TRPA
GOVERNING BOARD
PACKETS

NOVEMBER
1982
TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, November 17, 1982 at
9:30 a.m. at the hearing room of the Tahoe Regional Planning Agency, located at
2155 South Avenue, South Lake Tahoe, California, the Governing Body of said
agency will conduct its regular meeting. The agenda for said meeting is
attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that the Finance Committee of said agency
will meet at the same location at 8:30 a.m. on the same day to discuss the
Agency's budget and work program.

Date: November 2, 1982

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

NOTE: Items on the agenda without a time designation may not
necessarily be considered in the order in which they
appear on the agenda.
NOTE: There will be a meeting of the Finance Committee at 8:30 a.m. to discuss the Agency's budget and work program.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III CONSENT CALENDAR

IV SPECIAL REPORT - Federal Agency/TRPA Coordination Effort

V SETTLEMENT OF LITIGATION AND RELATED MATTERS - 10:00 a.m.

Bitterbrush Subdivision, Washoe County

VI AGENCY REVIEW

A. Agency Review and Certification of Finding of No Significant Effect

1. Wayne Prim, Approval of Parcel Map and Administrative Permit to Construct a Road, Eagle Drive, Incline Village, Washoe County, APN 126-251-30, -31, and -32, TRPA File #81-1246

2. Jean Seifert, Single Family Dwelling on a Lot Containing an SEZ, 513 Sugar Pine Drive, Washoe County, APN 122-116-02, TRPA File #82734

3. Reconsideration of Prior Action, Jeff Robinson, Dwelling and Replacement of Nonconforming Coverage, Level 2, Barrier Beach, City of South Lake Tahoe, APN 29-101-13, TRPA File #81110

4. City of South Lake Tahoe, Bike Trails from the Y to Tulare Avenue, TRPA File #82300

B. Austin/Jensen, Single Family Dwelling, Review Pursuant to 1982 Case-by-Case Review Criteria and Finding of Local Public Road, Level 1, Yellow Jacket Road, Douglas County, APN 01-080-02, TRPA File #82217

VII SPECIAL DETERMINATION

G. Towle/J. Rogan, Finding of Vested Right, Fourplex, Tahoe Village Unit #1, Douglas County, APN 09-032-22 through 09-032-25, TRPA File #82-1320

VIII ENFORCEMENT

A. Show Cause Hearings

1. Tom Pitts, Unauthorized Pier Construction, 8391 Kehlet Drive, El Dorado County, APN 26-081-431, TRPA File #81149

2. David Nelson, Unauthorized Tree Cutting, 218 Canyon Circle, Douglas County, APN 03-171-22
III. Richard Solari, Unauthorized Modification of Existing Pier, Meeks Bay, El Dorado County, APN 16-091-16

IX. PUBLIC HEARING

To Consider Amendments to the Land Use Ordinance to Allow Condominium Conversions on Nonconforming Properties

X. ADMINISTRATIVE MATTERS

A. Approval of Fiscal Year 1981-82 Audit Report

B. Approval of Preliminary Fiscal Year 1983-84 Budget and Work Program

XI. PLANNING MATTERS

A. Certification of Environmental Impact Statement, Tahoe Commercial Station, Placer County, TRPA File #82220

B. Report on Regional Plan Public Workshops

C. Building Permit Issuance Under the 1983 Compact Allocation

D. Other

XII. REPORTS

A. Finance Committee Report

1. Cost of Living Salary Adjustments

2. Status of Visual Quality Index Study

3. Other

B. Executive Session

C. Regional Plan Steering Committee Report

D. Executive Director Report

1. Interpretation of Shorezone Ordinance Regarding Repair to Nonconforming Structures in the Shorezone

2. List of Projects Approved at Staff Level

3. Other

E. Legal Counsel Report

F. Governing Body Members

G. Public Interest Comments

XIII. ORDINANCES

A. First Reading of Ordinance Amending the Land Use Ordinance to Allow Condominium Conversions on Nonconforming Properties
B. Consideration of Adoption as an Emergency, Ordinance Amending Ordinance 81-5 to Extend the Case-by-Case Review Procedure to August 28, 1983

XIV RESOLUTIONS

XV PENDING MATTERS

XVI ADJOURNMENT

CONSENT CALENDAR

Approval of the following items requires a finding of no significant effect and approval with conditions and necessary findings:

1. Guptil/Barrow, 2 Unit Condominium Parcel Map, 761 Titlist Drive, Incline Village, Unit 3, Washoe County, APN 129-280-02, TRPA File #821202

2. Stilts/Barrow, 4 Unit Condominium Parcel Map, 862 Southwood Boulevard, Washoe County, APN 122-281-07, TRPA File #821204

3. Maffley/Kaufman, Boundary Line Adjustment, Meeks Bay, El Dorado County, APN 16-410-10, TRPA File #821228

4. Tabari/Cox, 8 Unit Apartment Complex, Mays Boulevard and Freel Peak Drive, Washoe County, APN 122-202-26, TRPA File #821170

5. Crystal Shores Villas, Repair of Shoreline Protective Structure, Washoe County, APN 122-060-00, TRPA File #82203

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

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

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

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.
27 September 1982

Thomas Hsieh
Thomas Hsieh and Associates, AIA
166 Grant Avenue
San Francisco, California 94108

Dear Tom,

The enclosed memorandum describes in greater detail the proposed work scope for the Scenic Quality Evaluation of Outdoor Recreation Areas and Bicycle Paths. This description is intended to supplement the proposed work program as outlined in September 13, 1982 letter and memorandum to Randy Sheffield.

Although Wagstaff and Brady would be agreeable to some arrangement whereby TRPA staff did some of the field work and mapping under our direction, I have serious reservations about the arrangement suggested by Randy where Wagstaff and Brady would be advising or reviewing the work of a graduate landscape architect who would be reporting to the TRPA staff.

As I mentioned to you by phone, my concerns are 1) cost-effectiveness; the need to train and supervise such a person to use our established system would probably cost more in the long run than to do it ourselves, especially for a project with tight deadlines (the inventory should be completed within six weeks); 2) the quality of the work; Wagstaff and Brady personnel assigned to the job have special qualifications and experience in visual analysis, and all of them except Marge Gurdziel worked on the Scenic Resource Inventory for the Thresholds study. I am a licensed landscape architect with extensive experience in visual analysis, Stephen Sheppard is a Ph.D. from U.C. Berkeley in landscape architecture with a specialty in visual analysis, and Marge Gurdziel is a graduate landscape architect; 3) responsibility for the work; I hesitate to commit Wagstaff and Brady to responsibility for work over which we have little control.

I hope this information is helpful. Please don't hesitate to call if I can answer any questions.

Sincerely,

WAGSTAFF AND BRADY

Sheila Brady
Principal

Enclosures

SB:se
27 September 1982

MEMORANDUM: Scenic Quality Evaluation of Outdoor Recreation Areas and Bicycle Paths, Proposed Work Scope Addendum

TO: Thomas Hsieh

FROM: Sheila Brady

Task 1. Inventory of Outdoor Recreation Areas

In addition to work described in the September 13 memo, this task will include preparation of base maps for public parks, beaches, picnic and camping areas, and ski resorts. There are about 36 beaches, 23 campgrounds, 11 alpine ski areas, 4 state parks, and 11 city, school and county parks in the basin. Base maps will be reproducible in an 8½"x11" format and will be used for field work.

Task 1 will also include development of rating sheets for field evaluation of sites. Each site will have a single rating sheet, showing ratings by criteria for individual resources and features and composite criteria ratings. The criteria used for the outdoor recreation areas will be similar to those used for the scenic roadway and shoreline units, although they will reflect two major differences: the presence of physical man-made facilities and the different nature of use of the areas (recreational rather than scenic viewing). In addition to the criteria of unity, vividness, variety and intactness, additional criteria will be used to address man-made or developed components of the landscape. These criteria would assess the inherent visual quality and compatibility of structure and/or design with the surrounding scenic environment. The criteria will be tested on three varying types of outdoor recreation areas (i.e. ski areas, beaches, camping areas) to determine specific applicability and refined or modified if necessary. Variations on criteria may be developed for different types of use areas.

Task 2: Visual Quality Survey of Outdoor Recreation Areas

This task will include for each recreation area diagrammatic mapping of individual visual resources and features. This task is labor-intensive, and requires field verification, but is essential to accurate evaluation of the individual components of each area. Major scenic resources in each area will be photo-documented and keyed to maps. In the case of ski resorts, the major use areas and approaches will be subject to visual analysis; ski trails will not be included. Ski resorts will be field-evaluated with and without snow cover, weather permitting.
Task 3. Evaluation of Visual Quality in Recreation Areas

Evaluation of each recreation area will be done at the same time as the survey whenever possible, to avoid duplication of travel and field time. For very large areas, however, such as the state parks (D.L. Bliss, Emerald Bay, Nevada State Park, etc.) two or more field visits may be required. Evaluations will be made by two persons in the field, and will be checked by a third member of the team against photographs and through familiarity with the area. Whenever evaluations appear questionable, they will be verified by a final field visit. Each evaluation will include a paragraph narrative description of the area.

Task 4. Mapping and Description of Scenic Quality of Recreation Areas

Each recreation area will be represented by

1) diagrammatic scenic map of features, resources and major use areas;
2) evaluations with criteria ratings on rating sheets keyed to features and resources;
3) identification of major existing or potential problem areas;
4) photo-documentation keyed to maps; and
5) narrative description of the area.

Format will be 8½"x11". Photo-documentation will be slides in slide sheets. All information will be contained in a binder for use by TRPA.

The text, maps, and rating sheets will be xerox-reproducible as a separate document.

As explained in the September 13 memorandum, this information can be used by the TRPA staff during the Regional Plan development to determine the effect of proposed use on the scenic (visual) quality of each area; for instance, the effect of a proposed residential area on the boundary of the recreation area can be assessed by its potential for interruption of views, or encroachment on high quality scenic resources. A sketch simulation of the residential project could be projected onto a slide of a scenic resource or viewpoint, and its precise effect on scenic quality determined by rating the resulting view or scene by the same criteria used in the original evaluation.

A guide with graphic examples explaining use of the criteria for evaluation can be designed for use by TRPA staff. Design capability and experience on the part of the TRPA staff member, however, are important to assure the optimum use of this system during Regional Plan development.

Cost estimates for the four tasks, plus addition of evaluation of bicycle paths to the Scenic Roadway Analysis, were included in the September 13, 1982 memorandum, a copy of which is enclosed.
Task 1. Inventory of Outdoor Recreation Areas

From existing data and map sources, federal, state, city and county recreation areas will be identified and described. Data sources will include the background material developed for recreation thresholds, the TRPA Conservation, Recreation and Open Space Elements, the USFS LTBMU Land Management Plan, the recreation inventory developed for the South Tahoe PUD/Douglas County SID Environmental Impact Statement, and information from local jurisdictions, the California State Department of Recreation and the Nevada State Department of Conservation and Natural Resources. Information from these sources will be updated to insure accuracy. The following information will be compiled for each of the recreation areas:

· location
· size in hectares and acres
· facilities
· use characteristics (season, type of recreation)
· levels of use
· capacity estimates (when available)

Task 2. Visual Quality Survey of Outdoor Recreation Areas

A field survey of each recreation area will be conducted to determine visual characteristics. Visual characteristics to be identified will include:

1. Scenic and visual resources, such as beaches, vegetation, land formations, streams or other water features, man-made elements (buildings, piers, recreation equipment, sanitary facilities, etc.).

2. Major viewpoints, from both land and water. Viewsheds from access points, circulation systems, and major use areas will be identified. Within these viewsheds, significant viewpoints will be identified. Views will be described as panoramic, long and short range, and screened or intermittent.

3. Special areas or resources, that may be relatively inaccessible but of special value or high scenic quality.
This survey will include observation of user activities and levels of use. Attention will be given to the effect of use characteristics on the visual resources. Management practices that either contribute to or detract from visual quality will be noted. Physical conditions such as erosion or damage to vegetation that impair scenic quality will also be identified. Surrounding areas and their influence on the recreation area will also be analyzed. For each recreation area, standard forms developed for this purpose will be completed, and all information will be mapped in uniform format.


Each recreation area will be evaluated using criteria developed for the Thresholds Scenic Resource Inventory. Individual resources, features and views will be rated. The overall scenic quality ratings for the areas as a whole will be derived in part from these individual ratings, but separate ratings for the whole area will also be recommended, based on the same thresholds criteria.

For each recreation area, rating sheets showing individual resources and features, composite evaluations and recommended ratings will be completed.

Task 4. Mapping and Description of Scenic Quality of Recreation Areas.

Reproducible maps at uniform scales will be developed for all recreation areas. Mapped information will include:

1. viewsheds and significant views
2. scenic resources and features
3. special scenic areas
4. management problem areas
5. areas requiring physical improvement for restoration of visual quality

Mapped information will be keyed to photodocumentation, descriptive notes, evaluations and scenic quality ratings. This information will be compiled in a single document and will be designed as a planning tool to aid the TRPA staff in implementing the Regional Plan by clearly identifying 1) resources of high scenic quality that should remain unchanged; 2) areas where protection, restoration or improvement measures are required; and 3) areas within or surrounding the recreation area where change could be accommodated without significant reduction in visual quality.

BICYCLE PATHS

Inventory, analysis and evaluation of visual quality of bicycle paths will be conducted simultaneously with that of the recreation areas. However, since most of the bicycle paths are located along major travel corridors, a substantial part of the inventory and evaluation work has already been completed by the Thresholds Study Scenic Resource Inventory.

In some areas, revisions to the Scenic Quality Inventory is needed to make it applicable to the visual environment as seen by the bicyclist, travelling
at a slower speed than the motorist. For instance, small scale visual features within a given segment of roadway may be unseen by a motorist but important to a bicyclist. The absence of safety provisions (rest stops, adequate lane widths) may make appreciation of certain visual resources difficult or impossible. The Scenic Quality Inventory will be reviewed and revised as appropriate to address these differences, and ratings of scenic quality within roadway units may be revised for bike paths as a result.

For bicycle paths that are not located along major travel corridors, field survey and evaluation will be conducted in the same manner as for the roadway analysis in the Scenic Resource Inventory. Scenic resources and features will be identified, photodocumented, evaluated and mapped, and scenic quality thresholds will be recommended.
## Cost Estimate: Scenic Quality Evaluation of Tahoe Basin Outdoor Recreation Areas and Bicycle Trails

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### Direct Costs

- Travel: 6 trips @ 400 miles per trip x $0.20/mile = $480
- Per diem: 8 days per diem @ $65/day = $520
- Photographic supplies and reproduction = $1200
- Reproduction and copying = $150
- Communications = $2600

**Total Estimated Cost:** $29,432
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# Tahoe Regional Planning Agency

**Statement of Revenues & Expenditures**

(As of October 31, 1982)

## Revenues

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## Excess of Revenues Over Expenditures

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|                |               |               |               |
| **FUND BALANCE** | **$ 837,631.91** | **$ 357,537.20** |               |
October 18, 1982

Philip A. Overeynder
Executive Director
TRPA
P.O. Box 8896
South Lake Tahoe, CA 95731

Subject: Governing Board Discussion of the 1983 Allocation Program

Dear Phil:

In follow-up to the matters we have discussed in this regard, we are enclosing a memo to the Governing Board, asking for their direction and concurrence on this matter of the 1983 Allocation for single family permits.

If at all possible, we would ask that you bring this up as an off-agenda item (under Reports, perhaps) if time allows at this months meeting. I am including enough copies to furnish the members of the Board, either for distribution at the hearing, or in a prior mail-out. If this is not possible and must be addressed in November, I certainly understand.

I have a conflict with a Board of Zoning Appeals hearing on the 27th, but Larry Severson will be present and is very familiar with these matters.

Thank you for your attention to this.

Sincerely,

[Signature]

BILL COMBS
Senior Planner

cc: Larry Severson
BC: 11

RECEIVED
BY:

OCT 20 1982

Tahoe Regional Planning Agency
MEMORANDUM
PLANNING DEPARTMENT
COUNTY OF PLACER

To: Governing Board Members, Tahoe Regional Planning Agency
From: Bill Combs, Senior Planner, Placer County Planning Department
Subject: Building Permit Issuance Under the 1983 Compact Allocation

Date: October 18, 1982

Dear Board Members:

The purpose of this memo is to seek confirmation from the Board on Placer County's intended implementation procedures for the 1983 Allocation for Single Family Dwelling Permits under the provisions of the Compact.

As the Allocation Coordinator for Placer County, my office has handled the random selection process and myriad administrative details of the allocation program for 1981 and 1982.

As the Board is aware, Article VI(c) of the Compact established an allocation of one-third of the previous years permits for the first third of the calendar year 1983. The intention at the time the Compact was drafted was that by May of 1983, or shortly thereafter, the new Regional Plan would direct whatever further allocation was found to be appropriate.

While the drafters of the Compact had in mind a reasonable growth management plan for this time period, with which we agree and support, they may not have anticipated the considerable administrative difficulties involved in having building permits for 1983 issued (emphasis added) by the end of April, 1983.

The critical word in the Compact is "issuance", since it would mean that not only would a process of notification of a random drawing and selection have to take place, but that those persons selected would have to have field verification of land capability completed (in our case currently performed by CTRPA), a site survey conducted, and complete plans prepared and approved. Under normal winter-time conditions this could be extremely difficult, or under heavy snow, impossible.

Our request to the Board is that you concur with either one of the following proposals for allowing actual issuance of permits to take place after April 30, 1983, under the Allocation.

If at all possible, we would ask that the Board consider this as an Administrative matter on your October agenda. While I have a conflict with the October 27 date with a public hearing matter in Auburn, Mr. Seviston is familiar with this request and can answer any questions you may have.
The two options being considered are as follows:

OPTION 1: By the end of the first one-third of the calendar year, issue the allocation of "Conditional Building Permits" to meet the requirements of Article VI(c).

A "Conditional Building Permit" shall be defined as: a reserved right to pursue the issuance of a Building Permit subject to satisfactory completion of all requirements for Permit issuance, including but not limited to, applicable fees, complete plan submittals, and written authorization for permit issuance from the California Tahoe Regional Planning Agency and/or Tahoe Regional Planning Agency. In the event that a property selected for a Development Permit is found to be a non-buildable site because of ordinances in effect of the Regional Agencies, the holder of the "Conditional Building Permit" shall be prohibited from exercising the permit on that site, but may seek authorization to transfer the permit to another site that is buildable.

OPTION 2: A determination from the Governing Board of the TRPA that an assigned "Development Permit" meets the spirit and intent of the concept of a "Building Permit" as used in Article VI, Section C 384.

"Whereas the purpose of Article VI is to provide for a method of controlled growth in the basin during the preparation of the Environmental Thresholds/Carrying Capacity Study and Regional Plan, and whereas the issuance of Development Rights through a random selection process by Placer County shall in no way result in a greater number of actual building permits for single family residential units than that identified in the Compact;

And whereas the drafters of the Compact intended to regulate the total number of permits issued during calendar year 1983 but may not have realized the considerable administrative difficulty of having that permit issuance period restricted to the winter season months of January - April, 1983;

Therefore, be it resolved that the Governing Board of the Tahoe Regional Planning Agency finds:
(1) That Development Permits assigned by Placer County prior to April 30, 1983, shall be equated with Building Permits, for administrative purposes, allowing for Building Permit issuance after April 30, 1983, but prior to December 31, 1983, with the understanding that no Building Permits shall be issued without written authorization for such from the Tahoe Regional Planning Agency (or by the CTRPA in an equivalent role), and that the number of Building Permits issued during 1983 shall not exceed number indentified in the Compact, or as perhaps amended by the new Regional Plan".

Respectfully submitted,

BILL COMBS
Senior Planner

BC:11
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Guptil/Barrow, 2 Unit Condominium Parcel Map, 761 Titlist Drive, Washoe County, APN 129-280-02, TRPA File #82-1202

Applicant: Guptil/Barrow

Project Description: The applicant proposes to convert an existing 2 unit apartment complex into condominium units. The units have existed for 4 years. The certificate of occupancy was issued on October 16, 1979. The building permits for construction were issued in 1978.

Project Location: Lot 12, Block B, Incline Village Unit #3

Site Description: The lot currently contains 2 units and parking areas which cover 24% of the site. The soil type in the area is Inville stony coarse sandy loam, which has moderately high permeability, and a slight erosion hazard.

Review Per Section: Section 8.34 Nevada Side Land Use Ordinance.
Section 3.31 TRPA Ordinance 81-8.
Article VI(b) TRPA Compact.

Land Use District: Low Density Residential

The subject lot is a designated duplex lot in Incline Village Unit 3. The Agency Governing Board has previously recognized the density shown on the final map for Unit 3 since it was recorded prior to February 10, 1972. Therefore, this lot is allowed a maximum of 2 units.

Land Capability Classification: Soil Type: IsD, Land Capability Level 4, Allowable Land Coverage 20%

Land Coverage: The existing units exceed the land coverages allowable under Section 9.24 of the Nevada Side Land Use Ordinance and the 20% limitation for a land capability district 4. In order to achieve compliance with the Agency requirements the applicant proposes to reduce the existing land coverage by 300 square feet which would bring the project site into compliance with Section 9.24 of the Nevada Side Land Use Ordinance.

<table>
<thead>
<tr>
<th>Lot Size:</th>
<th>13,523 sq. ft.</th>
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</thead>
<tbody>
<tr>
<td>Permitted Coverage: (20%)</td>
<td>2,704 sq. ft.</td>
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<tr>
<td>(Section 9.24)</td>
<td>3,000 sq. ft.</td>
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<tr>
<td>Existing Coverage:</td>
<td>3,000 sq. ft.</td>
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<td>Proposed Coverage:</td>
<td>3,000 sq. ft.</td>
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<tr>
<td>Proposed Coverage Reduction:</td>
<td>300 sq. ft.</td>
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</tbody>
</table>

Building Height: Proposed: 35'  Permitted: 35'

11/3/82
JD; sf  Consent Calendar #1.
Impact Analysis and Mitigation Measures:

Land and Water: As a condition of approval the applicant will be required to prepare and implement an onsite drainage, revegetation and slope stabilization plan in compliance with the standards set forth in the 208 Plan.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada Side Land Use Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA 208 Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Division of Environmental Protection Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Staff Comment: Based on information provided with the application, a field review of the project, and evaluation of the proposal, the staff cannot identify any significant issues for discussion.

The following actions must be taken and findings made to approve the proposed condominium parcel map:

1. This condominium parcel map will not result in any increase in development potential or in present or potential land coverage or density and will not have any adverse impact on the health, safety, general welfare or environment of the region.

2. The action and findings listed on attachment A.

Agency staff recommends the following conditions of approval:

1. Prior to recordation of the parcel maps, the applicant shall prepare a drainage, slope stabilization and revegetation plan for the subject project. The plan shall be designed in conformance with the 208 Water Quality Plan standards and shall be subject to TRPA staff approval.

2. Standard conditions of approval listed on Attachment D.

3. The existing land coverage on the property shall be reduced by 300 square feet to achieve compliance with the requirements of the land capability system prior to recordation of the parcel map.

11/3/82
JD; sf

Consent Calendar #1.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Stiltz/Barrow, 4 Unit Condominium Parcel Map, 862 Southwood Boulevard, Washoe County, APN 122-281-07, TRPA File #82-1204

Applicant: Stiltz/Barrow

Project Description: The applicant proposes to convert an existing 4 unit apartment complex into condominium units. At this time only the foundations for the units have been constructed. The foundations have existed for two years. The building permits for construction were issued in June, 1980. The Governing Board has previously determined that a foundation placed prior to December 19, 1980 under a valid building permit constitutes a lawfully existing structure that can be completed and converted to condominiums.

Project Location: Wood Boulevard 1/2 block east of Tanger, Incline Village.

Site Description: The lots currently contains foundations for 4 units with plans for parking areas which cover 50% of the site. The soil type in the area is Inville stony coarse sandy loam, which has moderately high permeability, and a slight erosion hazard.

Review Per Section: Section 8.34 Nevada Side Land Use Ordinance.
Section 3.31 TRPA Ordinance 81-8.
Article VI(b) TRPA Compact.

Land Use District: High Density Residential

Land Capability Classification: Soil Type: IsC, Land Capability Level 6, Allowable Land Coverage 30%

Land Coverage: At the time of issuance of the building permit the allowed land coverage for a lot less than 2 acres in size in the HDR land use district was 50% under Section 9.23 of the Nevada Side Land Use Ordinance.

Lot Size: 12,600 sq. ft.
Permitted Coverage: 6,300 sq. ft. (50%)
Existing Coverage: 6,249 sq. ft.
Proposed Coverage: 6,249 sq. ft.

Building Height: Proposed: 34' Permitted: 35'

Impact Analysis and Mitigation Measures:

Land and Water: As a condition of approval the applicant will be required to prepare and implement an onsite drainage, revegetation and slope stabilization plan in compliance with the standards set forth in the 208 Plan.

11/3/82
JD; sf

Consent Calendar #2.
Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
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<tbody>
<tr>
<td>Nevada Side Land Use Ordinance</td>
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<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
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<td>TRPA 208 Water Quality Plan</td>
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<tr>
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<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Staff Comment: Based on information provided with the application, a field review of the project, and evaluation of the proposal, the staff cannot identify any significant issues for discussion.

The following actions must be taken and findings made to approve the proposed condominium parcel map:

1. This condominium parcel map will not result in any increase in development potential or in present or potential land coverage or density and will not have any adverse impact on the health, safety, general welfare or environment of the region.

2. The action and findings listed on attachment A.

Agency staff recommends the following conditions of approval:

1. Prior to recordation of the parcel maps, the applicant shall prepare a drainage, slope stabilization and revegetation plan for the subject project. The plan shall be designed in conformance with the 208 Water Quality Plan standards and shall be subject to TRPA staff approval.

2. Standard conditions of approval listed on Attachment D.

11/3/82
JD; sf

Consent Calendar #2.
GARAGE
UNITS 2 & 3

TYPICAL SECTION

TAHOE BLVD.

PROJECT SITE

SOUTHWOOD BLVD.
VILLAGE BLVD.

VICINITY MAP

BASIS OF BEARING
INDUSTRIAL SUBDIVISION NO. 2

LEGEND
FOUND POINT
SET POINT

TAHOE REGIONAL PLANNING AGENCY

THIS FINAL MAP CONFORMS TO T.R.P.A. REQUIREMENTS.

COMMON AREA NOTE

ALL COMMON AREA SHOWN ON THIS PLAT ARE SUBJECT TO A BLANKET EASEMENT FOR SEWERS, DRAINAGE AND OTHER PUBLIC UTILITIES FOR THE BENEFIT OF THE PROPERTY OWNERS OF THIS SUBDIVISION. SUCH EASEMENTS TO INCLUDE, BUT NOT BE LIMITED TO, SEWER, STORM DRAIN, POWER, GAS, WATER, TELEPHONE AND TELEVISION CABLE LINES. SUCH BLANKET EASEMENT IS HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF THE ABOVE MENTIONED UTILITIES WITHIN THE ABOVE MENTIONED SUBDIVISION. AS THE INSTALLATION AND MAINTENANCE OF THE ABOVE MENTIONED SUBDIVISION IS THE RESPONSIBILITY OF THE OWNERS.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Maffley/Kaufman, Boundary Line Adjustment, Meeks Bay, El Dorado County, APN 16-410-10, TRPA File #821228

Applicant: Alfred Maffley/Leah Kaufman

Project Description: The applicant requests approval to change the boundaries of a 16 acre parcel so that the majority of the parcel can be sold to the Forest Service under the Burton-Santini Land Acquisition Program. Mr. Maffley will retain 4.85 acres and the remaining 11.93 acres will be consolidated with an existing Forest Service parcel.

Project Location: Meeks Bay, El Dorado County

Site Description: The U.S. Forest Service currently owns property bordering two sides of the subject parcel. There are three separate parcels encased by the Maffley parcel which are maintained under separate ownership and will not be affected by this proposal. Approximately 90% of the parcel to be acquired by the Forest Service is land capability 1, 9% is stream environment zone and 1% is land capability 6. Of the area retained by Maffley, 43% is class 6, 38% is class 1 and 19% is SEZ. The parcel currently contains 45,060 square feet of coverage, which is above that which is allowed by the land capability system. Although the applicant proposes to reduce the land coverage by 8,955 square feet the parcel to be retained will still contain non-conforming land coverage.

Review Per Section: CTRPA Land Use Ordinance Sections 4.21, 5.23, 7.14 and 8.15

Land Use District: General Forest

Land Capability Classification: Class 6 - GeC soil type, Class 1b - SEZ, Class 1A - MsG and MsE

Land Coverage:

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<th>Type</th>
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<td>Existing</td>
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<td>Proposed</td>
<td>36,105 sq. ft.</td>
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The overall land coverage on the 16 acre parcel is currently 6.16%. After acquisition of the 11.93 acres and after the the removal of 8,955 square feet, the coverage on the 4.85 acre parcel to be retained by Mr. Maffley will be 17.07%.

Impact Analysis and Mitigation Measures: Although the percentage of nonconforming coverage is being increased on the parcel to be retained by Maffley, the purpose of the project is to allow the U.S. Forest Service to acquire environmentally sensitive lands. Additionally, the applicant proposes to reduce the total coverage by 8,955 square feet. Agency staff therefore finds that the project will have a net positive environmental impact.

11/3/82
NS;sf

CONSENT CALENDAR #3.
Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Side General Plan and Sub-Elements</td>
<td>Consistent</td>
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<tr>
<td>TRPA Water Quality Plan</td>
<td>Consistent</td>
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<tr>
<td>California Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Nondegradation Policy for Water Quality</td>
<td>Consistent</td>
</tr>
<tr>
<td>California Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Project Analysis and Issues for Discussion: Section 4.21 of TRPA Land Use Ordinance prohibits the creation of a lot or parcel which is non-conforming to land coverage or density. Staff believes that this project may be approved only if the Forest Service purchases the property and consolidates it with their existing parcel. If the consolidation were to occur, no new parcel would be created and Section 4.21 would not apply.

Required Actions and Findings: The following Action and Findings are required to approve the project:

1. A finding of no significant effect.
2. Findings and actions listed on Attachment A.
3. The following special condition of approval:

The final approval is subject to acquisition of the 11.93 acre parcel by the U.S. Forest Service and the consolidation of the 11.93 acre parcel with the adjacent Forest Service property.
OVERVIEW OF LAND IN ITS ENTIRETY
SOIL TYPES AND LAND CLASSIFICATIONS
October 15, 1982

Mr. Alfred E. Maffley
2505 Hilvia Street
Berkeley, CA 94704

Dear Mr. Maffley:

It is my pleasure to make an offer to purchase your properties along Meeks Creek and near Rubicon Bay. Randy Witters, my Realty Officer, has kept me informed of the survey and coverage problems and difficulties you have experienced in your attempts to complete a parcel split for your Meeks Creek property.

We understand that the proposed split will be reviewed at the November 5th CTRPA Governing Board meeting, and at the November 17th TRPA meeting. I will attend the November 17th meeting and will have my representative present at the November 5th meeting. In the event either Agency requires our testimony, we will be prepared to comment.

I am authorized to make a cash offer totalling $ for your two parcels of land. This is based on the following value conclusion:

 Parcel 1 of 29.0+ acres
 Parcel 2 of 12.1+ acres

Your representative, Mr. Jerry Cunningham, met with Mr. Stephen Johnson, the appraiser. PL 95-586 requires that we use a qualified independent appraiser. The appraiser is directed by law to arrive at his value conclusion by using, where practicable, comparable sales made at the time of such acquisition. Mr. Johnson had to consider the fact that during November 1980, the TRPA imposed a temporary prohibition on development of properties with a capability of 1, 2, 3, or with a stream environment classification. He considered the fact that this may or may not be lifted or otherwise modified once TRPA's Threshold Study is complete. Mr. Johnson also had to consider the other restrictions imposed by local agencies that have or may restrict the utility of your properties. These are the rules that regulate coverage and zoning as well as certain utility allowances.

I am enclosing a portion of Mr. Johnson's appraisal. This will aid you in understanding how the appraiser considered all of these factors in arriving
at his value conclusion. The specific parts of his appraisal that are enclosed are the summary of facts and conclusions, the appraiser's certification of value, description of the property, and the method of valuation.

As may have been explained by Mr. Witters, the cost of title reports, recording fees, title insurance, etc., are normally paid by the Government. Expenses which may be incurred by the seller are those incident to clearing title prior to recording a deed to the U.S.A., such as taxes, money liens, sewer assessments, etc. Certain of these items may be reimbursed to the seller, for example, prepayment penalties on pro-existing recorded trust deed and any taxes prepaid beyond the date of deed recording which the Tax Collector will not refund. Excerpts from the booklet entitled "Information on Acquisition and Relocation Assistance", are enclosed. Since the property is unimproved, only pages 4 and 5 apply in your case. Please sign, date and return the reply form that indicates you have received copies of pages 4 and 5 of the above described booklet. An extra copy is enclosed for your file.

Once the CTRPA and TRPA reach their conclusions regarding the parcel split, we will forward to you a Land Purchase Option and contract for signature. We would expect to be able to do this after the November 17th TRPA meeting. Considering the normal problems that would occur in clearing title and obtaining probate clearance, I would still expect to be able to deliver a check into escrow before the end of the calendar year.

If you have any comments or questions regarding this letter, please feel free to call or write to either myself or Randy Witters. Randy will follow through on the details necessary to complete this transaction.

Sincerely,

H. A. MORGAN
Forest Supervisor

Enclosures

Rwitters: jms
MEMORANDUM

November 4, 1982

To: The TRPA Governing Board

From: The Staff

Subject: Tabari/Cox, 8 Unit Apartment Complex,
Mays Boulevard and Freel Peak Drive,
Washoe County, APN 122-202-26, TRPA File #821170

The above application has been continued so that it can be amended. The revised application is anticipated to be presented at the December Governing Board meeting.

KS:jf
11/4/82

Consent Calendar Item 4.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Crystal Shores Villas, Repair of Shoreline Protective Structure, Washoe County, APN 122-060-00, TRPA File 82203

Applicant: Lee Grant Snyder

Project Description: The applicant is proposing to reconstruct an existing rock retaining wall located along the shoreline at the Crystal Shores Villas boat harbor. The old wall was located below the high water line and was damaged by wave action at high water conditions. The new wall is to consist of rock placed against the existing shoreline bank. The toe of the new wall is to be at the high water line, elevation 6229.1, and is designed to slope at 3:1. No grout will be utilized to reconstruct the wall.

Project Location: 557 Lakeshore Drive

Site Description: The backshore contains the Crystal Shores Villas condominiums. The development has its own marina facilities consisting of a pier, breakwater and boatslips. The shoreline in the vicinity is rocky with a sandy lake bottom.

Review Per Section: Article VI(b) of the TRPA Compact
Section 4.11 of the Shorezone Ordinance

Land Use District: High Density Residential (HDR)

Land Capability Classification: IsD, 4

Shorezone Tolerance District: 2

Impact Analysis and Mitigation Measures: The location of the proposed shoreline protective structure will have less impacts than the existing structure which is located below high water. All work is to be done from the water minimizing disturbance in the backshore.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

11-3-82
Consent Calendar #5.

KE:md
Applicable Elements

Nevada Side Land Use Ordinance  Consistent
Nevada Side General Plan and Sub-Elements  Consistent
TRPA 208 Water Quality Plan  Consistent
Nevada Division of Environmental Protection Air Quality Plan  Consistent
Federal Air Quality Standards  Consistent

Project Analysis and Issues for Discussion: All other agencies of authority have tentatively approved the subject project. Staff recommends the project qualifies for a finding of no significant impact.

Required Actions and Findings:

Actions and findings listed on Attachment A.
Findings listed on Attachment B.
Conditions listed on Attachment F.
Plus the following special conditions:
1. All equipment shall access from the lake side.
RELOCATED ROCKS AND ROCKS TO BE IMPORTED FROM AN UPLAND SITE

Present Shore E1. 6231'

Water E1. 6229

Existing Rocks

Low Water E1. 6223.0'

Elevation (Not to Scale)

Incline Village, NV

State Rte. 28
Lakeshore Drive

Lake Tahoe Location

Vicinity Map

N
0 500 1000 1500
Scale in Feet

PLAN

Assessor's Parcel
E 122 060 00
8 CUBIC YARDS IMPORTED ROCK TO BE PLACED ON TOP EXISTING ROCK
Washed-out Shoreline

EXISTING ROCK TO BE MOVED 2' TOWARD SHORE (4 CUBIC YDS)

Lake Tahoe

HIGH WATER EL.
6229.1

Existing Bridge & Walkway

LOW WATER EL.
6223.0

Existing Breakwater

Proposed: Emergency Rock & Sand Shoreline Protection

Location: Lake Tahoe Shoreline @ Parcel #122 060 00

Application By:
Crystal Shores Villas, Inc.
55 Lakeshore Drive, T.V.
Sheet 1 of 1, 10 June 82

DATE: Lake Tahoe Datum

REvised 15 October 1982
Wayne Prim, Approval of Parcel Map and
Administrative Permit to Construct Road, Eagle Drive,
Incline Village, Washoe County, APN 126-251-30-, 31, & 32
TRPA File #81-1246

Applicant: Wayne Prim

Project Description: The applicant is requesting approval by the Agency of a parcel map. This parcel map will divide two existing parcels into four parcels. In addition to approval of the parcel map, the applicant proposes to construct a private road to provide access to the four parcels. The road will be a balanced cut and fill with no materials being imported or exported. The width of the road is 20 feet; the length is 620 feet. Total coverage for the road is approximately 16,082 square feet. This includes an 80 foot diameter cul-de-sac at the end of the road. The previous roadway design, as presented to the Governing Board at the September 1982 meeting, has been substantially revised to reflect the requirements of the North Lake Fire Protection District and requires a substantial increase in grading, vegetation removal and land coverage due to the required radius at the cul-de-sac.

Due to the slope of the terrain and the balanced cut and fill, the applicant has proposed parallel retaining walls to minimize disturbance. The downhill wall will support the fill area of the road, as indicated on the attached road section. The uphill wall will be at the toe of the cut slope which will be backfilled and revegetated. The applicant is proposing the balanced cut and fill type construction technique to avoid potential interference with groundwater flows.

The applicant is also proposing the construction of utilities to service four parcels. This includes sewer, water, power, and cable TV, all of which will be in a common trench to minimize disturbance. The routing of this common utility trench is parallel to one property boundary which is the shortest route. However, routing the utilities parallel to Eagle Drive and then under the road would further minimize disturbance.

Project History:

The subject area, which was under one ownership, was originally mapped as a land capability level 1A. In 1977 the applicant began processing a land capability challenge which would reclassify the area to a land capability level 4. This land capability challenge received a final approval in January of 1980.

During 1979, Mr. Prim divided the property into three separate parcels. Agency staff indicated that this map conformed to the land coverage requirements on March 29, 1979. A subsequent map, further dividing parcels 2 and 3 of the Prim property, was also reviewed by Agency staff for conformance with land coverage requirements as part of an informal agreement with Washoe County, but was never
recorded. Agency legal counsel has reviewed the sequence of events concerning approval of the above-identified parcel maps and has determined that the parcel maps do not constitute a subdivision under the Agency's Subdivision Ordinance, but may be subject to the prohibition of creation on parcel maps contained in the TRPA Compact and in Ordinance 81-8. Agency staff has been presented with information showing that most tentative approvals were received prior to December 19, 1980. These tentative approvals include Washoe County Regional Planning Commission, the Parcel Review Committee, and Incline Village GID. However, the parcel map and road improvements have not had any preliminary approval by the Washoe County Engineer, or the Washoe County Commissioners. Only recently was approval granted from the North Lake Fire Protection District.

Recent conversations with Larry Bogdon, of the Washoe County Engineering Department, indicate the tentative approval received in September of 1980 and renewed in September of 1981 has since lapsed. This would therefore require the applicant to return to the Regional Planning Commission and the Parcel Review Committee prior to receiving final approval by the Washoe County Commissioners.

**Project Location:** The road will provide access from Eagle Drive to parcels 1, 2, 3, and 4. The street addresses are 707, 711, and 717 Eagle Drive.

**Site Description:** Vegetation over the entire lot consists of a white fir and Jeffrey pine overstory and a squaw carpet, whitethorn, and manzanita understory. The site is well vegetated and has a stable soil profile.

The soils in the area are Inville stony coarse sandy loam. The slope varies from 19.6% to 27.1%. If the protective vegetation cover is removed, surface runoff is rapid and the erosion hazard is moderate. Limitations on reestablishing vegetation once it has been removed are considered moderate.

**Review Per Section:**
- Section 4.0 of the TRPA Subdivision Ordinance
- Article 6.3 of the TRPA Rules and Regulations
- Article VI(b) of the TRPA Compact
- Section 8.34 of the Nevada Side Land Use Ordinance
- Section 3.00 of TRPA Ordinance 81-8

**Land Use District:** Low Density Residential (LDR)

**Land Capability Classification:** Level 4*

*Based on a land capability challenge approved by TRPA staff on January 15, 1980.

**Land Coverage:** Total Area 3.088 acres, 134,535 sq. ft.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Square Footage</th>
<th>Allowed Coverage</th>
<th>Coverage Proposed For Road</th>
<th>Remaining Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>34,475 sq. ft.</td>
<td>6,895 sq. ft.</td>
<td>1,800 sq. ft.</td>
<td>5,095 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>32,660 sq. ft.</td>
<td>6,532 sq. ft.</td>
<td>942 sq. ft.</td>
<td>5,590 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>36,360 sq. ft.</td>
<td>7,272 sq. ft.</td>
<td>2,840 sq. ft.</td>
<td>4,432 sq. ft.</td>
</tr>
<tr>
<td>4</td>
<td>31,040 sq. ft.</td>
<td>6,208 sq. ft.</td>
<td>3,300 sq. ft.</td>
<td>2,908 sq. ft.</td>
</tr>
<tr>
<td>Total</td>
<td>134,535 sq. ft.</td>
<td>26,907 sq. ft.</td>
<td>8,882 sq. ft.</td>
<td>18,025 sq. ft.</td>
</tr>
</tbody>
</table>

11-4-82

Agenda Item VI A. 1.
In addition to the 8,882 square feet of coverage created on Lots 1 through 4, the proposed road will create 7,200 square feet of coverage on the adjacent parcel to the west. The remaining 18,025 square feet of coverage not utilized as part of the road coverage would be allocated to the parcels for construction of four single family residences.

The parcel to the west is owned by Ms. Carol Mehrtens, who has granted an access easement across her parcel. Although there will be 7,200 square feet of coverage created on this parcel, there will be 9,875 square feet of allowable coverage remaining after construction of the proposed road.

Impact Analysis and Mitigation Measures:

Land and Water - The proposed project conforms to the land coverage limitations prescribed in the land capability system and will incorporate drainage and erosion control improvements on the site in compliance with the BMP's. A rerouting of the utilities will minimize disturbance. The provision of two parallel retaining walls will restrict the actual disturbance to the paved area. However, the 60 foot turning diameter of the cul-de-sac substantially increases the amount of excavation, and significantly increases the environmental impacts.

Air and Transportation - The project will generate approximately 32 vehicle trips per day which will not exceed 1% of the remaining roadway capacity of adjoining streets. These vehicle trips will be generated by the eventual construction of a single family dwelling on each of the four lots.

Public Services and Utilities - The project will be provided with all necessary services including public utilities. However, water rights certificated for the Incline Village General Improvement District are not currently sufficient to provide water service to all lots currently subdivided in the area. A recent letter to the Agency from the District (Attachment) outlines their policy towards the project. Creation of two additional building sites would add to this problem. A tentative approval has been given by the North Tahoe Fire Protection District.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada Side Land Use Ordinance</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Side General Plan and Sub-Elements</td>
<td>Consistent</td>
</tr>
<tr>
<td>TRPA Water Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Nondegradation Policy for Water Quality</td>
<td>Consistent</td>
</tr>
<tr>
<td>Nevada Division of Environmental Protection</td>
<td>Consistent</td>
</tr>
<tr>
<td>Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Agenda Item VI A. 1.</td>
</tr>
</tbody>
</table>
Project Analysis and Issues for Discussion: Agency staff can identify several significant issues for discussion relative to the project.

1. Is the parcel map subject to the TRPA Compact prohibition on new subdivisions based on the applicant not having obtained all necessary tentative approvals prior to December 19, 1980? Agency legal counsel will present his opinion on this matter at the meeting.

2. Is the parcel map subject to review and approval by the Agency based on the status of final approvals by Washoe County? Agency legal counsel will present his opinion on this matter at the meeting.

3. The approval and recordation of the parcel map will create two new building sites which increases the demand for water in the Incline Village area. Recent correspondence from the Incline Village General Improvement District indicates they could not guarantee water service to the newly created parcels.

4. Although classified as a land capability level 4, extensive excavation and earth disturbance is proposed for construction of the road. If the parcel map were not approved, the need for the road would not exist. All of the existing parcels have access from Eagle Drive.

5. Due to the increased turning radius required by the fire department a resulting 12 foot high retaining wall will possibly cause a significant visual impact and resultant in excessive removal of vegetation.

6. Due to the high retaining wall, the two lower lots have severe access difficulties during winter months. Additionally the two uphill lots would require excessive excavation to provide two off-street parking spaces as required by the County.

Required Actions and Findings: A motion for approval of this project based on the following findings:

I. Pursuant to Article VI of the TRPA Compact, the project qualifies for a finding of no significant environmental effect.

II. A motion for approval of this project based on the following findings:

A. Findings under Section 3.10 of Ordinance 81-8 that a complete tentative map for the subdivision was approved prior to December 19, 1980 by all agencies having jurisdiction to approve it.

B. Pursuant to Article III(g) (2) of the TRPA Compact, the project complies with the regional plan, ordinances, rules and regulations of the Agency.

11-4-82

Agenda Item VI A. 1.
III The following special conditions shall be satisfied prior to the issuance of a TRPA permit:

1. Final construction drawings shall be submitted to the Agency prior to issuance of the TRPA permit.

2. No French drains shall be utilized in construction of the road.

3. The proposed construction sequence and schedule shall be strictly adhered to, and the site shall be winterized by October 15, 1983.

4. Final fire department approval shall be required.

5. An adequate security bond shall be posted to assure revegetation, slope stabilization, and infiltration systems are implemented.

6. The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage of the project, and the land capability of the lot. The mitigation fee is $3,216 as calculated below and must be paid prior to the issuance of a TRPA permit.

| Land Capability: | 4 |
| Lot Size:        | 134,535 sq. ft. |
| Permitted Coverage: | 26,907 sq. ft. |
| Proposed Coverage | 16,082 sq. ft.  |
| Mitigation Fee:  | $3,216          |
SECTION B

EXISTING GRADE

REDWOOD RETAINING WALL

CUT

FILL

CONCRETE BUCK RETAINING WALL

48'

10'

8'
October 18, 1982

Mr. Ken Small
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, California 95731

Re: Mr. Wayne Prim Property
Parcel Nos. 126-251-30, 126-250-31 & 126-250-32

You have requested clarification of our policy concerning water availability to the above-referenced parcels.

Please be advised that we no longer guarantee water to any parcel unless a valid service application is accepted by the District, appropriate fees paid by the applicant and a meter has been set. Furthermore, a meter cannot be set without a valid building permit. Our files do not show any service application for these parcels.

It is our understanding that these parcels were the result of a land division several years ago and are the subject of a proposed additional split. Please be advised that the additional parcel split was not taken into consideration for our determination of water rights needed in Incline Village and would require substantial review on our part and approval by our Board of Trustees before water service applications could be accepted on the additional parcels to be created. Existing lots and water requests already on file would supersede any grants to these parcels.

Any previous correspondence to your office or Mr. Prim regarding water service for these parcels should be considered invalid.

I hope this answers your questions.

Very truly yours,

J. F. Shefchik
District Engineer

JFS/av
Jean Seifert, Single Family Dwelling on a Lot Containing an SEZ, 513 Sugar Pine Drive, Washoe County, APN 122-116-02, TRPA File #82734

Applicant: Ms. Jean Seifert

Project Description: The applicant proposes to construct a single family dwelling containing three bedrooms, two bathrooms, and an attached two car garage.

Project Location: 514 Sugar Pine Drive, Washoe County, Nevada

Site Description: The site is well vegetated with Jeffrey Pine, white fir, and manzanita.

The soils in the area are mapped as an Inville stony coarse sandy loam, with slopes of 15 to 30%. This particular soil type has a moderately rapid permeability, but a high erosion hazard and rapid surface runoff.

Although mapped as a level 4, with slopes of 15 to 30%, the true slope across the entire lot is approximately 56%.

The lot also contains a stream environment zone. The SEZ is the main fork of First Creek, which is classified as a third order creek. Due to the steepness of the lot and the channelized nature of the creek, the riparian vegetation and 100 year flood plain is well downhill from the proposed construction site.

Review Per Section: Article VI(b) of the TRPA Compact; Article 6.3 of the TRPA Rules and Regulations Section 7.80 of the TRPA Grading Ordinance; and Section 3.00 of TRPA Ordinance 81-5

Land Use District: Low Density Residential

Land Capability Classification: Level 4 and SEZ

Land Coverage:

- Lot Size: 19,400 sq. ft.
- Level 4: 20% 11,470 sq. ft.
- Level 1b: 1% 7,930 sq. ft.
- Permitted coverage: 2,373 sq. ft.
- Proposed coverage:
  - Residence: 1,427 sq. ft.
  - Deck: 50 sq. ft.
  - Parking: 540 sq. ft.
  - Total: 2,017 sq. ft.
Building Height: Proposed: 56' Permitted: 35' plus 28' cross slope allowance

Impact Analysis and Mitigation Measures: Due to the slope of the lot (56%) a number of impacts can be identified. Substantial earth movement is proposed for the driveway and foundation of the structure. Unstable earth conditions during construction will result in soil erosion and increased sediment yield.

The applicant has developed an elaborate internal drainage and infiltration system comprised of several roof drip drains for conveyance and several infiltration trenches, and a drywell.

In addition to the complex infiltration system, the proposed project will incorporate drainage and erosion control improvements on the site in compliance with the Handbook of Best Management Practices.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following findings:

<table>
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<td>TRPA 208 Water Quality Plan</td>
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<tr>
<td>Nevada Division of Environmental Protection Air Quality Plan</td>
<td>Consistent</td>
</tr>
<tr>
<td>Federal Air Quality Standards</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

Project Analysis and Issues for Discussion: Although the site is mapped as a level 4, the actual site conditions indicate that the site is really a high hazard land capability. This problem was presented to the Governing Board in October, 1981. Direction from the Board was to continue processing project applications based on their mapped land capability until a staff initiated land capability challenge could be processed. A staff initiated challenge for the subject area is currently being pursued.

The Agency staff recommends that the following special conditions be placed on the project:

11/3/82

AGENDA ITEM VI.A.2.
1. To minimize grading and earth disturbance, step foundations or piers shall be utilized.

2. All foundations will be hand dug.

3. Any existing or created cut or fill slopes shall be stabilized by revegetation or when necessary by mechanical means.

Provided these special conditions are met, the staff cannot identify any significant issues for discussion relative to the project. Therefore, the subject project qualifies for a finding of no significant effect.

Required Actions and Findings:  A motion for approval of this project based on the following findings and conditions:

I. 1. Pursuant to Article III(g)(2) of the Compact, the project complies with the regional plan, ordinances, rules and regulations of the Agency.

2. Pursuant to Article VI(b) of the Compact, the project is consistent with the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Region.

II. Findings that no grading, clearing, removal of vegetation, filling or creation of land coverage will occur within or upon a stream environment zone.

III. The special conditions as indicated in Project Analysis, and the following special condition:

The applicant must contribute to an offsite mitigation fund. This fee is based on the proposed coverage and the land capability of the lot:

<table>
<thead>
<tr>
<th>Capability Level:</th>
<th>Levels 4 and 1B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size:</td>
<td>19,400 sq. ft.</td>
</tr>
<tr>
<td>Permitted Coverage:</td>
<td>2,373 sq. ft.</td>
</tr>
<tr>
<td>Proposed Coverage:</td>
<td>2,017 sq. ft.</td>
</tr>
<tr>
<td>Mitigation Fee:</td>
<td>$750.00</td>
</tr>
</tbody>
</table>

11/3/82 AGENDA ITEM VI.A.2.
MEMORANDUM

November 4, 1982

To: The TRPA Governing Board

From: The Agency Staff

Subject: Reconsideration of Prior Action, Jeff Robinson Dwelling and Replacement of Nonconforming Coverage, Level 1B, Barrier Beach, City of South Lake Tahoe, APN 29-101-13, TRPA File #81110

Issue: The Governing Board considered the subject application in May and June, 1981. At the June meeting, the Board failed to find that the project would have no significant impacts on the environment based on issues presented in the staff summary. The Board directed staff to have the subdivision review team inspect the site to determine the extent of environmental impacts. The team found that the cumulative impacts of such reconstruction on the barrier beach and adjoining SEZ in Tahoe Meadows would constitute a significant impact on the environment. (Please refer to the Impact Analysis section of the May, 1981 staff summary, Attachment A). Based on the Board’s action in June, 1981 and the findings of the subdivision review team in September, 1981, Agency staff notified the applicant that an Environmental Impact Statement would have to be prepared for the project before the application could be considered complete.

Request - Enclosed is a copy of a letter (Attachment B) provided by the applicant's attorney, Lawrence L. Hoffman, which sets forth the applicant's position regarding his request to have the subject application reconsidered.

In response to the issues raised in Mr. Hoffman's letter, the following information is provided:

1. In the last paragraph on the first page it is stated that the total coverage on the parcel will be reduced to 7.9%. The amount of existing land coverage on the parcel can only be estimated because much of the area designated on the site plan as existing land coverage contains native vegetation in the form of meadow grasses. Paving of the proposed parking pad will require the removal of some of this existing vegetation.

GG: jf
11/4/82

Agenda Item VI A. 3.
Reconsideration of Prior Action

Jeff Robinson

page two

2. In the last paragraph on the first page, it is stated that the new home will be placed upon the existing site of the present residence and will require only a very minor additional footprint. Approximately 630 square feet of the new structure will be constructed over either existing open space or existing patio. Construction of the new foundation in these areas will require excavation of approximately 50 cubic yards of material from the barrier beach.

3. On the fourth page, reference is made to three specific projects that have recently been approved by the Agency in the vicinity of the subject project. Based on these approvals, the applicant believes that he has been subject to inequitable and discriminatory treatment.

The Luerken application proposed a deck addition partially over an existing concrete patio. The site is located in Tahoe Meadows but not on the barrier beach. The deck created a total of 126 square feet of new land coverage. No excavation was required to construct the deck addition. In order to comply with the reduction requirements, 705 square feet of existing asphalt paving was removed from the site, and the resulting area revegetated with native meadow grasses. The entire site was brought up to 208 Plan standards relative to drainage improvements. In summary, the Luerken's were allowed an additional 126 square feet of redwood decking in exchange for the removal of 705 square feet of asphalt paving.

The Ragsdale application proposed a 285 square foot building addition to an existing single family dwelling. The site is located on the barrier beach in Tahoe Meadows. The addition was constructed entirely over an existing deck. To comply with the reduction requirements, 304 square feet of existing land coverage, consisting of a concrete patio and a portion of a compacted driveway, was removed. Parking barriers were installed on the site to restrict vehicle access and all disturbed areas were revegetated.

The Diekman/Ryan application proposed a 580 square foot addition to an existing single family dwelling located on a site not in Tahoe Meadows. The site is a lakefront property in the Stateline area of the City of South Lake Tahoe. The addition was constructed primarily in an area where a building existed and over existing deck and open space. Some very minor excavation was required for new foundations. An issue that was discussed prior to approval of the project was the status of the wet area adjacent to the building site. Investigation by the subdivision review team revealed that construction of the South Tahoe Public Utility District sewer line and the Edgewood golf course had effectively and permanently dewatered the area to the extent that it was no longer a functional flood plain.
Reconsideration of Prior Action
Jeff Robinson
page three

In comparison, the wet area adjacent to the Robinson parcel has not been
dewatered and as recently as the spring of 1982 functioned as a substantial
flood plain. In the spring of 1982, the wet area and adjacent lands,
including the access road to the Robinson parcel and the parking pad on the
parcel, were flooded.

5. On the last page, reference is made to the intent of the Shorezone Plan
relative to construction activity permitted on a barrier beach. Agency
staff is of the opinion that the intent of the Shorezone Plan is to
severely restrict the construction of new residential development on
barrier beaches; and, further, the Shorezone Plan and the Conservation,
Recreation and Open Space Plan have designated the barrier beach area of
Tahoe Meadows for low intensity day-use recreation.

Staff Findings:

1. The Diekman/Ryan application is not similar to the Robinson application for
purposes of comparison for the following reasons:

(a) The wet area adjacent to the Diekman/Ryan parcel has been effectively
dewatered;

(b) The Diekman/Ryan project is for a building addition; and

(c) The Diekman/Ryan project will not have a significant impact on the
environment.

2. The Luerken application is not similar to the Robinson application, for
purposes of comparison, for the following reasons:

(a) The Luerken parcel is not located on a barrier beach;

(b) The Luerken project is for a minor deck addition; and

(c) The Luerken project will not have a significant impact on the
environment.

3. The Ragsdale application is the only project recently approved by the
Agency that is similar to the Robinson application since the Ragsdale
project is located on the barrier beach of Tahoe Meadows.

11/4/82

Agenda Item VI A. 3.
Request for Reconsideration
Jeff Robinson
page four

4. There are significant and identifiable distinctions between the Robinson application and the Ragsdale application which are:

(a) The Ragsdale application was for a minor building addition to an existing residence, whereas the Robinson application proposes to totally reconstruct and enlarge an existing residence. Therefore, the Ragsdale application did not extend the normal life expectancy of the primary structure as would the Robinson proposal. Based on this distinction, the Ragsdale application is consistent with the intent of the Shorezone Plan to restrict new residential development on barrier beaches, whereas the Robinson application is not.

(b) More importantly, the extent of site disturbance, especially grading, required to construct the minor building addition to the Ragsdale residence is substantially less than that required to totally reconstruct and enlarge the Robinson residence. The identifiable differences in impacts are such that the Ragsdale project will not result in a significant impact on the environment, whereas the Robinson project will.

Staff Comment: The Robinson application has not been rejected by the Agency. The options available to the applicant are to have an EIS prepared for the current proposal or to submit a modified proposal similar to the Ragsdale application.

Required Actions and Findings:

I A motion for a finding of no significant effect with direction to staff to prepare the necessary certification document to be included with the permit.

II A motion for approval of the project based on the following findings and conditions which are to be included in writing with the permit:

A. Pursuant to Article III(g)(2) of the Compact, the project complies with the regional plan, ordinances, rules and regulations of the Agency.

B. Pursuant to Article V(b) of the Compact, the project is consistent with the applicable plans, ordinances, regulations and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the Region.

C. Findings of Section 5.10 and Section 5.20 of the Shorezone Ordinance as noted on standard Attachment B.

11/4/82

Agenda Item VI A. 3.
D. Findings of Section 6.22(2) of the TRPA Shorezone Ordinance - The proposed residential use must be found as "otherwise permitted" by the Land Use Plan and as such provides the exception to the development standards of Section 6.23.

E. Findings of Section 8.11 of the California Side Land Use Ordinance as listed on standard Attachment I.

F. Standard conditions of approval listed on standard Attachment D, plus the following standard conditions:

1. Physical barriers shall be provided to confine any vehicles to designated parking and driveway areas.

2. The maximum land coverage on the site after completion of the project shall not exceed that existing on the site minus the areas to be restored.

3. No existing vegetation shall be removed or destroyed as part of this project. The applicant shall submit revised parking plans indicating parking only on areas barren of vegetation and such areas shall be paved.

4. The foundation plan shall be modified to utilize the existing pad foundation where possible. Excavation shall be limited to footings only, and this material shall be contained within the foundation. No portion of the structure shall be located in the 100 year flood plain or the wave runup area of a 100 year storm.
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Applicant: Jeff Robinson

Application Type: New single family dwelling to replace existing dwelling in backshore and in a stream environment zone (SEZ)

Local Jurisdiction: City of South Lake Tahoe

Review Per Section: Section 4.11 TRPA Shorezone Ordinance
Section 7.80 TRPA Grading Ordinance
Appendix B, California Side Land Use Ordinance
Article VI(b) of the Compact

Project Description: The applicant requests a permit to construct a new 2-story log cabin on the site of an existing concrete block house. The new structure will be larger than the existing house and the applicant proposes to remove some existing structures to keep the land coverage below that existing on the site (see site plan). The construction of the new house will require minor excavation (approximately 50 cubic yards) and removal of vegetation in the parking pad area if it is constructed (not paved) as indicated on the plans.

The project is located on the lakefront in the Tahoe Meadows Subdivision (APN 29-101-13). Important facts are as follows:

<table>
<thead>
<tr>
<th>Land Use District:</th>
<th>Low Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Capability:</td>
<td>1b, high hazard/wet area, 1% land coverage</td>
</tr>
<tr>
<td>Shorezone Tolerance District:</td>
<td>1, high hazard, barrier beach (illustration enclosed)</td>
</tr>
<tr>
<td>Permitted Coverage:</td>
<td>3,200 square feet</td>
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<tr>
<td>Existing Coverage:</td>
<td>3,173 square feet (CTRPA estimate)</td>
</tr>
<tr>
<td>Proposed Coverage:</td>
<td>2,542 square feet</td>
</tr>
<tr>
<td>Building Height:</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

Impact Analysis/Mitigation Measures: The following are key impact areas identified by the initial environmental reports completed with this application:

Water Quality Impacts - The lot is identified as an SEZ lot and as a barrier beach lot; both ratings denote the most environmentally sensitive lots in regard to water quality.

Although the applicant proposes no new additional land coverage, the project does call for a significant redistribution of land coverage and foundation grading. The construction or use of the proposed 20 x 50 foot parking pad will cause the destruction of a significant amount of vegetation now growing in the area. The applicant's proposed mitigation of this disturbance is the removal of existing land coverage which consists of removal of existing structures and the revegetation of sandy areas which are of questionable status as to being compacted areas.

An important water quality consideration which is related to the Tahoe Meadows Subdivision is the subdivision's practice of dewatering the wet area adjacent to the barrier beach with ditches and culverts. The subdivision also has unimproved roads adjacent to and in the SEZ areas.

5/19/81

ATTACHMENT A
Visual Impact - The placement of a log cabin on the site will be consistent with the existing architecture and will result in a small impact due to the larger-sized structure if one considers the existing situation as a base point. The Shorezone Plan recommends no structures be placed on the beach as part of the recommended set back.

Consistency With Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency with the proposed project with the following findings:

<table>
<thead>
<tr>
<th>Applicable Elements</th>
<th>Documentation of Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Side Ordinances</td>
<td>CTRPA Approval</td>
</tr>
<tr>
<td>California Side General Plan and Sub-Elements</td>
<td>CTRPA Approval</td>
</tr>
<tr>
<td>TRPA Shorezone Plan</td>
<td>Inconsistent*</td>
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<tr>
<td>TRPA Conservation, Recreation and Open Space Plan</td>
<td>Inconsistent**</td>
</tr>
<tr>
<td>California Air Resources Board Nonattainment Plan</td>
<td>CTRPA Approval, no Indirect Source Review required</td>
</tr>
<tr>
<td>California Water Resources Control Board Water Quality Plan</td>
<td>CTRPA Approval</td>
</tr>
<tr>
<td>Federal Nondegradation Policy for Water Quality</td>
<td>CTRPA Approval</td>
</tr>
<tr>
<td>Federal/State Water Quality Standards</td>
<td>CTRPA Approval</td>
</tr>
<tr>
<td>Federal/State Air Quality Standards</td>
<td>CTRPA Approval, no Indirect Source Review required</td>
</tr>
</tbody>
</table>

* Excerpts from pgs 3, 37 and 38 of the Shorezone Plan (attached) indicate construction of residential development on barrier beaches to be inconsistent with Plans, Recommendations and Goals.

** The TRPA Summer Recreation Element (attached) indicates the area should be devoted to day-use recreation area.
Analysis and Issues for Discussion

The first issue relates to the status of residential uses in the barrier beach area of the Tahoe Meadows Subdivision. The Land Use Ordinance and Plan have designated this as a Low Density Residential area while the Shorezone Plan and the Conservation, Recreation and Open Space Plan have designated the area for low intensity day-use recreation.

The second issue, if one assumes the residential use to be conforming, relates to the CTRPA finding that the replacement of nonconforming coverage for this project mitigates water quality impacts of construction in an SEZ and on a barrier beach. There have been no CEQA documents prepared for this project because it is categorically exempt; however, it is not exempt under TRPA EIS requirements, and the Agency must make findings of no significant environmental effect.

The third issue relates to the interpretation of Sections 6.22 and 6.23 of the Shorezone Ordinance. A strict interpretation following the intent of the Shorezone Plan would prohibit new residential development on barrier beaches. A more liberal interpretation would refer to the Land Use Plan and Ordinance which would override these provisions and permit new residential development.

The fourth issue relates to the status of the Tahoe Meadows Subdivision with regard to improvement requirements and dewatering of the wet area. Tahoe Meadows is an old subdivision that has done much to preserve the old Tahoe summer recreation subdivision; however, with the trend to year-round homes, certain improvements may have to be made, particularly with regard to the road and drainage systems.

It would appear that the above-described issues would be topics for the threshold study and the new General Plan.
COVERAGE CHANGES:

NEW BUILDING OVER EXISTING OPEN OR EXISTING PATIO = + 631 SQ.FT.
EXISTING BUILDING COVER TO BE REMOVED (TENT PLATFORM INCL.) = -221 SQ.FT.
EXISTING DECK COVER TO BE REMOVED = -84 SQ FT.
NEW WALKWAY = +26 SQ.FT.
EXISTING DRIVE TO BE REMOVED = -722 SQ.FT.
TOTAL TO BE REMOVED = 1,001 SQ.FT.

SUMMARY:
EXISTING COVER: 3,173 SQ.FT
NEW BUILDING: -631
ALLOWED: 2,542 SQ.FT.

PROPOSED:
- DECK: 126
- WALK: 176
- DRIVE: 716
TOTAL 2,542 SQ.FT

SCALE: 1" = 30'-0" DATE: 4-2-81
PROJECT NO. 5924
Class 1 Capability Shore-zone

Barrier Beach

Wetland or Lagoon
Shore-zone capability levels for Lake Tahoe are illustrated in Figure 4 and summarized in the following text. Class 1 shore-zones are those least capable of sustaining interference while Class 9 shore-zones are, theoretically at least, capable of tolerating maximum interference without damage to the system. In effect, there is no portion of the shore-zone for which one may unequivocally guarantee freedom from change following interference. Thus, there is no Class 9 shore-zone in reality. On the other hand, some portions of the shore-zone possess a comparatively high level of capability, as designated in Classes 7 and 8. Accordingly, and because of the problems inherent in designing such a system, the 9 capability levels have been further grouped into three broad categories in terms of high, moderate, and low hazard potential.

High hazard shore-zones (Capability Levels 1 through 3) are those in which human interference is most likely to trigger unwanted responses in the form of cliff erosion, beach removal, nearshore instability, and backshore collapse. These areas are suited at best to recreational activities of low intensity, such as bathing and hiking, and in no instance should the materials and vegetation of the backshore zone be tampered with.

Moderate hazard shore-zones (Capability levels 4 through 6) may tolerate somewhat more intense recreational activity in the backshore and nearshore zones but the shoreline frequently remains unstable. Thus recreational facilities should be set back a reasonable distance from the shoreline and great care should attend the construction of shoreline access paths.

Low hazard shore-zones (Capability levels 7 through 9) are capable of sustaining moderate to high recreational intensity, low to moderate dwelling densities, construction of shoreline access roads and paths, and marina development in appropriate locations. Where a small erosion hazard may exist, care should be taken with the vegetation and materials forming the shore. Shore protection structures should only be entertained after careful consideration of the problem and of alternative solutions.

Having introduced the Shore-zone Capabilities, let us now consider the salient points that determine the capability level of each shore-zone type.
The shoreline visual vulnerability as represented by the visual vulnerability map is a composite of all views from the encircling highway around Lake Tahoe based upon the obstructivity of the view from the road and the proximity of the shoreline to the road.

Thus, the shoreline can be divided into categories of high, medium and low visual vulnerability as viewed from the road in addition to the basic land elements of headlands, straight shore and bays for analysis in shore-zone planning decisions.

III. RECOMMENDATIONS AND Goals

A. General

1. Acknowledgment of the Existing Development Status Within The Shore-zones Recognized on The Shore-zone Plan
   a. conflicts with plan - resolutions
   b. recognition of levels of environmental tolerance - possible revisions of General Plan to include Shore-zone buffer in some areas.

2. Acknowledgment of Socioeconomic and Conservation Goals of General Plan and Open Space Plan
   a. -possible revisions of General Plan and public acquisition

3. Implementation of Design Manual to include aesthetic considerations within the shore-zone to comply with visual element of the shore-zone plan.

4. Identify moderately tolerant sections of shoreline suitable for recreation and possible public acquisition.

The following guidelines are developed from Orme's recommendations for each capability level recognized in "Toward a Shore-zone Plan for Lake Tahoe."

The land use guidelines should be evaluated and expanded to either make changes in the General Plan or be taken into account through a shore-zone buffer, the Shoreline Ordinance, or the Design Manual.

B. RECOMMENDATIONS: Physical Capability Types.

Class I Capability Shore-zones (10.7%)

Goals:

1. Preserve in Natural State
   a. no removal of vegetation due to nature of unstable low sandy barrier
b. no drainage or modification of backshore wetlands

c. no disruption of nearshore zone (no offshore structures)

2. Activity Level

a. limited boat traffic for beach use.

(l) restriction of access to planned pathways to avoid destruction of vegetation

b. access to wetlands limited to scientific or educational purposes

c. no construction activities in nearshore zone.

Class 2 Capability Shore-zones (10.9%)

Goals:

1. Protect and Enhance Eroding or Potentially Eroding Shoreline

a. no removal of vegetation in shore-zone

b. no construction activities in nearshore zone (no offshore structures)

c. revegetation programs to stabilize all areas of shore-zone and to protect the eroding areas from further destruction

2. Activity Level

a. limited foot traffic access for beach use where possible without accelerating backshore erosion or cliff collapse. Extreme care should be taken to avoid slopes greater than 15° and those areas featuring unconsolidated materials and a downward dip of material

Class 3 Capability Shore-zones (22.8%)

Goals:

1. Protection of Slope and Reduction of Erosion Potential in Backshore Zone

a. no removal of vegetation from backshore slopes.

- revegetation programs to stabilize steep banks

b. no construction activities on slopes greater than 15%

c. no intense recreation activities in steep nearshore zones

d. establishment of setback guideline to ensure no violation of steeper slopes
October 4, 1982

Honorable Governing Body
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95731

RE: Robinson Remodeling-Tahoe Meadows Subdivision
(APN 29-101-13)

Gentlemen:

This office represents Mr. and Mrs. Jeffrey Robinson, the owners of an older single-family home on the lakefront in the Tahoe Meadows subdivision. The Robinsons have had pending with your agency for nearly 1-½ years an application to remove the existing house and replace it with a new, two-story, log-type home. The matter was heard before your Board in May and June of 1982, at which time a motion to find "no significant environment effect" failed adoption by one vote. The matter was then continued for at least 90 days for further review. The main purpose of this letter is to request that the matter now be set on your agenda for further consideration, and that you reconsider your previous action effectively disapproving the Robinsons' request.

PROJECT DESCRIPTION:

The Robinsons are requesting authorization to remove an existing 35-year old concrete, block-type, uninsulated home located on the lakefront in Tahoe Meadows and replace it with a new, two-story, log-type home. The existing home is no longer suitable for the needs of the Robinson family, which has grown in size since they purchased the home, and due to the lack of insulation and high heating costs with the existing house.

As a result of the proposed rebuilding, the existing coverage on the parcel will be reduced so that the total coverage on the parcel will be 7.9% (the parcel is over one-half acre in size). The new home will be built to comply with all existing water quality standards and best management practices. It will be placed upon the existing site of the present residence, will require only a very minor additional footprint to accommodate the new structure, no trees or vegetation will be removed, and in general the new home will be an obvious aesthetic improvement to the area and much more in keeping with the architectural style of Lake Tahoe.
Honororable Governing Body  
Tahoe Regional Planning Agency  
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Page Two

While the property involved is in a so-called "Class 1B" land capability area, as well as in an SEZ area, nevertheless the proposed reconstruction was previously approved by CTRPA on April 8, 1981 as being "in conformance with all CTRPA regulations governing construction within the Lake Tahoe backshore". The CTRPA letter of approval made the following specific findings:

"1. The project will not cause significant harm to the shorezone and underlying land.

"2. The project will not cause significant harm to the aquatic habitats or fish spawning ground.

"3. The project will not cause significant harm to the natural beauty of the area.

"4. The project will not cause significant harm to navigation, safety, or health.

"5. The project will not cause significant harm to the water quality of Lake Tahoe.

"6. The project will not interfere with the public's use of Lake Tahoe's navigable waters.

"7. The applicant has substantiated that there is adequate sewer, water, natural gas and electrical capacity to serve the project.

"8. The project is in conformance with the CTRPA Land Use Ordinance.

"9. The project is not incompatible with existing surrounding uses."

Further, on April 8, 1982, the CTRPA approval was extended for an additional year, up to April 8th, 1983, based on the same conditions and findings as previously granted. (See attached CTRPA Letters of Approval).

PRIOR TRPA ACTIONS:

The matter was first heard by your Board at your meeting in May, 1981. At that time, there was extensive discussion about the Tahoe Meadows subdivision, and the fact that it was an SEZ area. As a result of a discussion during the meeting, it was suggested that the homeowners' association identify the problems within the area and attempt to develop
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a plan for the whole area. As a result, the matter was post-
poned with the concurrence of the applicants for one month.

The matter was again heard during the June meeting. At
that time, there was more discussion about the Tahoe Meadows
subdivision. Following the failure by one vote of Mr. Reed's
motion "to find no significant environmental effect", the
minutes reflect the following discussion:

"Mr. Steele explained that he was concerned with the
sensitivity of the area and wanted to open the area
for day-use recreation. TRPA should not ignore its
own Recreation Plan. Mr. Overeynder suggested that
the technical team scheduled to categorize subdivisions
for the case-by-case review in Nevada could take a look
at this subdivision and meet with the homeowners associa-
tion to come up with necessary subdivision improvements.
Mr. Kjer suggested the matter come back in 90 days after
the homeowners have met with staff and other entities to
resolve the problems in the area. Mr. Hoffman indicated he
would to continue the application."

SUBSEQUENT ACTIONS:

Since the summer of 1981, when Mr. Robinson's application
failed to receive TRPA Board approval, the Tahoe Meadows Sub-
division has taken a number of steps to work with the City and
regional agencies. At the time of the denial of his appli-
cation, Mr. Robinson was President of the Tahoe Meadows Associa-
tion. In that capacity, until new officers were elected in
late 1981, Mr. Robinson continued to cooperate with all the
requisite agencies in developing a number of programs for the
Tahoe Meadows. For instance:

a. The Tahoe Meadows Association has formally par-
 ticipated in meetings with the TRPA, CTRPA and Lahontan
Regional Water Quality Control Board intended to develop
a long-term corrective program for the Wildwood drainage,
as well as the Tahoe Meadows, to make sure that the entire
area adequately handles the upstream water flows and with
the goal in mind of improving the total water quality
impacts of the area.

b. In cooperation with the City of South Lake Tahoe,
the Tahoe Meadows Association has undertaken an extensive
program to correct fire hazards within the Tahoe Meadows
subdivision, removing extensive amounts of dead trees, fallen
limbs, and other hazards.
c. A revegetation program has been initiated to landscape the fence area paralleling Hwy. 50, including the installation of a sprinkler system in that area.

d. As a result of flooding and related problems that occurred during the winter of 1982, a more comprehensive program for drainage improvements is also being considered for the Tahoe Meadows.

More importantly, however, from the Robinsons' standpoint, is the fact that at least two other projects have recently been approved by TRPA within the Tahoe Meadows subdivision, as well as at least one other project on an adjoining barrier beach, that involve substantial upgrading or remodeling of existing homes. These projects involved modifications to or remodelings of the homes of Mr. and Mrs. Luerken and Mr. and Mrs. Ragsdale, also located in the so-called "SEZ portion" of the Tahoe Meadows, as well as an extensive remodeling and reconstruction of the Diekman/Ryan single-family dwelling located on the barrier beach immediately adjacent to Tahoe Meadows to the east. In each instance, the approvals were for work that was extensive and involved substantial modifications, additions, or other work.

Mr. and Mrs. Robinson, of course, while not quarreling with the rights of their neighbors to proceed, feel they have been treated in an inequitable and discriminatory manner (see enclosed letter from Mr. Robinson). As they understood the import of the decision of the Governing Board in their case, it was to place a "freeze" on such upgradings or modifications in the area. Nevertheless, at least these three projects have been given the go-ahead, in a manner that can only leave the appearance that Mr. and Mrs. Robinson have been singled out for inequitable treatment.

APPLICANTS' POSITION:

The position of the applicants in regards to their request to upgrade their existing single-family home is rather straightforward.

In late 1980 and early 1981, they applied to and ultimately received approvals from the City of South Lake Tahoe, the Lahontan Regional Water Quality Control Board, and CTRPA. The CTRPA review was pursuant to the CTRPA's Regional Plan, Shorezone Ordinance, and other regulatory requirements. Through that detailed Shorezone review process, and particularly in view of the substantial environmental improvements involved in the Robinsons' request including the reduction of
Honorable Governing Body
Tahoe Regional Planning Agency
October 4, 1982
Page Five

land coverage and the upgrading of the property, CTRPA determined that their project was "in conformance with all CTRPA regulations governing construction within the Lake Tahoe backshore" and accordingly approved the project.

From the applicants' standpoint, those CTRPA rules and regulations are the identical rules and regulations that the Compact requires TRPA to now apply. Accordingly, the applicants find themselves in the circumstance where one agency, CTRPA, has applied all of its ordinances, rules and regulations to their project, found it in full conformance, and approved the project, only to find that TRPA, who is duty-bound to implement the same ordinances, may have reached another conclusion. Obviously, this is a classic "rock and hard place" situation.

Additionally, at least some members of the TRPA Governing Board have expressed concern that the project may not be completely compatible with the 1972 Regional Plan adopted by TRPA, in view of the fact that the area is designated as being in Shorezone Tolerance District 1 (a barrier beach area), and therefore is somehow restricted from further building. Clearly, however, this has not been the consistent interpretation by TRPA since the adoption of the Regional Plan, as numerous homes have in fact been constructed or rehabilitated within this area over the last ten years (at least 18 new homes or remodelings in the last five years alone). In fact, most recently, at least three additional projects have been approved in this so-called "barrier beach" area that involved comparable remodelings and upgradings.

In brief, Mr. and Mrs. Robinson sincerely believe that they have been subjected to inequitable and discriminatory treatment—in spite of their efforts to work in a constructive and positive way with the City and the agencies. As a consequence, they are again requesting that your Honorable Board consider this matter, with the view in mind of obtaining the requisite approval so that they can proceed during the 1983 building season with their long sought rebuilding of their Tahoe Meadows home.

Sincerely,

[Signature]

Lawrence E. Hoffman

LLH/bt

Enclosures

cc: Mr. and Mrs. Jeffrey Robinson
September 2, 1982

Lawrence L. Hoffman, Esq.
Hoffman & Linde
P.O. Box 7740
Tahoe City, CA 95730

Dear Larry:

Per our phone conversation, I would appreciate your again bringing our Tahoe Meadows project before the TRPA Board.

In recent months, two projects in the Meadows were approved, again raising hopes that the stone wall we encountered may have cracked a bit. As you may recall, the California members who voted against our application acknowledged that the proposed house met all applicable environmental and TRPA criteria, but was turned down because of general (and extremely vague) concerns about the Meadows itself.

Now that others have been allowed to proceed, I really don't see why we should still be denied. The two projects permitted involved decking at the Luerken home and a major renovation and addition to the Ragsdale property ON THE LAKE just down the beach from us!

Dwight Steele voted against our application citing two major problems: 1) the public doesn't have permission to traverse Tahoe Meadows private property and use the beach, and 2) if Robinson is permitted to build his house, it will increase the value of his property and make it more expensive for the public to acquire at some time in the future.

Carlyle Hall expressed the thought that no permits should be issued to Meadows' residents until the new thresholds are established.

And Tom Stewart said no because of his long-time familiarity with the Meadows and his vague concerns about "problems" there.
All of the arguments noted above should have been just as applicable to the Luerken and Ragsdale cases as they were to ours—but somehow these people got a green light and their projects carried out. Does this mean that we are justified in seeking another airing? Or is there some deeper reason that we should still be denied while others are allowed to proceed? I hope all concerned can be made to realize that we have no objection to what the Luerkens and Ragsdales have been permitted to do. Their improvements are reasonable, conform to all applicable statutes, and are environmentally benign. While our project is more substantial, it too conforms to all Agency requirements and should be allowed to proceed.

Believe it or not, we have been involved in design and the application process nearly two years. While we still have confidence in the Agency and its ultimate fairness, I sincerely believe that we have been treated unrealistically, unfairly, and most painfully—unequally.

Sincerely,

[Signature]

JR: gj
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

City of South Lake Tahoe, Bike Trails from the Y to Tulare Avenue, TRPA File #82300

Applicant: City of South Lake Tahoe/Caltrans

Project Description: The proposed bike trail would generally parallel Highway 50 on the north side from the Y to Edgewood Circle where it would connect with an existing trail. The project involves the construction of three sections of Class I bike paths (special facilities exclusively for use by bicycles) linked together by Class III bike trails (a shared right-of-way located on existing streets separated by signing only). The length of the Class I bike trail is approximately 5,100 linear feet.

The Class III bike trails will be located on Eloise Avenue, Ponderosa Street, Sussex Avenue and Macinaw Road. The Class I bike trail sections will involve crossing two stream channels (the Upper Truckee River and Trout Creek) and the stream environment zones through which they flow. The length of these sections is approximately 6,900 feet.

The project design conforms to the criteria and specifications established by the State of California, Business and Transportation Agency, Department of Transportation for the development, planning and construction of bikeways in California.

The entire bicycle trail will be approximately 12,000 feet long. The three Class I sections, designated A, B, and C, would be approximately 5,100 feet long (see attached map). More specifically, Section A would be approximately 1,500 feet long, crossing the Upper Truckee Meadow and River from the easterly right-of-way line of Eloise Avenue to the westerly right-of-way line at Ponderosa Street. A portion of this section would be elevated on the existing fill behind the Motel 6 and Carrow's Restaurant parking lots. The bridge for this section would extend from the existing fill at Carrow's across the meadow and channel to a stable area near Ponderosa Street.

Section B would be approximately 1,000 feet in length, crossing an open area behind the Sierra Tahoe Athletic Club from the easterly right-of-way line of Silver Dollar Avenue to the westerly right-of-way line of Sussex Avenue. Section C would be approximately 2,600 feet long, crossing Trout Meadow and Creek by bridge and asphalt on grade from the northwest end of Mackinaw Road to Edgewood Circle. This portion of the bike trail would pass behind the S and S Auto property and cross the stream channel next to the C. Meek Lumber Company. The City proposed to construct only a temporary trail through this section. The City intends to relocate this section onto the existing fill areas under an areawide redevelopment plan. The City hopes to implement such a plan within four years.

The proposed bicycle trail right-of-way will be 14 feet wide and the path section 8 feet wide. The surface will be paved with asphalt concrete. The subgrade preparation will be dependent upon the findings determined by the soils exploration in the field.

KS: jf
11/4/82

Agenda Item VI A. 4.
South Lake Tahoe Bike Trail
page two

Stream crossings at Trout Creek and the Upper Truckee River propose construction of bridges through the majority of the stream zone. To accommodate these bridge crossings, several SEZ areas will have to be filled to provide approaches to the bridges. Generally these filled areas are only several cubic feet.

**Alternative Routings:** Pursuant to Section 13.31 of TRPA Ordinance 81-5, the EIS prepared and certified by the City addresses many alternatives to construction and disturbance within the SEZ. Alternative aspects, such as location, alignment, structures, and materials, were all evaluated in detail with the alternative with the least environmental impact being chosen. Several location alternates were evaluated including a lakefront trail, a facility immediately adjacent to Highway 50, a trail on the south side of Highway 50 and the proposed trail which lies on the north side of Highway 50. Due to water quality, wildlife impacts, reduced utility, and potential traffic conflicts, all alternatives were considered undesirable except the current proposal on the north side of Highway 50.

With regard to alignment, the preferred location was evaluated using several generalized alignments including the proposed route, a meandering route, a route directly adjacent to Highway 50 and a straight line route. After in-depth evaluation of each alignment with respect to meadow crossings, construction costs, right-of-way conflicts, visibility, impact on user experience, convenience and safety, it was determined the proposed route was most desirable.

The next basis of evaluation was the structural component of the trail. Several construction techniques and alternative materials were evaluated. These included earthen fill and bridges, at-grade paths and bridges, and extended bridges.

After review of the alignment, location, alternative building materials, and construction techniques, the proposed project is the most sensitive to the environment and contains the highest user utility.

**Review Per Section:** Article VI(b) of the Compact
   Article 6.3 of the Rules and Regulations
   Section 7.80 of the Grading Ordinance
   Section 12.51 of Ordinance 81-5
   Section 13.30 of Ordinance 81-5

**Land Use District:** General Forest, General Commercial, High Density Residential and Medium Density Residential

**Land Capability Classification:** Level 7, EfB soil type
   Level 1b, Lo soil type
   Level 1b, Ev soil type

**Land Coverage:**
   Capability level 7 30% (18,000 sq. ft.)
   Capability level 1b (Ev) 1% (12,000 sq. ft.)
   Capability level 1b (Lo) 1% (10,800 sq. ft.)

11/4/82

*Agenda Item VI A. 4.*
South Lake Tahoe Bike Trail

page three

These figures represent only the amount of land coverage created by the actual asphalt or concrete trail. Cut and fill slopes, which have the ability to be revegetated, and retaining facilities to support the trail have not been included in these figures.

Impact Analysis and Mitigation Measures:

**Land Coverage** - The 208 Plan implementing ordinance (No. 81-5) allows the creation of land coverage within stream environment zones (SEZ) if the project is necessary to protect public health, safety or general welfare, and all other feasible alternatives not involving construction within said districts have been exhausted. As discussed in the description of the project, staff has found that all possible and feasible alternatives have been exhausted and appropriate mitigation measures have been taken to minimize increases in impervious coverage.

**Land Disturbance** - As discussed in the project description, approximately 40,000 square feet of new coverage will be created. This figure includes a 9-foot wide trail only. At several of the stream zone crossings, additional land disturbance will occur due to minor filling. This filling will be minimized by the use of retaining facilities and extended bridges.

**Air and Traffic** - The construction of the bike trail will provide a safer and more convenient facility for bicyclists who currently utilize the Highway 50 corridor. Construction of the bike trail will also encourage increased commuter traffic between the Y and Tulare Avenue thereby reducing congestion on Highway 50 during the summer months of operation.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior to approval of this project, the Governing Body must make written findings pursuant to Article VI(b) of the Compact regarding consistency with applicable plans, ordinances, regulations and standards of federal, state and regional agencies. The staff has analyzed applicable elements for consistency and has made the following determinations:

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<td>California Land Use Ordinance</td>
<td>Consistent*</td>
</tr>
<tr>
<td>TRPA 208 Plan</td>
<td>Consistent*</td>
</tr>
<tr>
<td>State and Federal Air Quality Standards</td>
<td>Consistent</td>
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</tbody>
</table>

* This project is consistent with the Agency’s 208 Plan if the findings required by Section 13.31 are made.

**Project Analysis**: After evaluation of the many alternatives to the project, several concerns must be addressed. Although minimizing disturbance from the bike trail was considered in the design of the facility, several environmentally

11/4/82

Agenda Item VI A. 4.
South Lake Tahoe Bike Trail
page four

Sensitive areas will be impacted. These primarily include SEZ's which will be filled or modified to accommodate the proposed trail. A major concern which must be addressed is the extent to which these areas are to be disturbed and the proposed mitigation to these impacts.

A second significant component of the project is the temporary impacts associated with construction of the trail and the need to minimize these impacts. The proper use of temporary erosion control devices, maintenance of strict construction boundaries, and immediate stabilization of disturbed areas shall be necessary.

Additional impacts which must be addressed include the short-term temporary impacts incurred relative to the long-term proposed relocation of the trail. Is it desirable to temporarily place the trail in the stream zone only to have it relocate four years later under a redevelopment plan implemented by the City?

In addition to the mitigation measures proposed by the City, the staff recommends the following special conditions to more fully mitigate the impacts of the bike trail?

1. Final construction drawings shall depict a minimum amount of earthen fill material at bridge abutments.

2. Construction practices shall include the restriction of vehicles within a 15 foot corridor through the Upper Truckee and Trout Creek flood plains.

3. This construction corridor shall be fenced to protect riparian vegetation. The 15 foot corridor shall remain uncompacted soil by the use of special road bed materials.

4. No earthen fill material will be permitted for construction of the 15 foot construction corridor.

5. Calculation of this mitigation fee assessed on the bike trail for land coverage in land capability districts 4, 5, 6 and 7, shall be based on the final construction drawings. This fee shall be based on newly created land coverage, and the City shall have the option of either paying the fee or implementing a project of equal cost.

6. A proposal for 100% offsite mitigation shall be presented to TRPA and incorporated as part of the project. This mitigation project shall offset fill and coverage placed in the Upper Truckee/Trout Creek Watershed. Removal of riparian vegetation shall be mitigated by revegetation of a previously disturbed area of riparian vegetation.

7. Section C of the bike trail, which crosses Trout Meadow behind S and S Auto, C. Meek Lumber Company, and the church, shall be placed on-grade with the meadow. No earthen fill material shall be imported for construction of this section.

11/4/82

Agenda Item VI A. 4.
South Lake Tahoe Bike Trail
page four

8. Within two years from the date of approval, the City shall present to the
Agency Governing Board a report on the feasibility of relocating the
portions of the bicycle trail located within the SEZ as part of a
redevelopment proposal. Within four years of the date of approval, the
City shall implement a relocation plan as approved by TRPA.

Required Actions and Findings:

I 1. Pursuant to Article III(g)(2) of the Compact, the project complies with
the regional plan, ordinances, rules and regulations of the Agency.

2. Pursuant to Article VI(b) of the Compact, the project is consistent
with the applicable plans, ordinances, regulations and standards of
federal and state agencies relating to the protection, maintenance and
enhancement of environmental quality in the Region.

II Findings required by Section 13.31 of TRPA Ordinance No. 81-5:

1. The project is necessary for the implementation of the Nonattainment
Air Quality Plan or the Transportation Element of the Regional Plan; or

2. The project is necessary for the protection of the public health,
safety or general welfare; and

3. All feasible alternatives not involving construction within the SEZ
have been exhausted.

III Actions and findings listed on Attachment A.

IV Special conditions as indicated in the summary.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Austin/Jensen, Single Family Dwelling, Review Pursuant to 1982 Case-by-Case
Review Criteria and Finding of Local Public Road, Level 1, Yellow Jacket Road,
Douglas County, APN 01-080-02, TRPA File #82217

Applicant: Suzanne Welts/Patrice Jensen

Project Description: The applicant requests approval to construct a single
family dwelling in the backshore. The dwelling is to consist of three separate
wings which are being placed between Lake Tahoe and Yellow Jacket Road. The
project also includes stabilization of unstable slopes adjacent to the Lake. In
order for the project to meet land coverage requirements the applicant is
requesting a "local road" finding for Yellow Jacket Road.

Project Location: Yellow Jacket Road, Glenbrook, Nevada

Site Description: The subject parcel is approximately 1 1/2 acres in size.
Yellow jacket road traverses the parcel. The majority of the site is steep, with
slopes in excess of 30%. The dwelling is to be located on a bench between Yellow
Jacket Road and the Lake which is substantially flatter. The entire site is
rocky in nature with numerous rock outcrops. The site drops off sharply to the
Lake. This "cliff" is 25 to 30 feet in height and shows evidence of erosion.

The parcel is mapped as a Shorezone Tolerance district 3 which is described as:

- Armored granite shorezones with slopes exceeding thirty percent (30%). High
  erosion potential immediately above the shore with moderate potential for
  disturbance in steep nearshore zone. Removal of vegetation in backshore
  will lead to mass movement and erosion.

Review Per Section: Article VI(b) of the Compact
Section 6.40 of TRPA Shorezone Ordinance
Section 12.22 of Ordinance 81-5

Land Use District: Rural Estates

Land Capability Classification: Level 1A, RfF soil type

Land Coverage:

<table>
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<th>Allowable Coverage:</th>
<th>3,600 sq. ft. (Section 9.24 of the TRPA Land Use Ordinance)</th>
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</thead>
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<tr>
<td>Proposed Coverage:</td>
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<tr>
<td>Driveway</td>
<td>3,594^ sq. ft.</td>
</tr>
<tr>
<td>Building</td>
<td>382 sq. ft.</td>
</tr>
<tr>
<td>Road</td>
<td>1,940 sq. ft.</td>
</tr>
<tr>
<td>Decks</td>
<td>1,100^ sq. ft. (This figure counts 1/2 of the road coverage only)</td>
</tr>
<tr>
<td></td>
<td>172 sq. ft.</td>
</tr>
</tbody>
</table>

11/3/82
NS;sf

AGENDA ITEM VI.B.
* This is the correct coverage calculation only if a local public road finding is
granted by the Governing Board. Ordinance 81-5 is clear, however, that
exceptions for additional coverage are prohibited for case-by-case review
applications.

Building Height: Proposed: 26 ft. Permitted: 35 ft. + 10 ft. cross slope

Impact Analysis and Mitigation Measures: The TRPA case-by-case lot review criteria
have been applied to the subject parcel. Agency staff finds that the current
proposal qualifies for a Low and Moderate Risk rating for each of the four criteria.
The proposal before the Board at this time is the result of several redesigns.

Proximity to a Stream or Wetland: Moderate Risk. There is no Stream Environment
Zone on or adjacent to the subject parcel. The parcel is adjacent to Lake Tahoe,
however. This can sometimes create infiltration difficulties due to high
groundwater conditions. In this case, however, there is a 25 foot cliff
separating the building site from the Lake.

Runoff Potential: Moderate Risk. This criteria is of great concern to Agency
staff. The building site is very rocky in nature. The applicant has submitted a
report on the soils and hydrologic conditions of the parcel which indicates that
the parcel does contain the infiltration capacity to accommodate runoff concentrated
by construction of the proposed single family dwelling. A preliminary drainage
plan has been proposed. Final details of this plan will be required as a
condition of approval. The drainage plan must be designed to bring drainage back
away from the cliff so that the current stability problem will not be further
aggravated.

Land Stability: Moderate Risk. The structure has been redesigned so that it is
within a building site with slopes less than 30%. The applicant proposes to
anchor the building foundations into a rock outcrop which appears stable at this
time. If final analysis indicates that the rocks are not stable enough to
support the building foundations, extensive grading and possibly blasting will be
required. If this amount of grading is required the rating under land stability
would be high risk. The dwelling has been brought back to as close to Yellow
Jacket Road as possible so that it is away from the unstable slopes. As a part
of this application, the applicant proposes to stabilize the slopes adjacent to
the Lake using rock riprap. This riprap will be keyed into the existing
boulders. Final details of this plan shall be approved by Agency staff.

Vegetation: Moderate Risk. Because of the rocky nature of the parcel, vegetation
may be difficult to accomplish. Tight vegetation protection will be used.
Foundations shall be hand dug to minimize disturbance.

Consistency with Applicable Plans, Ordinances, Regulations and Standards: Prior
to approval of this project, the Governing Body must make written findings pursuant
to Article VI(b) of the Compact regarding consistency with applicable plans,
ordinances, regulations and standards of federal, state and regional agencies.
The staff has analyzed applicable elements for consistency and has made the
following findings:

11/3/82

AGENDA ITEM VI.B.
### Applicable Elements
- Nevada Side General Plan
- Nevada Side Land Use Ordinance
- TRPA 208 Water Quality Plan
- Nevada Side Indirect Source Review
- Federal/State Air Quality Standards

### Findings
- Consistent
- Consistent
- Inconsistent*
- Consistent
- Consistent

*The project as currently designed does not meet the coverage requirements of Ordinance 81-5.

### Project Analysis and Issues for Discussion:

There is one major issue for discussion. Ordinance 81-5 clearly does not provide an exemption for "local roads" for single family dwellings in land capabilities 1, 2, and 3 through the case-by-case review process. In April of 1982, the Board did make a finding that an exemption for local public roads could be made for projects in land capabilities 4-7. (See Attachment A.)

This application however is in a land capability 1A, so no local road finding can be made. The project as proposed, could not therefore meet the land coverage limitations. The proposal is currently designed with the local public road discount. It is staff's opinion that the project must be redesigned to meet the land coverage requirements as set forth in Ordinance 81-5.

### Required Actions and Findings:

1. Findings and actions listed on Attachment A.
2. Findings and actions listed on Attachment B.
3. Findings and actions listed on Attachment G.
4. The standard conditions of approval (Attachment D).
5. The following special conditions of approval.
   a. The building foundations shall be designed to require no removal of the rock outcrop located within the building site. If final analysis requires the rock outcrop to be removed, such modification shall be considered substantial, therefore requiring the project to be reconsidered by the Governing Board.
   b. Final details of the drainage plan shall be approved by Agency staff prior to TRPA permit issuance.
   c. Final details of the slope stabilization shall be approved by Agency staff prior to TRPA permit issuance.
   d. A construction sequence and details of the foundation plan shall be submitted prior to TRPA permit issuance.

11-3/82

AGENDA ITEM VI. B.
e. The applicant shall redesign to conform to the coverage limitations as specified in Ordinance 81-5.

f. The mitigation fee shall be based on the total amount of land coverage proposed in excess of that allowed by the land capability. No figure can be identified at this time since staff is requesting that the application be redesigned.
slopes stabilization

- proposed residence

add new vegetation where growth will further stabilize slope

all existing vegetation to remain

use rocks 2' in diam or larger

stabilize rocks around all existing trees to allow for future growth

new or existing vegetation

use native stone

existing boulders

detail
Determination on Applicability of Land Coverage for Local Roads Under Ordinance No. 81-5

Introduction Preparation of the Environmental Impact Statement (EIS) for the 208 Water Quality Plan was based on an alternative action for land capability and coverage limitations which assumed the elimination of the land coverage overrides included in the TRPA Land Use Ordinance. Accordingly, those sections of the 208 Water Quality Plan Ordinance (Ordinance 81-5) that establish land coverage limitations (Sections 12.23, 12.40 and 14.00) do not include specific exemptions for additional land coverage for "local roads".

Section 8.25(4) of the Nevada Side Land Use Ordinance allows the Governing Board to authorize excess land coverage in connection with the construction of a "local road", provided: 1) the road is required to provide access to property other than that owned by the applicant; 2) the road will be constructed or maintained by a public agency or is required to be constructed by the terms of a lawfully created easement recorded prior to February 10, 1972; 3) the road is designed to minimize land alteration and prevent erosion; and 4) the road is designed to minimize the additional coverage.

Issue It is clear that Sections 12.23 and 12.40 do not include exceptions for "local roads". Section 12.23 establishes the land coverage limitations for the case-by-case review procedure and Section 12.40 establishes the land coverage limitations for new commercial projects.

However, the language in Section 14.00 can be interpreted to include an exception for "local roads" in land capability districts 4 through 7. Section 14.00 requires that land coverage conform to that permitted under the land capability system in districts 4, 5, 6 and 7. The specific language that could include an exception states that "land coverage shall be calculated only with reference to the land owned or controlled by the applicant, thus excluding improvements not located upon such land, such as public streets and other off-site public facilities". The land area prescribed and land coverage created under the terms of a lawfully recorded easement recorded prior to February 10, 1972 could be found to not be controlled by the applicant and therefore not included in the land coverage calculations under Section 14.00.

If it is the intent of the Governing Board to allow additional land coverage in capability districts 4 through 7 for "local roads", all such applications will require approval by the Governing Board. To approve such a request, the Board will have to find that the excess land coverage will not result in a significant environmental impact.

ATTACHMENT A
MEMORANDUM

November 3, 1982

To: The TRPA Governing Body

From: The Staff

Subject: Special Determination - G. Towle/J. Rogan, Finding of Vested Right, Fourplex, Tahoe Village Unit 1, Douglas County, APN 09-032-22 through 09-032-25, TRPA File #82-1320

Under separate cover, Agency legal counsel will submit an opinion on the subject determination based on the discussion at the October 27, 1982 meeting and correspondence in the file.

jf
11/3/82

Agenda Item VII
MEMORANDUM

November 5, 1982

To: The TRPA Governing Board

From: The Staff

Subject: Tom Pitts, Unauthorized Pier Construction, 8381 Kehlet Drive, El Dorado County, ABN 16-081-431, TRPA File #81149

Background: The U.S. Army Corps of Engineers discovered that Mr. Pitts had constructed a deck-type walkway to access his existing pier some time between 1970 and 1975 without the required permits. An existing stairway accesses the shoreline on the north side of the property, but the existing pier is located on the south side of the property. The relationship of these two structures necessitates some form of access facility to connect the stairway to the pier (see attachment A).

The unauthorized walkway constructed in the 1970's runs parallel to the shoreline. In 1981, the unauthorized walkway was replaced with a sun deck that measures 14'3" wide at the south end, 25' wide at the north end and is 32'6" long. The pilings supporting the new deck are anchored to large granite boulders located below the high water line.

CTRPA, TRPA and the U.S. Army Corps of Engineers requested that an application be submitted to bring the unauthorized structure into conformance with the provisions of the TRPA Shorezone Ordinance by June 1982. Although an application was submitted, no modifications to the structure were proposed. There is no provision in the Shorezone Ordinance for a structure of this type running parallel to the shoreline; however, due to the special circumstances relating to the access difficulties and site characteristics, staff feels the applicant may be eligible for a variance as provided in Section 20.00 of the Shorezone Ordinance. Section 20.00 reads as follows:

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. 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

KE:jf
11/5/82

Agenda Item VIII A. 1.
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.

Staff and the applicant agree that a deck-type access located along the shoreline would have less environmental impact than a new pathway in the backshore due to the steepness of the subject property and the excessive amount of vegetation removal and grading that would be required.

Staff Recommendation: The subject pier was constructed without the authorization of any of the agencies having review authority and violates Section 4.11 of the Shorezone Ordinance. The staff recommends that the Governing Board take the following actions:

1. Direct the applicant to remove the unauthorized deck structure or modify his existing application to request a variance to permit a 3 foot wide walkway in place of the existing unauthorized structure to access the existing pier. The modified application must be submitted within 60 days and modification authorized under said application completed by July, 1983.

2. Authorize legal counsel to take appropriate action to accomplish the objectives set forth above.
MEMORANDUM

November 4, 1982

TO: TRPA Governing Board

FROM: Agency Staff

SUBJECT: David Nelson, Unauthorized Tree Cutting,
218 Canyon Circle, Douglas County, APN 03-171-22

On October 21, 1982 Agency staff was contacted by the Douglas County Building
Department regarding unauthorized tree cutting behind a residence located at 218
Canyon Circle, Lot 85, Lake Ridge Estates. On the same date a field investiga-
tion was conducted on the subject property. As shown on the attached
investigation report, eleven live, healthy trees were cut down. The trees had
been immediately lateralward of the residence at 218 Canyon Circle. A number
of the trees were located off of the Nelson's property on Lots 84 and 86.

A single family home exists on Lot 84 where two trees were cut. No obvious gain
was achieved for that property owner by the removal. A building permit exists
on Lot 86 with the foundation and sub-floor completed. One cut tree lies within
Lot 86. This property gained a considerable view enhancement by the tree
removals. Photos have been taken both from the Nelson property and from the
sub-floor on Lot 86 owned by Mr. Richard Clark of South Lake Tahoe. Staff has
attempted to contact Mr. Clark, and left a message at his residence informing
him of the enforcement action and show cause hearing.

The trees on the lot were not in a crowded condition nor were there any other
indicators of a threat to the surrounding stand of trees or structures. The
location of the removed trees indicate that the removal was for view enhancement
purposes. The lot lies within a land capacity district 1A, RLF soil type, and
is very steep.

11-4-82

Agenda Item VIII A. 2.

SC:md
Mr. Nelson has been informed in writing of the violations (copy of the letter is attached) and of this hearing. He resides in Winston-Salem, North Carolina and has retained a local attorney, Mr. Mel Laub to represent him. Mr. Laub has indicated to staff that his client had no knowledge of the tree cutting activity. Staff has met on the site with Mr. Laub's partner, Mr. James Nunnally and discussed the situation. Staff has requested that an affidavit, under penalty of perjury, be prepared by Mr. Nelson stating his knowledge of the situation.

The person or persons immediately responsible for felling the trees have not been identified. Neighbors have indicated that they observed a vehicle in the area and heard chain saws. Staff could not obtain a more specific description.

Agency staff recommends that Agency legal counsel be directed to proceed with civil litigation to assess the maximum penalty as set forth in Article VI(1) of the TRPA Compact. However, in lieu of civil litigation staff would recommend a minimum payment to the Agency of $7,250, plus restoration of the site. The $7,250 assessment is based on the total diameter inches of live, healthy trees over 6 inches diameter removed at 4.5 feet above ground level. As the measurements were taken on the trees at stump height, one inch was subtracted to take into account log taper. The total diameter inches were then multiplied by $50.00 per inch. Site restoration must include a replacement on a three to one ratio of trees removed according to the species removed. The planted trees must be of a minimum three gallon stock and all stock which does not survive must be replaced.

Staff has not been able to determine at this time which of the gaining parties are responsible for the violations. This recommendation is being presented as a means of quickly settling this matter without requiring court action.
MEMORANDUM

November 4, 1982

TO: TKPA Governing Board

FROM: Agency Staff


All stumps were numbered, using yellow tree paint.

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<th>Stump #</th>
<th>Diameter Inside Bark</th>
<th>Stump Height Above Ground</th>
<th>Species</th>
<th>Condition</th>
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</table>

Ponderosa Pine = PP
Jeffrey Pine = JP
White Fir = WF

11-4-82
SC:md

Agenda Item VIII A. 2.
MEMORANDUM

November 4, 1982

To: The TRPA Governing Board

From: The Staff

Subject: Solari, Unauthorized Pier Extension, Meeks Bay, El Dorado County

A staff field inspection conducted in 1982 as well as an Army Corps of Engineers investigation shows that a wooden pier located on Assessor Parcel No. 16-091-16 was reconstructed and modified without TRPA review and approval. The property is owned by Richard C. and Mary C. Solari of Aptos, California.

The construction took place in September of 1981, after the Governing Board imposed a pier moratorium in July, 1981 under which only specific pier repairs were permitted. Mr. Solari, under the moratorium, may have been authorized a pier repair to the extent of the original pier dimensions. A determination must be made whether the reconstruction and modification can be considered a permitted pier repair. Based on the interpretation made by the Board at the December 17, 1981 meeting, pier extensions can be allowed if they are not a significant modification. Such extensions were to be considered on a case-by-case basis.

The pier was modified from its previous dimensions of 16 feet in length and 4 feet in width to the present 36 feet in length and 6 feet in width. The Army Corps of Engineers sent the Solari's a letter on August 6, 1982 advising them that the construction was in violation of Federal law and inviting them to provide further information. Mr. Solari responded that he had repaired the existing pier in September, 1981. Photographs indicate that the pier was widened approximately 2 feet and made approximately 20 feet longer at that time. Existing boulders in Lake Tahoe support the pier extension. The pier lies between two mapped fish spawning areas and, according to the plan drawn by the U.S. Army Corps of Engineers, sits 5 feet from the adjacent pier to the north. Based on this drawing, the pier violates the minimum setback requirements set forth in the Shorezone Ordinance.

SC:jf
11/4/82

Agenda Item VIII A. 3.
Staff recommends that the Board require Mr. Solari to submit to the Agency an application for the unauthorized pier construction within 60 days. As provided for in the Agency's filing fee schedule, the filing fee shall be double the usual fee. The plan must bring the pier into conformance with TRPA ordinances and include restoration of disturbed areas. The application shall be reviewed in the same manner as permits for proposed structures per Section 18.00 of the Shorezone Ordinance. Any pier modification required to bring the structure into compliance must be completed by June 1, 1983. Security shall be posted in an amount equal to 150% of the estimated costs of any required modification. Staff legal counsel shall be authorized to proceed with civil litigation to have the unauthorized structure removed if an application is not received by the Agency within the 60 day period.
DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA  95814

REPLY TO
ATTENTION OF  SPKCO-0 (E82-186)

6 October 1982

TAHOE REGIONAL PLANNING AGENCY

Tel.: 801-270-1700
Fax.: 801-270-1707

OCT 12 1982

Dear Mr. Hahn:

We are currently conducting an investigation of unauthorized work in Lake Tahoe at El Dorado County Assessor's Parcel No. 16-091-16, Meeks Bay, California. The work consists of reconstructing and modification of an old wooden pier which extends approximately 36' lakeward from the ordinary high waterline elevation (6229.1' Lake Tahoe Datum). A fact sheet, photographs, and drawing showing the location and extent of the work are inclosed.

This work was performed in violation of Federal law, as a Department of the Army permit authorizing the pier modification work within navigable waters of the United States was not obtained. To assist us in evaluating the beneficial and detrimental effects of this work, we are soliciting your views concerning the impact of this construction.

Possible actions under consideration would be either complete removal and restoration, partial removal and restoration, modifications, or to accept and process an application for a Department of the Army permit to retain the existing structure. A determination to accept and process an application for a Department of the Army permit would not imply that a permit will be issued. Issuance or denial of a permit application would depend upon information received in response to the public notice issued by this office during the processing of the application.

We would appreciate receiving your recommendations on this matter by 5 November 1982. In your response, please reference File No. E82-1b6. If you require any additional information or time to prepare your comments, please contact our Regulatory Section, Room 6528, or telephone (916) 440-2580.

Sincerely,

D. A. DENNIS  
Chief, Construction-Operations  
Division

3 Incl
As stated
FACT SHEET
Application No. E82-186

1. A comparison of our 1981 and 1982 Lake Tahoe aerial photography with photography in the past shows that a small pier was reconstructed and modified after November 1980. It was determined that the old pier measured approximately 16' long by 4' wide during the period before reconstruction. The new pier is 36' long and 6' wide.

2. The unauthorized pier is located at El Dorado County Assessor's Parcel No. 16-091-16, Meeks Bay, California. The owners of the property are Richard C. and Mary C. Solari, 431 Pebble Beach Drive, Aptos, CA 95003.

3. On 6 August 1982, a letter was sent to the Solari's advising them that their construction of the new pier is in violation of Federal law (Section 10 of the River and Harbor Act). The Solari's were invited to provide any information they wish to be considered in our investigation.

4. Mr. Solari's response was that in February 1978 he obtained the services of Raymond Vail and Associates to draw up plans and obtain necessary permits to construct a new pier 15' south of the existing pier. Due to a California State Lands Commission moratorium, permits for the new pier were not pursued and Mr. Solari decided to "repair" the existing pier. Mr. Solari states that he and four friends from Reno "repaired" the pier in September 1981 using used redwood.

Our photography shows the pier was widened approximately 2' and made approximately 20' longer than the original pier.
TAHOE REGIONAL PLANNING AGENCY

ORDINANCE NO. 82-

AN ORDINANCE RELATING TO CONDOMINIUM CONVERSIONS
OF CERTAIN STRUCTURES NONCONFORMING AS TO DENSITY
OR LAND COVERAGE, OR BOTH; AMENDING CALIFORNIA
AND NEVADA-SIDE LAND-USE ORDINANCES TO PERMIT
SUCH CONVERSIONS UNDER CERTAIN CIRCUMSTANCES; AND
PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00   Findings.

1.10 It is necessary and desirable to amend Ordinance No. 4
of the Tahoe Regional Planning Agency, as amended, as
it applies to the portion of the Lake Tahoe Region
located within the State of Nevada, and Ordinance No. 1
of the California Tahoe Regional Planning Agency, as
amended, as it applies to the portion of the Lake Tahoe
Region located within the State of California pursuant
to Article V(e) of the Tahoe Regional Planning Compact,
as amended, to permit under certain circumstances the
conversion to condominium ownership of certain structures
nonconforming as to density or land coverage, or both.

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

1.30 This ordinance is necessary and desirable to promote, and
is reasonably related to, the public health, safety and
general welfare of the Lake Tahoe Region, complies in all
respects, procedural and substantive, with the Tahoe
Regional Planning Compact, and the regional plan,
ordinances, rules, regulations and policies of the Tahoe
Regional Planning Agency, and is necessary to effectuate
and implement the same.

1.40 By virtue of the nature and purpose of the provisions
of this ordinance, this ordinance will not have a
significant effect on the environment of the Tahoe Region
and is thus exempt from the requirement of preparation
of an environmental impact statement pursuant to
Article VII of the Tahoe Regional Planning Compact,
as amended.

-1-

Agenda Item IX
Section 2.00 Amendment of Ordinance No. 4 of Tahoe Regional Planning Agency Permitting Condominium Conversions.

Section 9.00 of Ordinance No. 4 of the Tahoe Regional Planning Compact, as amended, as it applies to the portion of the Lake Tahoe Region located within the State of Nevada, is hereby amended by adding new subsection 9.40 thereto to read as follows:

9.40 Condominium Conversions

Notwithstanding the provisions of Section 9.30 and other provisions of Agency ordinances requiring compliance with density and land coverage requirements, the Agency may approve a permit for the conversion to a condominium form of ownership of a structure lawfully in existence on February 10, 1972 in accordance with the provisions of this section.

9.41 Compliance with Use Regulations

An application for a condominium conversion pursuant to this section may be for residential or commercial purposes, provided the use resulting from the conversion is consistent with the types of uses permitted in the land-use district within which the structure is located. While applicable density requirements need not be met, the extent of nonconformity therewith may be considered by the Agency in acting upon an application pursuant to this section.

9.42 Reduction of Nonconforming Land Coverage

The application shall comply with otherwise applicable requirements for replacement of nonconforming land coverage. Even though an application pursuant to this section proposes no replacement of or addition to nonconforming land coverage, the Agency, to the extent reasonably feasible, shall require a reduction of nonconforming land coverage on the site occupied by the structure.

9.43 Landscaping and Drainage Improvements

In acting upon an application pursuant to this section, the Agency shall require installation of landscaping, drainage or other appropriate improvements upon the site occupied by the structure, necessary to cause such site to comply with applicable water quality plans and ordinances of the Agency.
9.44 Parking

There shall be adequate parking for the use resulting from the conversion. Adequacy of parking shall depend upon the intensity of such resulting use and a comparison of same to the parking regulations of the county or city in which the project is located, which regulations shall serve as guidelines, only, for this purpose.

9.45 Access to Lake Tahoe

In acting upon an application pursuant to this section, which involves a site abutting or adjacent to Lake Tahoe, the Agency may require dedication and improvement of public access to Lake Tahoe. Where such access is not reasonably feasible, the Agency may require provision or improvement of off-site public access.

9.46 Reconstruction Limitations

(1) Application of Limitations

In the event of damage to or destruction of all or any portion of a structure, the conversion of which to condominium ownership is pursuant to a permit issued by the Agency under this section, reconstruction of such structure shall comply with all Agency ordinances and regulations governing the reconstruction of a nonconforming structure or a structure devoted to a nonconforming use. Any replacement-cost limitation prescribed by such ordinances and regulations shall be computed by reference to the replacement cost of all structures on the project site, rather than exclusively to the structure damaged or destroyed.

(2) Disclosure

In conducting negotiations, formal or informal, for the purchase, sale, lease or transfer of a condominium unit within a structure converted to condominium ownership pursuant to this section, the applicant for such conversion, and such applicant's successor(s) in interest, shall expressly disclose to all other persons involved in such negotiations the existence and terms of any and all Agency regulations of, or restrictions or limitations upon, reconstruction of the structure containing such unit. Such applicant shall also record in the office of the county recorder in which the project is situated, a notice, approved by Agency counsel, setting forth the matters otherwise required to be disclosed pursuant to this subsection, which notice shall be recorded together with the documents effectuating the conversion pursuant to this section.
9.47 Findings

An application for a permit pursuant to this section shall not be approved unless it is found by the Agency that the conversion will not result in any increase in development potential, in present or potential land coverage or density, will not cause a detrimental effect upon the availability of transient dwelling units or units available for purposes of low-cost employee housing in the general area of the project, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.

9.48 Compliance with Other Ordinances and Regulations

An application for a permit pursuant to this section shall not be approved unless it complies in all respects with otherwise applicable plans, ordinances and regulations of the Agency.

Section 3.00 Amendment of Ordinance No. 1 of California Tahoe Regional Planning Agency Permitting Condominium Conversions.

Chapter 4 of Ordinance No. 1 of the California Tahoe Regional Planning Agency, as amended, as it applies to the portion of the Lake Tahoe Region located within the State of California pursuant to Article V(e) of the Tahoe Regional Compact, as amended, is hereby amended by adding new Section 4.24 thereto to read as follows:

4.24 Condominium Conversions

Notwithstanding the provisions of Section 4.21 and other provisions of Agency ordinances requiring compliance with density and land coverage requirements, the Agency may approve a permit for the conversion to a condominium form of ownership of a structure lawfully in existence on September 19, 1975 in accordance with the provisions of this section.

(a): Compliance with Use Regulations

An application for a condominium conversion pursuant to this section may be for residential or commercial purposes, provided the use resulting from the conversion is consistent with the types of uses permitted in the land-use district within which the structure is located. While applicable density requirements need not be met, the extent of nonconformity therewith may be considered by the Agency in acting upon an application pursuant to this section.
(b) **Reduction of Nonconforming Land Coverage**

The application shall comply with otherwise applicable requirements for replacement of nonconforming land coverage. Even though an application pursuant to this section proposes no replacement of or addition to nonconforming land coverage, the Agency, to the extent reasonably feasible, shall require a reduction of nonconforming land coverage on the site occupied by the structure.

(c) **Landscaping and Drainage Improvements**

In acting upon an application pursuant to this section, the Agency shall require installation of landscaping, drainage or other appropriate improvements upon the site occupied by the structure, necessary to cause such site to comply with applicable water quality plans and ordinances of the Agency.

(d) **Parking**

There shall be adequate parking for the use resulting from the conversion. Adequacy of parking shall depend upon the intensity of such resulting use and a comparison of same to the parking regulations of the county or city in which the project is located, which regulations shall serve as guidelines, only, for this purpose.

(e) **Access to Lake Tahoe**

In acting upon an application pursuant to this section, which involves a site abutting or adjacent to Lake Tahoe, the Agency may require dedication and improvement of public access to Lake Tahoe. Where such access is not reasonably feasible, the Agency may require provision or improvement of off-site public access.

(f) **Reconstruction Limitations**

(1) **Application of Limitations**

In the event of damage to or destruction of all or any portion of a structure, the conversion of which to condominium ownership is pursuant to a permit issued by the Agency under this section, reconstruction of such structure shall comply with all Agency ordinances and regulations governing the reconstruction of a nonconforming structure or a structure devoted to a nonconforming use. Any replacement-cost limitation prescribed by such ordinances and regulations shall be computed by
reference to the replacement cost of all structures on the project site, rather than exclusively to the structure damaged or destroyed.

(2) Disclosure

In conducting negotiations, formal or informal, for the purchase, sale, lease or transfer of a condominium unit within a structure converted to condominium ownership pursuant to this section, the applicant for such conversion, and such applicant's successor(s) in interest, shall expressly disclose to all other persons involved in such negotiations the existence and terms of any and all agency regulations of, or restrictions or limitations upon, reconstruction of the structure containing such unit. Such applicant shall also record in the office of the county recorder in which the project is situated, a notice, approved by Agency counsel, setting forth the matters otherwise required to be disclosed pursuant to this subsection, which notice shall be recorded together with the documents effectuating the conversion pursuant to this section.

(g) Findings

An application for a permit pursuant to this section shall not be approved unless it is found by the Agency that the conversion will not result in any increase in development potential, in present or potential land coverage or density, will not cause a detrimental effect upon the availability of transient dwelling units or units available for purposes of low-cost employee housing in the general area of the project, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.

(h) Compliance with Other Ordinances and Regulations

An application for a permit pursuant to this section shall not be approved unless it complies in all respects with otherwise applicable plans, ordinances and regulations of the Agency.

Section 4.00 Interpretation and Severability.

The provisions of this ordinance shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared severable.
Section 5.00 Effective Date.

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

FIRST READING:

SECOND READING:

PASSED AND ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held 1982, by the following vote:

Ayes:
Nayes:
Abstentions:
Absent:

Chairman
MEMORANDUM

November 3, 1982

To: The TRPA Governing Board
From: The Staff

Subject: Administrative Matters – Approval of Fiscal Year 81-82 Audit Report

The Fiscal Year 1981-82 Audit Report has previously been distributed to the Governing Body members. Please refer to this material in preparation for approval on November 17.

Agenda Item X A.
MEMORANDUM

November 4, 1982

To: The TRPA Governing Board
From: The Staff
Subject: Certification of the Tahoe Station EIS

Attached is the EIR/EIS Summary (revised) for the Tahoe Station commercial project. The Advisory Planning Commission will be reviewing and commenting on the technical adequacy of the EIS on November 10, and staff will be prepared to present a recommendation on certification based on the APC's discussion and action at the November 17 meeting.
1.3 EIR/EIS SUMMARY (REVISED)

Note: Where the text of this Summary of the EIR/EIS has been changed, new or revised material is underlined. These changes reflect responses to comments following public and agency review of the Draft EIR/EIS.

This Environmental Impact Report/Statement (EIR/EIS), prepared for the California Tahoe Regional Planning Agency (CTRPA) and the Tahoe Regional Planning Agency (TRPA), analyzes the potential impacts of a commercial development proposed for Dollar Point. Tahoe Commercial Station, sponsored by R. T. Nahas and Company, is to be a mixed-use project comprised of approximately 32,000 square feet of leasable office and retail space. As designed, the five two-story buildings and surrounding parking, walks, and roadways will cover 15 percent of the 12.7-acre site, meeting CTRPA coverage requirements for Land Capability Classification Five. The development proposed would be built in three phases, representing between 30 to 60 percent of the annual Tahoe Regional Planning (TRP) Compact allocation for Placer County of 23,000 square feet of commercial space.

Planning Context. Land use review of the project was initiated at the county level by the Placer County Planning Department in late 1980. As the proposed project conforms with the county's zoning requirements for neighborhood commercial (C-1), the planning review was ministerial. On January 9, 1981, preliminary approval was granted to the developer for his proposed program, conditional upon submission of supportive evidence documenting the developer's intent to:

- Obtain encroachment permits from the state and county for access routes;
- Submit improvement plans for roads and an engineer's estimate of site work;
- Prepare a grading and drainage plan and obtain appropriate permits;
- Submit a completed landscaping plan;
- Obtain approvals from all agencies with jurisdiction over project, namely CTRPA and the Tahoe Regional Planning Agency (TRPA).

In late 1980, the developer submitted an environmental initial study application to CTRPA. For several months, this commercial project and others proposed for the Tahoe Basin were the subject of policy discussions between the CTRPA staff and Board. In April 1981, a decision was made that a market feasibility study would be conducted for Tahoe Station followed by the preparation of an Environmental Impact Report. The market analysis was considered important as it would reveal the potential tenant mix, the impact on existing shopping patterns, and the sources of potential shoppers who would frequent Tahoe Station. The traffic impacts associated with the project's clientele were of considerable interest to CTRPA.

To insure coordination between the preparation of the market study and the Environmental Impact Report/Statement, both consultant bids were solicited simultaneously.

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1Tahoe Regional Planning Compact (H.R. 3255, 96th Congress 2nd Session), Article VI, Section C (4).
John S. Thompson and Company was chosen to prepare the market analysis, while the authors of this report were chosen to undertake an EIR/EIS upon completion of the Thompson Market Study.

The Thompson Market Study was released in October 1981 and contained a large amount of data from a shopper survey conducted two months before at North Lake Tahoe's two major commercial centers, Tahoe City and Kings Beach. Approximately 300 shoppers at each location were asked a series of questions to reveal their shopping preferences and destination patterns. Their responses were tabulated by computer and became the basis for much of the traffic and market analysis contained in this document. The Thompson Market Study had two major conclusions of particular relevance to this report. One, existing retail demand in the region could support between 22,000 to 32,000 square feet of retail space at Tahoe Commercial Station. Second, that shoppers who resided south of Carnelian Bay tended to shop at Tahoe City, while those residing in and north of Carnelian Bay tended to shop at Kings Beach. A copy of the Market Study can be reviewed at CTRPA and TRPA offices.

Formal environmental review of the project was initiated by CTRPA on January 19, 1982 with the preparation of the Initial Study. The associated Environmental Checklist completed by CTRPA highlighted a number of important environmental concerns and was submitted to agencies, community associations, and private citizens particularly concerned with the proposed project for comment. (The Initial Study and distribution list are included as Appendix G of this report.)

Summary of Findings and Proposed Mitigation Measures. This Environmental Impact Report was prepared to cover in detail the particular concerns of the lead agency, CTRPA, in accord with the requirements of the California Environmental Quality Act and State EIR Guidelines, Section 15000 et seq., of the California Administrative Code. The EIR/EIS also is intended to serve as an environmental document for TRPA. As the TRP Compact clearly gives authority to "any political subdivision (that) may adopt and enforce an equal or higher standard to the same subject of regulation in its territory," the project was evaluated in the context of applicable CTRPA policies, particularly those contained in the CTRPA 1980 Regional Plan Update and associated ordinances for Land Use, Vegetation Protection, and Indirect Source Review. These represent equal or higher standards of performance than TRPA, although, where appropriate, TRPA's concerns have been discussed. In addition, project conformance with Placer County's zoning regulations is discussed.

This report concludes that the project is in substantial conformance with all applicable CTRPA policies and standards, while substantially meeting the requirements of TRPA and Placer County. The anticipated adverse impacts relate to the commercial nature of the project and can be partially mitigated through proper design and engineering:

- Traffic will increase in the Dollar Point region by an estimated 2,432 trips per day, while the net increase in vehicle miles of travel, after accounting for "captured" trips, will be 911. However, the overall vehicle miles of travel, calculated by the transportation model for single-purpose trips, are less than with the no-project alternative because shopping trips attracted to Tahoe Station will be shorter than they would be if patrons were to go to
Tahoe City or Kings Beach to meet their needs. This conclusion holds even if Tahoe Station "induces" travel, generating up to a 25 percent increase in trips and if it draws customers from beyond a six-mile radius—the typical limit for neighborhood shopping center trips.

- Access to the site and internal circulation can be improved through redesign, and some additional parking (58 spaces) should be provided to meet CTRPA requirements. Alternatively, parking demand could be monitored and additional spaces would have to be provided, if warranted.

- Transit access can be encouraged by provision of bus shelters and bus turnouts.

- Air quality will decrease locally at Dollar Point, but would be substantially improved throughout the North Shore because carbon monoxide emissions are projected to be lower by 25,049 grams per day, a savings of 23 percent more than is generated by Tahoe Station. This benefit will occur if Tahoe Station primarily attracts convenience shopping trips. However, with specialty, ground-floor retailing catering to a regional market, these potential benefits may not exist, and carbon monoxide generation could increase to a maximum of 94,736 grams per day.2

- Impervious surface area on the site will increase, but with proper drainage and filtration methods required by the Lahontan Water Quality Board, TRPA, and CTRPA, much of the water quality damage should be minimized. The nearest major stream environment zone (SEZ) is over one-half mile away.

- Energy will be consumed in the construction and operation of the development; however, the reduction in vehicular miles of travel will help conserve gasoline.

- Forty-four trees will be removed to construct the development; however, almost ten acres of open space will remain, and indigenous vegetation will be used in landscaping to mitigate this loss. In detailed design, measures to protect the willows and the small SEZ on the site also should be considered.

Table 3.1 summarizes unavoidable adverse impacts and proposed mitigation measures and indicates which of these measures are acceptable to the project sponsor. The EIR/EIS suggests that the Tahoe Commercial Station is appropriate for designation as a neighborhood-serving commercial node, meeting all preliminary development principles outlined in the CTRPA Regional Plan Update because it:

- reinforces existing patterns of development;

- is situated on high capability land, and conforms with CTRPA environmental guidelines;

2This estimate is overstated because it reflects higher emission rates than currently exist, according to recent studies undertaken by the California Air Resources Board.
— is of sufficient size to encourage one-stop shopping; and
— is accessible from its service population and will relieve, rather than create, traffic congestion.

However, there is some uncertainty about the project's consistency with environmental thresholds and capacity limitations, which may be included in the new regional plan required by the TRP Compact. To the extent that the project has been approved by CTRPA and TRPA, and the project sponsor has secured building permits for individual phases, the permits will convey vested rights to construct the space within the time limits authorized, subject, of course, to any conditions of project approval.

As one condition of approval, shown as a proposed mitigation measure in Table 3.1, CTRPA might consider limiting allowable uses to convenience shopping, low-traffic generating services, or offices to avoid a potential adverse impact on traffic conditions and air quality. This could be accomplished by limiting the floor area per establishment and/or setting quotas on the total amount of space for major, traffic-generating uses in the project. High traffic generators such as a supermarket, major drugstore, or large restaurant with over 5,000 square feet of space could be specifically excluded. This proposed mitigation measure will ensure that the traffic and air quality benefits potentially attributable to the project are realized.

Evaluation of Project Alternatives. As required by the California Environmental Quality Act, project alternatives were evaluated to determine if any would eliminate adverse impacts anticipated from Tahoe Station. The no-project alternative presumes that Tahoe Station is not built and commercial market demand is met in the existing urban areas of Tahoe City and Kings Beach and by sales outside the basin. This is an appropriate assumption because a decision not to build Tahoe Station will not affect the overall amount of commercial space added in the Tahoe Basin over the next 3 to 5 years, given the limitations imposed by the Compact and, after May 1983, the amended TRPA plan and implementing regulations, which should set capacity thresholds. With this in mind, the no-project alternative involves analysis of transfer effects and distributional impacts, not changes in aggregate consumer expenditures or North Shore office employment.

In the no-project alternative, there may be no new commercial development allowed in Tahoe City and Kings Beach because of traffic and air quality conditions. Consequently, retail demand in the no-project alternative would be met by increases in sales at existing establishments plus some leakage of sales to businesses outside the basin. From this perspective, it is possible that Tahoe Station could serve retail demand that otherwise might be frustrated by limited choice for goods and services available locally, and, as a consequence, it may induce some shopping trips. However, this effect is not likely to be significant given the large amount of existing commercial space and the fact that Tahoe Station would represent only a 2.7 percent increase in this inventory. As a "worst case" scenario, the EIR assumes that, relative to the no-project alternative, up to 25 percent of the shopping trips attracted to Tahoe Station could be new trips induced by the retailing opportunities offered. A more likely assumption, accepted by CTRPA and TRPA staff, is that 10 percent of the shopping trips to Tahoe Station may be induced by the quality of goods and services offered.
<table>
<thead>
<tr>
<th>Traffic and Air Quality</th>
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**Unavoidable Impacts:** Vehicular traffic is expected to increase in the Dollar Point area by 2,432 ADT, and increased automobile emissions in the Lake Forest area will degrade the local natural environment. However, the overall carbon monoxide levels in the North Lake Tahoe region will decrease by 14,127 grams per day if neighborhood-serving commercial space is added at Dollar Point rather than in Tahoe City or Kings Beach because of trips captured by the project.

**Proposed Mitigation:**

- A two-phase signal should be installed at the intersection of Highway 28 and Dollar Drive to facilitate access and reduce potential congestion. (A)
- A median lane should be installed on Highway 28 for left turns onto Fabian Way to facilitate access and reduce potential congestion. (A)
- Conditions should be imposed to limit allowable uses to convenience shopping, local service, and professional office uses, with the objective of excluding high traffic generators, such as a supermarket, major drugstore, or large restaurant with over 5,000 square feet of space. (A)
- A bus stop, with a turnout area and shelter, should be provided at the project location to encourage public transit use. (A)
- Bicycle parking and separate access should be provided to encourage this mode of travel. (A)
- Additional parking should be provided to meet CTRPA standards (NA), or specific evidence should be submitted justifying the proposed amount. Alternatively, parking demand could be monitored and additional parking required if the proposed amount is demonstrated to be inadequate. (A)

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3Revisions to Chapter 5, Summary of Mitigation Measures, are presented in this table. New or revised mitigating measures are underlined. These have been added to respond to comments made during the public review period.
TABLE 3.1 SUMMARY OF UNAVOIDABLE ADVERSE IMPACTS AND PROPOSED MITIGATION MEASURES
(A = Acceptable to Project Sponsor; NA = Unacceptable to Sponsor)
(continued)

Noise

**Unavoidable Impacts:** Noise levels will increase slightly due to the project. Residences within 52 feet of the road will experience noise level increases of 1 to 5 dnl. Specifically, residences within 24 feet of the road will be affected by noise levels of 70 dnl.

**Mitigation:**
- Construction should be limited to normal working hours. (A)
- Temporary noise barriers should be erected on the construction site if the condition of construction equipment warrants shielding. (A)

Land Coverage, Soils, Water Quality, and Vegetation

**Unavoidable Impacts:** (1) Some land presently in its natural state will be developed and removed from the natural ecological system. However, the site has been partially developed already, reducing the potential importance of this impact. (2) As both environmental changes generate nutrient-laden sediments and urban storm runoff, engineering drainage techniques are recommended to mitigate the impact. However, it is understood that these devices may not be totally successful at stemming this impact. (3) Existing vegetation will be removed from the site—44 trees and some low-lying grasses and shrubs. To the extent any of these are used as wildlife habitats, the animals or fowl will be displaced within or out of the site.

**Mitigation:**
- All TRPA, CTRPA, and Lahonton conditions of permit approval for preventing soil erosion and protecting vegetation and water quality should be met. (A, except for Lahonton conditions 1a, 1g, 8f, 8i). Specific attention should be paid to the small stream environment zone identified on the southern corner of the site. (A)
- Adequate provision for snow storage and disposal should be required. (A)

Water Supply

**Unavoidable Impact:** The project will consume additional water, depleting a limited supply.

**Mitigation:**
- All requirements of the Tahoe City Public Utility District for use of water conserving devices should be met. (A)
TABLE 3.1 SUMMARY OF UNAVOIDABLE ADVERSE IMPACTS AND PROPOSED MITIGATION MEASURES
(A = Acceptable to Project Sponsor; NA = Unacceptable to Sponsor)
(continued)

Energy

Unavoidable Impact: Natural gas and electricity will be consumed during project construction and operation.

Mitigation:

— Consideration should be given to siting buildings for employing passive and active energy-saving techniques. (A)

— During design development, energy conservation measures relating to building materials; heating, cooling, and hot water systems; and landscaping should be analyzed and incorporated into the development if feasible. (A)

— Use of transit for trips to the site should be encouraged. (A)

— Bicycle paths and storage facilities should be provided on the site. (A)
Even with these assumptions, total vehicular miles of travel (VMT) associated with the no-project alternative is 2.3 percent greater than that estimated for Tahoe Station, 120,068 vs. 117,438, if it mainly attracts trips from the surrounding neighborhoods within a 6-mile limit. If its market area is "area constrained," reflecting specialty retailing with a regional draw, VMT about equals that with the no-project alternative, 120,041. As a neighbor center, Tahoe Station offers significant air quality benefits because of the number of short local shopping trips to Tahoe Station which otherwise would have to go to Tahoe City and/or Kings Beach.

The no-project alternative would not adversely affect air and water quality. In addition, no other project alternative was found to reduce significantly negative environmental impacts anticipated from the project. In fact, the potential reduction in carbon monoxide generation is greatest with the project and proposed tenant profile. Neither a maximum retail nor maximum office development offers the same potential benefits.

An analysis also was done of alternative sites for commercial nodal development on the North Shore. Tahoe Station appears to be the best location. Few parcels are both designated for commercial use by all governing authorities and have adequate size and depth to meeting parking, height, and setback requirements. In addition, some of these alternative sites consisted of low capability land and should not be developed to the density required of a commercial node. The only site that met both lot size and land capability requirements was located in Tahoe Vista at the extreme northern end of the market area. This would more likely serve as an adjunct development to Kings Beach and would not attract traffic away from the most congested urban area, Tahoe City.

Report Organization. This EIR/EIS follows the standard organizational format recommended by the State EIR Guidelines and addresses all the requirements of the California Environmental Quality Act and associated administrative regulations. The EIR/EIS is intended to be a full disclosure document, describing the project and its environmental effects in detail to aid decision-making. For each potential adverse impact, mitigation measures are suggested to reduce or eliminate potential problems.
MEMORANDUM

November 5, 1982

TO: TRPA Governing Board
FROM: Agency Staff
SUBJECT: Public Workshops on the Regional Plan, Agenda Item XI B.

A report documenting input received as a result of public workshops conducted by the Agency in October is being prepared. It will be mailed under separate cover November 10. The report will be discussed with the Board on November 17, 1982.

11-5-82
RCS:md

Agenda Item XI B.
October 18, 1982

Philip A. Overeynder  
Executive Director  
TRPA  
P.O. Box 8896  
South Lake Tahoe, CA 95731

Subject: Governing Board Discussion of the 1983 Allocation Program

Dear Phil:

In follow-up to the matters we have discussed in this regard, we are enclosing a memo to the Governing Board, asking for their direction and concurrence on this matter of the 1983 Allocation for single family permits.

If at all possible, we would ask that you bring this up as an off-agenda item (under Reports, perhaps) if time allows at this months meeting. I am including enough copies to furnish the members of the Board, either for distribution at the hearing, or in a prior mail-out. If this is not possible and must be addressed in November, I certainly understand.

I have a conflict with a Board of Zoning Appeals hearing on the 27th, but Larry Sevison will be present and is very familiar with these matters.

Thank you for your attention to this.

Sincerely,

[Signature]

BILL COMBS  
Senior Planner

cc: Larry Sevison

BC: 11

RECEIVED
BY
OCT 20 1982
TAHOE REGIONAL PLANNING AGENCY

Agenda Item XI C.
MEMORANDUM
PLANNING DEPARTMENT
COUNTY OF PLACER

Date: October 18, 1982

To: Governing Board Members, Tahoe Regional Planning Agency
From: Bill Combs, Senior Planner, Placer County Planning Department
Subject: Building Permit Issuance Under the 1983 Compact Allocation

Dear Board Members:

The purpose of this memo is to seek confirmation from the Board on Placer County's intended implementation procedures for the 1983 Allocation for Single Family Dwelling Permits under the provisions of the Compact.

As the Allocation Coordinator for Placer County, my office has handled the random selection process and myriad administrative details of the allocation program for 1981 and 1982.

As the Board is aware, Article VI(c) of the Compact established an allocation of one-third of the previous years permits for the first third of the calendar year 1983. The intention at the time the Compact was drafted was that by May of 1983, or shortly thereafter, the new Regional Plan would direct whatever further allocation was found to be appropriate.

While the drafters of the Compact had in mind a reasonable growth management plan for this time period, with which we agree and support, they may not have anticipated the considerable administrative difficulties involved in having building permits for 1983 issued (emphasis added) by the end of April, 1983.

The critical word in the Compact is "issuance", since it would mean that not only would a process of notification of a random drawing and selection have to take place, but that those persons selected would have to have field verification of land capability completed (in our case currently performed by CTRPA), a site survey conducted, and complete plans prepared and approved. Under normal winter-time conditions this could be extremely difficult, or under heavy snow, impossible.

Our request to the Board is that you concur with either one of the following proposals for allowing actual issuance of permits to take place after April 30, 1983, under the Allocation.

If at all possible, we would ask that the Board consider this as an Administrative matter on your October agenda. While I have a conflict with the October 27 date with a public hearing matter in Auburn, Mr. Sevison is familiar with this request and can answer any questions you may have.
Governing Board Members

The two options being considered are as follows:

OPTION 1: By the end of the first one-third of the calendar year, issue the allocation of "Conditional Building Permits" to meet the requirements of Article VI(c).

A "Conditional Building Permit" shall be defined as: a reserved right to pursue the issuance of a Building Permit subject to satisfactory completion of all requirements for Permit issuance, including but not limited to, applicable fees, complete plan submittals, and written authorization for permit issuance from the California Tahoe Regional Planning Agency and/or Tahoe Regional Planning Agency. In the event that a property selected for a Development Permit is found to be a non-buildable site because of ordinances in effect of the Regional Agencies, the holder of the "Conditional Building Permit" shall be prohibited from exercising the permit on that site, but may seek authorization to transfer the permit to another site that is buildable.

OPTION 2: A determination from the Governing Board of the TRPA that an assigned "Development Permit" meets the spirit and intent of the concept of a "Building Permit" as used in Article VI, Section C 364.

"Whereas the purpose of Article VI is to provide for a method of controlled growth in the basin during the preparation of the Environmental Thresholds/Carrying Capacity Study and Regional Plan, and whereas the issuance of Development Rights through a random selection process by Placer County shall in no way result in a greater number of actual building permits for single family residential units than that identified in the Compact;

And whereas the drafters of the Compact intended to regulate the total number of permits issued during calendar year 1983 but may not have realized the considerable administrative difficulty of having that permit issuance period restricted to the winter season months of January - April, 1983;

Therefore, be it resolved that the Governing Board of the Tahoe Regional Planning Agency finds:
(1) That Development Permits assigned by Placer County prior to April 30, 1983, shall be equated with Building Permits, for administrative purposes, allowing for Building Permit issuance after April 30, 1983, but prior to December 31, 1983, with the understanding that no Building Permits shall be issued without written authorization for such from the Tahoe Regional Planning Agency (or by the CTRPA in an equivalent role), and that the number of Building Permits issued during 1983 shall not exceed number identified in the Compact, or as perhaps amended by the new Regional Plan.

Respectfully submitted,

Bill Combs
Senior Planner

BC:11
MEMORANDUM

DATE: November 4, 1982

TO: TRPA Governing Body

FROM: TRPA Staff

SUBJECT: Regional Plan Steering Committee Report

The Steering Committee for Development of the Regional Plan met Thursday, November 4, 1982. In attendance were John Meder, Dick Heikka, Tom Stewart, Dwight Steele, Ann Bogush, and Chairman Phil Overeynder. Discussion centered on the concept for development of the Regional Plan and the major issues involved.

The attached papers brief both the concept and the issues. A Steering Committee report will be provided the full Governing Board at the November meeting.

/sf

11/4/82
RS/sf

AGENDA ITEM XII.C.
Regional Plan Concept

The concept for development of the policy plan portion of the Regional Plan is based upon identification and utilization of four component parts. A brief description of each component follows.

PLANNING AREAS Planning areas are discreet areas of land that, due to existing use and development, resource values, or physical watershed boundaries, exhibit similar characteristics. There may be from 150 to 175 planning areas.

USE ZONES Use zones are areas of land identified through planning to receive special management emphasis. Zones to be included are conservation, outdoor recreation, residential, tourist, and commercial services and facilities.

MANAGEMENT ALTERNATIVES Management alternatives are broad land use and management scenarios to be applied Basin-wide. The three alternatives proposed are maintenance of the status quo with prohibition on development and use, development and expansion with mitigation, and redirection of use including redevelopment. A baseline to depict elements common to all alternatives will also be provided.

SUBLELEMENT STRATEGIES Sublelement strategies are more precise alternatives or strategies applied to each of the subelements comprising the Regional Plan. The strategies selected in most cases will ultimately become performance standards for each planning area.

The following matrix gives an indication of the policy plan options available for one planning area. The exercise would be repeated for each identified planning area. In the example, the use zone is residential and the subelement strategies are arrayed vertically under each management alternative. These alternatives are in addition to an established baseline that applies to all alternatives. Note a fourth column has been added to contain the staff preferred alternative for this planning area. Additional columns can be added to display a mix of subelement strategies responding to a specific set of concerns.

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<tr>
<th>Prohibition</th>
<th>Mitigation</th>
<th>Redirection</th>
<th>Preferred</th>
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<td>Land Use #1</td>
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<td>Land Use #3</td>
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Employing this concept to establish Basin-wide policy requires more precise definition of each of the components that make the process work. The remainder of this document will develop the criteria to be used in describing each component.

Planning Areas are discreet, geographical areas of the Basin exhibiting similar characteristics. For example, the commercial core area at the south "Y" is relatively consistent throughout but differs from the commercial area adjacent to the Stateline area. The Sierra Tract is consistent throughout but different than Tahoe Keys. Criteria to distinguish between residential planning areas are based upon their developmental intensity and character, continuity, isolation by streams or roads, and quality of being an identified neighborhood. Commercial areas are separated from other dissimilar areas based upon use and from each other by breaks in continuity. Planning areas in the undeveloped portions of the Basin are keyed to watershed boundaries, natural resource inclusions, and/or identified opportunities for varying management techniques such as a potential ski areas, campgrounds, or backcountry areas. Boundaries will conform as closely as possible to geopieces created in development of the geographic data base.

Use Zones will be identified site specifically through the planning exercise to denote a type of use to be applied to planning areas. A brief description of the five zones follows.

Conservation zones are suited for open space designation, low intensity recreation, and maintenance of natural features. Management emphasis is elimination of soil disturbance, halting soil erosion, maintenance of current vegetative cover, and restoration of vegetation wherever possible. The primary values of this zone are water quality protection, water supply, wildlife habitat, low impact dispersed recreational use, scenic backdrops, and minimal resource utilization.

Outdoor recreation zones are generally of two types, those requiring little or no development and those requiring extensive facility construction to accommodate users. In the first category are those areas devoted to hiking, riding, cross country skiing, backcountry camping, and other activities where only trails and primitive facilities are provided. The second category includes campgrounds, picnic areas, visitor centers, overlooks, boat launching and marina facilities, downhill ski areas, golf courses, and urban athletic and play fields. Management emphasis in the first category is directed towards providing an outdoor recreation experience unique to the Lake Tahoe Basin while maintaining the natural productivity of land and resources. Management emphasis in the second is "urban" oriented in terms of amount of development but yet is oriented towards maintenance of the environmental values that comprise the Tahoe experience.

Residential zones are those areas set aside for single and multi-family housing. Management emphasis is on maintenance and improvement of drainage, reduction or elimination of nutrient and sediment movement, and conservation practices adequate to protect natural land and resource values.
Tourist zones are those areas designed to provide accommodations and services such as room, board, and entertainment for transient users of the Basin. The zones normally contain hotel/motel facilities, restaurant, gaming, and other indoor entertainment facilities. These areas will generally be managed for intensive development and use. Management emphasis in these areas is the same as that identified for residential zones.

Commercial services and public facilities zones contain shopping, services, utilities, police and fire protection, government, and educational facilities. This zone requires intense development and/or high use levels. Again, management emphasis is the same as that applied to residential zones.

Management Alternatives describe a broad, overall approach for management and use of the Lake Tahoe Basin. For purposes of simplicity, they have been developed to be applied consistently throughout the Basin. It is recognized one concept can not be easily applied on all land areas. Therefore the alternatives are conceptual in nature but do in fact serve a function of being able to display a range of available options. The ultimate policy plan will apply one of the three conceptual alternatives to different areas of land with the selection changing for each planning area. This mix will be displayed in a fourth column as indicated in the above matrix.

Subelement Strategies are options developed for each plan subelement listed below. The strategies, where options exist, are within the broad parameters identified above for each of the alternatives. For example, the vegetation subelement of the conservation element would develop a strategy directed towards prohibition, one towards mitigation, and one redirection. The Regional Plan elements and subelements are:

Land Use Element
  Land Use
  Housing
  Noise
  Natural Hazards
  Air Quality
  Water Quality
  Community Design

Transportation Element
  Regional Highway System
  Mass Transportation System
  Non-motorized and Waterborne System

Conservation Element
  Soil
  Vegetation
  Wildlife
  Fisheries
  Open Space
  Scenic
  Streamzone
  Shorezone
  Cultural
  Energy
Recreation Element
   Rural Dispersed Outdoor Recreation
   Rural Developed Outdoor Recreation
   Urban Outdoor Recreation

Public Services and Facilities Element
   Public Services
   Public Facilities

Implementation Element
   Institutional
   Development Management
   Financial
   Monitor and Evaluation

Utilization of the above four components in an overall planning approach will permit application of performance standards to specific portions of the Basin, providing development of a Regional Policy Plan.
The month of October, 1982, has seen the identification of numerous issues relative to development of the Regional Plan. Similarly, the list of potential strategies developed in response to the issues has grown. A more detailed report documenting the input received during these workshops will be presented at the November Governing Board meeting. All are important to the planning process but a few stand out as being critical for they will require more time and effort to resolve as TRPA proceeds with the process. The following discussion of the major issues and strategies involved in development of the Regional Plan is an attempt to focus on the toughest problems. Do not neglect the others but begin to concentrate on the more difficult.

1. The first major issue is in the area of land use and development and is identified under the Land Use Element. Simply stated, it is:

   Given recently adopted environmental threshold carrying capacities, what is the appropriate rate, amount, type, and location of development to be permitted in the Lake Tahoe Basin?

There are three broad alternatives that have been proposed to respond to this issue. The options are not mutually exclusive and may be applied to different planning areas. The alternatives are:

   Prohibition. No further development or use would be permitted. Facilities may be removed and sites restored.

   Mitigation. Development and use is permitted if impacts can be mitigated and the land is capable of withstanding the use. Expansion of facilities is permitted within these guidelines.

   Redirection. Redirected development is stressed to improve environmental quality. Facilities may be relocated and types of use may change. Older commercial, tourist, and residential areas may be redeveloped.

2. The second major issue is identified under the Transportation Element. It too takes its lead from the recently adopted thresholds and is stated:

   What can be done to reduce the amount of traffic congestion and decrease reliance upon the privately owned automobile?

There are four rather broad approaches that may be applied in response to this issue. Again, they are not mutually exclusive and may be applied in varying combinations throughout the Basin. The options are:

   Improve Existing Transportation Systems through techniques that will permit traffic to flow more smoothly. Widen roads, provide turning lanes, time traffic signals, and realignment are a few techniques that could be employed.

   Construct New Roads to relieve congestion on existing facilities. Construction of the Loop Road and other by-pass facilities could be considered.
Develop and Expand Public Transportation is an option that would help relieve congestion and reduce reliance upon the automobile. The system would look at movement into the Basin and movement within the Basin. Techniques to consider include both motorized and non-motorized, water and air movement, and state of the art facilities such as light rail, monorail, and others.

Regulate Land Use and Use Incentive Measures are both techniques that can be used to relieve congestion and reduce dependency on automobiles. Regulating land use can provide nodal development easily served by mass transit and can limit further development in congested areas. Mail delivery, user fees, and other incentive or disincentive measures can be employed.

3. The major issue within the Conservation Element deals with protection of natural resources such as soil, vegetation, wildlife, fish, open space, and scenic values. The issue is:

How can the natural resources of the Lake Tahoe Basin be most effectively managed to maintain and/or improve the environment.

The strategies proposed in response to this issue once again fall into three broad categories. They are not mutually exclusive and may be applied differently to the various planning areas. They are:

Prohibition. Further utilization or impairment of the Basin's natural resources is prohibited. No activities or modification would be permitted. Areas would be managed for ecological change only with a goal to restore impacted areas to a natural condition.

Mitigation. Activities and some degree of development would be permitted if properly mitigated to reduce and/or eliminate impacts. Management is permitted to enhance the resources.

Redirection. Permits management of resources and relocation of activities to enhance natural values. Examples would be removal of activities and/or development from sensitive areas and their relocation to more capable areas.

4. The next major issue deals with the Recreation Element and is similar to the issue identified under land use. The issue is:

What is the appropriate type, amount and location of outdoor recreation to be permitted in the Lake Tahoe Basin?

The same three broad alternatives provided in response to issue number one also respond to this issue. The alternatives are:

Prohibition. Outdoor recreational facilities would not be expanded. Shortages of facilities and resultant overcrowding would continue in current problem areas. Facilities causing degradation could only be closed, not relocated.
Mitigation. Existing recreational facilities would be expanded, new facilities could be built, and opportunities increased in response to demand if the impacts can be properly mitigated. With expansion, a question of allocating total Basin capacity between public use and private development could arise.

Redirection would provide for maintenance of current capacity but would alter the types of use and facilities provided. This option provides opportunity to relocate facilities to reduce degradation, respond to demand by changing facilities, but would not increase capacity.

5. Another major issue is contained within the Public Services and Facilities Element. It deals with facility capacity and is stated as:

What is the fair share allocation of limited public facility capacities between the various users of the Lake Tahoe Basin?

The alternatives available are not mutually exclusive and apply differently to various portions of the Basin. The alternatives revolve around an allocation of facilities and services to preferential users. The options are:

Allocate to Public Use. This option allocates capacity to development and use that would benefit the total public as opposed to private development. Recreation and other tourist facilities proposed would receive priority for allocation of services and facilities.

Allocate to Residential Use. This option allocates service capacity to residential development in single family units as opposed to commercial development such as motels. This allocation would benefit first and second home development and then multi-family residential units.

Allocate on First Request Basis. This alternative would allocate public facility capacity on a first come – first served basis. The allocation would not distinguish between public versus private or residential versus commercial development.

6. The final, major issues to be discussed are found in the Implementation Element. It is all inclusive in the areas of cost, responsibility, and timing of measures necessary to implement the Regional Plan. Four primary issues are:

a. How will the measures necessary to carry out the Regional Plan be financed and who will bear the primary burden of payment?

b. What entity or entities should assume primary responsibility for carrying out the plan and what is the optimum balance of responsibilities?

c. How will owners of existing property be compensated in the event the Regional Plan limits development of specific types of properties.

d. What is an appropriate time line for providing full implementation of the Regional Plan?
Strategies that respond to these issues are likewise all inclusive as every option proposed to this point impacts the implementation of the Regional Plan. Prohibitions alter growth and adversely affect economic stability and the ability to pay. Mitigation provides for additional growth in a controlled, mitigated sense. Redirection provides opportunity to redevelop "blighted" areas and promotes economic growth which would assist in paying for plan implementation.

Funding Alternatives. Alternatives identifying who is responsible for providing the funding necessary to implement the Plan range from the total public paying, to local property owners paying, to users paying through direct fees.

Implementation Responsibilities. Responsibility for planning and implementation range from a strong regional plan with regional implementation to a regional plan with local implementation.

Compensation Alternatives. Alternatives for compensating property owners who are adversely affected by the Regional Plan will be highly dependent on the plan management alternatives selected. Development with mitigation may only rely on acquisition strategies for extremely critical areas such as stream environment zones. While the prohibition strategy would imply a larger need for compensation over broader areas. Staff will work closely with legal counsel in structuring these alternatives to ensure that any of the approaches used are fully defensible.

Timing. The choice of an appropriate time schedule to meet the Environmental Thresholds and other Compact mandates presents a number of alternatives including:

- Implement at rate equivalent to existing funding availability.
- Accelerated time schedule based on increased funding.
- Greatly accelerated time schedule based on aggressive financing package.

The major issues and potential strategies discussed in this paper are by no means all inclusive. They have been described herein to focus attention on the more difficult problems to be addressed and resolved in development of the Regional Plan.
Mr. Gordon W. Barrett  
Senior Planner  
Tahoe Regional Planning Agency  
P. O. Box 8896  
South Lake Tahoe, California  95731  

Re: Repairs to Boathouses and Other Superstructures  

Dear Gabby:

You have requested an opinion concerning the extent to which a boathouse or other superstructure may be repaired pursuant to the TRPA Shorezone Ordinance, Ordinance No. 76-3, as amended. A review of Section 17.00 ("nonconforming structures") and related provisions appears to indicate repairs to boathouses and other superstructures are to be strictly limited.

Section 17.30 provides that nonconforming "superstructures", which includes boathouses, on piers located within the nearshore or foreshore "shall be removed or made conforming on or before December 31, 1999". Section 17.40 declares, moreover, that "[w]ithin the time specified by this ordinance, a nonconforming structure shall either be repaired to conform with the provisions of this ordinance or removed by the owner at his expense . . . ."

Section 17.30, alone, and when read in conjunction with 17.40, indicates that nonconforming superstructures are not to have perpetual existence. To the contrary, they are to be removed or made conforming, through repair, within a limited period of time. To be contrasted are the provisions in Section 17.10(2), relating to height and width of piers, permitting replacement of nonconforming piers, presumably through repairs, if the piers are removed, damaged or destroyed in an amount equal to 50% or less of the replacement cost thereof.

The foregoing provisions, permitting limited perpetuation of nonconforming height and width aspects of piers, but extending no similar treatment to nonconforming superstructures, appear to intend that repairs of a nature otherwise perpetuating nonconforming superstructures, such as structural repairs, not be permitted. We feel that conclusion evident not only from the provisions of Section 17.00, above, but Section 16.40,
August 31, 1982
Mr. Gordon W. Barrett

requiring that repairs to existing structures "be performed in substantial compliance with the provisions of this ordinance".

Accordingly, it is our opinion that a nonconforming superstructure may not be repaired through structural alterations or improvements in a manner otherwise perpetuating its nonconforming existence. Repairs not perpetuating such existence, however, such as repairs of a minor, nonstructural nature, would not violate the prohibition.

While the foregoing represents our best legal judgment as to the meaning and effect of the pertinent provisions of the Shorezone Ordinance, we acknowledge the lack of a totally explicit basis for our opinion. As a result, we recommend any substantial dispute concerning the foregoing interpretation be resolved through a clarifying amendment to the ordinance.

Sincerely yours,

SHAW, HEATON, DOESCHER & OWEN, LTD.

By

Gary A. Owen

AGENDA ITEM XII D. 1.
MEMORANDUM

November 3, 1982

To: The TRPA Governing Board

From: The Staff

Subject: List of Projects Approved at Staff Level

Attached is a list of projects approved at a staff level from October 13, 1982 (date of previous memo listing staff approvals) and the present. Notice of these approvals was provided to all affected property owners, and posting of the determinations and appeal procedures were followed in all cases. All approvals were granted with necessary findings and conditions.

Attachment

jf
11/3/82

Agenda Item XII D. 2.
List of TRPA Staff Approvals
October 13 - November 3, 1982

1. Lifschutz, Pier Repair, 740 Westlake Boulevard, Placer County, APN 94-200-17, TRPA File #82261

2. Rod Campbell, Repair of Shoreline Retaining Wall, 55 Shoreline Circle, Washoe County, APN 122-162-16, TRPA File #82253

3. Richard Markstein, Room Addition to Dwelling in the Backshore, 2830 Lake Terrace, Placer County, APN 94-175-03, TRPA File #82231

4. Brian Fidler, Addition to a Dwelling in the Backshore, 1620 North Lake Boulevard, Placer County, APN 94-160-10, TRPA File #82257

5. Marian Fry, Pier Repair, 8511 Meeks Bay Avenue, El Dorado County, APN 16-101-15 and -14, TRPA File #82267

6. Heiman/Kaufman, Administrative Permit for Additional Land Coverage, Lot 7, Block I, Incline Village #4, Tumble Weed Circle, Washoe County, APN 125-522-18, TRPA File #821252

7. Ron Smith, Shoreline Retaining Wall, 827 Lakeshore Boulevard, Washoe County, APN 122-181-57, TRPA File #82269

8. Frank Kurz, Administrative Permit for Additional Land Coverage, 674 Saddlehorn Drive, Washoe County, APN 125-564-23, TRPA File #821260

9. John Rangnow, Dwelling on a Capability Level 3 Lot, Lot 24, Block L, Incline Village #1A, Washoe County, APN 125-373-10, TRPA File #82648

10. Sharon Hay, Dwelling on a Capability Level 1A Lot, Lot 15 Scotchwood Subdivision, Washoe County, APN 126-251-08, TRPA File #82502

11. Dick Miller/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 3 Lot, 344 Country Club Drive, Washoe County, APN 124-131-01, TRPA File #82816

12. Alexander Karin, Dwelling on a Capability Level 3 Lot, 811 Colleen Court, Washoe County, APN 125-221-05, TRPA File #82484

13. Arthur Drake, Dwelling on a Capability Level 1A Lot, 980 Apollo Way, Washoe County, APN 125-443-09, TRPA File #821018

14. Robert Sneath, Dwelling on a Capability Level 1A Lot, 977 Jennifer Drive, Washoe County, APN 125-385-02, TRPA File #82630

15. James Grieve, Dwelling on a Lot Containing an SEZ, Capability Level 4, Lot 5, Block L, Incline Village #3, Washoe County, APN 125-291-03, TRPA File #821224

16. W. Jean Coates, Dwelling on a Lot Containing an SEZ, Capability Level 4, Lot 66, Block 4, Incline Village #4, Washoe County, APN 125-531-16, TRPA File #82606
17. Alan Eliason, Dwelling on a Lot Containing an SEZ, Capability Level 2, Lot 9, Block K, Incline Village #1, Washoe County, APN 125-233-07, TRPA File #82486

18. David Strongin, Dwelling on a Lot Containing an SEZ, Capability Level 1A, 763 Burgundy Road, Washoe County, APN 126-271-07, TRPA File #811008

19. Vladimir Janousek, Addition to a Dwelling on a Lot Containing an SEZ, Capability Level 4, Lot 78 Omontioga Street, El Dorado County, APN 33-792-20, TRPA File #821262

20. Wells Fargo/McClatchey, Dwelling on a Lot Containing an SEZ, Tahoe Pines, Capability Level 5 Lot, Placer County, APN 84-010-07, TRPA File #821266

21. Bourne/Jones & Turner, Dwelling on a Capability Level 1A Lot, Kent Way, Douglas County, APN 05-302-20, TRPA File #82868

22. Milner/Glab, Dwelling on a Capability Level 1A Lot, Kent Way, Douglas County, APN 05-302-19, TRPA File #82776

23. Ward/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 1A Lot, 558 Chiquita Court, Washoe County, APN 125-541-06, TRPA File #82818

24. Schwartz/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 3 Lot, Lot 69, Tyrolian Village #7, Washoe County, APN 126-082-30, TRPA File #82820

25. Johnson/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 3 Lot, 869 Tyner, Washoe County, APN 125-152-12, TRPA File #824008

26. Pfaender/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 1 Lot, Tyner Way, Washoe County, APN 125-172-09, TRPA File #81-1462

27. Lunger/Tahoe Sierra Preservation Council, Dwelling on a Capability Level 1 Lot, 392 Driver Way, Washoe County, APN 124-233-06, TRPA File #82618

28. Tiefel/Jones, Dwelling on a Capability Level 2 Lot, Chimney Rock Road, Douglas County, APN 07-244-01, TRPA File #82512

29. Nakamura/Foster, Dwelling in Capability Level 1A, Lot 104, Block F, Incline Village #4, Washoe County, APN 125-531-38 (KS)

30. Candi Enterprises, Dwelling in Capability Level 1A, Lot 37, Block K, Country Club of Incline, Washoe County, APN 124-232-31, TRPA File #82600

31. Weiss/Kaufman, Dwelling in Capability Level 1A, Lot 11, Block H, Incline Village #4, Washoe County, APN 125-503-14, TRPA File #82914

32. Bernin/Ronan, Dwelling in Capability Levels 6 and 1A, Lot 13, Block L, Millcreek Subdivision, Washoe County, APN 122-363-08, TRPA File #82-1192
33. G. Sass/TSPC, Dwelling in Capability Level 1A, Mountain Lake Court, Washoe County, APN 124-232-07, TRPA File #82870

34. Medilion/Chaplin, Administrative Permit for Additional Land Coverage, 694 Tumbleweed Circle, Washoe County, APN 125-501-06, TRPA File #82-1294

35. Curtis/Jones, Replacement of Nonconforming Land Coverage, Zephyr Cove, Douglas County, APN 05-090-13, TRPA File #82-1298

36. Beverly Savidge, Backshore Reconstruction, 4546 North Lake Boulevard, Placer County, APN 91-165-02, TRPA File #82275

37. W.F. Cronk, Deck Addition in the Backshore, 1920 West Lake Boulevard, Placer County, APN 84-140-22, TRPA File #82293

38. Dean Unger, Addition to Backshore Dwelling, 4320 North Lake Boulevard, Placer County, APN 92-180-13, TRPA File #82295

39. M. Jaravanont, Dwelling in the Backshore, Lot 12 Lighthouse Shores, City of South Lake Tahoe, El Dorado County APN 22-431-04, TRPA File #82277

40. George Saxton, Pier Repair, 5294 North Lake Boulevard, Placer County, APN 89-272-15, TRPA File #82289

41. Dr. Latourette, Pier Repair, 6085 North Lake Boulevard, Placer County, APN 89-072-03, TRPA File #82287

42. Brandis/Barrow, Administrative Permit for Additional Land Coverage (Land Capability Challenge), 569 Len Way, Washoe County, APN 125-492-16, TRPA File #82-1304

43. Ross/Barrow, Administrative Permit for Additional Land Coverage (Land Capability Challenge), 672 Saddlehorn, Washoe County, APN 125-564-22, TRPA File #82-1304

44. Carl/Barrow, Administrative Permit for Additional Land Coverage (Land Capability Challenge), 559 Len Way, Washoe County, APN 125-492-11, TRPA File #82-1198

45. Willason/Barrow, Administrative Permit for Additional Land Coverage (Land Capability Challenge), 752 Tyner Way, Washoe County, APN 125-131-04, TRPA File #82-1240

46. Fiet/Lundahl, Administrative Permit for Additional Land Coverage (Land Capability Challenge), 10 Valerie Lane, Washoe County, APN 125-141-06, TRPA File #82-1304
AN ORDINANCE AMENDING ORDINANCE NO. 79-10, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY, IMPLEMENTING THE LAKE TAHOE BASIN WATER QUALITY MANAGEMENT PLAN; REQUIRING, UNDER CERTAIN CIRCUMSTANCES, DETERMINATION OF EROSION CONTROL MEASURES NECESSARY TO RECLASSIFY DEFINITIVE PORTIONS OF SUBDIVISIONS AND AREAS PRESENTLY CLASSIFIED AS "IN NEED OF FURTHER CONSIDERATION"; PERMITTING RECLASSIFICATION OF SUCH PORTIONS AND REVIEW OF APPLICATIONS FOR CONSTRUCTION OF SINGLE-FAMILY HOUSES THEREIN; EXTENDING THE DEADLINE UPON SUBMISSION OF APPLICATIONS GENERALLY; EXTENDING THE EXPIRATION DATE OF THE PROCEDURE FOR REVIEW AND APPROVAL OF APPLICATIONS; LIMITING THE NUMBER OF PERMITS TO BE ISSUED; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings.

1.10 It is necessary and desirable to amend Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, implementing the Lake Tahoe Basin Water Quality Management Plan, to require the determination of erosion control measures necessary to reclassify definitive portions of subdivisions and areas presently classified as "in need of further consideration", to permit reclassification of such portions in appropriate cases, to permit the review of applications for construction of single-family houses therein pursuant to applicable requirements, and to limit the number of permits to be issued.

1.20 It is also necessary and desirable to amend said Ordinance No. 79-10 to extend the deadline upon submission of applications for construction of single-family residences upon high-erosion and high-runoff hazard lands from August 2, 1982 to May 28, 1983 and to extend the expiration date of the procedure for review and approval of such applications from November 30, 1982 to the earlier of August 28, 1983 or the adoption of amendments to the regional plan pursuant to Article V(c) of the Tahoe Regional Planning Compact, as amended.

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

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

1.50 The procedure set forth in Ordinance No. 79-10 of the Tahoe Regional Planning Agency for review and approval of applications for construction of single-family residences upon high-erosion and high-runoff hazard lands, including the environmental impact resulting therefrom, was the subject of an environmental impact statement, prepared, circulated, certified and otherwise processed, reviewed and approved by the Tahoe Regional Planning Agency in accordance with the substantive and procedural provisions of Article VII of the Tahoe Regional Planning Compact. Said environmental impact statement thus applies for purposes of adoption of this ordinance.

Section 2.00 Amendment Permitting Reclassification of Definitive Portions of Subdivisions or Areas Classified As "In Need of Further Consideration".

Section 12.00 of Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding new subsection 12.14 thereto to read as follows:

12.14 Reclassification of Definitive Portions.

Notwithstanding any other provision of this ordinance, upon receipt of an application for a permit pursuant to subsection 12.21 for a single-family house to be constructed in a subdivision or area classified as "in need of further consideration", the Executive Officer of the Agency shall determine whether such house is proposed to be constructed in a portion of such subdivision or area that is reasonably definitive and susceptible to reclassification as "adequate" or "potentially adequate" pursuant to the standards for classification set forth in subsection 12.11, as applied pursuant to subsections 12.12(a) and (b). If such determination is affirmative, the Executive Officer shall further determine the erosion control and other measures, placement of which is necessary to so reclassify such portion.

The Executive Officer may accept such application, provided the application, singularly or together with other applications considered concurrently, includes, or is modified to include, such erosion control and other measures determined by the Executive Officer as necessary to reclassify such portion. Until so modified, the application is not complete and shall not be accepted by the Agency. If accepted, the Governing Body shall review the application pursuant to subsections 12.20, 12.21, 12.22, and 12.23, but shall not approve it unless the Governing Body first finds that the area under consideration constitutes a significant and definitive portion of a drainage and reclassifies
such portion as "adequate" or "potentially adequate" upon condition of the placement of the erosion control and other measures referred to in the application or applications or such other measures as may be prescribed by the Governing Body.

Section 3.00 Amendment Limiting Number of Permits to Be Issued During 1983.

Section 12.00 of Ordinance No. 79-10 of the Tahoe Regional Planning Agency, as amended, is hereby amended by adding new subsection 12.24 thereto to read as follows:

12.24 Limitation Upon Number of Permits.

The maximum number of permits pursuant to subsection 12.21 to be issued by the Agency at any time during 1983, but prior to the expiration of such subsection, for construction within a particular county or city within the Region, shall not exceed an amount equal to the number of building permits for new residential units prescribed for such county or city by Article VI(c)(3) of the Compact for the period of January through April, 1983, less the amount of permits issued during that period that are not issued pursuant to subsection 12.21 and are otherwise required to be deducted from said number prescribed by said Article VI(c)(3). The limitation imposed by this subsection shall be administered by the Agency through regular issuance of permits pursuant to applicable ordinances, rules and regulations, individual permits to be processed on a priority relating to the date of receipt by the Agency of a complete application therefor.


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

12.21 Permit Required.

Except as otherwise provided by this ordinance, no person shall perform any construction, work, use or activity, including without limitation, grading, clearing, removal of vegetation, filling or creation of land coverage, upon land within land capability districts 1a, 1c, 2 and 3 without first obtaining a permit from the Agency. The application for such permit shall be reviewed and approved as a "project" pursuant to the Compact and the Rules and Regulations of Practice and Procedure of the Agency. Such application shall not be accepted or reviewed, and no permit pursuant thereto issued, by the Agency unless the application, in complete form, is received by the Agency on or before May 26, 1983 and the construction, work, use or activity proposed is for a single-family house to be constructed on a lot within a subdivision classified pursuant to subsection 12.10 as adequate or potentially adequate, on a parcel within an area so classified, or within a definitive portion thereof so classified pursuant to subsection 12.14.
Section 5.00 Amendment Extending Expiration Date of Procedure for Review and Approval of Applications.

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

Section 21.00 Expiration of Provisions.

The provisions of Section 12.00, excluding subsections 12.40, 12.41, 12.42, 12.43, 12.50, 12.51, 12.52, 12.60, 12.61, 12.62, 12.63, 12.64, 12.65, and 12.70 of this ordinance shall expire on August 28, 1983 or the adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact, whichever occurs first. The provisions of subsections 12.40, 12.41, 12.42, 12.43, 12.60, 12.61, 12.62, 12.63, 12.64, 12.65, 12.70, Sections 13.00, 14.00, 16.00 and subsections 20.20, 20.21, 20.22, 20.23, 20.24, and 20.25 of this ordinance shall expire upon the adoption by the Agency of amendments to the Regional Plan pursuant to Article V(c) of the Compact.

Section 6.00 Interpretation and Severability.

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

Section 7.00 Effective Date.

This ordinance shall be effective sixty (60) days after the date of its adoption unless adopted as an emergency, in which case the ordinance shall be effective immediately.

FIRST READING: October 28, 1982

SECOND READING:

PASSED and ADOPTED by the Governing Body of the Tahoe Regional Planning Agency at a regular meeting held ______________, 1982, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Bennie Ferrari, Chairman

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