use Ordinance Amendments

D. Discussion of Policy for Review of New and Modified Projects Which have Adverse Air Quality Impacts

E. Environmental Threshold Carrying Capacities

V CLEARINGHOUSE

A. Environmental Impact Statement for the Land Acquisition Plan for the Lake Tahoe Basin, U.S. Forest Service

VI REPORTS

A. Public Interest Comments

B. APC Members

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
TRPA Office, 2155 South Avenue
South Lake Tahoe, California
August 12, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to order at 10:04 a.m.

APC Members Present: Mr. Hallan, Mr. Renz, Mr. Combs, Mr. Harper, Ms. Bogush, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Ms. McMorris, Mr. Hansen, Ms. Shellhammer, Mr. Pyle, Mr. Randolph, Mr. Meder

APC Members Absent: Mr. Schlumpf, Mr. Bidart

Chairman Meder introduced Mr. Steve Hallan who was sitting in for Mr. Milam and submitted into the record a letter of authorization from the County of El Dorado.

II. APPROVAL OF AGENDA

MOTION and Seconded that the Agenda be approved. The motion carried unanimously.

III. DISPOSITION OF MINUTES

MOTION by Ms. Smith with Second by Mr. Smith that the minutes of the July, 1981 APC meeting be approved. The motion carried unanimously.

VI. PLANNING MATTERS

A. General Plan Amendment to Reclassify Approximately 7 acres to be Located Either East or West of Barton Hospital From General Forest to Public Service, South Lake Tahoe.

Senior Planner, Gordon Barrett gave a brief background and summary of this project. Ms. Bogush pointed out to the APC the City of South Lake Tahoe Counsel's plans for alternative routes with the idea to accommodate Barton Hospital with its proposal. Mr. Barrett presented the issues to be discussed. On of the items for discussion was the environmental documentation. Mr. Beverly, on behalf of the hospital, stated the Hospital's reasons why they felt the EIS would be premature at this time. The second concern was if the finding of no significant effect could be found, which side would be preferred by APC, the land to the East or West of the Hospital. There was quite a fit of discussion on whether the EIS should be done before the project was submitted or whether the EIS would be required when the project was submitted.

MOTION by Mr. Randolph with Second by Ms. McMorris that a finding of no significant effect cannot be made, and that environmental documentation, that can be used later with the project, be required.
Mr. Hallan asked that a part of Mr. Randolph's motion be that another EIS may be necessary at the time of the project. There was some disagreement with this motion that it was perhaps unfair for the hospital to be required to do the EIS at this time, and further, that the rezoning should be brought in with the project. Mr. Randolph withdrew his motion and the following motion was made:

MOTION BY Mr. Randolph with Second by Ms. McMorris that there is significant impact in the changing of the zoning for this parcel of land. The motion carried on the following vote:

Ayes: Mr. Hallan, Mr. Renz, Mr. Combs, Mr. Harper, Ms. Smith, Mr. Dodgion, Ms. McMorris, Ms. Shellhammer, Mr. Pyle, Mr. Randolph, Mr. Meder
Nays: Ms. Bogush, Mr. Hoole, Ms. McMorris, Mr. Hansen
Abstain: None
Absent: Mr. Schlumpf, Mr. Bidart

MOTION by Mr. Randolph with Second by Mr. Combs that an environmental document for the zone change be prepared which addresses all the impacts associated with the property's potential uses. The motion carried on the following vote:

Ayes: Mr. Hallan, Mr. Combs, Ms. Smith, Mr. Dodgion, Ms. McMorris, Ms. Shellhammer, Mr. Pyle, Mr. Randolph, Mr. Meder
Nays: Mr. Renz, Mr. Harper, Mr. Hoole, Mr. Smith, Ms. Bogush, Mr. Hansen
Abstain: None
Absent: Mr. Schlumpf, Mr. Bidart

B. General Plan Amendment to Reclassify Property South of Barton Street Between 2nd Street and Winnemucca From High Density Residential to General Commercial, South Lake Tahoe

Senior Planner gave the presentation on this item. Mr. Barrett asked for recommendations 1) what is APC's recommendation as to the similar and appropriate use of HDR or 2) should the HDR zone be amended to allow parking lots or 3) should this area be rezoned. After some discussion the following motion was made:

MOTION by Mr. Harper with Second by Mr. Renz that the parking lot is not a similar and appropriate use. The motion carried on the following vote:

Ayes: Mr. Hallan, Mr. Renz, Mr. Harper, Mr. Smith, Ms. Smith, Mr. Dodgion, Ms. McMorris, Mr. Hansen, Mr. Pyle, Mr. Randolph, Mr. Meder
Nays: Mr. Combs, Mr. Hoole, Ms. Bogush, Ms. Shellhammer
Abstain: None
Absent: Mr. Schlumpf, Mr. Bidart

MOTION by Mr. Harper with Second by Mr. Renz that consideration of the rezoning to General Commercial is not appropriate at this time. This item should be address when the general plan is updated. The motion carried unanimously.
C. Role of the APC and Subcommittee report.

1. Conflict of Interest Standards
2. Threshold Steering Committee

Chairman Meder gave a report and background on this topic and Randy Sheffield updated the APC on a few points. Mr. Meder informed the board that the steering committee would be comprised of six members, four from the Governing Board and two from the APC, the members will be Norm Wood, Ken Kjer, Dwight Steele, and Roland Westbergard from the Governing Body and Mike Harper and Bill Combs. Mr. Combs requested that he not be appointed; however, Mr. Combs agreed to be at the first meeting.

The APC meeting recessed for lunch break from 11:55 to 1:15 p.m.

D. List of Activities Exempt from Agency Review as Per Ordinance 81-1:

1. Nevada Department of Transportation.

Senior Planner Gordon Barrett indicated that staff had no problems with this list and that this list was very similar to the Cal Trans exemption list. There was some question by the APC as to the use of chemicals (salt in particular) and whether the use of chemicals should be exempt from agency review. After some discussion the following motion was made:

MOTION by Mr. Smith with Second by Mr. Randolph that the APC recommends to the Governing Board adoption of the Nevada Department of Transportation exemption list. The motion carried unanimously.

2. U. S. Forest Service.

Senior Planner Gordon Barrett gave the presentation on this item pointing out the differences in this list in relation to the other lists approved. Mr. Barrett went over the list and pointed out the areas of concern, namely items 7, 8, 9, and 10 under Special Use Permits, there was also an amendment to the Acquisition of water rights item under Watershed Management.

MOTION by Mr. Randolph with Second by Mr. Hallan to approve the list as presented with the exception of items 7, 8, 9 and 10 under Special Use Permits, that staff work with the Forest Service to come to an agreement and to amend acquisition of water rights under Watershed Management to read "Acquisition of water rights would be subject to applicable state laws." The motion carried on the following vote:

Ayes: Mr. Hallan, Mr. Renz, Mr. Combs, Mr. Harper, Ms. Bogush
Mr. Hoole, Ms. Smith, Mr. Dodgion, Mr. Schlumpf, Ms. McMorris
Mr. Bidart, Mr. Shellhammer, Mr. Randolph, Mr. Meder

Nays: None

Abstain: Mr. Smith, Mr. Hansen, Mr. Pyle

Absent: Mr. Schlumpf, Mr. Bidart

3. Washoe County Public Works Department

Senior Planner Gordon Barrett informed the Board that this list was not as polished as the other lists submitted, the APC continued this item to September.
3. Washoe County Public Works Department.

Senior Planner Gordon Barrett informed the Board that this list was not as polished as the other lists submitted, the APC continued this item to September.

E. Nonattainment Air Quality Plan - New and Modified Sources.

Mr. Sheffield pointed out to the APC that this was a draft and that this draft would be submitted to the Governing Body at its next meeting and after that meeting would be polished and back to the Board for first reading in September. Dale Neiman came forward to answer the APC's questions and to comment on this item. After much discussion and comments it was agreed that this item needed a lot of cleaning up, but that it was a necessary ordinance.

MOTION by Mr. Randolph that section 4, Roadway Capacity Standards be amended, Section 5.10 will have inserted "100 in California", 5.20 will be amended, 5.30 will be eliminated.

After much discussion in what the APC should recommend to the Governing Board, the Motion was withdrawn.

MOTION by Mr. Randolph with Second by Mr. Smith to change Roadway Capacity Standards from level E to level D and to change 5.20 to read "TRPA shall also review new or modified projects resulting in new trip generation which exceeds 1% of the remaining roadway capacity of any street, road or highway. The motion failed on the following vote:

Ayes: Mr. Harper, Mr. Hoole, Mr. Smith, Ms. Smith, Ms. McMorris, Mr. Randolph
Nays: Mr. Harper, Ms. Bogush, Mr. Dodgion, Mr. Hansen, Ms. Shellhammer, Mr. Meder
Abstain: Mr. Hallan, Mr. Combs, Mr. Pyle
Absent: Mr. Schlumpf, Mr. Bidart

The APC decided that it would like to see the draft ordinance for review of projects which have adverse air quality impacts in a more final form.

VI RESOLUTIONS

RESOLUTION OF THE ADVISORY PLANNING COMMISSION OF THE TAHOE REGIONAL PLANNING AGENCY ADOPTING CONFLICT OF INTEREST STANDARDS TO BE APPLIED TO ALL COMMISSION MEMBERS

Chairman Meder read into the record this resolution and mentioned that a conflict of interest statement was attached in the APC packet. After some discussion both pro and con the following motion was made:

MOTION was made and seconded that the Resolution be adopted and approved as per staff's recommendations. The motion carried on the following vote:

Ayes: Mr. Hallan, Mr. Combs, Ms. Bogush, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Mr. Hansen, Ms. Shellhammer, Mr. Pyle, Mr. Randolph, Mr. Meder
Nays: Mr. Renz, Mr. Harper, Ms. McMorris
Abstain: None
Absent: Mr. Schlumpf, Mr. Bidart
Ms. McMorris stated that she did not have a problem with the Conflict of Interest Statement. However, she did not agree with the wording of the resolution and therefore voted against the resolution.

F. Status of Transportation Planning

Mr. Sheffield gave the presentation to the Board and asked the APC for approval of the concept of an interim Transportation Plan developed prior to the long range transportation plan element of the general plan. Dale Nelman came forward to answer some questions the APC had on this Plan. After some discussion and audience comment, the following motion was made:

MOTION by Ms. Bogush which was Seconded that the APC approves in concept a short range transportation plan prior to the long range transportation plan to be developed by 1983. The motion carried unanimously.

VI RESOLUTIONS

RESOLUTION OF THE ADVISORY PLANNING COMMISSION OF THE TAHOE REGIONAL PLANNING AGENCY SETTING FORTH THE ROLE OF THE ADVISORY PLANNING COMMISSION IN THE TAHOE REGIONAL PLANNING AGENCY PLANNING PROCESS.

Chairman Meder read into the record this resolution. There was some discussion as to whether this resolution really stated what the APC's intentions were as far as the role they would like to take on. After much discussion it was decided that this resolution would be deferred to the September meeting of the APC.


Gave some background and ran through the different firms that would be considered to assist with the development of the threshold study, and related to the APC how these firms were selected. The APC concurred with staff's recommendations that four firms be interviewed in the selection process.

V REPORTS

A. Public Interest Comments - None

B. APC Members - None

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT

The APC adjourned at 3:50 p.m.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

September 9, 1981
10:00 a.m.

REGULAR MEETING MINUTES

I CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman John Meder called the meeting of the Advisory Planning Commission to order at 10:05 a.m.

APC Members Present: Mr. Hallam (for El Dorado County Planning), Mr. Renz, Mr. Combs, Mr. Harper, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Mr. Schlumpf, Ms. McMorris, Mr. Hansen, Mr. Bidart, Ms. Shellhammer, Mr. Meder

APC Members Absent: Ms. Bogush, Mr. Pyle, Mr. Randoliph

II APPROVAL OF AGENDA

Executive Director Phil Overeynder asked that item IV A. (Planning Matters, List of Activities Exempt from Agency Review as Per Ordinance 81-1, Washoe County Public Works Department) be continued for 30 days in order that the County be given an opportunity to provide TRPA staff with more details.

MOTION by Ms. Smith with a second by Mr. Dodgion to approve the agenda as corrected. The motion carried unanimously.

III DISPOSITION OF MINUTES

The August 12, 1981 APC minutes were distributed prior to the meeting. Mr. Meder accepted the minutes and asked that action on them be held off until the October meeting.

IV PLANNING MATTERS

B. Environmental Threshold Project

Randy Sheffield, Chief of the Long Range Planning Division, introduced the consultant team hired to aid the Agency in preparation of the environmental thresholds mandated by the Compact. The consultants are Project Manager Jim Yost, from Brown and Caldwell; Sheila Brady, from Wagstaff and Brady (responsible for public involvement aspects of the study); Angus McDonald, from McDonald and Associates (responsible for data management, modeling, and economic aspects); Elaine Archibald, from Brown and Caldwell. In an attempt to get as much public and citizen involvement as possible, all APC members are requested to notify staff of any special interest groups or names of persons who would like to participate in the study. The best approach to take is to have as broad a spectrum of public involvement as possible. Names should be submitted to staff by the end of next week. The work program is still being put together for presentation to the Steering Committee next week.
Jim Yost explained he had done work previously in the Tahoe Basin and was looking forward to working with the APC. It is anticipated that this threshold study will be the first step towards preparation of a new Basin General Plan. The threshold study will not be an end product in itself. Also participating on the consultant team will be the firms of Madrone Associates, biologists; Omni-Means, air quality and traffic engineers; and D. W. Kelly and Associates, fisheries biologists. The major contractor on the study is Brown and Caldwell, owners of J.B. Gilbert, the consulting firm responsible for the consultant work on the Agency’s first 208 Plan. Many of the studies already completed on Lake Tahoe will be incorporated into the threshold study in order to avoid a duplication of effort since there is a short time frame for completion of the project.

C. Report on Status of Barton Hospital General Plan Amendment and Barton Street General Plan Amendment

Senior Planner Gordon Barrett explained that the hospital’s first request was to reclassify property adjacent to the hospital to Public Service. The Board recognized the APC’s concerns with regard to a finding of no significant environmental effect on the reclassification and has directed the staff to schedule a public hearing to reclassify the property instead to Conservation Reserve, which will place an "open-ended" zoning on the property until such time as a specific plan is approved. Conservation Reserve uses are the same as those permitted in General Forest. While an EIS would not be necessary for the change to Conservation Reserve, it would be required for a specific plan. This new use will allow the hospital to move forward with its acquisition. Attorney Melvin Beverly, on behalf of the hospital, advised that the hospital agreed with the change to Conservation Reserve.

With regard to the proper zoning for the Tahoe Keys Center parking lot located on Barton Street, the Governing Body concurred with the APC recommendation to defer the matter until the General Plan is updated.

D. Draft Ordinance for Review of New and Modified Projects Which Have Adverse Air Quality Impacts

Randy Sheffield advised the APC that the Board had asked for a public hearing in September on the ordinance and the Agency’s legal counsel is currently drafting up the ordinance based on APC and public input. Should the Board reach agreement on the ordinance, it will receive first reading this month. If not, the ordinance will be back before the APC for further study.

V CLEARINGHOUSE

A. Environmental Impact Statement for the Land Acquisition Plan for the Lake Tahoe Basin

Forest Service Planner Jon Hoeffer explained that the Forest Service has been in the
process of planning for the upcoming acquisition program called for in the Burton-Santini Bill. The basis for the analysis has been to categorize those lands which are environmentally sensitive and thereby eligible for acquisition. The next step has been to determine which of those sensitive lands that are eligible really should be considered for acquisition to achieve the purpose of the Act, i.e., to protect the environmental quality of Lake Tahoe. The third decision is to determine what basis will be used each year to develop and select land for acquisition within the limits of whatever Congress appropriates for that year. The Act authorizes acquisition but does not direct it. Currently, there is $7 million for the 1982 fiscal year. The Act authorizes actually $10 million for the first year, 1982; $20 million for fiscal year 1983; and thereafter whatever has been generated from funds through land sales in Las Vegas. That amount can vary. It is not known under the current administration how the program will fare with regard to appropriations. The intent of the Act is for all the costs of the program to be reimbursed from the sale of lands in Las Vegas. Glenn Smith advised that there is already $14 million in previous sales since 1978.

Primary public concern to date has focused on a desire for a detailed list of all properties by ownership, listed by priority for acquisition and a date set for purchase. The list for prioritizing lots is being set up with more flexibility, however, and not all lands are included. A second issue of public concern is fair market value. The Act is specific about this aspect of the process and requires independent appraisals based on comparable sales. No appraisals have been done to date.

Along with the draft EIS is a set of 61 maps of the total Basin showing environmentally sensitive lands and whether or not they are improved or not. Also some determinations have been made on whether, based on certain criteria, the Forest Service would consider these lands high or low risk for development in a manner adverse to water quality. This forms the basis for various alternative mapping schemes which are presented. Several alternatives have also been presented for the annual program development.

The draft EIS was distributed on August 10; on August 21 it was noticed in the Federal Register, beginning a 45 day official public review period which will end on October 5. A formal public hearing will be heard before a hearing officer and the Regional Forester on September 24 and 25. A final EIS and record of decision will be published on December 15, after which there will be another 30 day review period before implementation of the plan. Assuming no appeals and availability of funds, the first offers for purchase can begin about January 15, 1982.

Phil Overeynder explained that TRPA had participated in the consulting group of state and regional governments which provided information to the Forest Service on the EIS. The Agency at this point is being asked to comment on the consistency of the document and the program with the Agency's Plan. There are two areas to be viewed; first is the impact that acquisition will have on future planning options. Currently, this is difficult to address without knowing the environmental thresholds and how far the General Plan will go towards reduction of density or units. The annual acquisition program will have to be studied closely to insure that TRPA is not planning for a certain use on a property which the Forest Service is intending to acquire. The
second item that the staff reviewed was definition of environmentally sensitive lands to insure agreement with TRPA’s definitions. Staff is satisfied that there is no conflict here. Staff recommends that the APC find the EIS adequately addresses the primary concerns with the understanding that there will be an annual review of the acquisition program against the environmental thresholds and the new General Plan when it is completed.

Mr. Meder advised that not all APC members had copies of the EIS. Phil asked that the matter be continued to the next meeting to obtain the APC’s comments even though the comment period expires prior to the October meeting. The EIS will go to the Governing Body this month for its review. Mr. Hoefer advised that, even though the comment period expires prior to the next APC meeting, the Forest Service would take the APC comments into account.

VI REPARTS

A. Public Interest Comments - none

Phil Overeynder advised that a letter had been received from EPA certifying TRPA’s 208 Plan in California and Nevada. This will activate the EPA grant to develop management plans for environmentally sensitive and SEZ areas and to develop finance mechanisms to implement erosion control projects. Two new water quality planners will begin work on October 1 with Randy Sheffield, with funding to come from Clean Water Act 106 funds. One planner will be working full time with local governments, Caltrans and the Nevada Department of Transportation in implementing erosion control; the other will be updating the 208 Plan and looking at detailed management plans for high erosion areas.

VII RESOLUTIONS

A. Resolution for APC Conflict of Interest Requirements

John Meder advised the APC members that, even though the APC had adopted a resolution requiring its members to file the same conflict of interest statements as the Governing Body, the Board had referred the matter back to the APC for further consideration. The points of concern were whether or not the APC should burden itself and staff with the administrative paper work involved with the statements and whether or not the same rules which apply to the Board should apply to an advisory body such as the APC since no final actions are taken at this level. Randy Sheffield suggested three alternatives: 1) recognition of a possible conflict and voluntary abstention on the part of any APC member; 2) submittal of a signed statement of no economic interest; and 3) actual adherence to the standards. APC member Stan Hansen read into the record a proposed ordinance requiring disclosure of economic interests and asked that the Agency’s legal counsel research it for possible adoption. John Meder directed that the APC’s discussion be reported to the Board and that the matter be placed back on the APC’s agenda for October.
VI REPORTS (continued)

B. APC Members

Bill Combs advised that Placer County was initiating the update of the 1972 Squaw Valley General Plan and would be looking at it with the Basin's threshold study in mind due to the proximity of Squaw Valley to Tahoe. In terms of the regional transportation plan, the Squaw Valley General Plan may relate directly to what TRPA does in the future.

Steve Hallam advised that the El Dorado County and South Lake Tahoe Planning Commissions were reviewing the functions and roles of each jurisdiction to insure that there was no duplication of effort in Tahoe planning matters.

John Renz advised that Douglas County had selected a consultant group to work on the Oliver Kahle casino site for a conceptual development plan. Meetings are scheduled with TRPA next week.

Mike Harper advised that the Washoe County Regional Planning Commission will conduct a public hearing on the Incline Village Plan next Tuesday.

VIII CORRESPONDENCE - none

IX PENDING MATTERS - none

X ADJOURNMENT - The meeting adjourned at 11:25 a.m.

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (916) 541-0246.

Respectfully submitted,

Julie D. Frame
Administrative Assistant
MEMORANDUM

Date:          October 5, 1981
To:            Advisory Planning Commission
From:          The Staff
Subject:       Planning Matters - Conflict of Interest Requirements for APC Members

Attached is a copy of a proposed ordinance submitted by APC member Stan Hansen at the September 9 meeting. It deals with disclosure of economic interests for all Commission members and is a continuation of the discussion at that meeting.

Other alternatives to the conflict of interest issue are: 1) recognition of a possible conflict and voluntary abstention by the member on the issue; 2) submittal of a signed statement of no economic interest at each meeting; and 3) actual adherence to the standards as required by the resolution passed at the August APC meeting.
A T H O E R E G I O N A L  P L A N N I N G  A G E N C Y

A D V I S O R Y  P L A N N I N G  C O M M I S S I O N

O R D I N A N C E  1 9 8 1 -

An Ordinance requiring disclosure economic interests and business relationships for all members of the Advisory Planning Commission

I. Each member of the Advisory Planning Commission (herein "the APC") shall disclose that he has a conflict of interest at the public meeting and refrain from voting on any matter in which said Board member has any economic interest. "Economic interest as used herein shall mean any real property interest, equity in business or source of income of $1,000 or more; or any interest in a business entity operating in the region, including service as a director, officer, partner, trustee, employee or any position of management whatsoever."

II. Board members of the APC must disqualify themselves from voting on any matter before the Board when it is reasonably foreseeable that the decision of the Board will have a material financial effect on said Board member distinguishable from its effect on the public generally or the economic interest of the Board member.

III. Board members need not disqualify themselves from voting, but shall disclose prior to voting on any matter of the Board the Board member's business relationship, including that of co-employee or economic interest the Board member may have with any person speaking before the Board relative to any matter before the Board.

IV. Board members shall not be required to file any other disclosure information regarding economic interests.
TAHOE REGIONAL PLANNING AGENCY

RESOLUTION NO. 81-8

RESOLUTION OF THE ADVISORY PLANNING COMMISSION OF THE TAHOE REGIONAL PLANNING AGENCY ADOPTING CONFLICT OF INTEREST STANDARDS TO BE APPLIED TO ALL COMMISSION MEMBERS.

WHEREAS, the Tahoe Regional Planning Compact requires members and employees of the Agency to disclose economic interests in the region; and

WHEREAS, the Tahoe Regional Planning Compact prohibits members or employees of the Agency from making or attempting to influence an Agency decision in which the individual knows or has reason to know he has an economic interest; and

WHEREAS, the Tahoe Regional Planning Compact requires members or employees of the Agency to disqualify themselves from making or participating in the making of decisions that may have a material financial effect on the economic interests of the member or employee.

NOW, THEREFORE, BE IT RESOLVED by the Advisory Planning Commission that its members shall abide by the conflict of interest and disclosure laws applying to elected public officials of their respective states and those appropriate provisions of the Compact.

BE IT FURTHER RESOLVED, that all Commission members submit a statement disclosing economic interests within 10 days of the effective date of this resolution, with the provision that newly appointed members complete a statement of economic interest within 10 days of being appointed.

PASSED and ADOPTED by the Advisory Planning Commission this 12th day of August, 1981, by the following vote:

Ayes: Mr. Hallam, Mr. Combs, Ms. Bogush, Mr. Hoole, Mr. Smith, Ms. Smith, Mr. Dodgion, Mr. Hansen, Ms. Shellhammer, Mr. Pyle, Mr. Randolph, Mr. Meder

Nays: Mr. Renz, Mr. Harper, Ms. McMorris

Abstain: None

Absent: Mr. Schlumpf, Mr. Bidart

JOHN L. MEDER, CHAIRMAN
MEMORANDUM

October 7, 1981

To: The Advisory Planning Commission

From: The Staff

Subject: TRPA Shorezone Ordinance Amendments

Agency staff is proposing to make amendments to the TRPA Shorezone Ordinance. The intent of the proposal is to clarify sections of the ordinance which are vague and to modify certain sections in order to make them consistent with other agency's requirements. Following is a synopsis of some of the major amendments being proposed:

1. "Permit-issuing authority" shall be changed to "Agencies of Authority". This includes all agencies who are members of the Shorezone Development Review Committee.

2. The definition of foreshore shall be amended to include the area of wave runup during a 100 year storm.

3. The standards for structures in the shorezone shall be amended to include boat "Tifts" and shall restrict the number of buoys allowed a littoral property owner to one.

4. The amount of deviation from the standards for multiple use structures is dependent on: a) the reduction of development potential in the shorezone associated with the application; and b) the number of people utilizing the facility.

5. The term "houseboats" will be amended to read "floating dwellings" in order to better define the use of the boat rather than the type of boat being used.

6. Agency staff will be able to approve the following projects:
   a. pier repairs;
   b. maintenance dredging and filling;
   c. shoreline protective devices;
   d. replacement of buoys;

   The Governing Body will make determinations on all other projects.

7. Beach replenishment will be allowed under the sections
Memo to the APC
October 7, 1981 page two
Shorezone Ordinance Amendments

pertaining to filling and dredging.

Agency staff requests that the APC members review the proposed amendments and be prepared to discuss them this month. (A copy of the current Shorezone Ordinance is sent in this mailing.)
Amendments to Section 3.00 Definitions

**Administrative Permit** shall be amended to read:

*Agency Permit* - A permit issued by the Agency in accordance with Agency ordinances, respecting uses, structures, activities, and alterations under the provisions of this ordinance.

Add **Agencies of Authority** to read:

*Agencies of Authority* - The government agencies which have the authority and obligation to enforce the standards established by this ordinance and or their own specific rules and regulations in the shorezone.

Application (Complete) shall be amended to read:

*Application (Complete)* - Receipt by all agencies of authority and the Agency of documents which supply the data necessary for review of projects subject to the provisions of this ordinance.

**Backshore** shall be amended to read:

*Backshore* - Land lying contiguous to the shoreline above the high water elevation and extending normal to the shoreline for a lateral distance of three hundred (300) feet.

**Foreshore** shall be amended to read:

*Foreshore* - The zone of wave run-up above the lake surface being the area between low water (Elevation 6223.0 Lake Tahoe Datum) and the limit of wave run-up during a 100 year storm when the lake level is at high water (Elevation 6229.1 Lake Tahoe Datum).

**Littoral Parcel** shall be amended to read:

*Littoral Parcel* - A parcel of land for which there is a legal right of ownership to or lakeward of the established high water line.

Delete **Permit-Issuing Authority** definition.

Add definition of **Project** to read:

*Project* - An activity undertaken by any person, including...
any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

Superstructure shall be amended to read:

Superstructure - Any manmade structure within the fore-
shore or nearshore (other than those permitted in Sections
7.31(2)(b) and (c) of this ordinance) which projects
above high water or ground elevation more than five
(5) feet.

Wetlands shall be amended to read:

Wetlands - Low lying areas where the water table stands
near or above the land surface for a portion of the
year. These areas are characterized by poor drainage,
standing water and hydrophytes and include, but are not
limited to, those areas identified in the land capa-
bility classification system as Class 1B lands.

Amendments to Section 4.00 Permit Procedure

Section 4.11 shall be amended to read:

No person shall undertake or carry out any of the
following projects (except those listed in Ordinance 81-1)
within the shorezone or other navigable waters of the
region without first obtaining a permit from the Agency.

(1) Repairs to conforming structures exceeding $1,000
including marina repair;

(2) Minor and accessory structures including, but not
exclusively:
   - Single use buoys
   - Catwalks
   - Swim float lines;
   - Fences
(3) Nonstructural repairs to nonconforming structures
exceeding $1,000;

(4) Maintenance dredging and filling, minor removal or
relocation of rocks or boulders;

(5) Shoreline protective devices above high water;

(6) Placement of navigational buoys;

(7) Special events;

(8) New construction or placement of piers, boat ramps,
launching facilities, jetties or breakwaters;
(9) Structural repairs of a nonconforming structure;

(10) New filling and dredging;

(11) Backshore construction;

(12) Variances from this ordinance;

(13) Construction or placement of any multiple or commercial use facility including, but not exclusively, piers, floating docks or platforms, boat ramps, launching facilities, jetties or breakwaters, marinas, or shorezone protective devices;

(14) Any repairs or construction of unauthorized structures;

(15) Any construction or use within the nearshore foreshore or navigable waters of the region not specifically enumerated above which the chairman or executive director deems significant, except those activities listed in Ordinance 81-1 (an ordinance listing activities exempt from agency review).

Add a new Section 4.12 to read:

4.12 Determination

The determination of whether or not TRPA review is required pursuant to this ordinance rests solely with the TRPA.

Section 4.41 shall be amended to read:

Applicants for any permit required pursuant to the terms of this ordinance shall submit the application and information required to the Agency and other agencies of authority. The Agency may review and take action on the project; however, the permit shall not be issued until the applicant submits proof to the Agency that all other agencies have approved or waived approval of the project. No permit shall be issued unless there is compliance with all the requirements of this ordinance and the requirements of the agencies of authority.

Section 4.42(1)(d) shall be amended to read:

Probable individual and cumulative effects of the proposed construction or use.

Section 4.42(2) shall be amended to read:
When the proposed construction or use, because of its intensive nature or proposed location, may pose substantial environmental hazards as determined by Agency staff, Agency staff shall require an EIS to be prepared.

Add a new Section 4.44 to read:

Section 4.44 Burden of Proof

The burden of proof in showing that an applicant is entitled to a permit or variance pursuant to this ordinance is on the applicant.

Add a new Section 4.45 to read:

Section 4.45 Prohibition of "In Concept" Approvals

The Agency shall not grant "in concept" approvals.

Section 4.51 shall be amended to read:

The Governing Body of the Agency shall take final action respecting those projects listed in Section 4.11(8-15). Agency staff shall review and take action whether to approve, to require modification of or to reject all other permits required pursuant to the provisions of this ordinance, and the action of Agency staff shall be final in the absence or until disposition of any appeal. Action by the Governing Body or Agency staff pursuant to this ordinance shall be after reasonable notice and opportunity to be heard are given to the owners of certain affected real property, other than the applicant, as required by the Agency's Rules and Regulations of Practice and Procedure. An appeal from the determination of Agency staff may be made by any aggrieved person by lodging with Agency staff a written notice of appeal within ten (10) days of the date of determination. On appeal, the Agency Governing Body may affirm, reverse or modify the determination of Agency staff, and such Governing Body action shall be final.

Section 4.52 shall be amended to read:

The Agency shall notify the agencies of authority within fifteen (15) days of any action it takes pursuant to any permits required by this ordinance.

Amendments to Section 5.00

Standards for Regulating All Construction and Uses Within the Shorezone, Underlying Land, or Within the Lake
Section 5.10 shall be amended to read:

No application for permit shall be granted unless the applicant shows, and the Agency finds, that the proposed construction or use will not cause significant individual or cumulative impacts on:

(section 5.10 continues with existing items 1-5)

Section 5.20 shall be amended to read:

The application for permit shall be granted unless the permit-issuing agency or the Agency finds that:

(1) through (4) as in existing ordinance

Add new sections (5) and (6) to read:

(5) There are no existing multiple use structures available to the applicant.

(6) The development of a multiple use structure or an agreement to develop a multiple use structure is not available to the applicant.

Amendments to Section 7.00 Standards for Piers, Mooring Buoys, Boat Ramps, Launching Facilities and Floating Docks or Platforms

Section 7.10 shall be amended to read:

An Agency permit must be obtained before constructing a pier, boat ramp and launching facility, or placing a buoy, floating dock or platform as provided in Section 4.00

Section 7.21 shall be amended to read:

7.21 Piers, Boat Lifts, Boat Ramps and Mooring Buoys for Individual Use

An owner of a littoral parcel may be permitted to construct one (1) pier and low-level boat lift, or one (1) boat ramp and place one (1) mooring buoy within the area described in Section 7.26 for the use in connection with the parcel of an individual or family and guests if such pier, boat ramp or mooring buoy is otherwise permissible.

Section 7.26(2) shall be amended to read:

Piers, mooring buoys, boat ramps, boat launching facilities, and floating docks and platforms shall be placed only within an area that is enclosed by lines that
are parallel to and twenty (20) foot minimum inward of parcel lines extended lakeward at right angles from the high water line or as established by the Agency when it is found that unique site conditions make the above standards impractical to apply.

Section 7.26(3)(d) shall be amended to read:

Boat Ramps and Launching Facilities: to a depth necessary for safe use, but not to exceed a length of two-hundred fifty (250) feet.

Section 7.26(4) shall be amended to read:

Those facilities described in Sections 7.23, 7.24 and 7.25 and all other facilities of multiple use in excess of that described in Section 7.21 shall extend no further than as specified in the project plans approved by the Agency, and the dimensions specified in Section 7.26 shall be utilized as distance guidelines for this purpose.

Section 7.30 shall be amended to read:

7.30 Dimensions and Features of Piers, Boat Lifts, Boat Ramps, and Mooring Buoys for Individual Use

Section 7.31 shall be amended to read:

7.31 Those facilities described in Section 7.21 shall conform to the following standards:

(1) Width: Ten (10) foot maximum width including all appurtenant structures except low-level boat lifts and a catwalk. A catwalk below the level of the main deck not in excess of three (3) feet in width by forty-five (45) feet in length may be permitted for the loading and unloading of boats. A low-level boat lift whose forks are not in excess of ten (10) feet in width from the pier.

(2) Height:

(a) Pier decks shall not extend above elevation 6232.0 feet Lake Tahoe Datum.

(b) Boat lifts, pilings and handrails or similar safety devices shall not extend more than four (4) feet above the pier deck.

(c) Flag poles shall not exceed a height of forty (40) feet above the pier deck.
(3) To permit free circulation of water, piers shall be floating or shall be built on a foundation which is at least ninety (90) percent open.

(4) No superstructures shall be permitted.

Delete Section 7.32

Section 7.40 shall be amended to read:

Multiple uses such as those described in Sections 7.23, 7.24, 7.25, and 9.00 shall be permitted piers, launching facilities, mooring buoys, floating docks and platforms, and sundecks and superstructures in such numbers, sizes and for such water-related purposes as specified in project plans approved by the Agency, but the limitations hereinabove set forth respecting those facilities described in Sections 7.26 and 7.30 shall be utilized as guidelines for this purpose. The amount of deviation from the standards of Sections 7.26 and 7.30 is dependent on:

(1) The reduction in development potential associated with the application; and

(2) The number of people utilizing the facility.

Section 7.50 shall be amended to read:

Structures in the foreshore or extending lakeward beyond the foreshore shall incorporate in a conspicuous manner approved hazard lights or similar devices as aids to navigation.

Amendments to Section 8.00

Add new Section 8.00 to read:

8.00 Jetties and Breakwaters

Section 8.10 shall be amended to read:

An Agency permit must be obtained before constructing or maintaining a jetty or breakwater as provided in Section 4.00.

Amendments to Section 9.00 Marinas

Section 9.11 shall be amended to read:

An Agency permit must be obtained before constructing a
marina as provided in Section 4.00

Amendments to Section 10.00 Shoreline Protective Structures

Section 10.10 shall be amended to read:

An Agency permit must be obtained before constructing a shoreline protective structure as provided in Section 4.00.

Amendments to Section 11.00 Filling and Dredging

Section 11.10 shall be amended to read:

An Agency permit must be obtained before dredging or filling within the shorezone, as provided in Section 4.00.

Section 11.40 shall be amended to read:

Where dredging is permitted, spoil materials shall not be deposited in the lake waters, in wetlands or within the 100 year flood plain of any tributary to the lake except for beach replenishment, as provided in Section 10.40.

Amendments to Section 12.00

Section 12.00 shall be amended to read:

12.00 Manmade Lagoons, Artificial Islands and Floating Dwellings

Section 12.20 shall be amended to read:

There shall be no floating dwellings permitted in the nearshore, foreshore, or on any other waters within the region.

Amendments to Section 15.00 Standards for Backshore Construction

Section 15.1 shall be amended to read:

15.10 Permit Application

An Agency permit must be obtained before undertaking any construction or use within the backshore which is not exempt under Ordinance 81-1.

Section 15.30 shall be amended to read:

All activities for which a permit is required pursuant to Section 13.00 and Section 4.11(11) shall be reviewed for and conditions placed on:
(1) The proposed use and accessory uses;

(2) The impacts of the proposed use on surrounding uses;

(3) The height, coverage, and siting of the proposed and existing uses on the property;

(4) The construction methods and controls;

(5) The impacts on the site and the mitigation measures proposed;

(6) Exterior appearance of the proposed structure(s);

(7) The size of the proposed structures; provided, however, that in imposing conditions respecting size, the reviewing authority shall be guided by an appraisal of the purposes and objectives of both the Land Use Ordinance and the Shorezone Ordinance.

Amendments to Section 17.00  Nonconforming Structures

Section 17.30 shall be amended to read:

All other structures including superstructures on piers located within the nearshore or foreshore not damaged by fire or calamity and that do not conform with the provisions of this ordinance shall be removed or made conforming on or before December 31, 1999. Existing commercial and multiple use facilities may be allowed to remain provided an administrative permit is granted pursuant to Section 4.00

Section 17.40 shall be amended to read:

17.40  Existing Nonconforming Uses and Structures

Existing uses and structures in the nearshore or foreshore which do not conform to the provisions of the ordinance may be continued, sold, or transferred provided that they meet the following criteria:

(1) The uses or structures were lawfully existing on the date of adoption of this ordinance; or

(2) The uses or structures had valid local, State Lands Division, TRPA, and Corps of Engineers permits on the date of adoption of this ordinance.

Add a new Section 17.50 to read:

17.50  Limitations on Nonconforming Uses and Structures

The following limitations, if stricter than Section 17.30,
shall apply to existing nonconforming uses and structures:

(1) Structures may be kept in good condition through the employment of ordinary maintenance.

(2) Damaged or deteriorated nonstructural members may be repaired or replaced.

(3) Damaged or deteriorated structural members may be replaced or repaired only if:

(a) The members are part of a conforming section of the structure; or

(b) The nonconforming structure is of cultural or historic importance and is open to the general public on a regular limited or unlimited basis.

(4) No improvements shall be authorized in the nearshore or foreshore of the parcel unless and until the existing nonconforming use or structure is made conforming.

Amendments to Section 20.00 Variances

Section 20.00 shall be amended to read:

Variances from the terms of this ordinance may be granted by the Agency Governing Body only if it is found that because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property in the vicinity. Where such conditions are found, the variance permitted shall be the minimum departure from existing regulations necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other similarly situated properties in the vicinity.

Add new Section 22.10 to read:

22.10 Civil Proceedings and Stop Work Orders

Violations of any provision of the ordinance may also be enforced by stop work order and/or civil judicial proceedings.
October 7, 1981

To: The Advisory Planning Commission

From: The Staff

Subject: Proposed Consolidation of the TRPA
California and Nevada Land Use Ordinances

The TRPA Governing Body has directed Agency staff to combine the
California Side Land Use Ordinance (1980 CTRPA ordinance) and the
Nevada Side Land Use Ordinance (1980 TRPA ordinance) into one
comprehensive document. The intent of these amendments is to
combine the ordinances without removing the substantive differences,
to eliminate conflicts with recently adopted ordinances and
regulations and to set forth a uniform set of review procedures.
The two ordinances are proposed to be combined in the following
format:

Sections
1.00 Findings
2.00 General Provisions
3.00 Definitions
4.00 Permit Procedure
5.00 Nature of the Land Use Ordinance
6.00 Land Capability Districts
7.00 Nevada Side Use Districts
8.00 California Side Use Districts
9.00 Permits and Variances
10.00 Nonconforming Uses, Structures
and Alterations

Within this new format, Agency staff requests the APC's
recommendation on the following issues:

1. What is the proper permit procedure?

Comment - The Nevada Side Ordinance requires the local
government to issue an administrative permit before the Agency
can take action, and the Agency then approves the issuance of
the permit. The California Side Ordinance requires the
applicant to have all necessary approvals prior to the CTRPA's
issuance of a permit. Currently, the TRPA Rules and
Regulations follow the California procedure.

2. Should land capability challenges be processed as permits
for additional coverage or as General Plan amendments. Also,
should the Agency permit land capability challenges in high
hazard geomorphic areas?

Comment - The Nevada Side Ordinance requires permits for
additional land coverage based on a finding that the lands have characteristics similar to another land capability district. The California Side Ordinance requires amendments to the land capability maps. Also, the California Side Ordinance prohibits land capability challenges in high hazard geomorphic areas contrary to the Nevada Side Ordinance.

3. When combining the replacement of nonconforming land coverage requirements of the two ordinances, should the replacement requirements be adjusted to reflect the lower permitted land coverages?

Comment - Since Ordinance 81-5 (the 208 ordinance) limits land coverage to land capability requirements instead of grandfather coverages, the replacement requirements may need adjusting if a reasonable use is to be maintained. This issue relates to the status of nonconforming coverage as a nonconforming use.

Agency staff would also request any APC comment in regards to technical problems they have experienced in administering the TRPA Land Use Ordinances. It is the staff's intent to present a rough draft to the Governing Body in October and to the APC in November.